

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-FOURTH DAY

(Thursday, May 3, 2007)

The Senate met at 11:07 a.m. pursuant to adjournment and was called to order by Dean Whitmire.

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

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

The Reverend Danny Green, Covenant Family Church, College Station, offered the invocation as follows:

Loving and gracious God, we humbly yet confidently come before You realizing how much we need Your guidance and almighty hand upon us. I ask that You will give us the wisdom and the courage to uphold our Constitution which established a republic based on Your absolute truth and laws. Heavenly Father, it is You who gives us the wisdom and the strength to represent those who have trusted us to be in this place to make the decisions for a better, safer, and healthier community. I ask that each leader here today will understand and follow the principles of Your word. May we realize that all authority comes from You, not the voters, and that one day we will stand before You to give account of the power we've been given. Teach us to labor for those we've been called to serve. May we not forget the sacredness of our vow, the power of our promise, and the purpose of our position. Remind us to protect those who need it most, to love those who are neglected, and to empower those who will make a positive difference for all. I base this prayer on the promise of Your word, that if I will humble myself, pray, seek Your face, and turn from my wicked ways, then You will hear from heaven, forgive my sin, and heal our land. Search us, O God, and know our hearts today; cleanse us from every sin and make us free. Guide and bless each of us who have been sent here to direct this great State of Texas to the center of Your will. And may we follow what King Henry VIII advised in this quote, "I said to the man who stood at the gate of the year, give me a light that I may tread into the unknown. He said, go out into the

darkness and take the hand of God. That shall be better for you than a light and safer than a known way." We sincerely ask these things in the name of Your son, the living savior, Jesus Christ our Lord. Amen.

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

The motion prevailed without objection.

CO-AUTHORS OF SENATE BILL 666

On motion of Senator Carona, Senators Shapleigh and Uresti will be shown as Co-authors of **SB 666**.

CO-AUTHOR OF SENATE BILL 972

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 972**.

CO-AUTHORS OF SENATE BILL 1283

On motion of Senator Van de Putte, Senators Gallegos and Lucio will be shown as Co-authors of **SB 1283**.

CO-AUTHOR OF SENATE BILL 1908

On motion of Senator Ellis, Senator Lucio will be shown as Co-author of **SB 1908**.

CO-AUTHORS OF SENATE BILL 2041

On motion of Senator Uresti, Senators Nelson and Wentworth will be shown as Co-authors of **SB 2041**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 29

On motion of Senator Carona, Senators Shapleigh and Uresti will be shown as Co-authors of **SJR 29**.

CO-SPONSOR OF HOUSE BILL 218

On motion of Senator Fraser, Senator Jackson will be shown as Co-sponsor of **HB 218**.

CO-SPONSOR OF HOUSE BILL 3678

On motion of Senator Williams, Senator Patrick will be shown as Co-sponsor of **HB 3678**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 3, 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 42, Relating to the electronic database of major state contracts.

HB 149, Relating to rates charged for water or sewer services by an entity that takes over a nonfunctioning water or sewer system.

HB 182, Relating to the authority of certain counties to enact noise regulations; providing a criminal penalty.

HB 434, Relating to the appointment of certain employees of the Texas Department of Criminal Justice as peace officers for certain purposes.

HB 556, Relating to voting station requirements for elections held by the Hickory Underground Water Conservation District No. 1.

HB 606, Relating to certain election procedures for common school district board elections.

HB 616, Relating to specialty license plates benefiting the classroom supply reimbursement program.

HB 626, Relating to the procedures for registering to vote.

HB 643, Relating to the renewal of an expired dental license for a dentist practicing voluntary charity care.

HB 693, Relating to the form of "Welcome to Texas" signs along certain highways.

HB 922, Relating to the power of a municipality to enforce compliance with speed limits by an automated traffic control system.

HB 1158, Relating to the address to which notice of the forfeiture of a bail bond is delivered.

HB 1207, Relating to corrections to the revised franchise tax transition provisions of House Bill No. 3, 79th Legislature, 3rd Called Session, 2006.

HB 1352, Relating to the operation of a farm, ranch, factory, or other business by the personal representative of a decedent's estate.

HB 1456, Relating to the requirements for filing an annual financial statement by a municipality.

HB 1498, Relating to the creation of the Panola County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

HB 1567, Relating to the requirement to hold a certificate of registration as a landscape architect.

HB 1585, Relating to administrative penalties imposed by a public health district or a county for violations of health and safety provisions relating to retail food service.

HB 1587, Relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.

HB 1733, Relating to a structure that is considered a homestead exempt from seizure for certain claims.

HB 1833, Relating to the eligibility of certain Texas Rangers for burial in the state cemetery.

HB 1944, Relating to the elimination of sexual assault against inmates confined in a facility operated by or under contract with the Texas Department of Criminal Justice.

HB 2060, Relating to the Texas Board of Architectural Examiners; providing penalties.

HB 2095, Relating to allowing certain counties with no incorporated territory to participate in programs designed to assist municipalities.

HB 2128, Relating to sexual abuse and child molestation prevention training for certain public or private institutions of higher education employees and volunteers who work at programs for minors.

HB 2171, Relating to the first day of instruction in school districts whose prospective or former students generally attend certain grades in another state.

HB 2173, Relating to the continuation and functions of the Prepaid Higher Education Tuition Board.

HB 2195, Relating to the time of day by which a report must be filed electronically with the Texas Ethics Commission.

HB 2222, Relating to the membership of the Food and Fibers Research Council.

HB 2293, Relating to a requirement that state agencies purchase low-emissions vehicles as a minimum percentage of their vehicles purchased.

HB 2346, Relating to the authority of a veterinarian to fill certain prescriptions in an emergency.

HB 2371, Relating to hearings regarding cease and desist orders against certain persons operating a career school or college without proper authority.

HB 2455, Relating to the absence of a student from public school for a required court appearance.

HB 2557, Relating to the authority of the Texas Department of Transportation to enter real property for a toll project.

HB 2585, Relating to the authority of the State Board of Veterinary Medical Examiners to assess certain administrative costs.

HB 2591, Relating to county improvement of subdivision roads.

HB 2621, Relating to the preservation, maintenance, and restoration of certain state buildings by the Texas Historical Commission.

HB 2623, Relating to the cancellation of a dating service contract within a certain period after execution of the contract.

HB 2625, Relating to the determination of prevailing wage rates in Texas counties.

HB 2639, Relating to risk management programs for members of fraternities and other student organizations at public and private postsecondary educational institutions and to certain insurance requirements for fraternities.

HB 2714, Relating to a program for the recycling of computer equipment of consumers in this state; providing administrative penalties.

HB 2718, Relating to treatment of retrospective premiums for group life insurance issued through certain nonprofit membership associations.

HB 2820, Relating to the practice of professional land surveying by a business entity.

HB 2833, Relating to the licensing and regulation of certain private security services.

HB 2895, Relating to the criteria for awarding the Texas Humanitarian Service Medal to certain members of the state military forces.

HB 2896, Relating to an award for certain members of the state military forces and civilians for superior service.

HB 2897, Relating to an award for certain members of the state military forces who served in defense support to a civilian authority mission.

HB 2945, Relating to authorizing a method for certain municipalities to compensate a person for the removal of an on-premise sign as required by the municipality.

HB 2992, Relating to the registration of semitrailers.

HB 3129, Relating to the creation of a judicial district composed of Bastrop County.

HB 3131, Relating to the issuance of certain search warrants.

HB 3210, Relating to the authority of an investigator employed by a prosecuting attorney.

HB 3211, Relating to access to criminal history record information by certain county attorneys.

HB 3273, Relating to the powers and duties of the Railroad Commission of Texas; providing an administrative penalty.

HB 3449, Relating to the imposition of an intercollegiate athletics fee at Texas State University–San Marcos.

HB 3460, Relating to the statutory probate court of Collin County.

HB 3493, Relating to the regulation of property tax professionals and appraisal review boards.

HB 3494, Relating to the appeal through binding arbitration of a protest of an appraisal review board order, and to related complaints filed by a property owner and disciplinary action by the Board of Tax Professional Examiners; providing penalties.

HB 3514, Relating to the disclosure by the Texas Department of Public Safety to appraisal districts of driver's license records and personal identification certificate records, or certain information in those records, for use in determining an individual's eligibility for a residence homestead exemption from ad valorem taxation.

HB 3601, Relating to the conduct of certain contested cases involving the sale or lease of motor vehicles.

HB 3630, Relating to the appraisal for ad valorem tax purposes of a parcel of land that is used for single-family residential purposes and is contiguous to a parcel of agricultural or open-space land owned by the same person.

HB 3725, Relating to the governance of certain municipal school districts.

HB 3731, Relating to the administration of retirement systems for paid, partly paid, or volunteer firefighters.

HB 3768, Relating to the method of providing notice for certain municipal zoning changes.

HB 3769, Relating to the eligibility of an employee of a political subdivision of this state to be a member of the governing body of certain state agencies.

HB 3827, Relating to the authority of the governing board of a junior college district to hold an open or closed meeting by telephone conference call.

HB 3879, Relating to the powers and duties of defense base development authorities; modifying the power of eminent domain.

HB 3928, Relating to technical changes to the revised franchise tax.

HB 3955, Relating to the delegation of a county commissioners court's powers to regulate traffic on county roads.

HB 3992, Relating to the county courts at law in Parker County.

HB 3993, Relating to the compensation of the members of the juvenile board of Parker County.

HB 4007, Relating to the county courts at law in Nueces County.

HB 4037, Relating to the terms of court for the 49th and 341st District Courts.

HB 4045, Relating to the creation of the Towne Lake Management District; providing authority to levy an assessment, impose a tax, and issue bonds.

HCR 176, Congratulating the Honorable Reuben Senterfitt of San Saba on the occasion of his 90th birthday.

HJR 30, Proposing a constitutional amendment to allow the repurchase of real property acquired by a governmental entity through eminent domain.

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

HB 1892 (139 Yeas, 1 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Ogden was recognized and presented Dr. Stephen Benold of Georgetown as the Physician of the Day.

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

SENATE RESOLUTION 955

Senator Wentworth offered the following resolution:

WHEREAS, In a national battle of bands, Austin's James Bowie High School Outdoor Performing Ensemble scored high, placing 12th in its finals performance at the Bands of America Grand National Championships on November 11, 2006; and

WHEREAS, The dedicated James Bowie High School musicians who participated in the Bands of America national finals were the first to represent their school at that prestigious event; they achieved their high ranking against stiff competition; among the 92 bands attending the contest from across the United States, approximately 15 were former Bands of America national finalists; and

WHEREAS, Earning the title of Grand National Finalist is an enormous accomplishment for any band, but for the Bowie Outdoor Performing Ensemble to do so well in its first attempt is truly a testament to the hard work of the students and staff, as well as to the support offered by parents and classmates; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby congratulate the James Bowie High School Outdoor Performing Ensemble on its 12th-place win at the Bands of America Grand National Championships and extend sincere best wishes to all the young musicians and their teachers; and, be it further

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

SR 955 was read and was adopted without objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate members of the James Bowie High School Outdoor Performing Ensemble, 12th-place winners at the Bands of America Grand National Championships.

The Senate welcomed its guests.

SENATE RESOLUTION 943

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the American Stroke Association in observing May 2007 as American Stroke Month in Texas; and

WHEREAS, Stroke is the third leading cause of death in the United States, killing approximately 150,000 Americans each year; stroke is also a leading cause of serious long-term disability, with more than 1.1 million American adults experiencing functional limitations or difficulty with activities of daily living as a result of a stroke; and

WHEREAS, While many Americans have become more aware of the risk factors and warning signs of strokes, less than 20 percent can correctly identify all stroke symptoms; warning signs include sudden numbness or weakness of the face, arm, or leg, especially on one side of the body, sudden confusion or trouble speaking or

understanding, sudden trouble seeing in one or both eyes, sudden trouble walking, dizziness, loss of balance or coordination, and sudden severe headache with no known cause; and

WHEREAS, The themes for American Stroke Month 2007 are "Young People and Stroke," to educate the public and policymakers about the devastating effects of stroke in young people under 30, and "Igniting the Power," to end stroke in African Americans, who are at particularly high risk of the disease, by empowering them to reduce their risk, recognize the warning signs, and respond quickly; and

WHEREAS, New and effective treatments have been developed to treat and minimize the severity and damaging effects of strokes, but much more research is still needed, and National Stroke Month is a valuable tool in bringing resources to bear for that research; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby encourage all citizens to observe American Stroke Month 2007 by learning about stroke risk factors and warning signs and commend the American Stroke Association for its important work in educating the public about strokes; and, be it further

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

SR 943 was read and was adopted without objection.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate representatives of the American Stroke Association: Dr. Randall Wright and Larry Payne.

The Senate welcomed its guests.

SENATE RESOLUTION 903

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas honors and commemorates the life of the Honorable Henry B. Gonzalez, a renowned Texas senator and United States Congressman who spent decades working on behalf of Texans; and

WHEREAS, Henry Gonzalez was the first Mexican American to serve in the Texas Senate, and he was the first Mexican American to represent the State of Texas in Congress; he was known as a gentleman of unbending principles and was noted for his longtime efforts to thwart segregationist legislation; and

WHEREAS, He began his distinguished career in public service 50 years ago as a member of the Texas Senate in the 55th legislative session of 1957; he continued to serve in the 56th and 57th sessions before resigning his seat to become a United States Representative; and

WHEREAS, In Congress, he enjoyed overwhelming support from his district and was reelected to serve 18 consecutive terms before retiring from public service; he died on November 28, 2000; and

WHEREAS, On May 3, 2007, the 91st anniversary of the day Henry Gonzalez was born, a commemorative celebration of his life and his many accomplishments will be held in the State Capitol; and

WHEREAS, The event will include a display in the Capitol Extension of several archive items reflecting his service that are part of the Henry B. Gonzalez Papers at the Center for American History at The University of Texas at Austin; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby pay tribute to the life of Henry B. Gonzalez, a man of courage and integrity who was one of this state's most distinguished citizens and leaders; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Henry B. Gonzalez.

SR 903 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate family members of Henry B. Gonzalez: his widow, Bertha Gonzalez; his son, Frank E. Gonzalez; and his daughters, Genevieve R. Gonzalez-Barto and Rose Mary Ramos; accompanied by other family members and students from the Center for American History at The University of Texas at Austin.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 3, 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 CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 310 (136 Yeas, 0 Nays, 2 Present, not voting)

HB 314 (141 Yeas, 0 Nays, 2 Present, not voting)

HB 407 (141 Yeas, 0 Nays, 2 Present, not voting)

HB 709 (141 Yeas, 0 Nays, 2 Present, not voting)

HB 733 (140 Yeas, 2 Nays, 3 Present, not voting)

HB 899 (134 Yeas, 0 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 962

Senator Ogden offered the following resolution:

SR 962, In memory of S. Thomas McDaniel of Williamson County.

The resolution was read.

Senator Ogden was recognized and introduced to the Senate the widow of S. Thomas McDaniel, Linda Kay Williams McDaniel, accompanied by Nancy Rister.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Ogden, **SR 962** was adopted by a rising vote of the Senate.

In honor of the memory of S. Thomas McDaniel, the text of the resolution is printed at the end of today's *Senate Journal*.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Whitmire in Chair, at 12:04 p.m. announced the conclusion of morning call.

SENATE BILL 666 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 666** at this time on its second reading:

SB 666, Relating to an exemption from ad valorem taxation of the residence homesteads of certain totally disabled veterans.

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

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

SENATE BILL 666 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 666** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

SENATE JOINT RESOLUTION 29 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 29** at this time on its second reading:

SJR 29, Proposing a constitutional amendment authorizing the legislature to exempt all or part of the residence homesteads of certain totally disabled veterans from ad valorem taxation.

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

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

SENATE JOINT RESOLUTION 29 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 **SJR 29** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 365 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 365** at this time on its second reading:

CSSB 365, Relating to the creation and implementation of the health professional education grant program.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 365 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 365** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1238 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1238** at this time on its second reading:

CSSB 1238, Relating to local regulation of the distance requirements for the sale and consumption of alcoholic beverages near certain homeless shelters.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1238** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the heading to added Section 109.36, Alcoholic Beverage Code (page 1, line 17), between "SHELTER" and the period insert "OR SUBSTANCE ABUSE TREATMENT CENTER".

(2) In SECTION 1 of the bill, in added Subsection (b), Section 109.36, Alcoholic Beverage Code (page 1, line 36), between "district" and the period insert "or a substance abuse treatment center that is not located in a central business district".

The amendment to **CSSB 1238** was read and was adopted by a viva voce vote.

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

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

CSSB 1238 as amended was passed to engrossment by a viva voce vote.

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

COMMITTEE SUBSTITUTE SENATE BILL 1238 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 1238** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

COMMITTEE SUBSTITUTE SENATE BILL 920 ON THIRD READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 920** at this time on its third reading and final passage:

CSSB 920, Relating to informed consent to an abortion.

The motion prevailed by the following vote: Yeas 22, Nays 8, Present-not voting 1.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Shapiro, Uresti, Van de Putte, Williams, Zaffirini.

Nays: Ellis, Gallegos, Hinojosa, Shapleigh, Watson, Wentworth, West, Whitmire.

Present-not voting: Seliger.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 8, Present-not voting 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 972 ON SECOND READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 972** at this time on its second reading:

CSSB 972, Relating to prohibiting the use of unsafe children's products; providing a civil penalty.

The motion prevailed.

Senator Shapiro 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: Shapiro.

COMMITTEE SUBSTITUTE SENATE BILL 972 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 972** be placed on its third reading and final passage.

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

Nays: Shapiro.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

HOUSE BILL 1390 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1390** at this time on its second reading:

HB 1390, Relating to a firefighters' relief and retirement fund in certain municipalities.

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

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

HOUSE BILL 1390 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1390** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

COMMITTEE SUBSTITUTE SENATE BILL 2007 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 2007** at this time on its second reading:

CSSB 2007, Relating to the creation of the Heart's Delight Groundwater Conservation District; providing conditional authority to impose a tax and authority to issue bonds.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 2007** in SECTION 1 of the bill, in added Subsection (d), Section 8805.103, Special District Local Laws Code (Senate committee printing, page 4, line 42), by striking "may" and substituting "shall".

The amendment to **CSSB 2007** was read and was adopted by a viva voce vote.

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

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

CSSB 2007 as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 2007 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 2007** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1572 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 1572** at this time on its second reading:

CSSB 1572, Relating to reports of performance data of private or independent institutions of higher education and the publication of that data.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1572 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 1572** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

SENATE BILL 791 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration **SB 791** at this time on its second reading:

SB 791, Relating to classifying oysters as an inherently unsafe product for personal consumption.

The motion prevailed.

Senator Zaffirini 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: Zaffirini.

SENATE BILL 791 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 791** be placed on its third reading and final passage.

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

Nays: Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

HOUSE BILL 1003 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **HB 1003** at this time on its second reading:

HB 1003, Relating to professional licensing requirements for independent review of certain medical decisions regarding workers' compensation claims.

The motion prevailed.

Senators Harris, Jackson, Nichols, Wentworth, and Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Harris, Jackson, Nichols, Wentworth, Williams.

HOUSE BILL 1003 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1003** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Harris, Jackson, Nelson, Nichols, Williams.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1313 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 1313** at this time on its second reading:

CSSB 1313, Relating to reporting requirements for health occupation regulatory agencies.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1313 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 1313** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1582 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1582** at this time on its second reading:

CSSB 1582, Relating to payment of claims to pharmacies and pharmacists.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1582 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1582** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

SENATE BILL 1812 ON SECOND READING

Senator Duncan moved to suspend the regular order of business to take up for consideration **SB 1812** at this time on its second reading:

SB 1812, Relating to electronic publication of legal notice.

The motion prevailed.

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

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1812** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike the heading and Subsection (a) to added Section 2311.003, Government Code (page 1, lines 26 through 32), and substitute the following:

Sec. 2311.003. ELECTRONIC PUBLICATION OF LEGAL OR PUBLIC NOTICE. (a) Notwithstanding any other law, when public or legal notice is required by statute or rule to be posted at a courthouse, a person in lieu of posting notice at the courthouse may post on a public notice website a notice that is in substantially the same form as required by the statute or rule and that meets the requirements of this chapter.

(b) Notwithstanding any other law and in addition to publishing notice in a newspaper or posting notice at a courthouse as required by statute or rule, a person may post on a public notice website a notice that is in substantially the same form as required by the statute or rule and that meets the requirements of this chapter.

(2) In SECTION 1 of the bill, in added Section 2311.003, Government Code, reletter the subsections of that section and correct any cross-references in the bill accordingly.

The amendment to **SB 1812** was read.

Senator Duncan moved to postpone further consideration of Floor Amendment No. 1 to a time certain of 1:30 p.m. today.

The motion prevailed.

Question — Shall Floor Amendment No. 1 to **SB 1812** be adopted?

(Senator Carona in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 377 ON SECOND READING**

On motion of Senator Janek and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 377** at this time on its second reading:

CSSB 377, Relating to the electronic payment of certain taxes and the electronic filing of certain reports.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 377 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 **CSSB 377** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

HOUSE BILL 1006 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **HB 1006** at this time on its second reading:

HB 1006, Relating to doctor licensing requirements for peer review, utilization, and retrospective review of medical decisions regarding workers' compensation claims.

The motion prevailed.

Senators Jackson, Nichols, 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 third reading by a viva voce vote.

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

Nays: Jackson, Nichols, Williams.

HOUSE BILL 1006 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1006** be placed on its third reading and final passage.

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

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

Nays: Jackson, Nichols, Williams.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1620 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1620** at this time on its second reading:

CSSB 1620, Relating to a study regarding the confidentiality of prescription information.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1620 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1620** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1324 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1324** at this time on its second reading:

CSSB 1324, Relating to a program for the recycling of computer equipment of consumers in this state; providing administrative penalties.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1324** in SECTION 1 of the bill by striking proposed Subsection (b), Section 361.954, Health and Safety Code (Senate committee printing, page 2, lines 9-20), and substituting:

(b) This subchapter does not apply to:

(1) a television, any part of a motor vehicle, a personal digital assistant, or a telephone;

(2) a consumer's lease of computer equipment or a consumer's use of computer equipment under a lease agreement; or

(3) the sale or lease of computer equipment to a business or governmental entity when the manufacturer and the business or governmental entity enter into a contract that effectively addresses the collection, recycling, and reuse of computer equipment that has reached the end of its useful life.

The amendment to **CSSB 1324** was read and was adopted by a viva voce vote.

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

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1324** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill (page 3, line 29 and 30), between "sell" and "computer", insert "new".

(2) In SECTION 1 of the bill (page 3, line 33), reletter subsection (b) and (c) and insert:

(b) Retailers can go to the commission's Internet site as outlined in Section 361.958 and view all manufacturers that are listed as having registered a compliant collection program. Covered electronic products from manufacturers on that list may be sold in or into the state of Texas.

(3) In SECTION 1 of the bill, (page 3, lines 53 through 56), strike proposed Subsection (c), Section 361.958, Health and Safety Code.

The amendment to **CSSB 1324** was read and was adopted by a viva voce vote.

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

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1324** in SECTION 1 of the bill by adding the following:

On page 3, line 46 and 47, between "including" and "information", insert "best management practices and".

The amendment to **CSSB 1324** was read and was adopted by a viva voce vote.

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

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

CSSB 1324 as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1324 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1324** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 503 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 503** at this time on its second reading:

CSSB 503, Relating to funding for the continuing education of certain peace officers.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 503** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike amended Subsection (b), Section 1701.157, Occupations Code (page 1, lines 37 through 59), and substitute the following:

(b) To be eligible for an allocation of money under Subsection (a), a [Not later than November 1 of each calendar year, each] local law enforcement agency must [shall] report to the comptroller not later than November 1 of the preceding calendar year:

(1) the number of agency positions described by Subsection (a)(2) reserved as of January 1 of the [that] year the report is due;

(2) the number of agency positions described by Subsection (a)(2) filled as of January 1 of the year the report is due;

(3) the percentage of the money received by the agency under Subsection (a) pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due that was used by the agency before the date of the allocation made by the comptroller under Subsection (a) on or before March 1 of the year the report is due;

(4) the number of training hours received during the 12-month or approximately 12-month period described by Subdivision (3) that were funded by money received by the agency pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due; and

(5) that the agency has complied with the requirements of this section regarding the use of any money received by the agency pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due.

(2) Strike SECTION 2 of the bill (page 1, lines 60 through 63), and substitute the following:

SECTION 2. The changes in law made by this Act to Section 1701.157, Occupations Code, apply to allocations made on or after January 1, 2009. Allocations made before that date are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

The amendment to **CSSB 503** was read and was adopted by a viva voce vote.

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

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

CSSB 503 as amended was passed to engrossment by a viva voce vote.

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

COMMITTEE SUBSTITUTE SENATE BILL 503 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 503** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

SENATE BILL 1070 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 1070** at this time on its second reading:

SB 1070, Relating to the creation of Booth Ranch Municipal Utility District of Fort Bend County, Texas; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

The bill was read second time.

Senator Janek offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1070** by striking all below the enacting clause and substituting the following:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8242 to read as follows:

CHAPTER 8242. BOOTH RANCH MUNICIPAL UTILITY DISTRICT OF FORT BEND COUNTY, TEXAS SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8242.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Commission" means the Texas Commission on Environmental Quality or its successors.

(3) "Director" means a member of the board.

(4) "District" means Booth Ranch Municipal Utility District of Fort Bend County, Texas.

Sec. 8242.002. NATURE OF DISTRICT. Booth Ranch Municipal Utility District of Fort Bend County, Texas is created as a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8242.003. CONFIRMATION ELECTION REQUIRED. The board shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

Sec. 8242.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district.

(b) The district is created to accomplish the purposes of a municipal utility district as provided by general law.

Sec. 8242.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes of the district form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not in any way affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

[Sections 8242.006-8242.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8242.051. BOARD OF DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Except as provided by Section 8242.053, directors serve staggered four-year terms.

Sec. 8242.052. ELECTION OF DIRECTORS. On the uniform election date in May of each even-numbered year, the appropriate number of directors shall be elected.

Sec. 8242.053. INITIAL DIRECTORS. (a) The initial board shall be appointed by the commission upon petition of any landowner in the district.

(b) Unless otherwise agreed, the directors shall decide the initial terms of office by lot, with a simple majority of directors serving until the second succeeding directors election and the remaining directors serving until the next directors election.

[Sections 8242.054-8242.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8242.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8242.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8242.103. MUNICIPAL CONSENT ORDINANCES OR RESOLUTIONS. (a) Subject to the limitations of Section 54.016, Water Code, the district shall comply with all applicable requirements of any ordinance or resolution adopted by the governing body of the municipality that consents to the creation of the district or to the inclusion of lands within the district.

(b) Notwithstanding Section 54.016(e), Water Code, the governing body of a municipality which includes within its corporate limits all or a portion of the district may include restrictions in or conditions to its consent to the creation of the district in addition to those set forth in that subsection, including the condition that, at the time such consent is granted, no lands within the district may be within the corporate limits or extraterritorial jurisdiction of any other municipality.

[Sections 8242.104-8242.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8242.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by revenues or contract payments from any lawful sources other than ad valorem taxation.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an operation and maintenance tax or issue bonds payable from ad valorem taxes.

Sec. 8242.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held in accordance with Section 8242.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with the provisions of Chapter 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

[Sections 8242.153-8242.200 reserved for expansion]

SUBCHAPTER E. BONDS OR OTHER OBLIGATIONS

Sec. 8242.201. OBLIGATIONS. The district may issue bonds, notes, or other obligations payable in whole or in part from ad valorem taxes, impact fees, revenues, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8242.202. TAXES FOR BONDS. At the time bonds payable in whole or in part from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding; and

(2) the district annually shall impose an ad valorem tax on all taxable property in the district in an amount sufficient to:

(A) pay the interest on the bonds as the interest becomes due;

(B) create a sinking fund for the payment of the principal of the bonds when due or the redemption price at any earlier required redemption date; and

(C) pay the expenses of imposing the taxes.

SECTION 2. Booth Ranch Municipal Utility District of Fort Bend County, Texas, initially includes all the territory contained in the following area:

BEING A 915.7374 ACRE TRACT OF LAND IN THE ABNER KUYKENDALL LEAGUE, ABSTRACT 48, AND THE HENRY JONES LEAGUE, ABSTRACT 39, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS BEING GRID, COORDINATES ARE TEXAS STATE PLANE, SOUTH CENTRAL ZONE, NAD-83 (1993), BASED UPON GPS OBSERVATIONS OF TRIANGULATION STATION "GEORGE."

BEGINNING at a 4-inch angle iron found for the Place of Beginning of the herein described 915.7374 acre tract of land, said point having coordinates of X=3,032,723.77', Y=13,766,317.24';

THENCE North 22 degrees 07 minutes 24 seconds East, at 669.10 feet pass a 5/8 inch iron rod with cap (description not legible) found, and continuing for a total distance of 827.05 feet to a point on the gradient boundary on the right bank of the Brazos River for the northwest corner of the herein described tract;

THENCE downstream along the gradient boundary of the right bank of the Brazos River with the following meanders:

South 16 degrees 44 minutes 39 seconds East, 41.52 feet;
South 73 degrees 11 minutes 59 seconds East, 165.03 feet;
South 77 degrees 41 minutes 26 seconds East, 172.10 feet;
South 84 degrees 10 minutes 35 seconds East, 214.31 feet;
South 75 degrees 02 minutes 24 seconds East, 323.83 feet;
South 73 degrees 02 minutes 28 seconds East, 344.02 feet;
South 83 degrees 21 minutes 44 seconds East, 35.99 feet;
South 85 degrees 10 minutes 12 seconds East, 213.53 feet;
South 69 degrees 30 minutes 50 seconds East, 188.68 feet;
South 56 degrees 31 minutes 03 seconds East, 82.41 feet;
South 62 degrees 04 minutes 17 seconds East, 147.31 feet;
South 29 degrees 22 minutes 03 seconds East, 62.61 feet;
South 44 degrees 26 minutes 56 seconds East, 269.60 feet;
South 46 degrees 08 minutes 30 seconds East, 91.43 feet;
South 26 degrees 33 minutes 24 seconds East, 172.82 feet;
South 21 degrees 13 minutes 22 seconds East, 187.83 feet;
South 25 degrees 50 minutes 14 seconds East, 114.11 feet;
South 14 degrees 54 minutes 38 seconds East, 132.51 feet;
South 08 degrees 48 minutes 04 seconds East, 96.92 feet;
South 01 degrees 25 minutes 42 seconds West, 153.18 feet;
South 10 degrees 40 minutes 14 seconds West, 307.44 feet;
South 12 degrees 47 minutes 06 seconds West, 329.55 feet;
South 14 degrees 00 minutes 04 seconds West, 282.23 feet;
South 24 degrees 48 minutes 40 seconds West, 150.24 feet;
South 20 degrees 13 minutes 52 seconds West, 100.41 feet;
South 15 degrees 57 minutes 16 seconds West, 233.58 feet;
South 04 degrees 46 minutes 11 seconds West, 244.22 feet;
South 06 degrees 27 minutes 58 seconds East, 150.60 feet;

South 09 degrees 25 minutes 46 seconds East, 340.52 feet;

South 38 degrees 32 minutes 58 seconds East, 66.69 feet to a point on said gradient;

THENCE continuing downstream along the gradient boundary of the right bank of the Brazos River with the following meanders:

South 47 degrees 59 minutes 24 seconds East, 210.99 feet;

South 72 degrees 55 minutes 53 seconds East, 156.45 feet;

South 80 degrees 40 minutes 00 seconds East, 342.63 feet;

North 84 degrees 27 minutes 18 seconds East, 100.35 feet;

South 88 degrees 24 minutes 53 seconds East, 192.07 feet;

South 78 degrees 34 minutes 41 seconds East, 120.62 feet;

South 71 degrees 07 minutes 34 seconds East, 124.65 feet;

South 46 degrees 23 minutes 22 seconds East, 24.90 feet;

South 78 degrees 28 minutes 52 seconds East, 221.94 feet;

South 69 degrees 11 minutes 13 seconds East, 88.35 feet;

North 60 degrees 19 minutes 57 seconds East, 57.84 feet;

North 83 degrees 36 minutes 38 seconds East, 202.16 feet;

South 76 degrees 44 minutes 05 seconds East, 455.45 feet;

South 70 degrees 10 minutes 30 seconds East, 346.28 feet;

South 57 degrees 55 minutes 58 seconds East, 174.08 feet;

South 39 degrees 29 minutes 27 seconds East, 107.98 feet;

South 62 degrees 48 minutes 29 seconds East, 245.59 feet;

South 70 degrees 51 minutes 05 seconds East, 53.10 feet;

South 56 degrees 53 minutes 53 seconds East, 112.09 feet;

South 60 degrees 24 minutes 22 seconds East, 162.20 feet;

South 63 degrees 37 minutes 41 seconds East, 99.04 feet to a point on said gradient on the right bank of the Brazos River for the northeast corner of the herein described 915.7374 acre tract of land;

THENCE South 26 degrees 54 minutes 33 seconds West along the east line of the herein described tract, at 140.24 feet pass a ½ inch iron pipe found on said line, and continuing for a total distance of 323.73 feet to a 3-inch angle iron found on said line for angle point;

THENCE South 27 degrees 56 minutes 38 seconds West continuing along said line, 14.56 feet to a ½ inch iron pipe found on said line for angle point;

THENCE South 27 degrees 03 minutes 33 seconds West continuing along said line, 486.47 feet to a ½ inch iron pipe found on said line for an angle point in the east line of the herein described tract;

THENCE South 27 degrees 54 minutes 27 seconds West along the east line of the herein described tract, 2,103.77 feet to a 1-1/4 inch iron bar found for the upper southeast corner of the herein described 915.7374 acre tract;

THENCE North 67 degrees 24 minutes 19 seconds West, at 1,637.78 feet pass a ½ inch iron rod found on said line, and continuing for a total distance of 3,243.30 feet to a 4-inch angle iron found for a re-entry corner to the herein described 915.7374 acre tract;

THENCE South 22 degrees 38 minutes 07 seconds West, 2,700.18 feet to a 1-inch iron pipe found for the middle southeast corner of the herein described tract;

THENCE North 67 degrees 18 minutes 53 seconds West, 1,032.10 feet to a 5/8 inch iron rod found for a corner to the herein described tract;

THENCE North 22 degrees 06 minutes 05 seconds East, 1,424.05 feet to a ½ inch iron pipe with cap marked "Kalkomey Surveying" set for a re-entry corner to the herein described tract;

THENCE North 67 degrees 53 minutes 53 seconds West, 234.95 feet to a ½ inch iron pipe with cap marked "Kalkomey Surveying" set for a re-entry corner to the herein described tract;

THENCE South 25 degrees 40 minutes 37 seconds West, 764.19 feet to a ½ inch iron pipe with cap marked "Kalkomey Surveying" set for a re-entry corner to the herein described tract;

THENCE South 68 degrees 53 minutes 03 seconds East, 125.40 feet to a ½ inch iron pipe with cap marked "Kalkomey Surveying" set for corner to the herein described tract;

THENCE South 15 degrees 51 minutes 17 seconds West, 666.60 feet to a ½ inch iron pipe with cap marked "Kalkomey Surveying" set for corner to the herein described tract;

THENCE North 67 degrees 18 minutes 54 seconds West, 35.15 feet to a 1-inch iron pipe found for a re-entry corner to the herein described tract;

THENCE South 21 degrees 38 minutes 27 seconds West, at 2,040.17 feet pass a 1-inch iron pipe found on said line, and continuing along said line for a total distance of 2,906.22 feet to a 1-inch iron pipe found for the lower southeast corner of the herein described tract, and being in the north right-of-way line of F.M Highway 2759, said point having coordinates of X=3,030,903.69', Y=13,756,145.06';

THENCE North 82 degrees 44 minutes 12 seconds West along the north right-of-way line of F.M Highway 2759, 1,401.42 feet to a ½ inch iron rod found for the lower southwest corner of the herein described tract;

THENCE North 20 degrees 19 minutes 13 seconds East, 2,350.24 feet to a ½ inch iron pipe with cap marked "Kalkomey Survey" set for a re-entry corner to the herein described tract;

THENCE North 67 degrees 58 minutes 09 seconds West along the upper south line of the herein described tract, 715.46 feet to a 2-inch angle iron found for the upper southwest corner of the herein described tract;

THENCE North 22 degrees 04 minutes 08 seconds East, 1,519.58 feet to a 5/8 inch iron rod with cap (description not legible) for angle point to the herein described tract;

THENCE North 22 degrees 07 minutes 24 seconds East, 6,601.91 feet to the Place of Beginning and containing 915.7374 acres of land, more or less.

SECTION 3. The legislature finds that:

(1) proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the governor, who has submitted the notice and Act to the Texas Commission on Environmental Quality;

(2) the Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time;

(3) the general law relating to consent by political subdivisions to the creation of districts with conservation and reclamation powers and the inclusion of land in those districts has been complied with; and

(4) all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. The legislature finds and declares that the Booth Ranch Municipal Utility District of Fort Bend County, Texas, will not be officially created until passage of a confirmation election, and that securing consent by political subdivisions to the creation of the district prior to the introduction or passage of this Act is impractical due to the uncertainties of the legislative process, and that the constitutional requirement for compliance by the district with the provisions of the general laws now in effect relating to the consent by political subdivisions to the creation and inclusion of land within the district will be met and satisfied if such consent is secured prior to the date and hour of canvassing the returns and declaring the results of such confirmation election.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

The amendment to **SB 1070** was read and was adopted by a viva voce vote.

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

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

SB 1070 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 1070 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 1070** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 1391 ON SECOND READING

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSSB 1391** at this time on its second reading:

CSSB 1391, Relating to requirements in certain health benefit plans that certain health care services be obtained in a foreign country.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1448 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1448** at this time on its second reading:

CSSB 1448, Relating to reports on racial profiling in connection with motor vehicle stops; providing a penalty.

The motion prevailed.

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

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1448** in SECTION 2 of the bill, in amended Subdivision (8), Subsection (b), Article 2.133, Code of Criminal Procedure (Senate committee printing, page 2, line 65), by striking "verbal or".

The amendment to **CSSB 1448** was read and was adopted by a viva voce vote.

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

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

CSSB 1448 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: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 1448 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1448** be placed on its third reading and final passage.

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

Nays: Harris.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

(Senator Brimer in Chair)

SENATE BILL 2015 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2015** at this time on its second reading:

SB 2015, Relating to the consummation of sales for purposes of the computation of local sales and use taxes.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2015** by adding the following appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) The following provisions of the Tax Code are repealed:

- (1) Section 322.105(d); and
- (2) Section 322.107.

(b) The change in law made by this section does not affect tax liability accruing before the effective date of this section. That liability continues in effect as if this section had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

(c) Notwithstanding any other provision of this Act, this section takes effect September 1, 2007.

The amendment to **SB 2015** was read and was adopted by a viva voce vote.

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

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

SB 2015 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 2015 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2015** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

SENATE BILL 1812 ON SECOND READING

The Presiding Officer laid before the Senate **SB 1812** by Senator Duncan on its second reading. The bill had been read second time, an amendment offered, and further consideration postponed to a time certain of 1:30 p.m. today:

SB 1812, Relating to electronic publication of legal notice.

Question — Shall Floor Amendment No. 1 to **SB 1812** be adopted?

Senator Duncan withdrew Floor Amendment No. 1.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 1812** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike the heading and Subsection (a) to added Section 2311.003, Government Code (page 1, lines 26 through 32), and substitute the following:

Sec. 2311.003. ELECTRONIC PUBLICATION OF LEGAL OR PUBLIC NOTICE. Notwithstanding any other law and in addition to publishing notice in a newspaper or posting notice at a courthouse as required by statute or rule, a person may post on a public notice website a notice that is in substantially the same form as required by the statute or rule and that meets the requirements of this chapter.

(2) In SECTION 1 of the bill, in added Section 2311.003, Government Code, reletter the subsections of that section and correct any cross-references in the bill accordingly.

The amendment to **SB 1812** was read and was adopted by a viva voce vote.

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

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 1812** by adding Section 2311.005 to SECTION 1 of the bill (committee printing page 2, between lines 58 and 59) to read as follows:

Sec. 2311.005. MINIMUM POPULATION. This chapter does not apply to the posting of legal notice within the limits of a municipality with a population of less than 100,000.

The amendment to **SB 1812** was read.

Senator Duncan withdrew Floor Amendment No. 3.

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

SB 1812 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: Harris.

SENATE BILL 1812 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1812** be placed on its third reading and final passage.

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

Nays: Harris.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

HOUSE BILL 119 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 119** at this time on its second reading:

HB 119, Relating to the exemption from competitive bidding for certain purchases.

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.

COMMITTEE SUBSTITUTE

SENATE BILL 1379 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 1379** at this time on its second reading:

CSSB 1379, Relating to reimbursements made to El Paso County by Culberson and Hudspeth Counties for certain costs.

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

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

COMMITTEE SUBSTITUTE

SENATE BILL 1379 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 1379** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

COMMITTEE SUBSTITUTE

HOUSE JOINT RESOLUTION 19 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **CSHJR 19** at this time on its second reading:

CSHJR 19, Proposing a constitutional amendment to require a house of the legislature to take a record vote on certain legislative measures and actions and to provide for public Internet access to those record votes.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution 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.

**COMMITTEE SUBSTITUTE
HOUSE JOINT RESOLUTION 19 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 **CSHJR 19** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

HOUSE BILL 1090 REREFERRED

Senator Jackson submitted a Motion In Writing requesting that **HB 1090** be withdrawn from the Subcommittee on Agriculture, Rural Affairs, and Coastal Resources and rereferred to the Committee on Natural Resources.

The Motion In Writing prevailed without objection.

AT EASE

The Presiding Officer, Senator Brimer in Chair, at 1:56 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Brimer at 2:12 p.m. called the Senate to order as In Legislative Session.

LEAVE OF ABSENCE

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 3, 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 230, Instructing the enrolling clerk of the house to make corrections to H.B. No. 1892.

SB 288, Relating to the reporting of health care-associated infections at certain health care facilities and the creation of an advisory panel.

(Committee Substitute)

SB 671, Relating to territory included in, and the validation of acts of, the Greater Southeast Management District.

SB 1470, Relating to certain notifications required for persons convicted of a misdemeanor involving family violence.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 1283 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1283** at this time on its second reading:

CSSB 1283, Relating to the prosecution and punishment of the offense of trafficking of persons and reports concerning the offense.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSSB 1283** (Senate committee printing) as follows:

(1) In existing SECTION 4 of the bill (page 2, line 38), strike "The change in law made by this Act applies" and substitute "Sections 20A.01 and 20A.02, Penal Code, as amended by this Act, apply".

(2) Insert the following appropriately numbered SECTIONS and renumber existing SECTIONS of the bill accordingly:

SECTION _____. Section 125.002, Civil Practice and Remedies Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) If the defendant required to execute the bond is a hotel, motel, or similar establishment that rents overnight lodging to the public and the alleged common nuisance is under Section 125.0015(a)(6) or (7), the bond must also be conditioned that the defendant will, in each of the defendant's lodging units on the premises that are the subject of the suit, post in a conspicuous place near the room rate information required to be posted under Section 2155.001, Occupations Code, an operating toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking.

SECTION _____. Section 125.045, Civil Practice and Remedies Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the defendant required to execute the bond is a hotel, motel, or similar establishment that rents overnight lodging to the public and the alleged common nuisance is under Section 125.0015(a)(6) or (7), the bond must also be conditioned that the defendant will, in each of the defendant's lodging units on the premises that are the subject of the suit, post in a conspicuous place near the room rate information required to be posted under Section 2155.001, Occupations Code, an operating toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking.

SECTION _____. Sections 125.002(f-1) and 125.045(a-1), Civil Practice and Remedies Code, as added by this Act, apply only to a suit filed on or after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

The amendment to **CSSB 1283** 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: Duncan.

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

CSSB 1283 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: Duncan.

COMMITTEE SUBSTITUTE SENATE BILL 1283 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1283** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE HOUSE BILL 1505 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1505** at this time on its second reading:

CSHB 1505, Relating to a fee to support intercollegiate athletics at The University of Texas at Brownsville.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1505** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 54.551, Education Code (page 1, between lines 46 and 47) insert the following:

(h) Notwithstanding Subsection (a), the amount of an intercollegiate athletics fee imposed under this section during the 2008-2009 academic year may not exceed \$5 per semester credit hour. This subsection expires July 31, 2009.

(2) Strike SECTION 2 of the bill (page 1, line 47), and substitute the following:

SECTION 2. A fee authorized to be imposed by Section 54.551, Education Code, as added by this Act, may not be imposed before the beginning of the 2008 fall semester.

The amendment to **CSHB 1505** 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: Duncan.

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

CSHB 1505 as amended 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: Duncan.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1505 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 **CSHB 1505** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Ellis and by unanimous consent, the remarks by Senators Lucio and Ellis regarding **CSHB 1505** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Ellis: Senator, I missed some of that, could you walk us through this, for a second, just tell me what the bill does again?

Senator Lucio: I'm sorry. OK, I really appreciate this. This is a historic moment, if I may say so, Mr. President. This is my son's first bill out of the House, and he and I, obviously, have teamed up to be able to pass a bill for The University of Texas at

Brownsville, so I want to thank you, Mr. President and Members, for helping us out down south. I move final passage for the committee substitute for House Bill 1505.

Presiding Officer: Where is the distinguished rookie?

Senator Lucio: He's, I think he's on the House floor right now. He should be here, I know, to take questions.

Presiding Officer: You want me to ask questions till he gets here?

Senator Lucio: I wouldn't mind.

Senator Ellis: Well, Mr. President, I'll ask a couple of questions.

Presiding Officer: Will you yield to Senator Ellis?

Senator Lucio: I yield to the great Senator from Houston, Texas.

Presiding Officer: This ought to be entertaining.

Senator Ellis: Will this increase the margin by which your son could attain if he decides to run against you after passing this bill? Does this mean you might be leaving us?

Senator Lucio: I'm sorry, I didn't hear that.

Senator Ellis: If this bill passes, will this help your son in his campaign to get your Senate seat?

Senator Lucio: I think so.

Senator Ellis: Beat you?

Senator Lucio: Yes.

Senator Ellis: OK, well, it's a fine bill now. We're going to give him a little time to get over here. We took the picture, but if he doesn't get here soon—

Senator Lucio: Well it's been a pleasure working with him. In the process we had people come in that represent University of Texas, the officials, the president of the student body, and others that laid out the reason for this piece of legislation. We are very proud, Senator Ellis, to have two state championships in soccer, Porter High School won it this last year. Two years ago it was Lopez High School, and soccer is a big thing down in the Valley, and I think they're going to be recruiting some of the stars from those two teams to start up that program.

Senator Ellis: How many students at UT-Brownsville? You know offhand?

Senator Lucio: I think they're looking at about 15,000 right now.

Senator Ellis: That's pretty good. And, so the students did vote to approve this fee, the students did approve this fee?

Senator Lucio: Yes, absolutely.

Senator Ellis: Well it's an important father and son bill now. You know, since I'm 53 and my son is 7, it will be a long time if my son decides to run, I'd be an old man. But I think I am going to learn from this experience and tell him not to make the first bill a fee bill, though.

Senator Lucio: Well, you know, when they had an election and they voted in favor of this fee increase, and I, too, obviously, did not want to see us carry a fee bill or tax bill of any kind, but it just so happened that this is the first one that came out of the chute, and we're proud of it. I think in the long run, this is going to create the resources necessary to put together a first-class program down at The University of Texas in Brownsville. And you'll be hearing more about those fine athletes down south.

Senator Ellis: It is a remarkable university, Senator, and as you know, my grandfather lived in Brownsville, and, you know, when you had us down there, we didn't get to see the campus.

Senator Lucio: Was he a soccer player or was he a ball—

Senator Ellis: No, he was not, but I do remember you showing me around when I was there. I did tell you that I have my relatives who are there in Brownsville, as well, my Hispanic side of my family down there, you know, Pancho Perez and all my relatives. I'm going to send them this tape so that they'll be able to know this.

Senator Lucio: Well, you know, I knew there was some Mexican blood in your bloodline, in your ancestry. And I didn't realize that until you started explaining to us the background on your family, and I'm pleased to know that we might be related.

Senator Ellis: We might be. Seriously, Senator, he's here now, but we're just so proud of your son. We sort of feel like he's a part of all of us because we watched him grow and mature. I remember when you used to talk about how well he played golf, and you went from that to talking about how well he was doing in law school, so now you can talk about how good of a job he does as a legislator. So it's an important father-son team and you should be very proud. I did research press accounts, I know this is the first time in Texas history a father and son have served in the Legislature at the same time.

Senator Lucio: I need to inform everyone here that we did do a thorough research, and 73 years ago, there was a father and son from Cameron, Texas. We're the first Hispanics to serve in the Texas Legislature.

Senator Ellis: That is important and, Senator, I'm going to let you close. I wanted to have your son over here because we were trying to get a picture of that bill. I think that these moments will be special to you later in life. In closing, I just want to say how proud I am of your son, and we're all, in the Senate, are just glad he looks like his mother. Thank you very much.

Senator Lucio: Thank you.

VIDEO RELEASE POLICY WAIVED

On motion of Senator Shapleigh and by unanimous consent, the Senate policy that governs the release of recordings of Senate proceedings was waived in order to grant the request of Senator Lucio for a DVD of today's session.

HOUSE CONCURRENT RESOLUTION 230

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

WHEREAS, **HB 1892** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following corrections:

(1) In the SECTION of the bill that amends Section 223.201(f), Transportation Code, in the second paragraph of amended Subsection (f) as added by Senate Floor Amendment No. 3 by Brimer:

(A) Strike "Section 223.201(f), Transportation Code" and substitute "(g) Subsection (f)".

(B) Strike "designed" and substitute "designated".

(C) Strike "section" and substitute "subsection".

(D) Renumber Subdivisions (a)-(c) as Subdivisions (1)-(3).

(2) In the SECTION of the bill that amends Section 370.305(d), Transportation Code, in the second paragraph of amended Subsection (d) as added by Senate Floor Amendment No. 3 by Brimer:

(A) Strike "Section 370.305(d), Transportation Code" and substitute "(e) Subsection (d)".

(B) Strike "designed" and substitute "designated".

(C) Strike "section" and substitute "subsection".

(D) Renumber Subdivisions (a)-(c) as Subdivisions (1)-(3).

(3) In the SECTION of the bill that adds Section 223.203(f-2), Transportation Code, as added by Senate Floor Amendment No. 1 on third reading by Brimer, in Subdivision (3), strike "section" and substitute "subsection".

(4) In the SECTION of the bill that adds Section 223.208(i), Transportation Code, as added by Senate Floor Amendment No. 1 on third reading by Brimer, in Subdivision (3), strike "section" and substitute "subsection".

WILLIAMS

HCR 230 was read.

On motion of Senator Williams 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: Duncan.

COMMITTEE SUBSTITUTE SENATE BILL 1908 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 1908** at this time on its second reading:

CSSB 1908, Relating to the system by which an application for a low income housing tax credit is scored.

The motion prevailed.

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

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

In SECTION 1 of **CSSB 1908**, strike subsection (F) and replace with the following new subsection (F):

(F) the level of community support for the application, evaluated on the basis of written statements from state elected officials; either a state representative or a state senator;

The amendment to **CSSB 1908** was read.

Senator West withdrew Floor Amendment No. 1.

CSSB 1908 was passed to engrossment by a viva voce vote.

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

Nays: Shapleigh, West.

Absent-excused: Duncan.

**COMMITTEE SUBSTITUTE
SENATE BILL 1908 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 1908** be placed on its third reading and final passage.

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

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

Nays: Shapleigh, West.

Absent-excused: Duncan.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 2002 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2002** at this time on its second reading:

CSSB 2002, Relating to the creation of the Rolling V Ranch Water Control and Improvement District No. 1 of Wise County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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: Duncan.

**COMMITTEE SUBSTITUTE
SENATE BILL 2002 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2002** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1280 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1280** at this time on its second reading:

CSSB 1280, Relating to requirements concerning the storage of combustible recyclable materials, including compost and mulch.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSSB 1280** (Senate committee printing) as follows:

(1) Immediately preceding SECTION 1 of the bill (page 1, between lines 12 and 13), insert the following appropriately numbered SECTION:

SECTION __. Subchapter B, Chapter 361, Health and Safety Code, is amended by adding Section 361.0145 to read as follows:

Sec. 361.0145. RESPONSE TO OR REMEDIATION OF FIRE OR EMERGENCY. (a) The commission may make an immediate response to or remediation of a fire or other emergency that involves solid waste, including processed or unprocessed material suitable for recycling or composting, as the commission determines necessary to protect the public health or safety.

(b) Notwithstanding Section 361.014(b), revenue otherwise dedicated under that section may be used for an action authorized by Subsection (a).

(c) The commission may recover from a person who is responsible for the solid waste as provided by Section 361.271 the reasonable expenses incurred by the commission during an immediate response and remediation action under Subsection (a). The state may bring an action to recover those reasonable expenses.

(d) If the commission used for an action under Subsection (a) money otherwise dedicated under Section 361.014(b), money recovered under Subsection (c) shall be deposited in the state treasury to the credit of the commission until the amount deposited equals the amount of the dedicated money used. Money credited under this subsection may be used only as provided by Section 361.014(b).

(2) In SECTION 1 of the bill, in added Section 361.1191(a), Health and Safety Code (page 1, lines 19 through 21), strike added Subdivision (2) and substitute the following:

(2) does not apply to a facility that is owned or operated by or affiliated with a person who holds a permit to dispose of municipal solid waste or to a facility owned or operated by a local government.

(3) In SECTION 1 of the bill, in added Section 361.1191, Health and Safety Code, strike "unprocessed recyclable" wherever it appears (page 1, lines 26, 29, and 32) and substitute "unprocessed combustible recyclable".

(4) Immediately following SECTION 1 of the bill (page 1, between lines 44 and 45), insert the following appropriately numbered SECTION:

SECTION __. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.125 to read as follows:

Sec. 361.125. PERMIT REQUIREMENTS FOR MUNICIPAL SOLID WASTE FACILITY ON RECHARGE OR TRANSITION ZONE OF SOLE SOURCE AQUIFER. (a) In this section:

(1) "Recharge zone" and "transition zone" have the meanings assigned by 30 T.A.C. Section 213.3.

(2) "Sole source aquifer" means an aquifer that is the sole or principal source of drinking water for an area designated under Section 1424(e), Safe Drinking Water Act of 1974 (42 U.S.C. Section 300h-3(e)).

(b) The commission by rule shall:

(1) impose heightened standards for the issuance of a permit for a municipal solid waste facility, including a recycling facility, under this chapter if the facility is located on the recharge zone or transition zone of a sole source aquifer;

(2) require a municipal solid waste facility, including a recycling facility, that is located on the recharge zone of a sole source aquifer to install groundwater protection features, such as liners and monitoring wells, specified by the commission; and

(3) require a recycling facility that is located on the recharge zone or transition zone of a sole source aquifer to establish fire lanes between piles of combustible materials.

(5) Renumber the subsequent SECTIONS of the bill accordingly.

The amendment to **CSSB 1280** 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: Duncan.

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

CSSB 1280 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: Duncan.

COMMITTEE SUBSTITUTE SENATE BILL 1280 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1280** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 699 WITH HOUSE AMENDMENTS

Senator Carona called **SB 699** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer, Senator Brimer in Chair, laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 699** as follows:

1. On page 1, line 9 strike the words "statutory county court, or statutory probate court" and insert the words "or statutory county court".
2. On page 1, on line 12, strike the word "two" and insert the word "three".
3. On page 1, on line 14, strike the word "four" and insert the word "three".
4. On page 2, on line 4, strike the word "two" and insert the word "three".
5. On page 2, on line 6, strike the word "four" and insert the word "three".

Floor Amendment No. 2

Amend **SB 699** as follows:

(1) In SECTION 1 of the bill, in added Section 30.014(a)(1), Civil Practice and Remedies Code (page 1, line 13), between "number" and the semicolon, insert ", if the party has been issued a driver's license".

(2) In SECTION 1 of the bill, in added Section 30.014(a)(2), Civil Practice and Remedies Code (page 1, line 15), between "number" and the period, insert ", if the party has been issued a social security number".

The amendments were read.

Senator Carona moved to concur in the House amendments to **SB 699**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

**COMMITTEE SUBSTITUTE
SENATE BILL 1520 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1520** at this time on its second reading:

CSSB 1520, Relating to ad valorem tax lien transfers.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1520** (Senate committee printing) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 14), between "adding Subsections" and "(b-1)", insert "(a-4)".

(2) In SECTION 1 of the bill, in amended Section 32.06, Tax Code (page 1, lines 43-51), strike amended Subsection (a-3) and substitute the following:

(a-3) If the property owner has executed an authorization under Section (a-2)(2)(C) consenting to a transfer of the tax liens for both the taxes on the property that are not delinquent and taxes on the property that are delinquent, the collector shall certify in one document the transfer of the liens for all the taxes.

(a-4) The Finance Commission of Texas shall:

(1) prescribe the form and content of an appropriate disclosure statement to be provided to a property owner before the execution of a tax lien transfer; and

(2) adopt rules relating to the reasonableness of closing costs, fees, and other charges permitted under this section [A tax lien may be transferred before the delinquency date in the manner provided by Subsection (a-1) only if the real property is not subject to a lien other than the tax lien].

(3) In SECTION 1 of the bill, in proposed Paragraph (C), Subdivision (1), Subsection (c-1), Section 32.06, Tax Code, (page 2, lines 48 and 49), strike "the mortgage servicer,".

The amendment to **CSSB 1520** 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: Duncan.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1520** (Senate committee printing) as follows:

(1) In SECTION 1 subsection (a-1) of the bill following the word "description" (page 1, line 24) insert the following:
description; and

(4) notice has been given to the property owner that they are age 65 or disabled, they may be eligible for a tax deferral under Section 33.06 of the Tax Code.

(2) In SECTION 1 subsection (c-1) of the bill following the word "Section 52.002, Property Code; and" (page 2, line 51) insert the following:

(D) confirm that the property owner has not requested a deferral of taxes authorized by Section 33.06 of the Tax Code; and

The amendment to **CSSB 1520** 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: Duncan.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1520** (Senate committee printing) as follows:

In SECTION 1 subsection (a-2)(C) of the bill following the word "delinquent" (page 1, line 40) insert the following:
in the manner provided by Subsection (a-1).

The amendment to **CSSB 1520** 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: Duncan.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1520** (Senate committee printing) as follows:

In SECTION 1 subsection (a-2)(B) of the bill following the word "property" (page 1, line 36) strike "or" and insert "and".

The amendment to **CSSB 1520** was read and was adopted by a viva voce vote.

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

Absent-excused: Duncan.

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

CSSB 1520 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: Duncan.

COMMITTEE SUBSTITUTE SENATE BILL 1520 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1520** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 1106 WITH HOUSE AMENDMENT

Senator Watson called **SB 1106** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1106** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to county accounting procedures regarding certain audits, debts, and records.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5, Article 55.02, Code of Criminal Procedure, is amended by amending Subsections (a), (c), and (d) and adding Subsection (g) to read as follows:

(a) Except as provided by Subsections [Subsection] (f) and (g), on receipt of the order, each official or agency or other entity named in the order shall:

(1) return all records and files that are subject to the expunction order to the court or, if removal is impracticable, obliterate all portions of the record or file that identify the person who is the subject of the order and notify the court of its action; and

(2) delete from its public records all index references to the records and files that are subject to the expunction order.

(c) Except in the case of a person who is the subject of an expunction order based on an entitlement under Article 55.01(d) and except as provided by Subsection (g), if an order of expunction is issued under this article, the court records concerning expunction proceedings are not open for inspection by anyone except the person who is the subject of the order unless the order permits retention of a record under Section 4 of this article and the person is again arrested for or charged with an offense arising out of the transaction for which the person was arrested or unless the court provides for the retention of records and files under Section 4(a) of this article. The clerk of the court issuing the order shall obliterate all public references to the proceeding and maintain the files or other records in an area not open to inspection.

(d) Except in the case of a person who is the subject of an expunction order on the basis of an acquittal or an expunction order based on an entitlement under Article 55.01(d) and except as provided by Subsection (g), the clerk of the court shall destroy all the files or other records maintained under Subsection (c) not earlier than the 60th day after the date the order of expunction is issued or later than the first anniversary of that date unless the records or files were released under Subsection (b).

(g) Notwithstanding any other provision in this section, an official, agency, court, or other entity may retain receipts, invoices, vouchers, or similar records of financial transactions that arose from the expunction proceeding or prosecution of the underlying criminal cause in accordance with internal financial control procedures.

An official, agency, court, or other entity that retains records under this subsection shall obliterate all portions of the record or the file that identify the person who is the subject of the expunction order.

SECTION 2. Article 59.06(g), Code of Criminal Procedure, is amended to read as follows:

(g)(1) All law enforcement agencies and attorneys representing the state who receive proceeds or property under this chapter shall account for the seizure, forfeiture, receipt, and specific expenditure of all such proceeds and property in an audit, which is to be performed annually by the commissioners court or governing body of a municipality, as appropriate. The annual period of the audit for a law enforcement agency is the fiscal year of the appropriate county or municipality and the annual period for an attorney representing the state is the state fiscal year. The audit shall be completed on a form provided by the attorney general. Certified copies of the audit shall be delivered by the law enforcement agency or attorney representing the state to the comptroller's office and the attorney general not later than the 60th ~~[30th]~~ day after the date on which the annual period that is the subject of the audit ends.

(2) If a copy of the audit is not delivered to the attorney general within the period required by Subdivision (1), within five days after the end of the period the attorney general shall notify the law enforcement agency or the attorney representing the state of that fact. On a showing of good cause, the attorney general may grant an extension permitting the agency or attorney to deliver a copy of the audit after the period required by Subdivision (1) and before the 76th ~~[46th]~~ day after the date on which the annual period that is the subject of the audit ends. If the law enforcement agency or the attorney representing the state fails to establish good cause for not delivering the copy of the audit within the period required by Subdivision (1) or fails to deliver a copy of an audit within the extension period, the attorney general shall notify the comptroller of that fact. On notice under this subdivision, the comptroller shall perform the audit otherwise required by Subdivision (1). At the conclusion of the audit, the comptroller shall forward a copy of the audit to the attorney general. The law enforcement agency or attorney representing the state is liable to the comptroller for the costs of the comptroller in performing the audit.

SECTION 3. Section 154.025, Local Government Code, is amended to read as follows:

Sec. 154.025. DISBURSEMENTS TO PERSONS WITH OUTSTANDING DEBT PROHIBITED. (a) In this section, "debt" includes delinquent taxes, fines, fees, and indebtedness arising from written agreements with the county.

(b) If notice of indebtedness has been filed with the county auditor and county treasurer evidencing the indebtedness of a person to the state, the county, or a salary fund, a warrant may not be drawn on a county fund in favor of a person, or an agent or assignee of a person, until:

(1) the county treasurer, or the county auditor in a county without a county treasurer, notifies in writing the person owing the debt [is notified] that the debt is outstanding; and

(2) the debt is paid.

(c) A county may apply any funds the county owes a person to the outstanding balance of debt for which notice is made under Subsection (b)(1), if the notice includes a statement that the amount owed by the county to the person may be applied to reduce the outstanding debt.

(d) A county may include a notice in its forms, bonds, or other agreements stating that the county may offset payments to a person in accordance with this section.

SECTION 4. Section 154.045, Local Government Code, is amended to read as follows:

Sec. 154.045. DISBURSEMENTS TO PERSON WITH OUTSTANDING DEBT PROHIBITED. (a) In this section, "debt" includes delinquent taxes, fines, fees, and indebtedness arising from written agreements with the county.

(b) If a notice of indebtedness has been filed with the county auditor or county treasurer evidencing the indebtedness of a person to the state, the county, or a salary fund, a warrant may not be drawn on a county fund in favor of the person, or an agent or assignee of the person, until:

(1) the county treasurer, or the county auditor in a county without a county treasurer, notifies in writing the person owing the debt ~~[is notified]~~ that the debt is outstanding; and

(2) the debt is paid.

(c) A county may apply any funds the county owes a person to the outstanding balance of debt for which notice is made under Subsection (b)(1), if the notice includes a statement that the amount owed by the county to the person may be applied to reduce the outstanding debt.

(d) A county may include a notice in its forms, bonds, or other agreements stating that the county may offset payments to a person in accordance with this section.

SECTION 5. (a) The changes in law made by this Act to Chapter 55, Code of Criminal Procedure, apply only to an expunction order received on or after the effective date of this Act.

(b) Article 59.06(g), Code of Criminal Procedure, as amended by this Act, applies only to an audit performed on or after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2007.

The amendment was read.

Senator Watson moved to concur in the House amendment to **SB 1106**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

CONFERENCE COMMITTEE ON HOUSE BILL 8

Senator Deuell called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 8** and moved that the request be granted.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 8** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Deuell, Chair; Brimer, Shapiro, Hinojosa, and Ogden.

SENATE BILL 370 WITH HOUSE AMENDMENT

Senator Shapiro called **SB 370** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 370** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to a school district employee's immunity from liability and responsibility for certain materials.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 22.0511, Education Code, is amended by adding Subsection (d) to read as follows:

(d) A school district may not by policy, contract, or administrative directive:

(1) require a district employee to waive immunity from liability for an act for which the employee is immune from liability under this section; or

(2) require a district employee who acts in good faith to pay for or replace property belonging to a student or other person that is or was in the possession of the employee because of an act that is incident to or within the scope of the duties of the employee's position of employment.

SECTION 2. Section 31.104(e), Education Code, is amended to read as follows:

(e) The board of trustees of a school district may not require an employee of the district who acts in good faith to pay for a textbook, electronic textbook, or technological equipment [~~instructional technology~~] that is damaged, stolen, misplaced, or not returned [~~by a student~~]. A school district employee may not waive this provision by contract or any other means, except that a district may enter into a written agreement with a school employee whereby the employee assumes financial responsibility for electronic textbook or technological equipment usage off school property or outside of a school-sponsored event in consideration for the ability of the school employee to use the electronic textbook or technological equipment for personal business. Such a written agreement shall be separate from the employee's contract of employment, if applicable, and shall clearly inform the employee of the amount of the financial responsibility and advise the employee to consider obtaining appropriate insurance. An employee may not be required to agree to such an agreement as a condition of employment.

SECTION 3. An assumption by a school district employee of liability from which the employee is immune under Section 22.0511, Education Code, or a waiver by a school district employee of the employee's immunity from liability under Section 31.104(e), Education Code, that is made or entered into before the effective date of this Act has no effect.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

The amendment was read.

Senator Shapiro moved to concur in the House amendment to **SB 370**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

COMMITTEE SUBSTITUTE SENATE BILL 31 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 31** at this time on its second reading:

CSSB 31, Relating to the creation and administration of the rural physician scholarship program.

The bill was read second time.

(Senator Carona in Chair)

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 31** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 487, Government Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. RURAL PHYSICIAN AND DENTIST LOAN REPAYMENT PROGRAM

Sec. 487.701. DEFINITION. In this subchapter, "rural medically or dentally underserved area" means a predominantly rural geographic area in this state that the office by rule designates as being underserved with respect to available medical or dental care.

Sec. 487.702. LOAN REPAYMENT PROGRAM. In accordance with this subchapter and rules adopted by the executive committee, the office shall establish and administer a program to provide loan repayment assistance to physicians and dentists who agree to:

(1) practice medicine or dentistry, as applicable, in a rural medically or dentally underserved area; and

(2) provide medical or dental services, as applicable, in that area to children who are recipients under the medical assistance program operated under Chapter 32, Human Resources Code.

Sec. 487.703. ELIGIBILITY. To be eligible to receive loan repayment assistance under this subchapter, a physician or dentist must:

(1) apply to the office;

(2) be licensed to practice medicine or dentistry, as applicable, in this state;

and

(3) enter into an agreement with the office as provided by Section 487.705.

Sec. 487.704. ELIGIBLE LOANS. (a) The office may provide repayment assistance for the repayment of any education loan received by the physician or dentist through any lender for education at any medical or dental school authorized by the Texas Higher Education Coordinating Board to award a degree that satisfies the medical or dental study requirements for licensure as a physician or dentist in this state.

(b) The office may not provide repayment assistance for an education loan that is in default at the time of the physician's or dentist's application.

Sec. 487.705. AGREEMENT REQUIREMENTS. (a) To qualify for loan repayment assistance under this section, a person must enter into a written agreement with the office as provided by this section. The agreement must:

(1) specify the conditions the person must satisfy to receive repayment assistance;

(2) require the person to practice medicine or dentistry for at least three years in a rural medically or dentally underserved area and to provide medical or dental services, as applicable, in that area during that period to children who are recipients under the medical assistance program operated under Chapter 32, Human Resources Code;

(3) provide that any repayment assistance the person receives under this subchapter constitutes a loan until the person completes the three years of practice and satisfies other applicable conditions of the agreement; and

(4) require the person to sign a promissory note acknowledging the conditional nature of the repayment assistance received and promising to repay the amount of that assistance plus applicable interest and reasonable collection costs if the person does not satisfy the applicable conditions.

(b) The office shall determine the terms of the promissory note required by Subsection (a)(4). To the extent practicable, the terms must be the same as those applicable to state or federally guaranteed student loans made at the same time.

(c) The Health and Human Services Commission shall provide any information requested by the office necessary for the office to confirm a physician's or dentist's compliance with the requirement under Subsection (a)(2) that the physician or dentist provide services to children who are recipients of the medical assistance program operated under Chapter 32, Human Resources Code.

Sec. 487.706. REPAYMENT. (a) The office shall deliver any repayment assistance made under this subchapter in a lump sum payable to the lender and the physician or dentist, as applicable, and in accordance with any applicable federal law.

(b) Loan repayment assistance received under this subchapter may be applied to the principal amount of the loan and to interest that accrues.

Sec. 487.707. GRANTS, GIFTS, AND DONATIONS. In addition to funds appropriated by the legislature, the office may solicit and accept grants, gifts, and donations from any public or private source for the purposes of this subchapter.

Sec. 487.708. RULES. (a) The executive committee shall adopt rules necessary to administer this subchapter.

(b) The office shall distribute to each medical or dental school of a public or private institution of higher education in this state a copy of the rules adopted under this section.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.02114 to read as follows:

Sec. 531.02114. ENHANCED REIMBURSEMENT RATES FOR CERTAIN MEDICAL ASSISTANCE PROVIDERS. (a) In this section, "rural medically or dentally underserved area" means an area so designated by the Office of Rural Community Affairs for purposes of Subchapter P, Chapter 487.

(b) In adopting rates for medical assistance payments under Chapter 32, Human Resources Code, as required by Section 531.021(b)(2), the executive commissioner shall establish a program under which a physician or dentist who, for at least three consecutive years, has provided medical assistance services in a rural medically or dentally underserved area to children who are recipients under the medical assistance program is paid an enhanced reimbursement rate for medical assistance services the physician or dentist provides in that area to medical assistance recipients who are children. The enhanced reimbursement rate must be a rate that is 10 percent higher than the reimbursement rate the physician or dentist would otherwise receive for providing the services if the physician or dentist did not qualify for the enhanced reimbursement rate under this section.

SECTION 3. It is the intent of the legislature that a portion of the amounts appropriated in the General Appropriations Act for the state fiscal biennium beginning September 1, 2007, to implement specialized targeted initiatives and any other requirements specified in the final settlement agreement in the case styled Frew, on behalf of her daughter, Frew, et al. v. Hawkins, Commissioner, Texas Health and Human Services Commission, et al., approved by the United States District Court, Eastern District of Texas, shall be used to implement the rural physician and dentist loan repayment program under Subchapter P, Chapter 487, Government Code, as added by this Act.

SECTION 4. The executive committee of the Office of Rural Community Affairs shall adopt rules for the rural physician and dentist loan repayment program under Subchapter P, Chapter 487, Government Code, as added by this Act, not later than December 31, 2007.

SECTION 5. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 6. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

(b) Section 2 of this Act takes effect December 31, 2007.

The amendment to **CSSB 31** was read and was adopted by a viva voce vote.

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

Absent-excused: Duncan.

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

CSSB 31 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Duncan.

COMMITTEE SUBSTITUTE SENATE BILL 31 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 31** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 44 WITH HOUSE AMENDMENT

Senator Nelson called **SB 44** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 44** (engrossed version) as follows:

(1) Strike the text on page 1, line 24, through page 2, line 16, and substitute the following:

(3) if the referral option under Subdivision (1) or, beginning on September 1, 2008, the referral option under Subdivision (2) is not available, attend counseling sessions for the elimination of violent behavior with a licensed counselor, social worker, or other professional who has completed ~~been trained in~~ family violence intervention training that the community justice assistance division of the Texas Department of Criminal Justice has approved, after consultation with the licensing authorities described by Chapters 152, 501, 502, 503, and 505, Occupations

~~Code, and experts in the field of family violence [or to attend a battering intervention and prevention program if available that meets guidelines adopted by the community justice assistance division of the Texas Department of Criminal Justice].~~

(2) On page 5, line 6, strike "and".

(3) On page 5, line 11, strike the period and substitute "; and".

(4) On page 5, between lines 11 and 12, insert the following:

"(10) before adopting program guidelines under Section 4A:

(A) notify the licensing authorities described by Chapters 152, 501, 502, 503, and 505, Occupations Code, that the division is considering adopting program guidelines; and

(B) invite the licensing authorities to comment on the program guidelines."

(5) On page 6, line 26, between "Section 3(1)" and the comma, insert "and after notifying the licensing authorities described by Section 3(10)".

(6) Strike the text on page 7, line 23, through page 8, line 13, and substitute the following:

"(3) if the referral option under Subdivision (1) or, beginning on September 1, 2008, the referral option under Subdivision (2) is not available, counsel with a social worker, family service agency, physician, psychologist, licensed therapist, or licensed professional counselor who has completed family violence intervention training that the community justice assistance division of the Texas Department of Criminal Justice has approved, after consultation with the licensing authorities described by Chapters 152, 501, 502, 503, and 505, Occupations Code, and experts in the field of family violence [if a program under Subdivision (1) is not available; or

(3) perform acts specified by the court that the court determines are necessary or appropriate to prevent or reduce the likelihood of family violence].

The amendment was read.

Senator Nelson moved to concur in the House amendment to **SB 44**.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Duncan.

BILLS AND RESOLUTIONS SIGNED

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

SB 57, SB 91, SB 158, SB 237, SB 331, SB 342, SB 355, SB 393, SB 471, SB 580, SB 622, SB 948, SB 1074, SB 1580, SCR 57, HCR 173.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Seliger and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider **HB 872** today at his desk.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider **SB 2004** today at his desk.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider the following bills at his desk today:

SB 62, SB 544.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 956 by Van de Putte, In memory of Peter Torres, Jr., of San Antonio.

SR 957 by Van de Putte, In memory of Roy Edward Baxter of San Antonio.

SR 961 by Ellis, In memory of Juanita Millender-McDonald of Carson, California.

SR 963 by Gallegos, In memory of Richard Frank Smith of Houston.

SR 966 by Carona, In memory of Jim S. Sale.

HCR 195 (Hinojosa), In memory of Dr. Luis M. Rios, Sr., of Edinburg.

Congratulatory Resolutions

SR 959 by Ellis, Recognizing Polly Sparks Turner on the occasion of her retirement from Texas Southern University.

SR 960 by Ellis, Commending Joseph Wheeler D'Antoni for achieving the rank of Eagle Scout.

SR 964 by Watson, Congratulating Paul Bury for receiving the 2007 W. Neal Kocurek Commercial Real Estate Lifetime Achievement Award from the *Austin Business Journal*.

SR 965 by Watson, Recognizing Alfred A. Banzer on the occasion of his retirement from Verizon Southwest in Austin.

ADJOURNMENT

On motion of Senator Averitt, the Senate at 3:30 p.m. adjourned, in memory of S. Thomas McDaniel of Williamson County, Richard Frank Smith, Jim S. Sale, and in honor of the life of the Honorable Henry B. Gonzalez, until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

May 3, 2007

INTERGOVERNMENTAL RELATIONS — **HB 35, HB 680, HB 923, CSHB 1717, HB 1768, HB 2090, HB 2840, SB 1004, CSSB 1444, SB 1978, SB 1991, CSSB 1993**

STATE AFFAIRS — **CSSB 700, SB 730, CSSB 922, CSSB 2037, CSSB 2040, CSHB 41, HB 991, CSHB 2004**

BUSINESS AND COMMERCE — **CSHB 2261, CSHB 716**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 1559, CSHB 1060**

INTERGOVERNMENTAL RELATIONS — **CSHB 1067, CSHB 1251, CSHB 2168, CSSB 2032**

JURISPRUDENCE — **HB 290, HB 391, HB 421, HB 519, HB 585, HB 682, HB 732, HB 1380, HB 1710, HB 2288, SB 1483**

INTERGOVERNMENTAL RELATIONS — **HB 989, HB 1298, HB 1491, HB 2281, SB 1989, SB 1998, CSSB 270**

HEALTH AND HUMAN SERVICES — **CSSB 37**

INTERGOVERNMENTAL RELATIONS — **CSHB 1850, CSSB 1999**

NATURAL RESOURCES — **CSSB 1071, CSSB 1687**

JURISPRUDENCE — **CSSB 1015**

NATURAL RESOURCES — **HB 630, HB 1127, HB 1956, HB 2018, CSSB 610**

SENT TO GOVERNOR

May 3, 2007

SB 57, SB 91, SB 158, SB 237, SB 331, SB 342, SB 355, SB 393, SB 471, SB 580, SB 622, SB 948, SB 1074, SB 1580, SCR 57

**In Memory
of
S. Thomas McDaniel
Senate Resolution 962**

WHEREAS, The Senate of the State of Texas joins the citizens of Williamson County in mourning the untimely loss of S. Thomas McDaniel, who died February 28, 2006, at the age of 61; and

WHEREAS, Throughout his life, Tom McDaniel remained true to the traditional values that he acquired in his childhood; a native son of Texas, he was born in Terrell on April 1, 1944, and graduated from Duncanville High School; he joined the United States Air Force at age 17 and served for four years before entering Dallas Baptist College, where he graduated cum laude with a bachelor's degree in accounting; and

WHEREAS, He became a licensed certified public accountant and an experienced businessman as he advanced in his career; he was an auditor for Arthur Young and Company and held several senior management positions with oil industry companies; and

WHEREAS, Mr. McDaniel moved to Georgetown in 1996 and opened his own certified public accounting and financial services firm, which provided tax preparation, estate planning, and investment management; an exemplary citizen, he became active in a variety of local organizations, including the Georgetown Library Foundation, the Georgetown Chamber of Commerce, and the Williamson County Historical Museum; and

WHEREAS, After he worked in several political campaigns, his interest in community affairs impelled him to stand as a candidate for public office in 2004; he was elected to the Williamson County Commissioners Court as the Precinct 3 representative; and

WHEREAS, Commissioner McDaniel soon gained a reputation for hard work and integrity; his dedication to his office was apparent in his perfect attendance record at the commissioners court meetings and in the long hours he spent researching issues and communicating with his constituents to determine their opinions and concerns; and

WHEREAS, His beloved wife of 34 years, Linda, and his dear son, Ryan, supported him in all of his public and professional achievements; and

WHEREAS, Highly respected by all who knew him, Commissioner McDaniel brought a spirit of generosity and integrity to everything he accomplished; his family and friends may take comfort in the knowledge that the positive contributions he made to the Georgetown community will continue to resonate for years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend sincere condolences to the bereaved family of S. Thomas McDaniel: his wife, Linda Kay Williams McDaniel; his son, Ryan Thomas McDaniel; his sister and his brother-in-law, Paula Ann McDaniel and Richard Williams; and his other relatives; 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 S. Thomas McDaniel.

OGDEN