

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-NINTH DAY

(Friday, May 1, 2009)

The Senate met at 9:13 a.m. pursuant to adjournment and was called to order by President Pro Tempore Duncan.

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

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

The Reverend Daniel Liu, Saint Mary Cathedral, Austin, offered the invocation as follows:

Good and gracious God, please guide this meeting today. We ask for Your guidance to know humility in order to work for the common good and courage in order to stand up and protect the dignity of the individual. Give us Your guidance and blessings upon this State of Texas and upon these Senators who are entrusted with this great responsibility. May all of the proceedings today be conducted with the charity that flows from Your gracious and merciful love. We lift up our prayers in Your name, for You are God forever and ever. Amen.

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

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 18

On motion of Senator Estes, Senator Nichols will be shown as Co-author of **SB 18**.

CO-AUTHOR OF SENATE BILL 331

On motion of Senator Carona, Senator Nelson will be shown as Co-author of **SB 331**.

CO-AUTHORS OF SENATE BILL 541

On motion of Senator Watson, Senators Ellis, Lucio, and Uresti will be shown as Co-authors of **SB 541**.

CO-AUTHOR OF SENATE BILL 1830

On motion of Senator Patrick, Senator Huffman will be shown as Co-author of **SB 1830**.

CO-AUTHOR OF SENATE BILL 2233

On motion of Senator Eltife, Senator Ellis will be shown as Co-author of **SB 2233**.

CO-SPONSOR OF HOUSE BILL 1363

On motion of Senator Van de Putte, Senator Uresti will be shown as Co-sponsor of **HB 1363**.

PHYSICIAN OF THE DAY

Senator Zaffirini was recognized and presented Dr. Leonides Cigarroa of Laredo as the Physician of the Day.

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

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

May 1, 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 92, Relating to the fee charged for the Texas Airport Directory.

HB 488, Relating to the eligibility requirements for volunteer deputy registrars.

HB 497, Relating to a study to determine the effect on the health care infrastructure in this state if the state Medicaid program is abolished or a severe reduction in federal matching money under the program occurs.

HB 567, Relating to the eligibility of candidates for certain offices to serve as election judges.

HB 601, Relating to licensing requirements of the Department of Family and Protective Services for certain facilities and homes providing child care.

HB 610, Relating to the establishment of the Legislative Committee on Aging and other initiatives relating to the aging population of this state.

HB 784, Relating to the issuance of specialty license plates for certain firefighters.

- HB 923**, Relating to prohibiting the disposition of a decedent's remains by a person charged with certain criminal conduct against the decedent.
- HB 1012**, Relating to the conservatorship or possession of, or access to, a child in a suit affecting the parent-child relationship.
- HB 1063**, Relating to emergency vehicle access to certain gated communities and multiunit housing projects.
- HB 1089**, Relating to the powers and duties of the Denton County Municipal Utility District No. 4 and the Denton County Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 1139**, Relating to the authority of certain counties to impose a hotel occupancy tax and to the use of the tax.
- HB 1230**, Relating to limitations on the compensation of county auditors for certain counties.
- HB 1321**, Relating to the discharge of a jury under certain circumstances in a criminal case.
- HB 1324**, Relating to the municipal hotel occupancy tax imposed in certain municipalities.
- HB 1397**, Relating to venue projects in certain municipalities.
- HB 1423**, Relating to granting charters to public junior colleges for open-enrollment charter schools.
- HB 1460**, Relating to the contents of an application for probate of a written will.
- HB 1493**, Relating to the use of certain devices in a polling place.
- HB 1526**, Relating to the authority of a common purchaser that transports natural gas by pipeline to use a public right-of-way for a pipeline.
- HB 1531**, Relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, capias, or capias pro fine.
- HB 1544**, Relating to court proceedings for a plea of guilty or nolo contendere for a misdemeanor punishable by fine only.
- HB 1570**, Relating to reimbursement under preferred provider benefit plans for services provided by licensed podiatrists.
- HB 1727**, Relating to the transport of fireworks within a municipality.
- HB 1739**, Relating to a recognition week to celebrate Texas native plants.
- HB 1741**, Relating to the recharge of the Edwards Aquifer.
- HB 1749**, Relating to the issuance of marine conservation specialty license plates.
- HB 1843**, Relating to the disposition of cash in possession of a deceased pauper.
- HB 1850**, Relating to changing the name of the South Texas Health Care System to the Rio Grande State Center.

- HB 2130**, Relating to the assistance of the Texas Rangers in the investigation of certain sex offenses.
- HB 2228**, Relating to the timing of a referendum election to continue a fire control, prevention, and emergency medical services district.
- HB 2229**, Relating to creating a recognition day in honor of aviation maintenance technicians.
- HB 2236**, Relating to the right of certain crime victims to be considered with respect to a defendant's motion for continuance.
- HB 2283**, Relating to increasing state employee participation in the TexaSaver program.
- HB 2328**, Relating to the punishment for certain fraud offenses committed against elderly individuals.
- HB 2488**, Relating to open-source textbooks for public schools.
- HB 2490**, Relating to the designation of the Diamond Interchange.
- HB 2529**, Relating to the terms of office of commissioners of certain emergency services districts.
- HB 2552**, Relating to public notice of building requirements and inspection standards in first tier coastal counties.
- HB 2640**, Relating to the regulation of motor vehicle manufacturers and distributors.
- HB 2647**, Relating to the quasi-judicial enforcement of certain health and safety ordinances.
- HB 2706**, Relating to the authority of physicians and chiropractors to form certain entities.
- HB 2710**, Relating to indigent health care services that may be provided by a county.
- HB 2728**, Relating to the transfer of certain state property from the Department of Aging and Disability Services to the Veterans' Land Board.
- HB 2757**, Relating to elements of offenses under or violations of the Alcoholic Beverage Code.
- HB 2833**, Relating to authorizing certain counties to adopt a building code in their unincorporated areas; providing a penalty.
- HB 2893**, Relating to the technology demonstration sites project.
- HB 2985**, Relating to the operation of certain commercial vehicles in this state.
- HB 3012**, Relating to food handlers and other food service employees.
- HB 3057**, Relating to the use by a metropolitan rapid transit authority of the construction manager-at-risk method for the construction, rehabilitation, alteration, or repair of a facility.
- HB 3068**, Relating to the manner in which certain state officials request and receive notice of the residence of certain sex offenders.

- HB 3070**, Relating to the administration and powers of a coordinated county transportation authority.
- HB 3082**, Relating to the obstruction of streets by certain municipalities.
- HB 3089**, Relating to the disposition of vehicles by a local government participating in a program designed to encourage the use of low-emission vehicles.
- HB 3136**, Relating to the purposes for which certain counties may use local hotel occupancy tax revenue.
- HB 3216**, Relating to telephone or electronic mail notification to a respondent of a complaint filed with the Texas Ethics Commission.
- HB 3218**, Relating to the filing of sworn complaints with the Texas Ethics Commission.
- HB 3253**, Relating to the acquisition, construction, or improvement of a rainwater harvesting system in a public improvement district established by a county or municipality.
- HB 3306**, Relating to the removal and disposal of certain vessels and structures in or on coastal waters.
- HB 3330**, Relating to a disease surveillance program for elk; providing a penalty.
- HB 3346**, Relating to the definition of a gas utility.
- HB 3352**, Relating to the collection, dissemination, and correction of certain judicial determinations for a federal firearm background check.
- HB 3385**, Relating to the activation of the statewide alert system for abducted children.
- HB 3408**, Relating to the authority of certain counties to provide health care services.
- HB 3454**, Relating to the determination of the value of property for ad valorem tax purposes.
- HB 3461**, Relating to the powers and duties of the School Land Board and the commissioner of the General Land Office.
- HB 3468**, Relating to the selection, duties, and compensation of a presiding criminal judge in Travis County.
- HB 3491**, Relating to the creation, administration, powers, and duties of a county assistance district.
- HB 3496**, Relating to the establishment of the Texas Nursery and Floral Advisory Council and the promotion of Texas nursery and floral industries.
- HB 3602**, Relating to the authority of a county clerk to electronically send certain financial statement forms.
- HB 3626**, Relating to the North Wheeler County Hospital District.
- HB 3721**, Relating to the training and certification of certain members or former members of the military as correctional officers.

- HB 3723**, Relating to the designation of a judicial district in Harris County as the district court for domestic violence cases in that county.
- HB 3762**, Relating to regulation of prepaid funeral benefits.
- HB 3785**, Relating to the powers and duties of a navigation district or port authority.
- HB 3844**, Relating to the permissible sources of funding for memorial markers to designate the Veterans Memorial Highway.
- HB 3872**, Relating to the qualifications to be a veterans county service officer.
- HB 3918**, Relating to testing liquefied petroleum gas systems in certain school facilities.
- HB 3921**, Relating to the filing by political committees of reports of political contributions and expenditures in connection with a runoff election.
- HB 3922**, Relating to notification sent by the Texas Ethics Commission to certain persons regarding deadlines to file reports.
- HB 3923**, Relating to the method of delivery of notices relating to sworn complaints filed with the Texas Ethics Commission.
- HB 4054**, Relating to the use of state institutions of higher education to provide training to state agency employees.
- HB 4060**, Relating to the period during which a judicial candidate or officeholder may accept political contributions.
- HB 4064**, Relating to the issuance of specialty license plates for cancer of unknown primary origin awareness.
- HB 4102**, Relating to the disaster contingency fund.
- HB 4110**, Relating to the purchase, donation, and sale of promotional items by the Texas Water Development Board.
- HB 4127**, Relating to the expenditure of public funds for certain playground facilities.
- HB 4149**, Relating to a study and report by the Texas Higher Education Coordinating Board regarding achievable cost-saving measures at public institutions of higher education.
- HB 4152**, Relating to certification of an educator in Texas who is certified in another state or country.
- HB 4290**, Relating to retrospective utilization review and utilization review to determine the experimental or investigational nature of a health care service.
- HB 4311**, Relating to the naming of certain Texas Department of Transportation property in Val Verde County.
- HB 4314**, Relating to the electronic filing of documents for capital cases in the court of criminal appeals.
- HB 4316**, Relating to the authority of Las Lomas Municipal Utility District Nos. 3 and 4 of Kaufman County to undertake road projects.

HB 4353, Relating to the licensing of certain nurses who will practice in border counties.

HB 4464, Relating to crime victim information in a criminal judgment.

HB 4465, Relating to "Welcome to Texas" signs on highways entering Texas and to the placement of Texas flags at international ports-of-entry.

HB 4541, Relating to the transfer of certain state property from the Texas Department of Public Safety to Webb County.

HB 4590, Relating to transfers from the permanent school fund to the available school fund.

HB 4642, Relating to the Jim Solis Outpatient Clinic.

HB 4700, Relating to the operation of the Bexar County Juvenile Board.

HB 4721, Relating to eligibility requirements to serve as a member of the board of directors of the Bee Groundwater Conservation District.

HB 4767, Relating to the designation of days, weeks, and months for recognition by concurrent resolution of the legislature.

HB 4789, Relating to the creation of the Kaufman County Parks Improvement District; providing authority to impose a tax and issue bonds; providing penalties.

HCR 16, Designating *Paluxysaurus jonesi* as the official Lone Star State Dinosaur, replacing *Brachiosaur Sauropod*, *Pleurocoelus*.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 464

Senator Deuell offered the following resolution:

SR 464, In memory of Johnny Freelen of Grand Saline.

The resolution was again read.

SR 464 was previously adopted on Wednesday, March 18, 2009.

In honor of the memory of Johnny Freelen, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate family members of Johnny Freelen: his wife, Johnnie Vay Freelen; his sons, Rusty and Randy Freelen; his daughter, Rhonda Grandon; and his grandson, Dustin Freelen.

The Senate welcomed its guests and extended its sympathy.

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.

SENATE RESOLUTION 810

Senator Gallegos offered the following resolution:

SR 810, In memory of Frank Alvarado of Houston.

The resolution was read.

On motion of Senator Gallegos, **SR 810** was adopted by a rising vote of the Senate.

In honor of the memory of Frank Alvarado, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Gallegos, joined by Senators Whitmire and Ellis, was recognized and introduced to the Senate family members of Frank Alvarado: his wife, Ida Alvarado; his sons, Frank Alvarado, Jr., and Robert "Bobby" Alvarado; his daughters, Yolanda and Carol Alvarado; and his grandchildren, Ben Aleman, Nancy Aleman, and Linda Alvarado.

The Senate welcomed its guests and extended its sympathy.

BILLS SIGNED

The President Pro Tempore announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 83, SB 803, SB 862, SB 1040, SB 1149, SB 1260.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 9:37 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 2505 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2505** at this time on its second reading:

CSSB 2505, Relating to safety of children who participate in rodeos.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 2505** (Senate committee printing) in SECTION 1 of the bill in added Section 768.002, Health and Safety Code, by striking the heading and Subsections (a) and (b) (page 1, lines 42-54) and substituting the following:

Sec. 768.002. PROTECTIVE GEAR REQUIRED FOR CHILDREN ENGAGING IN CERTAIN RODEO ACTIVITIES. (a) A child may not engage in, and a parent or legal guardian of the child may not knowingly or recklessly permit the

child to engage in, a rodeo activity described by Section 768.001(6)(A) or (D), including engaging in that activity outside a rodeo for the purpose of practicing that activity, unless the child is wearing a rodeo helmet.

(b) A child may not engage in, and a parent or legal guardian of the child may not knowingly or recklessly permit the child to engage in, bull riding, including engaging in bull riding outside a rodeo for the purpose of practicing bull riding, unless the child is wearing a bull riding helmet and a protective vest.

The amendment to **CSSB 2505** 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 Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 2505 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 2505 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2505** 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 2505**, 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 2505** 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 2018 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 2018** at this time on its second reading:

CSSB 2018, Relating to neighborhood vehicles and golf carts.

The motion prevailed.

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

Senator Lucio asked to be recorded as "Present-not voting" 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 2018** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 547.001, Transportation Code, is amended by adding Subsection (2-a) to read as follows:

(2-a) "Golf cart" has the meaning assigned by Section 502.001.

SECTION 2. Section 547.002, Transportation Code, is amended to read as follows:

Sec. 547.002. APPLICABILITY. Unless a provision is specifically made applicable, this chapter and the rules of the department adopted under this chapter do not apply to:

- (1) an implement of husbandry;
- (2) road machinery;
- (3) a road roller;
- (4) a farm tractor;
- (5) a bicycle, a bicyclist, or bicycle equipment;
- (6) an electric bicycle, an electric bicyclist, or electric bicycle equipment; or
- (7) a golf cart that is operated only as authorized by ~~[not required to be registered under]~~ Section 551.403 ~~[502.284]~~.

SECTION 3. Section 547.703(d), Transportation Code, is amended to read as follows:

(d) A golf cart that is operated at a speed of not more than 25 miles per hour ~~[as defined by Section 502.001]~~ is required to display a slow-moving-vehicle emblem ~~[only]~~ when it is operated on a public highway, as defined by Section 502.001, under Section 551.403 or 551.404 ~~[an arterial street]~~.

SECTION 4. Chapter 551, Transportation Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. GOLF CARTS

Sec. 551.401. DEFINITIONS. In this subchapter, "golf cart" and "public highway" have the meanings assigned by Section 502.001.

Sec. 551.402. REGISTRATION NOT AUTHORIZED. (a) The Texas Department of Transportation may not register a golf cart for operation on a public highway regardless of whether any alteration has been made to the golf cart.

(b) The department may issue license plates for a golf cart only as authorized by Section 504.510.

Sec. 551.403. LIMITED OPERATION. (a) An operator may operate a golf cart:

(1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved a plat;

(2) on a public or private beach; or

(3) on a public highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

(b) The Texas Department of Transportation or a county or municipality may prohibit the operation of a golf cart on a public highway if the department or the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

Sec. 551.404. OPERATION IN MUNICIPALITIES. (a) In addition to the operation authorized by Section 551.403, the governing body of a municipality may allow an operator to operate a golf cart on all or part of a public highway that:

(1) is in the corporate boundaries of the municipality; and

(2) has a posted speed limit of not more than 35 miles per hour.

(b) A golf cart operated under (a) must have the following equipment:

(1) headlamps;

(2) taillamps;

(3) reflectors;

(4) parking brake; and

(5) mirrors.

Sec. 551.405. CROSSING CERTAIN ROADWAYS. An operator of a golf cart may cross a public highway if the posted speed limit of the public highway is not more than 35 miles per hour.

SECTION 5. Section 601.052(a), Transportation Code, is amended to read as follows:

(a) Section 601.051 does not apply to:

(1) the operation of a motor vehicle that:

(A) is a former military vehicle or is at least 25 years old;

(B) is used only for exhibitions, club activities, parades, and other functions of public interest and not for regular transportation; and

(C) for which the owner files with the department an affidavit, signed by the owner, stating that the vehicle is a collector's item and used only as described by Paragraph (B);

(2) the operation of a golf cart that is operated only as authorized by [not required to be registered under] Section 551.403 [502.284]; or

(3) a volunteer fire department for the operation of a motor vehicle the title of which is held in the name of a volunteer fire department.

SECTION 6. The following sections of the Transportation Code are repealed:

(1) Section 502.0071; and

(2) Section 547.703(e).

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

The amendment to **CSSB 2018** 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: Fraser, Williams.

Present-not voting: Lucio.

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

CSSB 2018 as amended was passed to engrossment by a viva voce vote.

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

Nays: Fraser, Williams.

Present-not voting: Lucio.

COMMITTEE SUBSTITUTE SENATE BILL 2018 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 2018** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3, Present-not voting 1.

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

Nays: Fraser, Wentworth, Williams.

Present-not voting: Lucio.

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 2018**, 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 2018** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2, Present-not voting 1.

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

Nays: Fraser, Williams.

Present-not voting: Lucio.

COMMITTEE SUBSTITUTE SENATE BILL 312 ON THIRD READING

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 312** at this time on its third reading and final passage:

CSSB 312, Relating to the regulation and certification of medical examiners and the conduct of autopsy and inquest investigations by justices of the peace and medical examiners; providing penalties.

The motion prevailed.

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

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

Nays: Harris.

COMMITTEE SUBSTITUTE SENATE BILL 1830 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1830** at this time on its second reading:

CSSB 1830, Relating to the establishment, operation, and funding of open-enrollment charter schools.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1830** (Senate committee report) by striking and replacing Subdivision (5) on page 1, line 37 through 41, with the following:

(5) not later than the 90th day after the date the charter holder provides written notice under Subdivision (4), the commissioner does not provide written notice to the charter holder disapproving a new campus under this section.

The amendment to **CSSB 1830** 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 Davis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1830** (committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 12.101(b), Education Code (page 1, line 15), between "Education" and "may grant", insert ", after thoroughly investigating and evaluating an applicant,".

(2) In SECTION 1 of the bill, in amended Section 12.101(b), Education Code (page 1, line 17), between "governing," and "and operational", insert "curriculum development and implementation,".

(3) Between SECTIONS 7 and 8 of the bill (page 4, between lines 37 and 38), insert the following appropriately numbered SECTION into the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 12.118(a), Education Code, is amended to read as follows:

(a) The commissioner shall designate an impartial organization with experience in evaluating school choice programs to conduct, under the supervision of the commissioner, an annual evaluation of open-enrollment charter schools.

The amendment to **CSSB 1830** 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 Van de Putte offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1830** (Senate committee report) as follows:

(1) In SECTION 1 of the bill, in amended Section 12.101(b), Education Code (page 1, line 19), strike "20" and substitute "10".

(2) In SECTION 2 of the bill, in added Section 12.1011(a), Education Code (page 1, lines 49-51), strike the last sentence of the subsection and substitute the following:

A charter granted under this section is not considered for purposes of the limit on the number of open-enrollment charter schools imposed by Section 12.101(b).

The amendment to **CSSB 1830** 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 Ogden offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1830** 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 1830** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

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

CSSB 1830 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 1830 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1830** 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 1830**, 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 1830** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILL 341 ON THIRD READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 341** at this time on its third reading and final passage:

SB 341, Relating to changing the name of the Railroad Commission of Texas to the Texas Energy Commission.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 2444 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2444** at this time on its second reading:

CSSB 2444, Relating to calculation of the net resources of a person ordered to pay child support.

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 2444 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2444** 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 2444**, 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 2444** 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 Eltife in Chair)

SENATE BILL 1615 ON THIRD READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1615** at this time on its third reading and final passage:

SB 1615, Relating to the authorization of airport authorities and the issuance of bonds and the exercise of eminent domain by the authorities.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 18 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 18** at this time on its second reading:

CSSB 18, Relating to the use of eminent domain authority.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 18** (Senate committee printing) in SECTION 1 of the bill, in added Section 2206.002(d), Government Code (page 2, lines 39 through 41), by striking "does not apply to an easement acquired by an entity for the purpose of providing water or wastewater services" and substituting "applies only to an easement acquired by an entity for the purpose of a pipeline to be used for oil or gas exploration or production activities".

The amendment to **CSSB 18** was read and was adopted by a viva voce vote.

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

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 18** (Senate committee printing), in SECTION 4 of the bill, by striking amended Section 21.012(b), Property Code (page 5, lines 8 through 20), and substituting the following:

(b) The petition must:

(1) describe the property to be condemned;

(2) state with specificity:

(A) the public use [purpose] for which the entity intends to acquire [use] the property; and

(B) the reasons the property is necessary to that public use;

- (3) state the name of the owner of the property if the owner is known;
- (4) state that the entity and the property owner are unable to agree on the damages; ~~and~~
- (5) if applicable, state that the entity provided the property owner with the landowner's bill of rights statement in accordance with Section 21.0112; and
- (6) state that the entity made a bona fide offer to acquire the property from the property owner voluntarily.

The amendment to **CSSB 18** 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 West offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 18** (committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 54.209, Water Code, is amended to read as follows:

Sec. 54.209. LIMITATION ON USE OF EMINENT DOMAIN. A district may not exercise the power of eminent domain outside the district boundaries to acquire:

- (1) a site for a water treatment plant, water storage facility, wastewater treatment plant, or wastewater disposal plant;
- (2) a site for a park, swimming pool, or other recreational facility, as defined by Section 49.462, Water Code ~~[except a trail];~~
- (3) ~~[a site for a trail on real property designated as a homestead as defined by Section 41.002, Property Code; or]~~
- (4) an exclusive easement through a county regional park; or
- (4) a site or easement for a road project.

SECTION _____. The changes in law made by this Act to Section 54.209, Water Code, apply only to a condemnation proceeding in which the petition is filed on or after the effective date of this Act. A condemnation proceeding in which the petition is filed before the effective date of this Act is governed by the law in effect on the date the petition was filed, and that law is continued in effect for that purpose.

The amendment to **CSSB 18** 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.

(President in Chair)

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 18** (Senate committee printing) as follows:

- (1) In SECTION 2 of the bill, strike added Section 21.0111(c), Property Code (page 4, lines 15-26).

(2) In SECTION 2 of the bill, in added Section 21.0111(d)(2), Property Code (page 4, line 34), between "confidential" and the period, insert "unless the offer or agreement is subject to Chapter 552, Government Code".

(3) In SECTION 2 of the bill, in amended Section 21.0111, Property Code (page 4, lines 27 and 35) reletter subsections appropriately.

(4) In SECTION 3 of the bill, strike added Section 21.0113(b), Property Code (page 4, lines 46-66), and substitute the following:

(b) An entity with eminent domain authority has made a bona fide offer if:

(1) an initial offer is made in writing to a property owner;

(2) a final offer is made in writing to the property owner;

(3) the final offer is made on or after the 30th day after the date on which the entity makes a written initial offer to the property owner;

(4) before making a final offer, the entity obtains a written appraisal from a certified appraiser of the value of the property being acquired and the damages, if any, to any remaining property;

(5) the final offer is equal to or greater than the amount of the written appraisal obtained by the entity;

(6) the following items are included with the final offer or have been previously provided to the owner by the entity:

(A) a copy of the written appraisal;

(B) a copy of the deed, easement, or other instrument conveying the property sought to be acquired; and

(C) a landowner's bill of rights statement; and

(7) the entity provides the property owner with at least 14 days to respond to the final offer and the property owner does not agree to the terms of the final offer within that time.

(5) In SECTION 13 of the bill, in added Section 21.047(d)(2), Property Code (page 7, line 13), between "fees" and "incurred", insert "and other professional fees".

(6) In SECTION 14 of the bill, in amended Section 21.101(a)(1), Property Code (page 7, line 26), between "canceled" and the semicolon, insert "before the property is used for that public use".

(7) In SECTION 14 of the bill, in amended Section 21.101(a)(3), Property Code (page 7, line 31), immediately following "acquired", insert ", or a substantially similar public use, before the fifth anniversary of the date of acquisition".

(8) In SECTION 14 of the bill, in amended Section 21.102(2)(A), Property Code (page 8, line 11), strike "has been canceled" and substitute "was [~~has been~~] canceled before the property was used for the public use".

(9) In SECTION 14 of the bill, in amended Section 21.102(2)(C), Property Code (page 8, lines 14 and 15), strike "has become unnecessary for the public use" and substitute "became unnecessary for the public use, or a substantially similar public use, before the fifth anniversary of the date of acquisition".

(10) In SECTION 14 of the bill, in added Section 21.1021(a)(1), Property Code (page 8, line 25), strike "has been canceled" and substitute "was canceled before the property was used for the public use".

(11) In SECTION 14 of the bill, in added Section 21.1021(a)(3), Property Code (page 8, lines 30 and 31), strike "has become unnecessary for the public use of the property" and substitute "became unnecessary for the public use, or a substantially similar public use, before the fifth anniversary of the date of acquisition".

(12) Strike SECTION 19 of the bill (page 9, lines 18-22) and substitute the following:

SECTION 9. This Act takes effect September 1, 2009.

The amendment to **CSSB 18** was read.

Senator Duncan withdrew Floor Amendment No. 4.

On motion of Senator Estes, further consideration of **CSSB 18** was postponed to a time certain of 12:00 noon today.

Question — Shall **CSSB 18** as amended be passed to engrossment?

**COMMITTEE SUBSTITUTE
SENATE BILL 182 ON THIRD READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 182** at this time on its third reading and final passage:

CSSB 182, Relating to informed consent to an abortion.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Averitt, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Shapleigh, Van de Putte, Watson, Wentworth, West, Whitmire.

Absent: Jackson.

The bill was read third time.

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

Floor Amendment No. 1 on Third Reading

Amend **CSSB 182** on third reading as follows:

(1) In added Sec. 171.0121. of the Health and Safety Code (page 5, lines 18-26) strike "A physician who performs an abortion in a medical emergency shall:

(1) include in the patient's medical records a statement signed by the physician certifying the nature of the medical emergency; and

(2) not later than the seventh day after the date the abortion is performed, certify to the Department of State Health Services the specific medical condition that constituted the emergency."

The amendment to **CSSB 182** was read and was adopted by a viva voce vote.

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

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 2 on Third Reading

Amend **CSSB 182** on third reading in SECTION 2 of the bill as follows:

(1) In Section 171.012(a)(1)(B)(i), Health and Safety Code (page 2, line 2) insert "and" after the semicolon.

(2) In Section 171.012(a)(1)(B)(ii), Health and Safety Code (page 2, line 4) strike "and" and substitute "~~and~~".

(3) Strike Section 171.012(a)(1)(B)(iii), Health and Safety Code (page 2, lines 5-8) and substitute the following:

~~[(iii) the possibility of increased risk of breast cancer following an induced abortion and the natural protective effect of a completed pregnancy in avoiding breast cancer;]~~

The amendment to **CSSB 182** was read and failed of adoption by the following vote: Yeas 11, Nays 19.

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

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

Absent: Jackson.

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

CSSB 182 as again amended was finally passed by the following vote: Yeas 20, Nays 10.

Yeas: Averitt, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Shapleigh, Van de Putte, Watson, Wentworth, West, Whitmire.

Absent: Jackson.

**COMMITTEE SUBSTITUTE
SENATE BILL 2233 ON SECOND READING**

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2233** at this time on its second reading:

CSSB 2233, Relating to the regulation of debt management services providers; providing a penalty.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 2233 ON THIRD READING**

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2233** 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 2233**, 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 2233** 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 1772 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1772** at this time on its second reading:

CSSB 1772, Relating to the authority of the Public Utility Commission of Texas to address market power abuse, including the right to order restitution for violations.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1772**, committee printing version, by striking lines 55-63 on page 1 and striking lines 1-4 on page 2.

The amendment to **CSSB 1772** 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 Fraser and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1772 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 1772 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1772** 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 1772**, 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 1772** 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 2349 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2349** at this time on its second reading:

CSSB 2349, Relating to distributed generation of electric power by natural gas powered generation facilities.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 2349** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 31.002, Utilities Code, is amended by adding Subdivision (4-a) and amending Subdivision (10) to read as follows:

(4-a) "Distributed natural gas generation facility" means a facility installed on the customer's side of the meter that is used for the generation of not more than 2,000 kilowatts of electricity.

(10) "Power generation company" means a person, including a person who owns or operates a distributed natural gas generation facility, that:

(A) generates electricity that is intended to be sold at wholesale;

(B) does not own a transmission or distribution facility in this state other than an essential interconnecting facility, a facility not dedicated to public use, or a facility otherwise excluded from the definition of "electric utility" under this section; and

(C) does not have a certificated service area, although its affiliated electric utility or transmission and distribution utility may have a certificated service area.

SECTION 2. The heading to Subchapter B, Chapter 35, Utilities Code, is amended to read as follows:

SUBCHAPTER B. EXEMPT WHOLESAL E GENERATORS, DISTRIBUTED NATURAL GAS GENERATION FACILITIES, AND POWER MARKETERS

SECTION 3. Subchapter B, Chapter 35, Utilities Code, is amended by adding Section 35.036 to read as follows:

Sec. 35.036. DISTRIBUTED NATURAL GAS GENERATION FACILITIES.

(a) A person who owns or operates a distributed natural gas generation facility may sell electric power generated by the facility.

(1) The electric utility, electric cooperative, or retail electric provider that provides retail electricity service to the facility may purchase electric power tendered to it by the owner or operator of the facility at a value agreed to by the electric utility, electric cooperative, or retail electric provider and the owner or operator of the facility, which may include a value based on the clearing price of energy at the time of day and location that the electricity is made available to the electric grid.

(2) At the request of the owner or operator of the facility, the electric utility or electric cooperative shall allow the owner or operator of the facility to use the transmission and distribution facilities to transmit the electric power to another entity that is acceptable to the owner or operator in accordance with commission rules or a tariff approved by the Federal Energy Regulatory Commission.

(b) If the owner or operator of a distributed natural gas generation facility requests to be interconnected to an electric utility or electric cooperative that does not have a transmission tariff approved by the Federal Energy Regulatory Commission, the electric utility or electric cooperative may recover from the owner or operator of the facility the reasonable costs of interconnecting the facility with the electric utility or electric cooperative that are necessary for and directly attributable to the interconnection of the facility. If the rated capacity of the distributed natural gas

generation exceeds the capacity of the electric utility or electric cooperative and the owner or operator of the facility requests that such an electric utility or electric cooperative make upgrades to accommodate the distributed natural generation capacity, the electric utility or electric cooperative may recover from the owner or operator of the facility the reasonable cost of electric facility upgrades and improvements that are necessary for and directly attributable to the requested accommodation of the distributed natural gas generation capacity.

(c) In order to recover costs under Subsection (b), an electric utility or electric cooperative must have provided a good-faith cost estimate in writing to the owner or operator of the distributed natural gas generation facility and the owner or operator must have, prior to the incurring of any cost by the electric utility or electric cooperative, agreed in writing to pay the reasonable and necessary cost of interconnection or capacity accommodation requested by the owner or operator and described in the cost estimate. If an electric utility or electric cooperative seeks to recover from the owner or operator of the facility an amount that exceeds the good-faith estimate by more than 5 percent and the owner or operator of the facility disputes the amount that exceeds the good-faith estimate, the Public Utility Commission shall resolve the dispute at the request of the owner or operator of the facility.

(d) A distributed natural gas generation facility must comply with emissions limitations established by the Texas Commission on Environmental Quality for a standard emissions permit for an electric generation facility unit installed after January 1, 1995.

SECTION 4. Subsection (c), Section 39.351, Utilities Code, is amended to read as follows:

(c) The commission may establish simplified filing requirements for distributed natural gas generation facilities ~~[A power generation company may register any time after September 1, 2000].~~

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

The amendment to **CSSB 2349** 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 Ogden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 2349 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 2349 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2349** 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 2349**, 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 2349** 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.

BILLS AND RESOLUTIONS SIGNED

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

HB 602, HB 753, HB 2073, HB 2074, HB 2434, HB 2666, HCR 117, HCR 134, HCR 153.

(Senator Eltife in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 671 ON SECOND READING

Senator Shapleigh moved to suspend the regular order of business to take up for consideration **CSSB 671** at this time on its second reading:

CSSB 671, Relating to information requested by a member, committee, or agency of the legislature under the public information law.

The motion prevailed.

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

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

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

Nays: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 671 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 671** 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 671**, 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 671** 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 1913 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1913** at this time on its second reading:

CSSB 1913, Relating to certificates of convenience and necessity.

On motion of Senator Williams and by unanimous consent, the exchange between Senators Fraser and Williams regarding **CSSB 1913** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Williams: Senator Fraser, is it your intent that incumbent utility's ability to build transmission in their footprints will not be impacted under this bill?

Senator Fraser: Yes.

Senator Williams: To be more specific, do you anticipate the PUC awarding transmission projects to other transmission companies in the incumbent's service territory?

Senator Fraser: No.

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 1913 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1913** 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 1913**, 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 1913** 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 1538 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1538** at this time on its second reading:

CSSB 1538, Relating to establishing veterans resource centers at certain institutions of higher education.

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 1538 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1538** 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 1538**, 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 1538** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILL 1909 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1909** at this time on its second reading:

SB 1909, Relating to the establishment by the Texas Forensic Science Commission of a DNA laboratory audit program.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1909** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

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

The amendment to **SB 1909** 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 Hinojosa and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1909 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 1909 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1909** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1909**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1909** 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 2419 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 2419** at this time on its second reading:

CSSB 2419, Relating to preventive treatment for state employees exposed to certain contagious diseases while performing duties of employment.

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 2419 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 2419** 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 2419**, 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 2419** 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 1374 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1374** at this time on its second reading:

CSSB 1374, Relating to community-based programs for juveniles in certain counties.

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

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

COMMITTEE SUBSTITUTE
SENATE BILL 1374 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 1374** 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 1374**, 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 1374** 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 2242 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 2242** at this time on its second reading:

CSSB 2242, Relating to the provision of assistance by the Texas Ethics Commission in the reporting of political contributions and expenditures made in connection with offices of and measures proposed by local governmental entities.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 2242 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 2242** 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 2242**, 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 2242** 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 2423 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 2423** at this time on its second reading:

CSSB 2423, Relating to transfer or sale of patient information or prescription drug history by discount health care programs.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 2423 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 2423** 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 2423**, 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 2423** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILL 2051 ON SECOND READING

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2051** at this time on its second reading:

SB 2051, Relating to the collection by the Parks and Wildlife Department of taxes imposed on the sales and use of boats and boat motors and to the disposition of those taxes.

The bill was read second time.

Senator Averitt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2051** by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill as appropriate:

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

The amendment to **SB 2051** 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 Averitt and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 2051 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 2051 ON THIRD READING

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2051** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 2051**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 2051** 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 857 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 857** at this time on its second reading:

CSSB 857, Relating to the purchasing and contracting practices of junior college districts; providing criminal 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 857 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 857** 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 857**, 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 857** 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 548 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 548** at this time on its second reading:

CSSB 548, Relating to public school accountability for bilingual education and English as a second language and other special language programs.

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

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

COMMITTEE SUBSTITUTE
SENATE BILL 548 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 548** 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 548**, 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 548** 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 1648 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1648** at this time on its second reading:

CSSB 1648, Relating to providing outreach services, behavioral health services, and certain health care services related to mental health to certain members and veterans of the armed forces and their families and providing for the creation of related clinical practice guidelines.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSSB 1648** as follows:

(1) In SECTION 2 of the bill following added Section 1022.103, Health and Safety Code (page 3, between lines 65 and 66), insert the following:

Sec. 1022.104. FUNDING. (a) The legislature may not appropriate money from the general revenue fund to pay for the cost of the services provided under this subchapter.

(b) The services provided under this subchapter may be funded by gifts, grants, or reimbursement payments from federal and private sources.

(c) Not later than December 1 of each odd-numbered year, the comptroller, in consultation with the department, shall estimate the amounts available from federal and private sources for provision of services under this subchapter. The comptroller shall report the estimate to the governor and the Legislative Budget Board, and shall include recommendations and related policies that would enhance funding for services provided under this subchapter.

(d) This section expires January 1, 2015.

(2) In SECTION 8 of the bill (page 6, line 47), between "SECTION 8." and "This", insert "(a)".

(3) In SECTION 8 of the bill (page 6, between lines 50 and 51) insert the following:

(b) Notwithstanding Subsection (a), this Act may take effect without regard to whether a specific appropriation prohibited by Section 1022.104, Health and Safety Code, as added by this Act, is made.

The amendment to **CSSB 1648** was read and was adopted by a viva voce vote.

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

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

CSSB 1648 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 1648 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1648** 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 1648**, 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 1648** 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 2378 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2378** at this time on its second reading:

CSSB 2378, Relating to the purposes and designation of a transportation reinvestment zone.

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 2378 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2378** 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 2378**, 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 2378** 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 2313 ON SECOND READING**

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2313** at this time on its second reading:

CSSB 2313, Relating to the creation of the water plan projects fund to assist the Texas Water Development Board in the funding of certain projects identified in the state and regional water plans.

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 2313 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2313** 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 2313**, 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 2313** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILL 2484 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2484** at this time on its second reading:

SB 2484, Relating to the transfer of certain state property from the Texas Department of Transportation to the Parks and Wildlife Department.

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

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

SENATE BILL 2484 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2484** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 2484**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 2484** 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.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 1835 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 1835** at this time on its second reading:

CSSB 1835, Relating to the offenses of unauthorized duplication, unauthorized recording, and improper labeling of recordings.

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

COMMITTEE SUBSTITUTE SENATE BILL 696 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 696** at this time on its second reading:

CSSB 696, Relating to the use of certain state parking facilities, including the lease of the facilities, to other persons.

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 696 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 696** 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 696**, 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 696** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILL 2520 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2520** at this time on its second reading:

SB 2520, Relating to election and qualifications of members of the board of directors of the Santa Rita Underground Water Conservation District.

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

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

SENATE BILL 2520 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2520** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 2520**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 2520** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILL 592 ON SECOND READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **SB 592** at this time on its second reading:

SB 592, Relating to the capacity of certain minors to consent to examination or medical treatment related to contraception.

The motion prevailed by the following vote: Yeas 19, Nays 9.

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

Nays: Carona, Duncan, Estes, Fraser, Harris, Hegar, Nichols, Ogden, Patrick.

Absent: Averitt, Jackson, Lucio.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 592** in SECTION 1 of the bill, in added Subdivision (8), Subsection (a), Section 32.003, Family Code (Senate committee printing, page 1, line 46), between "and" and "consents to examination", insert ", after the licensed physician informs a parent, guardian, or legal custodian of the child,".

The amendment to **SB 592** was read and was adopted by the following vote: Yeas 15, Nays 14.

Yeas: Averitt, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Nelson, Nichols, Ogden, Patrick, Shapiro.

Nays: Davis, Ellis, Gallegos, Hinojosa, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent: Jackson, Lucio.

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

SB 592 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: Carona, Duncan, Estes, Fraser, Harris, Hegar, Huffman, Nichols, Ogden, Patrick.

COMMITTEE SUBSTITUTE SENATE BILL 626 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 626** at this time on its second reading:

CSSB 626, Relating to the creation, organization, governance, duties, and functions of the Texas Department of Vehicles; providing a penalty.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 626** by striking SECTION 2T of the bill (page 10, line 47 through page 15, line 24) and by striking SECTION 4.01 of the bill (page 28, line 4 through page 28, line 61) and substituting the following:

SECTION 4.01. (a) All powers, duties, obligations, and rights of action of the Motor Vehicle Division and the Vehicle Titles and Registration Division of the Texas Department of Transportation are transferred to the Texas Department of Motor Vehicles, and all powers, duties, obligations, and rights of action of the Texas Transportation Commission in connection or associated with those divisions of the Texas Department of Transportation are transferred to the board of the Texas Department of Motor Vehicles on November 1, 2009.

(b) The powers, duties, obligations, and rights of action of the portion of the Motor Carrier Division of the Texas Department of Transportation that is responsible for motor carrier registration and the enforcement of Subtitle F, Title 7, Transportation Code are transferred to the Texas Department of Motor Vehicles, and the associated powers, duties, obligations, and rights of action of the Texas Transportation Commission are transferred to the board of the Texas Department of Motor Vehicles on November 1, 2009.

(c) In connection with the transfers required by Subsections (a) and (b) of this section, the personnel, furniture, computers, other property and equipment, files, and related materials used by the Motor Vehicle Division, the Vehicle Titles and Registration Division or the portion of the Motor Carrier Division of the Texas Department of Transportation described in Subsection (b) are transferred to the Texas Department of Motor Vehicles.

(d) The Texas Department of Motor Vehicles shall continue any proceeding involving the Motor Vehicle Division, the Vehicle Titles and Registration Division, or the portion of the Motor Carrier Division of the Texas Department of Transportation described in Subsection (b) that was brought before the effective date of this Act in accordance with the law in effect on the date the proceeding was brought, and the former law is continued in effect for that purpose.

(e) A certificate, license, document, permit, registration, or other authorization issued by the Motor Vehicle Division, or the Vehicle Titles and Registration Division of the Texas Department of Transportation or a registration issued by the Motor Carrier Division of the Texas Department of Transportation that is in effect on the effective date of this Act remains valid for the period for which it was issued unless suspended or revoked by the Texas Department of Motor Vehicles.

(f) A rule adopted by the Texas Transportation Commission or the director of the Texas Department of Transportation in connection with or relating to the Motor Vehicle Division, the Vehicle Titles and Registration Division, or the portion of the Motor Carrier Division of the Texas Department of Transportation described in Subsection (b) continues in effect until it is amended or repealed by the board of the Texas Department of Motor Vehicles or the Texas Department of Motor Vehicles, as applicable.

(g) The unobligated and unexpended balance of any appropriations made to the Texas Department of Transportation in connection with or relating to the Motor Vehicle Division, the Vehicle Titles and Registration Division, or the portion of the Motor Carrier Division of the Texas Department of Transportation described in Subsection (b) for the state fiscal biennium ending August 31, 2009, is transferred and reappropriated to the Texas Department of Motor Vehicles for the purpose of implementing the powers, duties, obligations, and rights of action transferred to that department under Subsection (a) of this section.

The amendment to **CSSB 626** 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 Carona and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 626 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 626 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 626** 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 626**, 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 626** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILL 1098 ON THIRD READING

Senator Carona moved to suspend the regular order of business to take up for consideration **SB 1098** at this time on its third reading and final passage:

SB 1098, Relating to the issuance of "Choose Life" license plates and the creation of the Choose Life account in the general revenue fund.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Averitt, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, West, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Shapleigh, Van de Putte, Watson, Wentworth, Whitmire.

Absent: Jackson, Lucio.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 9. (Same as previous roll call)

LEAVES OF ABSENCE

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1687 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 1687** at this time on its second reading:

CSSB 1687, Relating to the right of certain counties to maintain local control over wages, hours, and other terms and conditions of employment.

The motion prevailed.

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

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

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

Nays: Duncan, Estes, Patrick, Wentworth, Williams.

Absent-excused: Jackson, Lucio.

COMMITTEE SUBSTITUTE SENATE BILL 1687 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1687** be placed on its third reading and final passage.

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

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

Nays: Duncan, Estes, Fraser, Patrick, Wentworth.

Absent-excused: Jackson, Lucio.

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 1687**, 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 1687** 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 18, Nays 11.

Yeas: Averitt, Carona, Davis, Deuell, Ellis, Eltife, Gallegos, Hinojosa, Nelson, Nichols, Ogden, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Duncan, Estes, Fraser, Harris, Hegar, Huffman, Patrick, Seliger, Shapiro, Wentworth, Williams.

Absent-excused: Jackson, Lucio.

SENATE BILL 2007 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2007** at this time on its second reading:

SB 2007, Relating to Prairie View A&M University's eligibility to participate in the research development fund.

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

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

SENATE BILL 2007 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2007** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Jackson, Lucio.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 2007**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The

suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 2007** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Jackson, Lucio.

COMMITTEE SUBSTITUTE
SENATE BILL 331 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 331** at this time on its second reading:

CSSB 331, Relating to access to certain information under the public information law concerning public officers and employees.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 331** (Senate committee printing) in SECTION 4 of the bill by adding the following new Subsection (c) to added Section 552.150, Government Code (page 3, between lines 10 and 11):

(c) It is presumed that disclosure of information that pertains to a biological agent or toxin identified or listed as a select agent under federal law and to which access is restricted under federal law would compromise the safety of an individual authorized to possess, use, or access the information.

The amendment to **CSSB 331** was read and was adopted by a viva voce vote.

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

Absent-excused: Jackson, Lucio.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 331** (Senate committee printing) in SECTION 4 of the bill by adding the following at the end of added Section 552.150, Government Code (page 3, between lines 10 and 11):

(d) This section expires September 1, 2013.

The amendment to **CSSB 331** was read and was adopted by a viva voce vote.

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

Absent-excused: Jackson, Lucio.

Senator Carona, on behalf of Senator Shapleigh, offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 331** (Senate committee printing) as follows:

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

SECTION _____. Section 552.008, Government Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) A member, committee, or agency of the legislature required by a governmental body to sign a confidentiality agreement under Subsection (b) may seek a decision as provided by Subsection (b-2) about whether the information covered by the confidentiality agreement is confidential under law. A confidentiality agreement signed under Subsection (b) is void to the extent that the agreement covers information that is finally determined under Subsection (b-2) to not be confidential under law.

(b-2) The member, committee, or agency of the legislature may seek a decision from the attorney general about the matter. The attorney general by rule shall establish procedures and deadlines for receiving information necessary to decide the matter and briefs from the requestor, the governmental body, and any other interested person. The attorney general shall promptly render a decision requested under this subsection, determining whether the information covered by the confidentiality agreement is confidential under law, not later than the 45th business day after the date the attorney general received the request for a decision under this subsection. The attorney general shall issue a written decision on the matter and provide a copy of the decision to the requestor, the governmental body, and any interested person who submitted necessary information or a brief to the attorney general about the matter. The requestor or the governmental body may appeal a decision of the attorney general under this subsection to a Travis County district court. A person may appeal a decision of the attorney general under this subsection to a Travis County district court if the person claims a proprietary interest in the information affected by the decision or a privacy interest in the information that a confidentiality law or judicial decision is designed to protect.

SECTION _____. Sections 552.008(b-1) and (b-2), Government Code, as added by this Act, take effect September 1, 2010.

(2) In SECTION 5 of the bill (page 3, lines 13 and 14) between "the effective date of" and "this Act", insert "the relevant provisions of".

(3) In SECTION 6 of the bill (page 3, line 15), strike "This Act" and substitute "Except as otherwise provided by this Act, this Act".

(4) In SECTION 6 of the bill (page 3, line 18), between "for immediate effect," and "this Act", insert "then except as otherwise provided by this Act,".

The amendment to **CSSB 331** was read and was adopted by a viva voce vote.

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

Absent-excused: Jackson, Lucio.

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

CSSB 331 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Jackson, Lucio.

COMMITTEE SUBSTITUTE SENATE BILL 331 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 331** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Jackson, Lucio.

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 331**, 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 331** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Jackson, Lucio.

**SENATE CONCURRENT RESOLUTION 47
ON SECOND READING**

Senator Hegar moved to suspend the regular order of business to take up for consideration **SCR 47** at this time on its second reading:

SCR 47, Granting permission for Grandfather's Blind, Ltd., and Donner Properties to sue the State of Texas, General Land Office, and School Land Board.

The motion prevailed.

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

The resolution was read second time and was adopted by the following vote: Yeas 26, Nays 3.

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

Nays: Huffman, Shapiro, Williams.

Absent-excused: Jackson, Lucio.

SENATE BILL 552 ON SECOND READING

Senator Hegar moved to suspend the regular order of business to take up for consideration **SB 552** at this time on its second reading:

SB 552, Relating to funding for the continuing education of certain peace officers.

The motion prevailed.

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

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

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

Nays: Davis, Eltife.

SENATE BILL 552 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 552** be placed on its third reading and final passage.

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

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

Nays: Davis, Eltife, Wentworth.

Absent-excused: Jackson, Lucio.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 552**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 552** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 27, Nays 2.

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

Nays: Davis, Eltife.

Absent-excused: Jackson, Lucio.

SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees)

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

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

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

PERMISSION TO INTRODUCE BILL

On motion of Senator Shapiro and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill: **SB 2571**.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:00 p.m. agreed to adjourn, in memory of Frank Alvarado of Houston and Johnny Freelen, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. Monday, May 4, 2009.

SENATE BILLS ON FIRST READING

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

SB 2571 by Shapiro

Relating to informed and voluntary consent for an abortion and the collection and reporting of information related to the performance of an abortion; providing penalties.

To Committee on State Affairs.

SB 2572 by Wentworth

Relating to the issuance of permits by the Gonzales County Underground Water Conservation District for certain water supply projects.

To Committee on Natural Resources.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

HB 8 to Committee on Finance.

HB 28 to Committee on Business and Commerce.

HB 107 to Committee on Criminal Justice.

HB 108 to Committee on State Affairs.

HB 120 to Committee on Transportation and Homeland Security.

HB 232 to Committee on Business and Commerce.

HB 236 to Committee on Finance.

HB 270 to Committee on Economic Development.

HB 281 to Committee on Education.

HB 392 to Committee on Health and Human Services.

HB 408 to Committee on Finance.

HB 409 to Committee on Veteran Affairs and Military Installations.

HB 432 to Committee on Natural Resources.

HB 449 to Committee on Health and Human Services.

HB 471 to Committee on Transportation and Homeland Security.

HB 473 to Committee on Intergovernmental Relations.

HB 482 to Committee on Agriculture and Rural Affairs.

HB 492 to Committee on Health and Human Services.

HB 530 to Committee on Criminal Justice.

HB 533 to Committee on State Affairs.

HB 549 to Committee on Criminal Justice.

HB 598 to Committee on Transportation and Homeland Security.

HB 618 to Committee on Veteran Affairs and Military Installations.

HB 655 to Committee on Jurisprudence.
HB 659 to Committee on Jurisprudence.
HB 666 to Committee on Criminal Justice.
HB 667 to Committee on Intergovernmental Relations.
HB 669 to Committee on Jurisprudence.
HB 671 to Committee on Criminal Justice.
HB 681 to Committee on Health and Human Services.
HB 749 to Committee on Intergovernmental Relations.
HB 761 to Committee on Criminal Justice.
HB 783 to Committee on State Affairs.
HB 825 to Committee on Criminal Justice.
HB 846 to Committee on Intergovernmental Relations.
HB 857 to Committee on Natural Resources.
HB 869 to Committee on Transportation and Homeland Security.
HB 875 to Committee on Transportation and Homeland Security.
HB 888 to Committee on Health and Human Services.
HB 986 to Committee on Finance.
HB 1040 to Committee on Transportation and Homeland Security.
HB 1043 to Committee on Business and Commerce.
HB 1070 to Committee on State Affairs.
HB 1109 to Committee on Business and Commerce.
HB 1174 to Committee on Intergovernmental Relations.
HB 1191 to Committee on State Affairs.
HB 1257 to Committee on Finance.
HB 1286 to Committee on Transportation and Homeland Security.
HB 1290 to Committee on State Affairs.
HB 1293 to Committee on State Affairs.
HB 1322 to Committee on Education.
HB 1325 to Committee on Higher Education.
HB 1342 to Committee on State Affairs.
HB 1364 to Committee on State Affairs.
HB 1372 to Committee on Criminal Justice.
HB 1445 to Committee on Natural Resources.
HB 1452 to Committee on Veteran Affairs and Military Installations.
HB 1466 to Committee on Veteran Affairs and Military Installations.
HB 1468 to Committee on Health and Human Services.
HB 1473 to Committee on Intergovernmental Relations.
HB 1506 to Committee on Criminal Justice.
HB 1551 to Committee on Jurisprudence.
HB 1579 to Subcommittee on Flooding and Evacuations.
HB 1590 to Committee on Criminal Justice.
HB 1629 to Committee on Criminal Justice.
HB 1633 to Committee on Criminal Justice.
HB 1682 to Committee on Jurisprudence.
HB 1687 to Committee on Transportation and Homeland Security.
HB 1688 to Committee on Jurisprudence.

HB 1693 to Committee on Education.
HB 1705 to Committee on Government Organization.
HB 1721 to Committee on Criminal Justice.
HB 1728 to Committee on Criminal Justice.
HB 1731 to Committee on Natural Resources.
HB 1740 to Committee on Health and Human Services.
HB 1750 to Committee on Criminal Justice.
HB 1783 to Committee on Business and Commerce.
HB 1814 to Committee on State Affairs.
HB 1831 to Committee on Transportation and Homeland Security.
HB 1832 to Committee on Transportation and Homeland Security.
HB 1861 to Committee on Jurisprudence.
HB 1866 to Committee on Business and Commerce.
HB 1881 to Committee on Agriculture and Rural Affairs.
HB 1888 to Committee on State Affairs.
HB 1922 to Committee on Natural Resources.
HB 1924 to Committee on Health and Human Services.
HB 1945 to Committee on State Affairs.
HB 1949 to Committee on Agriculture and Rural Affairs.
HB 1960 to Committee on Intergovernmental Relations.
HB 1965 to Committee on Agriculture and Rural Affairs.
HB 1972 to Committee on International Relations and Trade.
HB 1979 to Committee on State Affairs.
HB 1983 to Committee on Transportation and Homeland Security.
HB 1987 to Committee on Jurisprudence.
HB 1990 to Committee on Health and Human Services.
HB 2004 to Committee on Government Organization.
HB 2011 to Committee on Transportation and Homeland Security.
HB 2018 to Committee on Education.
HB 2020 to Committee on Veteran Affairs and Military Installations.
HB 2039 to Committee on Health and Human Services.
HB 2052 to Committee on Business and Commerce.
HB 2068 to Committee on Criminal Justice.
HB 2097 to Committee on Government Organization.
HB 2100 to Committee on Criminal Justice.
HB 2139 to Committee on Criminal Justice.
HB 2168 to Committee on Criminal Justice.
HB 2186 to Committee on Transportation and Homeland Security.
HB 2217 to Committee on Veteran Affairs and Military Installations.
HB 2219 to Committee on Transportation and Homeland Security.
HB 2289 to Committee on Criminal Justice.
HB 2318 to Committee on Natural Resources.
HB 2323 to Committee on Transportation and Homeland Security.
HB 2421 to Committee on Business and Commerce.
HB 2447 to Committee on Government Organization.
HB 2462 to Committee on Transportation and Homeland Security.

HB 2491 to Committee on Education.
HB 2515 to Committee on Intergovernmental Relations.
HB 2549 to Committee on Intergovernmental Relations.
HB 2553 to Committee on Transportation and Homeland Security.
HB 2572 to Committee on Natural Resources.
HB 2580 to Committee on Criminal Justice.
HB 2667 to Committee on Natural Resources.
HB 2729 to Committee on Finance.
HB 2751 to Committee on State Affairs.
HB 2779 to Committee on Business and Commerce.
HB 2804 to Committee on Jurisprudence.
HB 2808 to Committee on Criminal Justice.
HB 2813 to Committee on Jurisprudence.
HB 2829 to Committee on State Affairs.
HB 2835 to Committee on Intergovernmental Relations.
HB 2918 to Committee on Transportation and Homeland Security.
HB 2932 to Committee on Criminal Justice.
HB 2963 to Committee on Health and Human Services.
HB 2983 to Committee on Transportation and Homeland Security.
HB 2991 to Committee on Criminal Justice.
HB 3061 to Committee on State Affairs.
HB 3062 to Committee on State Affairs.
HB 3139 to Committee on Veteran Affairs and Military Installations.
HB 3140 to Committee on Natural Resources.
HB 3429 to Committee on Agriculture and Rural Affairs.
HB 3435 to Committee on Natural Resources.
HB 3438 to Committee on Criminal Justice.
HB 3517 to Committee on Transportation and Homeland Security.
HB 3599 to Committee on Transportation and Homeland Security.
HB 3632 to Committee on Natural Resources.
HB 3638 to Committee on Transportation and Homeland Security.
HB 3692 to Committee on Transportation and Homeland Security.
HB 3756 to Committee on Government Organization.
HB 3765 to Committee on Natural Resources.
HB 3961 to Committee on Health and Human Services.
HB 4114 to Committee on Administration.
HB 4293 to Committee on State Affairs.
HB 4476 to Committee on Higher Education.
HB 4498 to Committee on Business and Commerce.
HB 4577 to Committee on Agriculture and Rural Affairs.
HB 4607 to Committee on International Relations and Trade.
HCR 57 to Committee on Administration.
HCR 81 to Committee on Administration.
HCR 86 to Committee on Veteran Affairs and Military Installations.
HCR 176 to Committee on Administration.
HJR 36 to Committee on Finance.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 807 by Wentworth, In memory of Howard A. Half of San Antonio.

SR 808 by Wentworth, In memory of Gerald Spear Connell, Jr., of San Antonio.

SR 812 by Watson, In memory of James William Norman III of Austin.

SR 817 by Ellis, In memory of Grover Glenn Hankins of Houston.

Congratulatory Resolutions

SR 749 by Watson, Recognizing Allisyn Paino on the occasion of her retirement as a member of the dance company for Ballet Austin.

SR 806 by Van de Putte, Recognizing Rudolph R. Rodriguez of San Antonio on the occasion of his 85th birthday.

SR 809 by Wentworth, Recognizing the San Antonio Chapter of the Texas State Society of the Sons of the American Revolution on the occasion of its 79th anniversary.

SR 811 by Watson, Congratulating Ben De Leon for being named the 2009 Big Brothers Big Sisters National Big Brother of the Year.

SR 813 by Watson, Commending the 16 members of Boy Scout Troop 399 of Austin for achieving the rank of Eagle Scout.

SR 814 by Watson, Recognizing Gina Conway on the occasion of her retirement from the United States Navy.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 2:24 p.m. adjourned, in memory of Frank Alvarado of Houston and Johnny Freelen, until 11:00 a.m. Monday, May 4, 2009.

APPENDIX

COMMITTEE REPORTS

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

May 1, 2009

EDUCATION — **CSSB 2249, CSSB 2083**

STATE AFFAIRS — **CSSB 206, CSSB 207, CSSB 1065, CSSB 2141**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 883**

CRIMINAL JUSTICE — **HB 1282, SB 1707, SB 1844, SB 2438**

HEALTH AND HUMAN SERVICES — CSSB 646, CSSB 1645, CSSB 1804, CSSB 1853, SB 2079, CSSB 2080, CSSB 2151, CSSB 2203, CSSB 2556, SB 37, CSSB 63, CSSB 1060, CSSB 1646

INTERGOVERNMENTAL RELATIONS — CSSB 1112, CSSB 2511, CSSB 2510, CSSB 2512, CSSB 2526, CSSB 1861

GOVERNMENT ORGANIZATION — CSHB 1830

FINANCE — CSSB 505, CSSB 1497, CSSB 2084, CSSB 2240

GOVERNMENT ORGANIZATION — CSSB 1013, CSHB 1580

HEALTH AND HUMAN SERVICES — CSSB 1720, CSSB 1803

FINANCE — CSSB 841

INTERGOVERNMENTAL RELATIONS — CSSB 1471

BILLS AND RESOLUTION ENGROSSED

April 30, 2009

SB 14, SB 46, SB 59, SB 61, SB 64, SB 201, SB 212, SB 213, SB 215, SB 275, SB 385, SB 409, SB 410, SB 418, SB 455, SB 499, SB 501, SB 568, SB 588, SB 590, SB 660, SB 681, SB 693, SB 750, SB 751, SB 771, SB 801, SB 1024, SB 1038, SB 1039, SB 1092, SB 1145, SB 1153, SB 1202, SB 1224, SB 1236, SB 1243, SB 1326, SB 1327, SB 1335, SB 1337, SB 1344, SB 1358, SB 1359, SB 1360, SB 1370, SB 1377, SB 1382, SB 1415, SB 1462, SB 1476, SB 1479, SB 1484, SB 1498, SB 1501, SB 1521, SB 1542, SB 1560, SB 1563, SB 1571, SB 1583, SB 1586, SB 1589, SB 1617, SB 1625, SB 1626, SB 1636, SB 1638, SB 1652, SB 1685, SB 1705, SB 1713, SB 1727, SB 1729, SB 1735, SB 1757, SB 1767, SB 1774, SB 1779, SB 1783, SB 1785, SB 1795, SB 1800, SB 1801, SB 1806, SB 1807, SB 1808, SB 1812, SB 1813, SB 1828, SB 1876, SB 1879, SB 1890, SB 1895, SB 1903, SB 1918, SB 1919, SB 1946, SB 2038, SB 2048, SB 2067, SB 2073, SB 2082, SB 2093, SB 2110, SB 2121, SB 2134, SB 2135, SB 2145, SB 2153, SB 2162, SB 2217, SB 2248, SB 2262, SB 2273, SB 2279, SB 2285, SB 2296, SB 2307, SB 2324, SB 2341, SB 2357, SB 2380, SB 2385, SB 2396, SB 2410, SB 2412, SB 2413, SB 2420, SB 2454, SB 2455, SB 2456, SB 2460, SB 2466, SB 2478, SB 2483, SB 2495, SB 2497, SB 2506, SB 2513, SB 2517, SB 2519, SB 2523, SJR 50

BILLS AND RESOLUTIONS ENROLLED

April 30, 2009

SB 83, SB 803, SB 862, SB 1040, SB 1149, SB 1260, SR 416, SR 745, SR 762, SR 798, SR 802, SR 803, SR 804, SR 805

SENT TO GOVERNOR

May 1, 2009

SB 83, SB 803, SB 862, SB 1040, SB 1149, SB 1260

In Memory
of
Frank Alvarado
Senate Resolution 810

WHEREAS, The Senate of the State of Texas joins the citizens of Houston in mourning the loss of Frank Alvarado, who died February 11, 2009, at the age of 79; and

WHEREAS, Frank Alvarado was born October 4, 1929, in Marble Falls; he was an exemplary citizen, respected in the community for his many achievements; and

WHEREAS, Mr. Alvarado worked for more than 50 years in the construction trades as a union cement mason; he played a role in the construction of many of Houston's landmark structures, including Texas Children's Hospital, Saint Luke's Hospital, and the University of Houston; and

WHEREAS, Mr. Alvarado married Ida Melchor on June 12, 1947, and the couple raised five children in the East End community of Houston; and

WHEREAS, A devout Catholic who practiced his faith in his daily life, Mr. Alvarado was an active participant at Saint Patrick's Catholic Church and Saint Alphonsus Catholic Church; he also gave his time and energy wholeheartedly to the activities of the Knights of Columbus, Council 4577; and

WHEREAS, A man of courage, strength, and compassion, Mr. Alvarado gave unselfishly to others, and his wisdom, valued counsel, and strength of purpose will not be forgotten by those who knew him; and

WHEREAS, He was a devoted husband, father, and grandfather, and his family and many friends will long cherish their treasured memories of his life and his many achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby extend sincere condolences to the bereaved family of Frank Alvarado: his wife of 61 years, Ida Alvarado; his children, Frank Alvarado, Jr., and Yolanda, Robert, Elizabeth, and Carol Alvarado; and his six grandchildren and five great-grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Frank Alvarado.

GALLEGOS	JACKSON
ELLIS	PATRICK
HEGAR	WHITMIRE
HUFFMAN	WILLIAMS

In Memory
of
Johnny Freelen
Senate Resolution 464

WHEREAS, The Senate of the State of Texas joins the citizens of Grand Saline in mourning the loss of Johnny Freelen, who died March 6, 2008, at the age of 74; and

WHEREAS, Johnny Freelen was born July 4, 1933, in Lamar County; he served in the armed forces during the Korean War and had a successful career with General Motors in Arlington; he was serving as a foreman in the company at the time of his retirement; and

WHEREAS, An exemplary gentleman, he was a well-known leader in his community and was respected for his many accomplishments; a 32nd-degree Mason, he was a Golden Trowel recipient and a past grand master; he organized and managed the Challenger League sports program in Grand Saline, and he was named Grand Saline Man of the Year in recognition of his many contributions to the city; and

WHEREAS, A man of integrity, strength, and generosity, he gave unselfishly of his time to others, and his wisdom, warmth, and valued counsel will not be forgotten by those who knew him; he was a devout Christian and a member of Corinth Baptist Church; and

WHEREAS, Johnny Freelen was a devoted husband, father, and grandfather, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby extend sincere condolences to the bereaved family of Johnny Freelen: his wife of 49 years, Johnnie Vay; his sons, Rusty and Randy; his daughter, Rhonda Grandon; his brothers, George, Frankie, Danny, and Jimmy; his sisters, Shirley Murdock, Ollie Watkins, Kay Rowland, and Judy Simpson; and his nine grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Johnny Freelen.

DEUELL