

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FIFTH DAY

(Thursday, April 19, 2007)

The Senate met at 10:14 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Gallegos.

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

The Reverend Dr. G. V. Clark, Mount Zion Baptist Church, Austin, offered the invocation as follows:

Our eternal heavenly Father, who looks upon time from the beginning to the end as a part of Your eternity, we thank Thee for the years of our lives. We are grateful for all the blessings You have bestowed upon us. We acknowledge that life comes from You and returns to You in Your own good time. Help us with the tasks before us today and each day forward so that our efforts will be good for this state and our land. Do bless the opening and continuance of this 80th Texas Legislature and keep our minds and hearts on those things that are good for humankind, in the name of Jesus Christ, Your son. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

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

CO-AUTHOR OF SENATE BILL 419

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-author of **SB 419**.

CO-AUTHOR OF SENATE BILL 697

On motion of Senator Shapleigh, Senator Zaffirini will be shown as Co-author of **SB 697**.

CO-AUTHOR OF SENATE BILL 805

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-author of **SB 805**.

CO-AUTHOR OF SENATE BILL 979

On motion of Senator West, Senator Patrick will be shown as Co-author of **SB 979**.

CO-AUTHOR OF SENATE BILL 1411

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

CO-AUTHORS OF SENATE BILL 1488

On motion of Senator Patrick, Senators Shapiro and Zaffirini will be shown as Co-authors of **SB 1488**.

CO-AUTHOR OF SENATE BILL 1766

On motion of Senator Watson, Senator Zaffirini will be shown as Co-author of **SB 1766**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 19, 2007

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 142, Relating to imposition of local sales and use taxes on items shipped or delivered from one transit authority to another transit authority by certain retailers.

HB 185, Relating to discipline in public schools, including gang-related activity in and around public schools; providing a criminal penalty.

HB 198, Relating to the capacity of certain correctional facilities operated under contracts between the Texas Board of Criminal Justice and a private vendor or county commissioners court.

HB 273, Relating to certain contracts and purchasing procedures for school districts.

HB 472, Relating to the regulation of third-party administrators, including administrators with delegated duties in the workers' compensation system of this state; providing penalties.

HB 681, Relating to postconviction forensic testing.

HB 914, Relating to the establishment of an office of inspector general at the Texas Youth Commission.

HB 1230, Relating to services provided to youth with disabilities transitioning from school-oriented living to post-schooling activities, services for adults, and community living.

HB 1331, Relating to the public posting or other display of Texas bar examination results.

HB 1787, Relating to the determination of title to real property through a declaratory judgment.

HB 1837, Relating to exempting from ad valorem taxation property used by certain nonprofit community business organizations to provide services to aid in the economic development of local communities.

HB 1973, Relating to the procedure regarding an application for a physician's license or registration.

HB 3088, Relating to motor vehicle weight limitations and the fee for a permit to operate an overweight motor vehicle.

HB 3505, Relating to requirements for judicial training on issues regarding family violence, sexual assault, and child abuse and neglect.

HCR 159, Requesting that the governor, lieutenant governor, and speaker appoint a select commission on higher education and global competitiveness.

SB 507, Relating to reimbursement of members of the Guardianship Certification Board for certain expenses.

SB 844, Relating to longevity pay for assistant prosecutors.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Nelson was recognized and presented Dr. Erica Swegler of Keller as the Physician of the Day.

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

SENATE RESOLUTION 767

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the members of the Leadership Fort Worth Class of 2007 who are traveling to Austin April 19 to visit the State Capitol and to learn more about state government; and

WHEREAS, Program participants are provided many opportunities over a 10-month period to gain more insight into significant public issues and to visit with leaders who make crucial decisions on policies that affect their community; and

WHEREAS, The members of Leadership Fort Worth are a group of diligent and qualified residents who have proven leadership abilities and who are committed to building an involved citizenry; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the members of the Leadership Fort Worth Class of 2007 for their dedication to civic responsibilities and extend best wishes to them for a memorable and enjoyable visit to Austin; and, be it further

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

NELSON
BRIMER
HARRIS

SR 767 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson, joined by Senators Brimer and Harris, was recognized and introduced to the Senate members of the Leadership Fort Worth Class of 2007.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 167

The President laid before the Senate the following resolution:

WHEREAS, The Texas Commission on the Arts has announced the 2007 and 2008 appointments for the positions of State Poet Laureate, State Musician, State Two-Dimensional Artist, and State Three-Dimensional Artist; and

WHEREAS, Honorees are chosen for the exceptional quality of their work and for their outstanding commitment to the arts in Texas; the 2007 appointees are Texas Poet Laureate Steven Fromholz, Texas State Musician Dale Watson, Texas State Two-Dimensional Artist Lee Herring, and Texas State Three-Dimensional Artist David Keens; and

WHEREAS, The 2008 appointees include Texas Poet Laureate Larry Thomas, Texas State Musician Shelley King, Texas State Two-Dimensional Artist Janet Eager Krueger, and Texas State Three-Dimensional Artist Damian Priour; and

WHEREAS, Nominees for these prestigious positions must either be native Texans or have resided in the state for at least five years; in addition, they must have received critical reviews in state, regional, or national publications, and they must have achieved recognition for high levels of excellence and success in their respective disciplines; and

WHEREAS, To be considered for the position of State Poet Laureate, nominees must have compiled a substantial body of work, including at least one publication that is not a self-published or vanity-press release; State Musician nominees must have produced a substantial body of work, including at least two nationally available records, or taught music for at least 20 years in a formal classroom, or they must receive the majority of their income from musical endeavors; State Visual Artist nominees must work in two- or three-dimensional art mediums, must have been represented in at least one one-person show, and must have an extensive history of exhibiting in recognized museums and galleries; and

WHEREAS, Nominations are made by Texas citizens and reviewed by the Texas Commission on the Arts, which develops a list of finalists; the Texas Poet Laureate, State Musician, and State Artist Committee, composed of members appointed by the governor, lieutenant governor, and speaker of the house of representatives, makes the final selections; and

WHEREAS, The men and women who have been selected to hold these distinguished posts for the next two years have contributed magnificently to the vibrant cultural life of the Lone Star State, and it is indeed a pleasure to recognize them at this time; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas hereby honor the 2007 and 2008 appointees to the positions of State Poet Laureate, State Musician, State Two-Dimensional Artist, and State Three-Dimensional Artist and extend to them sincere best wishes for continued success.

DEUELL

HCR 167 was read.

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

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Absent-excused: Gallegos.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate 2007 Texas Poet Laureate Steven Fromholz, 2007 Texas State Musician Dale Watson, 2007 Texas State Two-Dimensional Artist Lee Herring, 2007 Texas State Three-Dimensional Artist David Keens, 2008 Texas Poet Laureate Larry Thomas, 2008 Texas State Musician Shelley King, 2008 Texas State Two-Dimensional Artist Janet Eager Krueger, and 2008 Texas State Three-Dimensional Artist Damien Priour.

The Senate welcomed its guests.

(Senator Seliger in Chair)

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate seventh-grade students from Saint Matthew Catholic School in San Antonio, accompanied by their teacher, Bill Stintsman, and a parent, Roxanna Cortez.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate representatives of the North Harris Montgomery County Community College.

The Senate welcomed its guests.

SENATE RESOLUTION 773

Senator Shapleigh offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the Communities In Schools State Advisory Committee and the Texas Education Agency in recognizing the recipients of the 2007 Best of Texas CIS Awards; and

WHEREAS, Communities In Schools is a nationwide dropout prevention network that helps students improve in academics, attendance, and behavior and encourages students to stay in school, graduate, and pursue postsecondary goals; there are 27 area programs in Texas; and

WHEREAS, The Best of Texas CIS Award recipients are those individuals who have made exceptional contributions to students, families, the community at large, and the Communities In Schools program; and

WHEREAS, Award winners and their Communities In Schools programs are Kris Downing, of Central Texas, Paul Lane Award of Excellence; Karl Schmalz, of the Dallas Region, Board Member of the Year; Mike Steele, of Tarrant County, Executive Director of the Year; Julie Lyon, of Northeast Texas, Staff Member of the Year; Dr. Kenny Thompson, of Northeast Texas, Volunteer of the Year; Tashia Dawn Rusnak, of South Central Texas, Student of the Year; Dorothy Harris, of McLennan County Youth Collaboration, Parent of the Year; and

WHEREAS, Other recipients are Paul Vranish, Tornillo Independent School District, of El Paso, Superintendent of the Year; Jessica Hicks, Waco Independent School District, of McLennan County Youth Collaboration, Principal of the Year; Nance Lee Talbett, Copperas Cove Independent School District, of Bell-Coryell Counties, Teacher of the Year; Bank of America, of Tarrant County, Business of the Year; and

WHEREAS, These dedicated award recipients have helped many young Texans stay in school, prepare for successful lives, and contribute to their communities, and they indeed deserve legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend all those involved with the Communities In Schools programs of Texas for their exceptional work and extend congratulations to the worthy recipients of the 2007 Best of Texas CIS Awards; and, be it further

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

SR 773 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapleigh was recognized and introduced to the Senate recipients of the Communities In Schools 2007 Best of Texas Awards: Dr. Kenny Thompson, Volunteer of the Year; Dorothy Harris, Parent of the Year; Nance Lee Talbett, Teacher of the Year; Jessica Hicks, Principal of the Year; Paul Vranish, Superintendent of the Year; accompanied by former Senator Gonzalo Barrientos.

The Senate welcomed its guests.

SENATE RESOLUTION 763

Senator Ogden offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize April 19, 2007, as Williamson County Day at the State Capitol; and

WHEREAS, Williamson County is located just north of the state capital and stretches across Interstate Highway 35, the well-known North American commerce corridor; its economy has grown from one that was historically agricultural to one that has a significant impact on the state; and

WHEREAS, The county has become the focal point of population growth and economic expansion in Central Texas; in the seven years since the 2000 United States Census, it has consistently ranked among the state's and the nation's fastest growing counties; its population of 350,000 is expected to double by the year 2015 and to exceed one million by 2020; and

WHEREAS, With the many high technology companies choosing to locate in Williamson County, led by world-famous Dell Computers, the county has a vibrant and growing manufacturing sector; its retail companies and major health care facilities, including those of Saint David's, Seton, Scott and White, and Triad, have rapidly transformed the quality of health care in the county and the economic landscape of Central Texas; and

WHEREAS, Williamson County is among the state's leaders in household income, yet housing costs remain well below the national average, and the crime rate is one of the lowest in the nation; it has an outstanding public school system, and its higher education facilities include the highly rated Southwestern University and Texas State University's beautiful new Round Rock Higher Education Center; and

WHEREAS, The keys to the county's spectacular success are its high quality of life, its world-class workforce, its wise investment in infrastructure to accommodate rapid and sustained growth, and the progressive, "can do" spirit of the people who call Williamson County home; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby welcome the Williamson County residents who have come to the State Capitol to celebrate Williamson County Day and extend to all best wishes for a memorable visit; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Williamson County Day.

SR 763 was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate a delegation of citizens from Williamson County representing Williamson County Day at the State Capitol.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 19, 2007

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 185, Congratulating Patricia Montgomery on being named Outstanding Juvenile Probation Officer of the Year for 2006 by the Harris County Juvenile Probation Department.

HCR 188, Honoring the 60th anniversary of Skeeter Products of Kilgore.

SCR 50, Recognizing April 3, 2007, as Texas Medal of Arts Awards Day at the Capitol.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PERMISSION TO INTRODUCE BILL

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill: **SB 2033**.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Seliger in Chair, at 10:56 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 419 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 419** at this time on its second reading:

CSSB 419, Relating to health benefit plan coverage for enrollees with autism spectrum disorder.

The motion prevailed.

Senators Jackson 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: Jackson, Williams.

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 419 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 419** be placed on its third reading and final passage.

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

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

Nays: Jackson, Wentworth, Williams.

Absent-excused: Gallegos.

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 419**, 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 419** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

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

Nays: Jackson, Williams.

Absent-excused: Gallegos.

SENATE RESOLUTION 701

Senator Van de Putte offered the following resolution:

SR 701, In memory of Lance Corporal Stephen Joseph Perez.

The resolution was read.

Senator Van de Putte was recognized and introduced to the Senate family members of Stephen Joseph Perez: his mother, Diana Perez; his grandfather, Antonio Pena; and his aunt, Jeanette Lynch.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Van de Putte, **SR 701** was adopted by a rising vote of the Senate.

In honor of the memory of Lance Corporal Stephen Joseph Perez, the text of the resolution is printed at the end of today's *Senate Journal*.

(President in Chair)

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 53**, **SCR 56**.

SENATE BILL 194 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 194** at this time on its second reading:

SB 194, Relating to the eligibility of certain individuals with terminally ill spouses for unemployment compensation.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 194** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Subdivision (14), Subsection (a), Section 204.022, Labor Code (page 2, line 5), between "spouse" and "as", insert "or parent".

(2) In SECTION 2 of the bill, in added Subdivision (3), Subsection (a), Section 207.046, Labor Code (page 2, line 27), between "spouse" and "as", insert "or parent".

The amendment to **SB 194** was read and was adopted by the following vote: Yeas 15, Nays 14.

Yeas: Brimer, Deuell, Duncan, Ellis, Hinojosa, Lucio, Ogden, Seliger, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Averitt, Carona, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Nelson, Nichols, Patrick, Shapiro, Wentworth, Williams.

Absent: Janek.

Absent-excused: Gallegos.

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

SB 194 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: Eltife, Nelson.

Absent-excused: Gallegos.

SENATE BILL 194 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 194** be placed on its third reading and final passage.

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

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

Nays: Eltife, Nelson, Wentworth.

Absent-excused: Gallegos.

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 194**, 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 194** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

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

Nays: Eltife, Nelson.

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 855 ON SECOND READING

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 855** at this time on its second reading:

CSSB 855, Relating to the extension of consumer credit to certain members of the Texas National Guard and armed forces of the United States and their dependents; 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 except as follows:

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 855 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 855** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 855**, 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 855** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

(Senator Eltife in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 156 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 156** at this time on its second reading:

CSSB 156, Relating to a competitive grant program to fund nurse-family partnership programs in certain communities in this state.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 156** in SECTION 1 of the bill, in added Section 531.452(b), Government Code (page 1, line 30), by striking "the YWCA of Metropolitan Dallas" and substituting "applicants operating existing programs".

The amendment to **CSSB 156** 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: Gallegos.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 156** in SECTION 1 of the bill, in added Section 531.452(b)(1), Government Code (page 1, line 32), between "communities" and "; and", by inserting "that are geographically distributed throughout this state".

The amendment to **CSSB 156** 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: Gallegos.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 156** as follows:

(1) In SECTION 1 of the bill, at the end of added Section 531.453(2)(D), Government Code (page 1, line 50), strike "and".

(2) In SECTION 1 of the bill, in added Section 531.453, Government Code (page 1, between lines 50 and 51), insert the following:

(3) require that nurses who provide services through the program:

(A) receive training from the office of the attorney general at least once each year on procedures by which a person may voluntarily acknowledge the paternity of a child and on the availability of child support services from the office;

(B) provide a mother with information about the rights, responsibilities, and benefits of establishing the paternity of her child, if appropriate;

(C) provide assistance to a mother and the alleged father of her child if the mother and alleged father seek to voluntarily acknowledge paternity of the child, if appropriate; and

(D) provide information to a mother about the availability of child support services from the office of the attorney general; and

(3) In SECTION 1 of the bill, in added Section 531.453, Government Code (page 1, line 51), strike "(3)" and insert "(4)".

(4) In SECTION 1 of the bill, in added Section 531.459(b), Government Code (page 3, line 14), between "services" and the underlined semicolon, insert "and, of that number, the number of mothers who established the paternity of an alleged father as a result of services provided under the program".

(5) In SECTION 1 of the bill, in added Section 531.459(b)(2), Government Code (page 3, line 17), strike "531.453(3)" and substitute "531.453(4)".

The amendment to **CSSB 156** 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: Gallegos.

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

CSSB 156 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: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 156 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 156** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 156**, 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 156** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

SENATE BILL 1200 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1200** at this time on its second reading:

SB 1200, Relating to rules governing instant games by the Texas Lottery Commission.

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

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

Absent-excused: Gallegos.

SENATE BILL 1200 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1200** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 1200**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1200** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 805 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 805** at this time on its second reading:

CSSB 805, Relating to a foster children's bill of rights.

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

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 805 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 805** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 805**, 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 805** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 1592 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1592** at this time on its second reading:

CSSB 1592, Relating to the requirements regarding reporting by a common carrier or pipeline owner or operator of contamination.

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

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 1592 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 1592** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 1592**, 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 1592** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 262 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 262** at this time on its second reading:

CSSB 262, Relating to compensation for wrongful imprisonment.

The motion prevailed.

Senators Brimer, Harris, and Nelson 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: Brimer, Harris, Nelson.

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 262 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 262** be placed on its third reading and final passage.

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

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

Nays: Brimer, Harris, Nelson, Wentworth.

Absent-excused: Gallegos.

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 262**, 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 262** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

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

Nays: Brimer, Harris, Nelson.

Absent-excused: Gallegos.

SENATE BILL 1781 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1781** at this time on its second reading:

SB 1781, Relating to technical defects in instruments conveying real property.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1781** by striking SECTION 2 on page one, lines 51-55, committee printing, and replace it with the following:

SECTION 2. The change in law make by this Act applies only to an instrument filed for record on or after September 1, 2007. An instrument filed for record before September 1, 2007, is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

The amendment to **SB 1781** 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: Gallegos.

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

SB 1781 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: Gallegos.

SENATE BILL 1781 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 **SB 1781** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 1781**, 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 1781** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 1031 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1031** at this time on its second reading:

CSSB 1031, Relating to the administration of certain assessment instruments in public schools; providing a criminal penalty.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1031** (Senate committee printing) as follows:

(1) In SECTION 7 of the bill, in added Section 39.023(c-3)(1), Education Code (page 3, line 59), immediately following the semicolon, insert "and".

(2) In SECTION 7 of the bill, in added Section 39.023(c-3), Education Code (page 3, lines 60 through 67), strike added Subdivisions (2) and (3) and substitute the following:

(2) the spring administration of end-of-course assessment instruments under Subsection (c) to occur in each school district not earlier than the first full week in May, except that the spring administration of the end-of-course assessment instruments in English I, English II, and English III must be permitted to occur at an earlier date.

(3) Between SECTIONS 12 and 13 of the bill (page 8, between lines 6 and 7), insert the following appropriately numbered SECTION:

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Sections 39.035 and 39.0351 to read as follows:

Sec. 39.035. LIMITATION ON FIELD TESTING OF ASSESSMENT INSTRUMENTS. (a) Subject to Subsection (b), the agency may conduct field testing of questions for any assessment instrument administered under Section 39.023(a), (b), (c), (d), or (l) that is separate from the administration of the assessment instrument not more frequently than every other school year.

(b) Subsection (a) does not limit field testing necessary to develop new assessment instruments required under state or federal law.

(c) Before the beginning of each school year, the agency shall notify each school district regarding the required participation of the district in field testing activities during that school year.

Sec. 39.0351. FIELD TESTING STUDY. (a) The agency shall conduct a study of the sample size and sample procedures used in field testing of questions for assessment instruments administered under Section 39.023.

(b) The study required by Subsection (a) must also examine the feasibility of conducting field testing that is separate from the administration of an assessment instrument in the fall of the school year.

(c) Not later than December 1, 2008, the agency shall submit a report regarding the results of the study to the legislature.

(d) This section expires January 1, 2009.

(4) Between SECTIONS 17 and 18 of the bill (page 9, between lines 57 and 58), insert the following appropriately numbered SECTION:

SECTION _____. Section 39.035, Education Code, as added by this Act, applies beginning with the 2008-2009 school year.

(5) Renumber existing SECTIONS of the bill accordingly.

The amendment to **CSSB 1031** 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: Gallegos.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1031** (Senate committee printing) in Section 11 of the bill, in added Section 39.0301, Education Code (page 7, between lines 24 and 25), by inserting the following:

(g) The state auditor may conduct a risk-based audit of a school district at any time to ensure the security of assessment instruments administered under Section 39.023 in the district.

The amendment to **CSSB 1031** 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: Gallegos.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1031** (Senate committee printing) in SECTION 11 of the bill, in added Section 39.0303(a)(1), Education Code, on page 7, line 58 by inserting "intentionally" between the words "person" and "discloses".

The amendment to **CSSB 1031** 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: Gallegos.

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

CSSB 1031 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: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 1031 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1031** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 1031**, 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 1031** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 962 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 962** at this time on its second reading:

CSSB 962, Relating to funding under the instructional facilities allotment for school districts affected by troop reassignments at military installations.

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

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 962 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 962** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 962**, 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 962** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 19, 2007

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:

SB 192, Relating to the Texas Mutual Insurance Company and the application of certain statutes to the Texas Mutual Insurance Company.

SB 229, Relating to the seal of a district court and the signature of the district clerk used on process issued by the court.
(Committee Substitute)

SB 343, Relating to the oath taken by witnesses appearing before a grand jury.
(Committee Substitute)

SB 369, Relating to an offense involving a motor vehicle with an altered or obscured license plate.
(Committee Substitute)

SB 456, Relating to notice of provisions authorizing tax deferral or abatement.
(Committee Substitute)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 1500 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1500** at this time on its second reading:

SB 1500, Relating to designating the Donor Education, Awareness, and Registry Program of Texas as the Glenda Dawson Donate Life-Texas Registry.

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

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

Absent-excused: Gallegos.

SENATE BILL 1500 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1500** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 1500**, 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 1500** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth

Senator, District 25

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 932 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 932** at this time on its second reading:

CSSB 932, Relating to the required contents of a voter registration certificate.

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

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 932 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 932** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 932**, 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 932** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 1488 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 1488** at this time on its second reading:

CSSB 1488, Relating to the Texas Teach Corps Scholarship Program for students who agree to teach in public schools in this state that have shortages of teachers in certain academic subjects.

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

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 1488 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 1488** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 1488**, 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 1488** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

SENATE BILL 809 ON SECOND READING

On motion of Senator Janek and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 809** at this time on its second reading:

SB 809, Relating to automated pharmacy systems.

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

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

Absent-excused: Gallegos.

SENATE BILL 809 ON THIRD READING

Senator Janek moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 809** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 809**, 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 809** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

SENATE BILL 776 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 776** at this time on its second reading:

SB 776, Relating to certain educational requirements applicable to the regulation of the practice of chiropractic.

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

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

Absent-excused: Gallegos.

SENATE BILL 776 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 776** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 776**, 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 776** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

SENATE BILL 820 ON SECOND READING

Senator Wentworth moved to suspend the regular order of business to take up for consideration **SB 820** at this time on its second reading:

SB 820, Relating to the minimum continuing legal education requirements for an attorney who is a member of the Texas Legislature.

The motion prevailed.

Senator West 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: West.

Absent-excused: Gallegos.

SENATE BILL 1790 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1790** at this time on its second reading:

SB 1790, Relating to the requirements for receiving approval to provide training to an owner of an on-site sewage disposal system using aerobic treatment in maintaining the system.

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

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

Absent-excused: Gallegos.

SENATE BILL 1790 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1790** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 1790**, 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 1790** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 448 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSSB 448** at this time on its second reading:

CSSB 448, Relating to the distribution, possession, purchase, consumption, and receipt of tobacco products; providing penalties.

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

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

Nays: Estes, Ogden, Patrick.

Absent-excused: Gallegos.

The bill was read second time and was passed to engrossment by the following vote: Yeas 27, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 448 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 448** be placed on its third reading and final passage.

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

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

Nays: Estes, Ogden, Patrick, Wentworth.

Absent-excused: Gallegos.

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 448**, 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 448** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

Yeas: Averitt, Brimer, Carona, Duncan, Ellis, Eltife, Fraser, Harris, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Deuell, Estes, Ogden, Patrick.

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 49 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 49** at this time on its second reading:

CSSJR 49, Proposing a constitutional amendment limiting the service of certain officeholders after the expiration of the person's term of office.

The resolution was read second time.

Senator Ogden offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **CSSJR 49**, in SECTION 1, by striking proposed Section 17(b), Article XVI, Texas Constitution (committee printing, page 1, lines 19-28), and substituting the following:

(b) Following the expiration of a term of an appointive office that is filled by appointment by the Governor and subject to the advice and consent of the Senate, the period for which the officer shall continue to perform the duties of office under Subsection (a) of this section ends when and if, during a regular or special session of the legislature, the Senate by a vote of two-thirds of the members present adopts a resolution declaring an end to the officer's service. A person whose service ends under this subsection may not be appointed by the Governor before the next regular session following the adoption of the resolution to fill a vacancy in:

(1) the office for which service is ended under this subsection; or
(2) if the office for which service is ended under this subsection is a position on a board, commission, or similar state entity composed of multiple members, any other membership position on that board, commission, or entity.

The amendment to **CSSJR 49** 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: Gallegos.

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

CSSJR 49 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: Gallegos.

COMMITTEE SUBSTITUTE

SENATE JOINT RESOLUTION 49 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 49** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 **CSSJR 49**, 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 **CSSJR 49** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth

Senator, District 25

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

Absent-excused: Gallegos.

(President in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 19, 2007

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:

SB 213, Relating to the authority of certain counties to impose a county hotel occupancy tax and to the rate of the tax.
(Amended)

SB 325, Relating to the creation of an appellate judicial system for the Ninth Court of Appeals District.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 1267 ON SECOND READING**

Senator Nichols moved to suspend the regular order of business to take up for consideration **CSSB 1267** at this time on its second reading:

CSSB 1267, Relating to a moratorium on the inclusion of certain provisions in a comprehensive development agreement or the sale of a toll project and to the creation and duties of a study committee.

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

Nays: West.

Absent-excused: Gallegos.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1267**, in SECTION 1 of the bill, added Section 223.210(c-1), Transportation Code (committee printing, page 1, line 48), between "Dallas" and the period, by inserting "or any portion of the Loop 9 project that is located in a nonattainment air quality area as designated by the United States Environmental Protection Agency that includes two adjacent counties that each have a population of one million or more".

The amendment to **CSSB 1267** was read.

Senator Nichols moved to table Floor Amendment No. 1.

The motion to table was lost by the following vote: Yeas 10, Nays 19.

Yeas: Eltife, Estes, Fraser, Janek, Nelson, Nichols, Ogden, Patrick, Seliger, Whitmire.

Nays: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Harris, Hegar, Hinojosa, Jackson, Lucio, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Williams, Zaffirini.

Absent: Shapiro.

Absent-excused: Gallegos.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 1267**, the amendment was adopted by the following vote: Yeas 19, Nays 11.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Harris, Hegar, Hinojosa, Jackson, Lucio, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Williams, Zaffirini.

Nays: Eltife, Estes, Fraser, Janek, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Whitmire.

Absent-excused: Gallegos.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 2

Amend the **CSSB 1267** in SECTION 1 of the bill, added Section 223.210, Transportation Code (committee printing, page 1, between lines 48 and 49), by inserting the following:

(C-2) Notwithstanding the TxDOT/NTTA Regional Protocol entered into between the Texas Department of Transportation and the North Texas Tollway Authority (the authority) and approved on August 10, 2006, by the tollway authority and on August 24, 2006, by the department Subsection (b) does not apply to a comprehensive development agreement;

(1) entered into in connection with State Highway 121 if before the commission or the department enters into a contract for the financing, construction, or operation of the project with a private participant, an authority under Chapter 366, was granted the ability to finance, construct, or operate as applicable, the portion of the toll project located within the boundaries of the authority, and the authority was granted a period of 60 days from March 26, 2007 to submit a commitment to the metropolitan planning organization which is determined to be equal to or greater than any other commitment submitted prior to March 26, 2007; and

(a) If the financial value of the commitment is determined to be equal to or greater value than any other commitment submitted prior to March 26, 2007, then the commission shall allow the authority to develop the project; or

(2) entered into in connection with State Highway 161 if before the commission or the department enters into a contract with a private participant for the financing, construction, or operation, an authority under Chapter 366, was granted the ability to

finance, construct, or operate as applicable, the portion of the toll project located within the boundaries of the authority, and the authority was granted a period of 90 days to submit a commitment to the metropolitan planning organization.

(a) If the authority makes a commitment to proceed then TxDOT shall allow the authority to proceed and the authority must enter into contracts to finance, construct, or operate the project within 180 days.

The amendment to **CSSB 1267** 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: Gallegos.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1267** on page 1 line 49 by adding the following subsection (d) and renumbering the subsequent subsections accordingly.

(d) Subsection (c) does not apply to any toll project or managed lane project located on any portion of U.S. Highway 281 which is located in a county with a population of more than 1 million in which more than 80 percent of the population lives in a single municipality.

The amendment to **CSSB 1267** 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: Gallegos.

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

CSSB 1267 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: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 1267 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 1267** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 1267**, 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 1267** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate students from the government classes at Northwest Vista College in San Antonio, accompanied by their professors.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 103 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 103** at this time on its second reading:

CSSB 103, Relating to the Texas Youth Commission; providing penalties.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 103** (Senate committee printing) as follows:

(1) In SECTION 25 of the bill, in added Section 61.0451, Human Resources Code (page 14, between lines 18 and 19), insert the following:

(j) The office of inspector general or the chief inspector general, as applicable, shall provide the joint select committee on the operation and management of the Texas Youth Commission with the reports required under Subsections (b) and (f) in addition to the other persons who receive the reports under those subsections. This subsection expires February 1, 2009.

(2) In SECTION 29 of the bill, in added Section 61.0763(a), Human Resources Code (page 16, line 14), strike "who is under 18 years of age and".

(3) In SECTION 29 of the bill, in added Section 61.0763(a)(4), Human Resources Code (page 16, line 24), strike "and".

(4) In SECTION 29 of the bill, in added Section 61.0763(a)(5)(E), Human Resources Code (page 16, line 36), strike the period and substitute "; and".

(5) In SECTION 29 of the bill, in added Section 61.0763(a), Human Resources Code (page 16, between lines 36 and 37), insert the following:

(6) information concerning the review process under Section 61.0815 for children committed to the commission without a determinate sentence.

(6) In SECTION 29 of the bill, in added Section 61.0763(c), Human Resources Code (page 16, line 44), between "on" and "a quarterly", insert "at least".

(7) In SECTION 29 of the bill, in added Section 61.0763(c)(1), Human Resources Code (page 16, line 49), strike "and".

(8) In SECTION 29 of the bill, in added Section 61.0763(c)(2), Human Resources Code (page 16, line 51), strike the period and substitute "; and".

(9) In SECTION 29 of the bill, in added Section 61.0763(c), Human Resources Code (page 16, between lines 51 and 52), insert the following:

(3) information concerning any medical condition of the child.

(10) In SECTION 32 of the bill, in added Section 61.0814, Human Resources Code (page 17, line 38), between "commission." and "The plan", insert "The commission shall develop the plan in a timely manner so that the plan is available when a child is reviewed under Section 61.0815 after completion of the child's minimum length of stay."

The amendment to **CSSB 103** 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: Gallegos.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 103** (Senate committee printing) as follows:

(1) In SECTION 23 of the bill, strike proposed Subsections (b) through (d), Section 61.0357, Human Resources Code (page 12, lines 13 through 30), and substitute the following:

(b) The executive commissioner shall review the national criminal history record information of each person who:

(1) applies for employment with the commission;

(2) is employed by the commission; or

(3) volunteers with or provides direct delivery of services to children in the custody of the commission.

(c) To enable the executive commissioner to conduct the review, the executive commissioner shall adopt rules requiring a person described by Subsection (b) to electronically provide the department with a complete set of the person's fingerprints in a form and of a quality acceptable to the department and the Federal Bureau of Investigation.

(d) For a person described by Subsection (b)(2) or (3), the executive commissioner shall review:

(1) on an annual basis, the person's national criminal history record information; and

(2) on a continuing basis not less than once every three months, the person's state criminal history record information maintained by the department.

(e) The executive commissioner by rule may require a person described by Subsection (b) to pay a fee related to the first national criminal history record information review conducted under this section. The amount of the fee may not exceed the administrative costs incurred by the commission in conducting the initial review, including the costs of obtaining the person's fingerprints.

(f) The executive commissioner shall adopt rules necessary to administer this section.

(2) In SECTION 50 of the bill, in the transition language (page 22, lines 15 and 16) strike "applies for employment with the commission" and substitute "is described by Section 61.0357(b), Human Resources Code, as added by this Act".

The amendment to **CSSB 103** 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: Gallegos.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 103** (Senate committee printing) as follows:

(1) In SECTION 32 of the bill, in the recital to that SECTION, (page 17, line 34) strike "and 61.0815" and substitute ", 61.0815, and 61.0816".

(2) In SECTION 32 of the bill, in proposed Subdivision (1), Subsection (e), Section 61.0815, Human Resources Code (page 18, line 28) between "race," and "sex" insert "age".

(3) In SECTION 32 of the bill, in proposed Subdivision (1), Subsection (e), Section 61.0815, Human Resources Code (page 18, line 28) between "sex," and "specialized" insert "offense committed".

(4) In SECTION 32 of the bill, in proposed Subsection (g), Section 61.0815, Human Resources Code (page 18, line 46) after "extension." insert "The commission shall allow a parent, guardian, or designated advocate of a child access to the documents that were used by the panel in the child's review if the parent, guardian, or designated advocate of a child requests access to the documents and to the extent that providing access to the documents is not prohibited by other law. The report provided by the commission must include the contact information for the panel and the commission and a notice that the parent, guardian, or designated advocate of a child may request access to the documents used in the child's review and that the commission shall provide that access if providing access to the document is not prohibited by law."

(5) In SECTION 32 of the bill, after proposed Section 61.0815, Human Resources Code, and before SECTION 33 of the bill (page 18, between lines 46 and 47) insert the following:

Sec. 61.0816. REQUEST FOR RECONSIDERATION OF EXTENSION ORDER. (a) The executive commissioner by rule shall establish a process to request the reconsideration of an extension order issued by the panel established under Section 61.0815.

(b) The process to request reconsideration must provide that:

(1) a child, a parent, guardian, or designated advocate of a child, an employee of the commission, or a person who provides volunteer services at a commission facility may submit a request for reconsideration of an extension order;

(2) the person submitting the request for reconsideration of an extension order must state in the request the reason for the request;

(3) after receiving a request for reconsideration of an extension order, the panel shall reconsider an extension order that:

(A) extends the child's stay in the custody of the commission by six months or more; or

(B) combined with previous extension orders will result in an extension of the child's stay in the custody of the commission by six months or more;

(4) the panel's reconsideration of an extension order includes consideration of the information submitted in the request; and

(5) the panel shall send a written reply to the child, the parent, guardian, or designated advocate of the child, and the person who made the request for reconsideration of an extension order that includes an explanation of the panel's decision after reconsidering the extension order, including an indication that the panel has considered the information submitted in the request.

(c) The commission shall create a form for a request for reconsideration of an extension order that is clear and easy to understand. The commission shall ensure that a child may request assistance in completing a request for reconsideration of an extension order.

(d) The commission shall maintain statistics of the number of requests for reconsideration of an extension order that are submitted and the action taken on reconsideration of the extension order. The statistics must include aggregated information concerning:

(1) the race, age, sex, offense committed, specialized treatment needs, and county of origin for each child for whom a request for reconsideration of an extension order is submitted;

(2) whether a request for reconsideration of an extension order results in:

(A) a discharge or release under supervision; or

(B) the original extension order being upheld;

(3) the facility in which the child is confined; and

(4) if applicable, any allegations concerning the abuse, mistreatment, or neglect of the child, aggregated by the type of misconduct to which the child was subjected.

(e) To the extent authorized under law, the statistics maintained under Subsection (d) are public information under Chapter 552, Government Code, and the commission shall post the statistics on the commission's Internet website. The commission shall prepare and deliver to the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities a report concerning the statistics maintained under Subsection (d).

The amendment to **CSSB 103** 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: Gallegos.

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

CSSB 103 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: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 103 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 103** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 103**, 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 103** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 346 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 346** at this time on its second reading:

CSSB 346, Relating to indemnification provisions in construction contracts.

The motion prevailed.

Senators Estes, Hinojosa, Janek, Nelson, Nichols, Seliger, Shapiro, Uresti, and Van de Putte asked to be recorded as voting "Nay" on suspension of the regular order of business.

Senator Jackson asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 346** on page 1, line 30, after "consolidated insurance program.", by inserting "The term also includes 'agreement pertaining to a well for oil, gas, or water, or to a mine for a mineral' as defined in Section 127.001."

The amendment to **CSSB 346** was read.

Senator Ogden withdrew Floor Amendment No. 1.

CSSB 346 was passed to engrossment by the following vote: Yeas 20, Nays 9, Present-not voting 1.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Fraser, Harris, Hegar, Lucio, Ogden, Shapleigh, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Hinojosa, Janek, Nelson, Nichols, Patrick, Seliger, Shapiro, Uresti.

Present-not voting: Jackson.

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 346 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 346** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Fraser, Harris, Hegar, Jackson, Janek, Lucio, Ogden, Patrick, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Hinojosa, Nelson, Nichols, Seliger, Wentworth.

Absent-excused: Gallegos.

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 346**, 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 346** 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 21, Nays 8, Present-not voting 1.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Fraser, Harris, Hegar, Lucio, Ogden, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Hinojosa, Janek, Nelson, Nichols, Patrick, Seliger, Shapiro.

Present-not voting: Jackson.

Absent-excused: Gallegos.

HOUSE BILL 5 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 5** at this time on its second reading:

HB 5, Relating to providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the residence homesteads of the elderly or disabled to reflect any reduction in the school district's tax rate and protecting a school district against any resulting loss in local revenue.

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

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

Absent-excused: Gallegos.

HOUSE BILL 5 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 **HB 5** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **HB 5**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **HB 5** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

(Senator Hegar in Chair)

(President in Chair)

(Senator Watson in Chair)

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 966 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 966** at this time on its second reading:

CSSB 966, Relating to a qualified privilege of a journalist not to testify.

The motion was lost by the following vote: Yeas 18, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Carona, Duncan, Ellis, Eltife, Estes, Hegar, Hinojosa, Jackson, Lucio, Nichols, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Averitt, Brimer, Deuell, Fraser, Harris, Janek, Nelson, Ogden, Patrick, Seliger, Shapiro, Williams.

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 1870 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 1870** at this time on its second reading:

CSSB 1870, Relating to the implementation of the community living options information process for certain adults with mental retardation at certain institutions.

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

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

Absent: Williams.

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 1870 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 1870** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent: Williams.

Absent-excused: Gallegos.

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 1870**, 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 1870** 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: Williams.

Absent-excused: Gallegos.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

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

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 4:12 p.m. agreed to adjourn, in memory of Lance Corporal Stephen Joseph Perez, upon completion of the introduction of bills and resolutions on first reading and the receipt of committee reports, until 1:30 p.m. Monday, April 23, 2007.

SENATE BILL AND RESOLUTIONS ON FIRST READING

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

SB 2033 by Williams

Relating to the issuance of general obligation bonds by the Texas Public Finance Authority for certain maintenance, improvement, repair, and construction projects.
To Committee on Finance.

SJR 66 by Williams

Proposing a constitutional amendment to create real estate and investment special fund accounts within the permanent school fund and to allow for transfers between those accounts, to authorize the Commissioner of the General Land Office or another statutorily designated entity to manage real estate portfolio investments of the permanent school fund, and to allow the returns from permanent school fund real estate portfolio investments to be added to the available school fund for the support of public schools.

To Committee on Finance.

SCR 58 by Harris

Designating Lewisville Lake as the Urban Bass Fishing Capital of Texas.
To Committee on Government Organization.

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 11 to Committee on Business and Commerce.
HB 95 to Committee on Jurisprudence.
HB 216 to Committee on Finance.
HB 280 to Committee on Intergovernmental Relations.
HB 347 to Committee on Criminal Justice.
HB 413 to Committee on Transportation and Homeland Security.
HB 460 to Committee on Criminal Justice.
HB 685 to Committee on Finance.
HB 954 to Committee on Criminal Justice.
HB 1105 to Committee on State Affairs.
HB 1178 to Committee on Criminal Justice.
HB 1265 to Committee on Criminal Justice.
HB 1270 to Committee on Education.
HB 1551 to Committee on Intergovernmental Relations.
HB 1610 to Committee on Criminal Justice.
HB 1683 to Committee on Health and Human Services.
HB 1764 to Committee on Intergovernmental Relations.
HB 1772 to Committee on State Affairs.
HB 1839 to Committee on Criminal Justice.
HB 1922 to Committee on Education.
HB 2017 to Committee on State Affairs.
HB 2018 to Committee on Natural Resources.
HB 2068 to Committee on Jurisprudence.
HB 2198 to Subcommittee on Higher Education.
HB 2232 to Committee on Natural Resources.
HB 2272 to Committee on Jurisprudence.
HB 2359 to Committee on Jurisprudence.
HB 2799 to Committee on State Affairs.
HB 3084 to Committee on Intergovernmental Relations.
HB 3169 to Committee on Health and Human Services.
HJR 19 to Committee on Administration.
HCR 173 to Committee on Transportation and Homeland Security.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

HCR 26 (Lucio), In memory of the Honorable Frank Madla of San Antonio.

Welcome and Congratulatory Resolutions

SR 764 by Nelson and Harris, Welcoming members of Leadership Lewisville to Austin.

SR 778 by Jackson, Recognizing Jesse Aaron Schaatt of Angleton on the occasion of his home school graduation.

SR 779 by Jackson, Recognizing Bethany Michele Smith of Richwood on the occasion of her home school graduation.

SR 780 by Jackson, Recognizing Michael Anthony Lopez of West Columbia on the occasion of his home school graduation.

SR 781 by Jackson, Recognizing Mercedes Nikole Lopez of West Columbia on the occasion of her home school graduation.

SR 782 by Jackson, Recognizing Jeana Christine Moore of Lake Jackson on the occasion of her home school graduation.

SR 783 by Jackson, Commending Alanna Winfield for completing the Education in Action leadership training programs.

SR 784 by Jackson, Commending Jeannette Chin for completing the Education in Action leadership training programs.

SR 785 by Jackson, Commending Grace Li for completing the Education in Action leadership training programs.

SR 786 by Estes, Recognizing the Mineral Wells Airport for receiving the Airport of the Year Award.

SR 787 by Zaffirini, Commending Santiago "Jimmy" Martinez of Beeville for his years of service to the citizens of Bee County.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:00 p.m. Friday, April 20, 2007, adjourned, in memory of Lance Corporal Stephen Joseph Perez, until 1:30 p.m. Monday, April 23, 2007.

APPENDIX

COMMITTEE REPORTS

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

April 19, 2007

EDUCATION — **CSSB 1456**

HEALTH AND HUMAN SERVICES — **CSSB 692, CSSB 1658, SB 1716, HB 92, HB 889, HB 1064, HB 1763**

EDUCATION — **CSSB 553**

STATE AFFAIRS — **CSSB 836, CSSB 1646, CSSB 785**

GOVERNMENT ORGANIZATION — **CSHB 374, CSSB 903, CSSB 1908**

BUSINESS AND COMMERCE — CSSB 637, CSSB 828, SB 1217, CSSB 1523, CSSB 1736

TRANSPORTATION AND HOMELAND SECURITY — SJR 64, SB 1127, SB 1251, SB 959

INTERGOVERNMENTAL RELATIONS — SB 878, CSSB 986, CSSB 1349, SB 1867

EDUCATION — SJR 60, CSSB 114, SB 817, CSSB 1495, SB 1601, CSSB 1749

CRIMINAL JUSTICE — CSSB 1395

HEALTH AND HUMAN SERVICES — CSSB 1937

JURISPRUDENCE — SCR 49, SB 1783, SB 2009, HB 368, HB 622, HB 1295, HB 1518

HEALTH AND HUMAN SERVICES — CSSB 415, CSSB 1879, CSSB 155

NATURAL RESOURCES — HB 1308, SB 404, SB 1714, SB 1924, SB 1953, SB 1981

EDUCATION — CSSB 1643

INTERGOVERNMENTAL RELATIONS — HB 1562

JURISPRUDENCE — SB 1392, SB 1812

April 20, 2007

CRIMINAL JUSTICE — CSSB 442, CSSB 745, CSSB 789, CSSB 1709, CSSB 1715

JURISPRUDENCE — CSSB 429

HEALTH AND HUMAN SERVICES — CSSB 703

BUSINESS AND COMMERCE — CSSB 486, CSSB 1009, CSSB 1215, CSSB 1229, CSSB 1471

TRANSPORTATION AND HOMELAND SECURITY — HB 504, SB 1360, CSSB 876, CSSB 1252, CSSB 731, CSSB 1208, SB 1268, SB 1451, HB 423, HB 481, HB 178

SENT TO GOVERNOR

April 19, 2007

SCR 53, SCR 56

**In Memory
of
Stephen Joseph Perez
Senate Resolution 701**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Lance Corporal Stephen Joseph Perez, who died April 13, 2006, at the age of 22 while serving his country in Iraq; and

WHEREAS, Lance Corporal Perez was a member of the 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, based at Camp Pendleton, California; and

WHEREAS, Stephen grew up in San Antonio and had a second home in Eagle Pass; he was a 2002 graduate of Saint Anthony Catholic High School, where he was an outstanding player on the football and baseball teams; he planned to earn a teaching certificate when he finished his service to his country; and

WHEREAS, Lance Corporal Perez was proud to serve as a United States Marine, and he leaves behind a legacy of bravery and fidelity that will be cherished by all who knew him; and

WHEREAS, A man of warmth, strength, and generosity, Stephen Perez embodied the highest ideals of the United States Marine Corps, and those who knew and loved him will forever treasure his memories; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend sincere condolences to the bereaved family of Stephen Joseph Perez; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of 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 Stephen Joseph Perez.

VAN DE PUTTE

