

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-NINTH DAY

(Thursday, May 10, 2007)

The Senate met at 11:15 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, 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 President announced that a quorum of the Senate was present.

The Reverend Brandon Hollar, Capital Christian Center, Austin, offered the invocation as follows:

Heavenly Father, creator of heaven and Earth, I come before You in the name of Your risen son. Bless this assembly with grace, wisdom, and understanding. Lead them in the paths of truth so that the decisions made here will lead this, the greatest state, into unending prosperity and peace. I pray for protection, health, strength, and favor to rest upon these appointed men and women who lead us. In the name of our great and loving savior, I pray. Amen.

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

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 85

On motion of Senator Hinojosa, Senator Williams will be shown as Co-author of **SB 85**.

CO-AUTHOR OF SENATE BILL 96

On motion of Senator Ellis, Senator Williams will be shown as Co-author of **SB 96**.

CO-AUTHOR OF SENATE BILL 568

On motion of Senator Ellis, Senator Duncan will be shown as Co-author of **SB 568**.

CO-AUTHOR OF SENATE BILL 922

On motion of Senator Watson, Senator Van de Putte will be shown as Co-author of **SB 922**.

CO-AUTHOR OF SENATE BILL 991

On motion of Senator Ogden, Senator Nelson will be shown as Co-author of **SB 991**.

CO-AUTHOR OF SENATE BILL 1189

On motion of Senator Uresti, Senator Carona will be shown as Co-author of **SB 1189**.

CO-AUTHOR OF SENATE BILL 1274

On motion of Senator Van de Putte, Senator Patrick will be shown as Co-author of **SB 1274**.

CO-AUTHORS OF SENATE BILL 1292

On motion of Senator Nelson, Senators Ellis and Patrick will be shown as Co-authors of **SB 1292**.

CO-AUTHOR OF SENATE BILL 1928

On motion of Senator Gallegos, Senator Van de Putte will be shown as Co-author of **SB 1928**.

CO-SPONSOR OF HOUSE BILL 271

On motion of Senator Lucio, Senator Estes will be shown as Co-sponsor of **HB 271**.

CO-SPONSOR OF HOUSE BILL 417

On motion of Senator Wentworth, Senator Uresti will be shown as Co-sponsor of **HB 417**.

CO-SPONSOR OF HOUSE BILL 522

On motion of Senator Duncan, Senator Janek will be shown as Co-sponsor of **HB 522**.

CO-SPONSOR OF HOUSE BILL 1022

On motion of Senator Williams, Senator Eltife will be shown as Co-sponsor of **HB 1022**.

CO-SPONSOR OF HOUSE BILL 1238

On motion of Senator Janek, Senator Wentworth will be shown as Co-sponsor of **HB 1238**.

CO-SPONSOR OF HOUSE BILL 2042

On motion of Senator Nelson, Senator Van de Putte will be shown as Co-sponsor of **HB 2042**.

CO-SPONSOR OF HOUSE BILL 3678

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

CO-SPONSOR OF HOUSE JOINT RESOLUTION 54

On motion of Senator Williams, Senator Eltife will be shown as Co-sponsor of **HJR 54**.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a group of seventh-grade students from the School of Science and Technology in San Antonio.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Janek was recognized and introduced to the Senate Dr. David Callender of The University of Texas Medical Branch at Galveston.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate members of the girls track team of Vega High School in Vega: Marie Jobe, Carly Johnson, Jendi Noggler, Janae Noggler, and Michelle Fangman, accompanied by their coaches.

The Senate welcomed its guests.

(Senator Eltife in Chair)**GUEST PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Miss Texas USA, Magen Ellis of Houston.

The Senate welcomed its guest.

PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. David Pope of Kerrville as the Physician of the Day.

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

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas

May 9, 2007

TO THE SENATE OF THE EIGHTIETH LEGISLATURE, REGULAR SESSION:

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

To be a member of the State Board of Trustees of the Texas Emergency Services Personnel Retirement Fund for a term to expire September 1, 2011:

Patrick James Hull

Yoakum, Texas

(Mr. Hull is replacing Robert Weiss of Brenham whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

Austin, Texas

May 10, 2007

TO THE SENATE OF THE EIGHTIETH LEGISLATURE, REGULAR SESSION:

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

To be members of the Texas Southern University Board of Regents for terms to expire as indicated:

To expire February 1, 2009:

E. Javier Loya

Houston, Texas

(replacing Belinda Griffin of DeSoto who resigned)

To expire February 1, 2011:

Gary Bledsoe

Austin, Texas

(replacing David Diaz of Corpus Christi who resigned)

To expire February 1, 2013:

Glenn Lewis

Fort Worth, Texas

(replacing George Williams of Houston whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 10, 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 47, Relating to the provision of educational services to certain inmates imprisoned in the institutional division of the Texas Department of Criminal Justice.

HB 160, Relating to a study on the relocation of freight trains away from certain residential areas of the state.

HB 191, Relating to fees for issuance of specialty license plates to members and former members of the United States armed forces and their surviving spouses.

HB 199, Relating to a residential infant care program for mothers confined in Texas Department of Criminal Justice facilities.

HB 426, Relating to applicability of provisions of the Education Code to and standards for the operation of school district disciplinary alternative education programs.

HB 428, Relating to the authority of the inspector general of the Texas Department of Criminal Justice to issue administrative subpoenas for certain communication records.

HB 438, Relating to the limitation on the maximum percentage increase in the appraised value of a residence homestead for ad valorem taxation.

HB 494, Relating to assessment of the academic growth of students attending a disciplinary alternative education program and evaluation of disciplinary alternative education programs.

HB 614, Relating to requiring a standard change interval for a yellow signal at intersections at which a municipality uses a photographic traffic monitoring system to enforce compliance with a traffic-control signal.

HB 779, Relating to the dismissal of certain enforcement actions alleging the failure to pay child support.

HB 781, Relating to a credit against arrearages for child support payments made by the obligor directly to the obligee.

HB 828, Relating to the amount of the guaranteed yield under the Foundation School Program.

HB 888, Relating to the cost of obtaining copies of an injured employee's medical records for use by an ombudsman under the office of injured employee counsel's ombudsman program; providing an administrative violation.

HB 928, Relating to the deadline for submitting a federal postcard application to the early voting clerk.

HB 976, Relating to the amendment or extension of restrictive covenants on residential property.

HB 983, Relating to the application of certain disability payments in connection with a claim for child support arrearages.

HB 1066, Relating to health information technology and the creation of the Texas Health Services Authority.

HB 1222, Relating to the use by a county of certain fees for the management, protection, and preservation of records.

HB 1287, Relating to public school elective courses providing academic study of the Bible.

HB 1309, Relating to the possession or transportation of certain snakes that are not indigenous to this country; providing a penalty.

HB 1324, Relating to the discipline of public school students, the operation of certain behavioral programs or disciplinary alternative education programs, and the placement of students with certain disabilities in disciplinary alternative education programs and juvenile justice alternative education programs.

HB 1330, Relating to the pilot program providing for reduced undergraduate tuition during a term of the summer session at Texas A&M University.

HB 1358, Relating to the definition of private or independent institution of higher education applicable to certain statutes.

HB 1415, Relating to crediting public schools for the value of electricity generated by solar panels on public school building rooftops.

HB 1427, Relating to an optometry career program at the University of Houston.

HB 1433, Relating to audits, investigations, and reviews conducted by the Health and Human Services Commission's office of inspector general.

HB 1467, Relating to reservations of the state ceiling and priority carryforward classifications for certain projects under the private activity bond allocation program.

HB 1493, Relating to the establishment and operation of a severe storm research and planning center.

HB 1541, Relating to preannouncement of certain promotional events and purchases by certain alcoholic beverage permit holders.

HB 1609, Relating to the Communities In Schools program.

HB 1632, Relating to the use of technology by public schools.

HB 1751, Relating to the imposition and use of a fee on certain sexually oriented businesses.

HB 1950, Relating to an exemption from the sales tax for byproducts sold by electric generating facilities that use integrated gasification combined cycle technology.

HB 2002, Relating to notification to check verification entities that a customer is a victim of identity theft and the consequences of the notice.

HB 2030, Relating to the issuance of citations to certain students on school property during regular school hours.

HB 2093, Relating to the enforcement of motor carrier registration and overweight and oversize permits.

HB 2101, Relating to the authority of a commissioned security officer to carry certain weapons.

HB 2103, Relating to a pilot program to provide student loan repayment assistance to certain correctional officers who graduate from Sam Houston State University.

HB 2112, Relating to the prosecution of an offense prohibiting the exhibition, use, or threatened exhibition or use of a firearm in or on school property or a school bus.

HB 2137, Relating to ad valorem tax lien transfers.

HB 2151, Relating to the prosecution and adjudication of the offense of graffiti and to the payment and use of a juvenile delinquency prevention and graffiti eradication fee.

HB 2210, Relating to law enforcement reports concerning the commission of certain offenses and the provision of certain information in those reports to victims of those offenses.

HB 2217, Relating to grants and programs for dropout prevention, high school success, and college and workforce readiness in public schools and student performance at certain community colleges.

HB 2225, Relating to student representation on the Texas Higher Education Coordinating Board and certain coordinating board advisory committees.

HB 2238, Relating to the establishment of the Texas Education Data System (TEDS) and certain public school reporting requirements.

HB 2268, Relating to certain acquisitions of real property by the Texas Department of Transportation for highway purposes.

HB 2291, Relating to a study of victim-offender mediation programs for juvenile offenders.

HB 2323, Relating to imposing a civil penalty on a political subdivision that spends the proceeds of an impact fee for a purpose other than the purpose for which the fee was imposed.

HB 2389, Relating to the right of a minor in the custody of the Texas Department of Criminal Justice to consent to medical, dental, psychological, and surgical treatment.

HB 2422, Relating to the accessibility of emergency crossovers on a state highway toll project.

HB 2523, Relating to the authority of the Denton County Municipal Utility District No. 6 to divide into two districts.

HB 2656, Relating to requiring that a driver's license, personal identification certificate, commercial driver's license, and commercial driver learner's permit issued by the Department of Public Safety state that the holder is a registered sex offender.

HB 2691, Relating to grants provided to local guardianship programs.

HB 2702, Relating to the exemption from tuition and fees at a public institution of higher education for adopted students.

HB 2782, Relating to the creation of the Liberty County Municipal Utility District No. 5.

HB 2828, Relating to the release of a motor vehicle accident report or certain information in a motor vehicle accident report; providing penalties.

HB 2892, Relating to consolidated billing and collection of fees and payments of certain sewer service corporations and water supply corporations.

HB 2926, Relating to using county election precincts in every county for any election held on the November uniform election date.

HB 2940, Relating to the authority of an associate judge in certain family law proceedings.

HB 2990, Relating to use of certain electronic monitoring technology in certain correctional facilities by the Texas Department of Criminal Justice.

HB 3024, Relating to the weight accorded in a taxpayer protest hearing to the determination by a certified appraiser of appraised value of real property.

HB 3064, Relating to registration and regulation of certain discount health plans; providing penalties.

HB 3100, Relating to required training for package store employees; providing an administrative penalty.

HB 3135, Relating to the compensation paid to retired and former judges or justices while assigned as visiting judges in certain courts.

HB 3154, Relating to the creation of a review committee to study the provision of indigent health care through county and regional health care services.

HB 3182, Relating to the creation of the Tradition Municipal Utility District No. 2 of Denton County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 3281, Relating to the recovery of medical or health care expenses in civil actions.

HB 3314, Relating to administration, collection, and enforcement of state taxes; providing penalties.

HB 3315, Relating to the imposition and collection of certain insurance taxes, the adoption of certain reciprocal or multistate agreements relating to those taxes, and the adoption of rules relating to those taxes.

HB 3319, Relating to the sales and use tax.

HB 3418, Relating to state grants for student clubs in high schools that serve students at risk of dropping out of school.

HB 3435, Relating to peace officers of navigation districts.

HB 3481, Relating to disclosure and availability of certain information concerning certain officers of regional water planning groups.

HB 3485, Relating to career and technical education provided by school districts and certain postsecondary institutions.

HB 3559, Relating to the administration and powers of the Canadian River Municipal Water Authority.

HB 3571, Relating to a pilot program to facilitate food stamp program outreach efforts and eligibility determination processes.

HB 3770, Relating to the acquisition of road powers by a municipal utility district.

HB 3826, Relating to high school curriculum requirements for admission to public institutions of higher education and to the admission to public institutions of higher education of the children of certain public servants killed in the line of duty.

HB 3834, Relating to authorizing the amount of a fee charged by certain counties for issuing certain utility certificates.

HB 3842, Relating to the issuance of statements of ownership and location for manufactured homes to certain lienholders without the consent of the owners of those homes.

HB 3849, Relating to the registration of all-terrain vehicles by the Texas Department of Transportation.

HB 3851, Relating to the admission of high school graduates and undergraduate transfer students to certain institutions of higher education, the computation of a student's high school grade point average for purposes of determining eligibility for admission, and policies to promote the admission of undergraduate transfer students.

HB 3871, Relating to the evaluation of an application for a low income housing tax credit.

HB 3979, Relating to the creation of the McKinney Municipal Utility Districts Nos. 1 and 2 of Collin County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 3980, Relating to the navigation district powers and the confirmation of the Galveston County Municipal Utility District No. 67; providing authority to issue bonds.

HB 3981, Relating to the creation of the Hardin Store Road Municipal Utility District No. 1 of Montgomery County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 3987, Relating to the compensation of the members of the board of port commissioners of the Port of Port Arthur Navigation District of Jefferson County.

HB 3988, Relating to the creation of the Harris County Municipal Utility District No. 438; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 3989, Relating to the creation of the Harris County Municipal Utility District No. 437; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 3994, Relating to the creation of the Morning Star Ranch Municipal Utility Districts Nos. 1 and 2 of Parker County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 3995, Relating to the name, administration, powers, and duties of the Collingsworth County Underground Water Conservation District.

HB 3997, Relating to the Uniform Parentage Act, termination of parental rights, and matters relating to determination of paternity.

HB 3998, Relating to the creation of the Southeast Montgomery County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4006, 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.

HB 4009, Relating to the name, directors, and elections of the Emerald Underground Water Conservation District.

HB 4016, Relating to the creation of the Harris County Municipal Utility District No. 508; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4017, Relating to the creation of the Harris County Municipal Utility District No. 510; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4018, Relating to the powers and duties of the Harris County Municipal Utility District No. 416; providing authority to impose a tax and issue bonds.

HB 4029, Relating to the creation of the Lavaca County Groundwater Conservation District; providing authority to impose a tax.

HB 4038, Relating to the powers and duties of the Harris County Municipal Utility District No. 473; providing authority to impose a tax and issue bonds.

HB 4039, Relating to the appointment of magistrates in McLennan County.

HB 4041, Relating to the powers and duties of the Sunfield Municipal Utility District No. 3 regarding elections and road projects; providing authority to impose a tax and issue bonds.

HB 4042, Relating to the powers and duties of the Sunfield Municipal Utility District No. 4 regarding elections and road projects; providing authority to impose a tax and issue bonds.

HB 4043, Relating to the powers and duties of the Sunfield Municipal Utility District No. 1 regarding elections and road projects; providing authority to impose a tax and issue bonds.

HB 4046, Relating to the creation of the Montgomery County Municipal Utility District No. 104; providing authority to impose taxes and issue bonds.

HB 4047, Relating to the powers and duties of the Electra Hospital District.

HB 4056, Relating to the creation of the Hays County Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4061, Relating to the creation of the Denton County Municipal Utility District No. 7; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4070, Relating to the creation of the Galveston County Municipal Utility District No. 65; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4071, Relating to the authority of the Las Lomas Municipal Utility District No. 4 of Kaufman County to undertake road projects.

HB 4073, Relating to the creation of the Montgomery County Municipal Utility District No. 103; providing authority to impose taxes and issue bonds.

HB 4075, Relating to the creation of the Magnolia Woods Municipal Utility District No. 1 of Montgomery, Waller, and Grimes Counties; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4077, Relating to the creation of an east San Antonio economic development district to be known as the Eastside Improvement District No. 1; providing authority to impose an assessment and issue bonds.

HB 4079, Relating to the creation of the Montgomery County Municipal Utility District No. 119; providing authority to impose taxes and issue bonds.

HB 4080, Relating to the creation of the Harris County Municipal Utility District No. 509; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4081, Relating to the creation of the Sedona Lakes Municipal Utility District No. 1 of Brazoria County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4083, Relating to the creation of the Montgomery County Municipal Utility District No. 117; providing authority to impose taxes and issue bonds.

HB 4084, Relating to the creation of the Montgomery County Municipal Utility District No. 120; providing authority to impose taxes and issue bonds.

HB 4099, Relating to the creation of the Preston Summit Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4102, Relating to the creation of the Canyon Falls Water Control and Improvement District No. 2 of Denton County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4104, Relating to the powers and duties of the Montgomery County Municipal Utility District No. 112; providing authority to impose a tax and issue bonds.

HB 4111, Relating to the creation of the Randall County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4113, Relating to the Buffalo Bayou Management District.

HB 4115, Relating to the creation of the Sangani Ranch Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4116, Relating to the creation of the Kimberlin Ranch Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4118, Relating to the creation of the Kimberlin Ranch Municipal Utility District No. 2 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4119, Relating to the creation of the Kimberlin Ranch Municipal Utility District No. 3 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4120, Relating to the creation of the Sangani Ranch Municipal Utility District No. 2 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 4121, Relating to the creation of the Sangani Ranch Municipal Utility District No. 3 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HCR 93, Designating August 2007 as American Indian Scouts Month.

HCR 164, Encouraging the United States and Mexican federal governments to reopen the bridge and border crossing at La Linda, Coahuila, Mexico.

HCR 242, In memory of J. W. "Dub" Thomas of Mount Pleasant.

HJR 90, Proposing a constitutional amendment providing for the establishment of the Cancer Prevention and Research Institute of Texas and authorizing the issuance of general obligation bonds for the purpose of scientific research of all forms of human cancer.

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

SB 276, Relating to student members of the board of regents of a state university or state university system.

SB 484, Relating to the powers, duties, and composition of the electric utility restructuring legislative oversight committee.

SB 993, Relating to nursing peer review and the regulation of the practice of nursing.
(Amended)

SB 1253, Relating to the frequency and expenses of certain examinations conducted by the Texas Department of Insurance.

SB 1264, Relating to the authority of a taxing unit to make a loan to the board of directors of a tax increment financing reinvestment zone for deposit in the tax increment fund for the zone.

SB 1502, Relating to the adoption, increase, or abolition of a sales and use tax by an emergency services district.
(Committee Substitute)

SB 1617, Relating to the collection of motor vehicle sales taxes on seller-financed sales by dealers and the registration of finance companies related to those dealers.

SB 1659, Relating to the transfer of the Texas State Railroad to, and the creation of, the Texas State Railroad Authority.
(Committee Substitute)

SB 1896, Relating to the distribution and redistribution of certain drugs.
(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 1005

Senator Patrick offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Specialist Timothy K. Arnold for his service to his country in the United States Army; and

WHEREAS, Timothy Arnold joined the Army because he felt it was his duty and responsibility to serve, especially following the terrible events of September 11, 2001; upon completion of boot camp, he earned one of only five awards given for Excellence in Cavalry; he has been serving in Iraq with the 6th Squadron, 9th Cavalry, 1st Cavalry Division; and

WHEREAS, A dedicated soldier, he has received the 1st Cavalry Division Combat Patch and the Combat Action Badge and was awarded two Army Achievement Medals for his strategic planning and technical skills in light scout gunnery and Saber Squadron training; and

WHEREAS, He has received the National Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, and the Army Service Ribbon; and

WHEREAS, Timothy is the son of Bill and Denise Arnold of Houston; military service is a tradition in his family; his brother, Joshua B. Arnold, is serving in Iraq with the 3rd Infantry Division, and his aunt is serving with the Air Force in Baghdad; and

WHEREAS, His grandfather, Everett E. Fiery, was an Army Ranger and served during the occupation of Japan and in the Korean War and the Vietnam War; his two stepgrandfathers served in the United States Air Force; and

WHEREAS, Timothy is a patriotic American who has demonstrated outstanding dedication to duty and courage in facing the daunting challenge of serving in a foreign land at a time of extreme danger; he is truly an inspiration to the citizens of this state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend Specialist Timothy K. Arnold for his loyalty and his service to this country; and, be it further

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

WILLIAMS
PATRICK

SR 1005 was read and was adopted without objection.

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate Timothy K. Arnold, accompanied by his parents, Bill and Denise Arnold.

The Senate welcomed its guests.

REMARKS ORDERED PRINTED

On motion of Senator West and by unanimous consent, the floor debate on Friday, May 4, 2007, regarding **CSSB 101** was ordered reduced to writing and printed in the *Senate Journal*.

The remarks were printed in an addendum to that day's journal.

SENATE RESOLUTION 1004

Senator Jackson, on behalf of Senator Williams, offered the following resolution:

SR 1004, In memory of Gussie Loretta Beatrice Baldwin Jones.

The resolution was read.

Senator Jackson, on behalf of Senator Williams, was recognized and introduced to the Senate family members of Gussie Loretta Beatrice Baldwin Jones: her son, Chester D. T. Baldwin; her daughter, Loretta Baldwin-Eddings; and her grandsons, Cedric Baldwin and Chase Baldwin.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Jackson, on behalf of Senator Williams, **SR 1004** was adopted by a rising vote of the Senate.

In honor of the memory of Gussie Loretta Beatrice Baldwin Jones, the text of the resolution is printed at the end of today's *Senate Journal*.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Eltife in Chair, at 11:52 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 922 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 922** at this time on its second reading:

CSSB 922, Relating to regional or local health care programs for employees of small employers.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 922** as follows:

(1) In SECTION 1 of the bill, page 3, line 41, reletter subsection (b) and (c) and add:

"(b) A regional or local health care program shall allow any individual who receives state premium assistance to buy into the health benefit plan offered by the regional or local health care program."

The amendment to **CSSB 922** 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 Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 922 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 922 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 922** 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.

GUESTS PRESENTED

Senator Shapleigh was recognized and introduced to the Senate a group of fourth- and fifth-grade students from Travis Elementary School in El Paso.

The Senate welcomed its guests.

HOUSE BILL 679 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 679** at this time on its second reading:

HB 679, Relating to the validation of governmental acts and proceedings of the Downtown Midland Management District.

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 679 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 679** 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 1947 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1947** at this time on its second reading:

HB 1947, Relating to the designation of the structure on Interstate 30 connecting the east and west levee of the Trinity River as the Margaret McDermott Bridge.

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 1947 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 **HB 1947** 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 1784 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 1784** at this time on its second reading:

HB 1784, Relating to notice of certain information concerning a governmental body's alarm system response policy.

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 1784 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 1784** 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 1768 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1768** at this time on its second reading:

HB 1768, Relating to the hours worked during a week by police officers 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 1768 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 **HB 1768** 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 357 ON SECOND READING

Senator Jackson moved to suspend the regular order of business to take up for consideration **CSSB 357** at this time on its second reading:

CSSB 357, Relating to the establishment of a program by the Department of Agriculture to make grants to encourage the construction of facilities that generate electric energy with certain types of agricultural residues, waste, debris, or crops.

The motion prevailed.

Senators Ogden, Patrick, and 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: Ogden, Patrick, Shapiro.

COMMITTEE SUBSTITUTE SENATE BILL 357 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 357** 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, Jackson, Janek, Lucio, Nelson, Nichols, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Ogden, Patrick, Shapiro.

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 508 ON SECOND READING

Senator Gallegos moved to suspend the regular order of business to take up for consideration **CSSB 508** at this time on its second reading:

CSSB 508, Relating to the regulation of certain licensing agents; providing penalties.

The motion prevailed.

Senator Patrick 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: Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 508 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 508** be placed on its third reading and final passage.

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

Nays: Patrick.

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

SENATE BILL 504 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 504** at this time on its second reading:

SB 504, Relating to the exemption from ad valorem taxation for certain solar or wind-powered energy devices.

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 504 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 **SB 504** 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 BILL 1850 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1850** at this time on its second reading:

CSHB 1850, Relating to an inspection performed by a plumbing inspector or qualified plumbing inspection business for a political subdivision.

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
HOUSE BILL 1850 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 **CSHB 1850** 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 BILL 3392 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 3392** at this time on its second reading:

CSHB 3392, Relating to the resumption of employment by certain retirees within the Texas Municipal Retirement System.

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
HOUSE BILL 3392 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3392** 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.

(Senator Brimer in Chair)

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Atascosa County officials.

The Senate welcomed its guests.

SENATE BILL 741 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 741** at this time on its second reading:

SB 741, Relating to imposition of local sales and use taxes on certain taxable items shipped outside a transit authority.

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 741 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 741** 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 568 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration **CSSB 568** at this time on its second reading:

CSSB 568, Relating to group health benefit plan coverage for an enrollee with certain mental disorders.

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

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

Nays: Brimer, Nichols, Ogden, Patrick.

Absent: Fraser.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 1

Amend committee printing of **CSSB 568** as follows:

PART 1. On page 2, after line 61, amend subsection (b), Section 1355.003, Insurance Code, to read as follows:

(b) For the purposes of a plan described by Subsection (a)(~~§~~10), "serious mental illness" has the meaning assigned by Section 1355.001.

PART 2. On page 3, line 7, between "Chapter 1507" and "is" insert the following ", except for a plan issued to a small employer,"

PART 3. On page 4, line 57, between "Chapter 1507" and ":", insert the following ", except for a plan issued to a small employer,"

PART 4. On page 5, line 30, strike "required under Section 1355.004(a)" and insert the following "provided for any other physical illness"

The amendment to **CSSB 568** 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: Fraser.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 568** (committee report) by the following:

1. On page 3, line 69, by inserting between the words "experiences" and "increased" the phrase, ", or can prove by the use of standards and processes promulgated by the Texas Department of Insurance a substantial likelihood of expected,".

2. Beginning on page 4, line 16, strike "A group health benefit plan issuer is only eligible to seek a cost exemption under this section after the group health benefit plan has complied with the coverage equity requirements of this subchapter for at least the first six months of the plan year in which application is made."

The amendment to **CSSB 568** was read.

Senator Patrick withdrew Floor Amendment No. 2.

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

CSSB 568 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: Brimer, Nichols, Ogden.

Absent: Fraser.

**COMMITTEE SUBSTITUTE
SENATE BILL 568 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 568** be placed on its third reading and final passage.

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

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

Nays: Brimer, Nichols, Ogden.

Absent: Fraser.

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

GUESTS PRESENTED

Senator Averitt was recognized and introduced to the Senate the eighth-grade choir from Midway Middle School in Hewitt.

The Senate welcomed its guests.

ACKNOWLEDGMENT

Senator Estes acknowledged fourth-grade students and their teachers from Jacksboro Elementary School in Jack County.

**COMMITTEE SUBSTITUTE
SENATE BILL 973 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 973** at this time on its second reading:

CSSB 973, Relating to notification to a patient of a mental health facility or resident of a residential care facility of the exemption of certain trusts from liability to pay for support.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 973 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 973** 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 1485 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1485** at this time on its second reading:

SB 1485, Relating to the establishment of the Texas Rural Development Fund and to the establishment, operation, and funding of certain programs for rural economic development.

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 1485 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 **SB 1485** 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 1972 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1972** at this time on its second reading:

SB 1972, Relating to the election by voters regarding the maximum tax rate of a hospital district.

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

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

SENATE BILL 1972 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1972** 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 1274 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 1274** at this time on its second reading:

CSSB 1274, Relating to the compounding of a drug or device by a pharmacist.

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 1274 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 1274** 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 103 WITH HOUSE AMENDMENTS

Senator Hinojosa called **SB 103** 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.

Amendment

Amend **SB 103** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the Texas Youth Commission and the prosecution of certain offenses and delinquent conduct in the Texas Youth Commission and certain other criminal justice agencies; providing penalties.

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

SECTION 1. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

- (1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (2) constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (3) marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;
- (4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;
- (5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;
- (6) law enforcement agents of the Texas Alcoholic Beverage Commission;
- (7) each member of an arson investigating unit commissioned by a city, a county, or the state;
- (8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;
- (9) officers commissioned by the General Services Commission;
- (10) law enforcement officers commissioned by the Parks and Wildlife Commission;
- (11) airport police officers commissioned by a city with a population of more than 1.18 million that operates an airport that serves commercial air carriers;
- (12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;
- (13) municipal park and recreational patrolmen and security officers;
- (14) security officers and investigators commissioned as peace officers by the comptroller;
- (15) officers commissioned by a water control and improvement district under Section 49.216, Water Code;
- (16) officers commissioned by a board of trustees under Chapter 54, Transportation Code;
- (17) investigators commissioned by the Texas Medical [State] Board [of ~~Medical Examiners~~];

(18) officers commissioned by the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, or the Bexar County Hospital District under Section 281.057, Health and Safety Code;

(19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;

(20) investigators employed by the Texas Racing Commission;

(21) officers commissioned under Chapter 554, Occupations Code;

(22) officers commissioned by the governing body of a metropolitan rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;

(23) investigators commissioned by the attorney general under Section 402.009, Government Code;

(24) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;

(25) an officer employed by the ~~[Texas]~~ Department of State Health Services under Section 431.2471, Health and Safety Code;

(26) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;

(27) officers commissioned by the state fire marshal under Chapter 417, Government Code;

(28) an investigator commissioned by the commissioner of insurance under Section 701.104 [Article 1.10D], Insurance Code;

(29) apprehension specialists and inspectors general commissioned by the Texas Youth Commission as officers under Sections 61.0451 and [Section] 61.0931, Human Resources Code;

(30) officers appointed by the executive director of the Texas Department of Criminal Justice under Section 493.019, Government Code;

(31) investigators commissioned by the Commission on Law Enforcement Officer Standards and Education under Section 1701.160, Occupations Code;

(32) commission investigators commissioned by the Texas ~~[Commission on]~~ Private Security Board under Section 1702.061(f), Occupations Code;

(33) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code; and

(34) officers commissioned by the State Board of Dental Examiners under Section 254.013, Occupations Code, subject to the limitations imposed by that section.

SECTION 2. Article 104.003(a), Code of Criminal Procedure, is amended to read as follows:

(a) In a prosecution of a criminal offense or delinquent conduct ~~[felony]~~ committed on property owned or operated by or under contract with ~~[while the actor was a prisoner in the custody of]~~ the Texas Department of Criminal Justice or the Texas Youth Commission, or committed by or against a person in the custody of the department or commission while the person is performing a duty away from department or commission property ~~[Corrections or a prosecution of an offense committed in the department by any person under Chapter 21, Acts of 55th~~

~~Legislature, Regular Session, 1957 (Article 6184m, Vernon's Texas Civil Statutes), or Chapter 481, Health and Safety Code, or Sections 485.031 through 485.035, Health and Safety Code],~~ the state shall reimburse the county for expenses incurred by the county, in an amount that the court determines to be reasonable, for payment of:

- (1) salaries and expenses of foreign language interpreters and interpreters for deaf persons whose services are necessary to the prosecution;
- (2) consultation fees of experts whose assistance is directly related to the prosecution;
- (3) travel expenses for witnesses;
- (4) expenses for the food, lodging, and compensation of jurors;
- (5) compensation of witnesses;
- (6) the cost of preparation of a statement of facts and a transcript of the trial for purposes of appeal;
- (7) if the death of a person is an element of the offense, expenses of an inquest relating to the death;
- (8) food, lodging, and travel expenses incurred by the prosecutor's staff during travel essential to the prosecution of the offense;
- (9) court reporter's fees; and
- (10) the cost of special security officers.

SECTION 3. Sections 54.04(d) and (u), Family Code, are amended to read as follows:

(d) If the court or jury makes the finding specified in Subsection (c) allowing the court to make a disposition in the case:

(1) the court or jury may, in addition to any order required or authorized under Section 54.041 or 54.042, place the child on probation on such reasonable and lawful terms as the court may determine:

(A) in the child's own home or in the custody of a relative or other fit person; or

(B) subject to the finding under Subsection (c) on the placement of the child outside the child's home, in:

(i) a suitable foster home; or

(ii) a suitable public or private institution or agency, except the Texas Youth Commission;

(2) if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct that violates a penal law of this state or the United States of the grade of felony ~~[or, if the requirements of Subsection (s) or (t) are met, of the grade of misdemeanor,]~~ and if the petition was not approved by the grand jury under Section 53.045, the court may commit the child to the Texas Youth Commission without a determinate sentence;

(3) if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct that included a violation of a penal law listed in Section 53.045(a) and if the petition was approved by the grand jury under Section 53.045, the court or jury may sentence the child to commitment in the Texas Youth Commission with a possible transfer to the ~~[institutional division or the pardons and paroles division of the]~~ Texas Department of Criminal Justice for a term of:

- (A) not more than 40 years if the conduct constitutes:
 - (i) a capital felony;
 - (ii) a felony of the first degree; or
 - (iii) an aggravated controlled substance felony;
- (B) not more than 20 years if the conduct constitutes a felony of the second degree; or
- (C) not more than 10 years if the conduct constitutes a felony of the third degree;
- (4) the court may assign the child an appropriate sanction level and sanctions as provided by the assignment guidelines in Section 59.003; or
- (5) if applicable, the court or jury may make a disposition under Subsection (m).
- (u) For the purposes of disposition under Subsection (d)(2), delinquent conduct that violates a penal law of this state of the grade of felony [~~or misdemeanor~~] does not include conduct that violates a lawful order of a county, municipal, justice, or juvenile court under circumstances that would constitute contempt of that court.

SECTION 4. Section 54.05(f), Family Code, is amended to read as follows:

(f) Except as provided by Subsection (j), a disposition based on a finding that the child engaged in delinquent conduct that violates a penal law of this state or the United States of the grade of felony [~~or, if the requirements of Subsection (k) are met, of the grade of misdemeanor,~~] may be modified so as to commit the child to the Texas Youth Commission if the court after a hearing to modify disposition finds by a preponderance of the evidence that the child violated a reasonable and lawful order of the court. A disposition based on a finding that the child engaged in habitual felony conduct as described by Section 51.031 or in delinquent conduct that included a violation of a penal law listed in Section 53.045(a) may be modified to commit the child to the Texas Youth Commission with a possible transfer to the [~~institutional division or the pardons and paroles division of the~~] Texas Department of Criminal Justice for a definite term prescribed by Section 54.04(d)(3) if the original petition was approved by the grand jury under Section 53.045 and if after a hearing to modify the disposition the court finds that the child violated a reasonable and lawful order of the court.

SECTION 5. Chapter 54, Family Code, is amended by adding Section 54.052 to read as follows:

Sec. 54.052. CREDIT FOR TIME SPENT IN DETENTION FACILITY FOR CHILD WITH DETERMINATE SENTENCE. (a) This section applies only to a child who is committed to the Texas Youth Commission under a determinate sentence under Section 54.04(d)(3) or (m) or Section 54.05(f).

(b) The judge of the court in which a child is adjudicated shall give the child credit on the child's sentence for the time spent by the child, in connection with the conduct for which the child was adjudicated, in a secure detention facility before the child's transfer to a Texas Youth Commission facility.

(c) If a child appeals the child's adjudication and is retained in a secure detention facility pending the appeal, the judge of the court in which the child was adjudicated shall give the child credit on the child's sentence for the time spent by the child in a

secure detention facility pending disposition of the child's appeal. The court shall endorse on both the commitment and the mandate from the appellate court all credit given the child under this subsection.

(d) The Texas Youth Commission shall grant any credit under this section in computing the child's eligibility for parole and discharge.

SECTION 6. Section 58.106(a), Family Code, is amended to read as follows:

(a) Except as otherwise provided by this section, information contained in the juvenile justice information system is confidential information for the use of the department and may not be disseminated by the department except:

(1) with the permission of the juvenile offender, to military personnel of this state or the United States;

(2) to a person or entity to which the department may grant access to adult criminal history records as provided by Section 411.083, Government Code;

(3) to a juvenile justice agency; ~~and~~

(4) to ~~[the Criminal Justice Policy Council,]~~ the Texas Youth Commission[;]
and the Texas Juvenile Probation Commission for analytical purposes; and

(5) to the office of independent ombudsman of the Texas Youth Commission.

SECTION 7. Section 41.102, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The attorney general may offer to assist a prosecuting attorney in the prosecution of criminal offenses concerning the Texas Youth Commission.

SECTION 8. Chapter 41, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. SPECIAL PROSECUTION UNIT

Sec. 41.301. DEFINITIONS. In this subchapter:

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

(2) "Commission" means the Texas Youth Commission.

(3) "Department" means the Texas Department of Criminal Justice.

(4) "Executive board" means the executive board governing the board of directors of the unit.

(5) "Prosecuting attorney" means a district attorney, a criminal district attorney, or a county attorney representing the state in criminal matters before the district or inferior courts of the county.

(6) "Unit" means the special prosecution unit.

Sec. 41.302. GENERAL FUNCTION OF SPECIAL PROSECUTION UNIT. The special prosecution unit is an independent unit that cooperates with and supports prosecuting attorneys in prosecuting offenses and delinquent conduct described by Article 104.003(a), Code of Criminal Procedure.

Sec. 41.303. BOARD OF DIRECTORS. (a) The unit is governed by a board of directors composed of each prosecuting attorney who represents the state in criminal matters before a court in a county in which one or more facilities owned or operated by or under contract with the department or the commission are located.

(b) A prosecuting attorney described by Subsection (a) shall serve on the board of directors in addition to the other duties of the prosecuting attorney assigned by law.

Sec. 41.304. EXECUTIVE BOARD. (a) The board of directors is governed by an executive board composed of 11 members elected by the membership of the board of directors on a majority vote from among that membership, as follows:

(1) one member of the executive board who represents the state in criminal matters before a court in a county in which one or more facilities owned or operated by or under contract with the commission are located shall be elected on a majority vote of the members of the board of directors to serve a term expiring in an even-numbered year;

(2) an additional four members of the executive board shall be elected on a majority vote of the members of the board of directors to serve terms expiring in even-numbered years;

(3) one member of the executive board who represents the state in criminal matters before a court in a county in which one or more facilities owned or operated by or under contract with the commission are located shall be elected on a majority vote of the members of the board of directors to serve a term expiring in an odd-numbered year; and

(4) an additional five members of the executive board shall be elected on a majority vote of the members of the board of directors to serve terms expiring in odd-numbered years.

(b) If a vacancy on the executive board occurs, the board of directors shall elect a person to serve the remainder of the vacating member's term in the manner provided by Subsection (a). To be eligible for election under this subsection, a person must meet any qualifications required of the vacating member for service on the executive board.

Sec. 41.305. OFFICERS. (a) The members of the board of directors, on a majority vote, shall elect from among the membership of the executive board a presiding officer and an assistant presiding officer. The presiding officer serves as the presiding officer of the board of directors and the executive board, and the assistant presiding officer serves as the assistant presiding officer of the board of directors and the executive board.

(b) The presiding officer and the assistant presiding officer serve terms of one year.

(c) The assistant presiding officer serves as presiding officer of the board of directors and the executive board in the presiding officer's absence or if a vacancy occurs in that office until a new presiding officer is elected as provided by Subsection (d).

(d) If a vacancy occurs in the office of presiding officer or assistant presiding officer, the board of directors shall elect a person to serve the remainder of the vacating officer's term in the manner provided by Subsection (a).

Sec. 41.306. MEMBERSHIP ON BOARD OF DIRECTORS OR EXECUTIVE BOARD NOT A CIVIL OFFICE OF EMOLUMENT. A position on the board of directors or the executive board may not be construed to be a civil office of emolument for any purpose, including those purposes described in Section 40, Article XVI, Texas Constitution.

Sec. 41.307. REIMBURSEMENT FOR EXPENSES. A member of the board of directors or executive board is not entitled to compensation for service on the board of directors or executive board, if applicable, but is entitled to be reimbursed for necessary expenses incurred in carrying out the duties and responsibilities of a member of the board of directors and the executive board, if applicable, as provided by the General Appropriations Act.

Sec. 41.308. CHIEF OF SPECIAL PROSECUTION UNIT; ADDITIONAL EMPLOYEES. The board of directors, on a majority vote, shall employ a person to serve as chief of the unit and additional persons to accomplish the unit's purposes. The board of directors may determine the compensation of the unit's employees.

Sec. 41.309. ELECTION OF COUNSELLOR. (a) The executive board, on a majority vote, shall elect a counsellor.

(b) To be eligible to serve as a counsellor, a person must:

- (1) be certified in criminal law by the Texas Board of Legal Specialization;
- (2) have at least five years of experience as a lawyer assisting prosecuting attorneys in prosecuting offenses or delinquent conduct committed on state property used for the custody of persons charged with or convicted of offenses or used for the custody of children charged with or adjudicated as having engaged in delinquent conduct or conduct indicating a need for supervision; or
- (3) have served for at least five years as a prosecuting attorney or as a judge of a district court, a court of appeals, or the court of criminal appeals.

Sec. 41.310. DUTIES OF COUNSELLOR. (a) The counsellor elected in accordance with Section 41.309:

- (1) shall coordinate prosecution issues in and monitor each case involving an offense or delinquent conduct described by Article 104.003(a), Code of Criminal Procedure, that concerns the commission;
- (2) shall work with criminal justice analysts employed by the Legislative Budget Board and other persons who monitor cases involving offenses or delinquent conduct described by Article 104.003(a), Code of Criminal Procedure; and
- (3) may conduct an investigation of any alleged illegal or improper conduct by commission officers, employees, or contractors that the counsellor reasonably believes:

(A) jeopardizes the health, safety, and welfare of children in the custody of the commission; and

(B) could constitute an offense described by Article 104.003(a), Code of Criminal Procedure.

(b) In addition to the duties prescribed by Subsection (a), the counsellor shall on a quarterly basis provide the board of directors and the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities with a report concerning offenses or delinquent conduct prosecuted by the unit on receiving a request for assistance under Section 61.098, Human Resources Code, or a request for assistance otherwise from a prosecuting attorney. A report under this subsection is public information under Chapter 552, Government Code, and the board of directors shall request that the commission

publish the report on the commission's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:

(1) the number of requests for assistance received under Section 61.098, Human Resources Code, and requests for assistance otherwise received from prosecuting attorneys;

(2) the number of cases investigated and the number of cases prosecuted;

(3) the types and outcomes of cases prosecuted, such as whether the case concerned narcotics or an alleged incident of sexual abuse; and

(4) the relationship of a victim to a perpetrator, if applicable.

(c) The counsellor, in consultation with the board of directors, shall notify the foreman of the appropriate grand jury, in the manner provided by Article 20.09, Code of Criminal Procedure, if:

(1) the counsellor receives credible evidence of illegal or improper conduct by commission officers, employees, or contractors that the counsellor reasonably believes jeopardizes the health, safety, and welfare of children in the custody of the commission;

(2) the counsellor reasonably believes the conduct:

(A) could constitute an offense described by Article 104.003(a), Code of Criminal Procedure; and

(B) involves the alleged physical or sexual abuse of a child in the custody of a commission facility or an investigation related to the alleged abuse; and

(3) the counsellor has reason to believe that information concerning the conduct has not previously been presented to the appropriate grand jury.

SECTION 9. Chapter 325, Government Code, is amended by adding Section 325.0121 to read as follows:

Sec. 325.0121. STUDY ON TRANSITION TOWARD REGIONALIZED JUVENILE CORRECTIONS. (a) The commission shall appoint an advisory committee as provided by this section to develop a practicable plan to move the Texas Youth Commission toward a regionalized structure of smaller facilities and more diversified treatment and placement options, taking into consideration the likely effects of this regionalized structure on:

(1) recidivism;

(2) juvenile and family access to services; and

(3) costs to this state and the counties of this state.

(b) The commission shall take into consideration the findings and recommendations of the advisory committee in its report to the legislature under Section 325.012 as part of its review of the Texas Youth Commission, which, as provided by Section 61.020, Human Resources Code, is abolished September 1, 2009, unless continued in existence as provided by this chapter.

(c) The commission shall appoint an advisory committee not later than December 1, 2007.

(d) The advisory committee consists of nine members appointed by the commission in consultation with the Texas Youth Commission, Texas Juvenile Probation Commission, governor, lieutenant governor, and speaker of the house of

representatives. At least three of the members must be nationally recognized experts in the field of juvenile justice. At least one of the members must be a recognized advocate for children.

(e) The chairman of the commission shall designate a presiding officer from among the members appointed to the advisory committee.

(f) The advisory committee shall convene at the call of the presiding officer.

(g) A member of the advisory committee may not receive compensation from the state for committee service but may receive reimbursement for travel to official meetings according to policies established by the commission.

(h) Not later than December 1, 2008, the advisory committee shall report the committee's findings and recommendations to the commission.

(i) This section expires September 1, 2009.

SECTION 10. Section 411.1141(a), Government Code, is amended to read as follows:

(a) The Texas Youth Commission is entitled to obtain from the department criminal history record information maintained by the department that relates to a person described by Section 61.0357(b), Human Resources Code ~~[who is:~~

~~[(1) an applicant for a position with the Texas Youth Commission;~~

~~[(2) a volunteer or an intern, or an applicant volunteer or intern, with the Texas Youth Commission;~~

~~[(3) a business entity or person who contracts with the Texas Youth Commission to provide direct delivery services to youth;~~

~~[(4) an employee of, or an applicant for employment with, a business entity or person who contracts with the Texas Youth Commission to provide direct delivery of services to youth; or~~

~~[(5) a volunteer or an intern, or an applicant volunteer or intern, with a business entity or person who contracts with the Texas Youth Commission to provide direct delivery of services to youth].~~

SECTION 11. Chapter 493, Government Code, is amended by adding Section 493.026 to read as follows:

Sec. 493.026. INSPECTOR GENERAL REPORT ON CRIMINAL OFFENSES. (a) In this section, "special prosecution unit" means the special prosecution unit established under Subchapter E, Chapter 41.

(b) The inspector general of the department shall on a quarterly basis prepare and deliver to the board of directors of the special prosecution unit a report concerning any alleged criminal offense concerning the department and described by Article 104.003(a), Code of Criminal Procedure, that occurred during the preceding calendar quarter.

SECTION 12. Section 508.156(a), Government Code, is amended to read as follows:

(a) Before the release of a person who is transferred under Section 61.081(f) or 61.084(g) ~~[61.084(f) or (g)]~~, Human Resources Code, to the division for release on parole, a parole panel shall review the person's records and may interview the person or any other person the panel considers necessary to determine the conditions of parole. The panel may impose any reasonable condition of parole on the person that the panel may impose on an adult inmate under this chapter.

SECTION 13. Section 811.001(9), Government Code, is amended to read as follows:

(9) "Law enforcement officer" means a member of the retirement system who:

(A) has been commissioned as a law enforcement officer by the Department of Public Safety, the Texas Alcoholic Beverage Commission, ~~[or]~~ the Parks and Wildlife Department, or the office of inspector general at the Texas Youth Commission; and

(B) is recognized as a commissioned law enforcement officer by the Commission on Law Enforcement Officer Standards and Education.

SECTION 14. Section 814.104(b), Government Code, is amended to read as follows:

(b) A member who is at least 55 years old and who has at least 10 years of service credit as a commissioned peace officer engaged in criminal law enforcement activities of the Department of Public Safety, the Texas Alcoholic Beverage Commission, ~~[or]~~ the Parks and Wildlife Department, or the office of inspector general at the Texas Youth Commission, or as a custodial officer, is eligible to retire and receive a service retirement annuity.

SECTION 15. Section 815.505, Government Code, is amended to read as follows:

Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND CUSTODIAL OFFICERS. Not later than the 12th day of the month following the month in which a person begins or ceases employment as a law enforcement officer or custodial officer, the Public Safety Commission, the Texas Alcoholic Beverage Commission, the Parks and Wildlife Commission, the office of inspector general at the Texas Youth Commission, the Board of Pardons and Paroles, or the Texas Board of Criminal Justice, as applicable, shall certify to the retirement system, in the manner prescribed by the system, the name of the employee and such other information as the system determines is necessary for the crediting of service and financing of benefits under this subtitle.

SECTION 16. Section 61.001, Human Resources Code, is amended by adding Subdivision (7) to read as follows:

(7) "Office of inspector general" means the office of inspector general established under Section 61.0451.

SECTION 17. Section 61.012(b), Human Resources Code, is amended to read as follows:

(b) Members of the board must be citizens who are recognized within their communities for their interest in youth. The board shall be comprised of at least one physician, an experienced member of a victim's advocacy organization, a mental health professional, and a current or former prosecutor or judge. A majority of the members of the board must be qualified, by experience or education, in the development and administration of programs for the rehabilitation and reestablishment in society of children in the custody of agencies similar in mission and scope to the commission.

SECTION 18. Sections 61.019 and 61.0191, Human Resources Code, are amended to read as follows:

Sec. 61.019. DELEGATION OF POWERS AND DUTIES. Any power, duty, or function of the commission or of the board that is not assigned by statute to the office of inspector general may be exercised and performed by the executive director or any member or employee designated or assigned by the board or by the executive director.

Sec. 61.0191. AUDIT; AUTHORITY OF STATE AUDITOR. (a) The ~~[financial transactions of the]~~ commission is ~~[are]~~ subject to audit by the state auditor in accordance with Chapter 321, Government Code.

(b) The state auditor, on request of the office of inspector general, may provide information or other assistance to the office of inspector general that the state auditor determines is appropriate. The office of inspector general may coordinate with the state auditor to review or schedule a plan for an investigation under Section 61.0451 or share other information.

(c) The state auditor may access all information maintained by the office of inspector general, such as vouchers, electronic data, and internal records, including information that is otherwise confidential under law. Information obtained by the state auditor under this subsection is confidential and is not subject to disclosure under Chapter 552, Government Code.

(d) Any provision of this chapter relating to the operations of the office of inspector general does not:

(1) supersede the authority of the state auditor to conduct an audit under Chapter 321, Government Code; or

(2) prohibit the state auditor from:

(A) conducting an audit, investigation, or other review; or

(B) having full and complete access to all records and other information concerning the commission, including any witness statement or electronic data, that the state auditor considers necessary for the audit, investigation, or review.

SECTION 19. Subchapter B, Chapter 61, Human Resources Code, is amended by adding Section 61.023 to read as follows:

Sec. 61.023. ACCREDITATION BY AMERICAN CORRECTIONAL ASSOCIATION. Not later than September 1, 2007, the commission shall adopt a plan for and begin the process of receiving accreditation by the American Correctional Association for each correctional facility operated by or under contract with the commission.

SECTION 20. Section 61.0315, Human Resources Code, is amended to read as follows:

Sec. 61.0315. ~~[REVIEW OF]~~ TREATMENT PROGRAMS. (a) The commission shall annually review the effectiveness of the commission's programs for the rehabilitation and reestablishment in society of children committed to the commission, including programs for sex offenders, capital offenders, children who are chemically dependent, and emotionally disturbed children.

(b) On or before December 31 of each year, the commission shall make a report on the effectiveness of the programs to the Legislative Budget Board.

(c) The commission shall offer or make available programs described by Subsection (a) in an adequate manner so that a child in the custody of the commission receives appropriate rehabilitation services recommended for the child by the court committing the child to the commission.

(d) If the commission is unable to offer or make available programs described by Subsection (a) in the manner provided by Subsection (c), the commission shall, not later than January 10 of each odd-numbered year, provide the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities with a report explaining:

(1) which programs are not offered or are unavailable; and

(2) the reason the programs are not offered or are unavailable.

SECTION 21. Subchapter C, Chapter 61, Human Resources Code, is amended by adding Sections 61.0331, 61.0332, and 61.0345 to read as follows:

Sec. 61.0331. INTERNAL AUDIT; REPORT. (a) The commission shall regularly conduct internal audits of the commission, including audits of:

(1) correctional facilities operated by and under contract with the commission; and

(2) medical services provided to children in the custody of the commission.

(b) The commission shall on a quarterly basis report the results of the audits to:

(1) the committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities; and

(2) the state auditor.

Sec. 61.0332. COMPLIANCE REPORTS. (a) The commission shall provide the joint select committee on the operation and management of the Texas Youth Commission with reports concerning the progress of the commission in complying with the requirements of S.B. No. 103, Acts of the 80th Legislature, Regular Session, 2007. The commission shall prepare and deliver the first report to the joint select committee on December 1, 2007, the second report to the joint select committee on June 1, 2008, and the final report to the joint select committee on December 1, 2008.

(b) This section expires January 1, 2009.

Sec. 61.0345. MISSION STATEMENT. The commission shall develop and adopt a statement regarding the role and mission of the commission.

SECTION 22. Section 61.035, Human Resources Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as otherwise provided by this chapter, an employee of the commission is employed on an at-will basis [~~The commission may remove any employee for cause, and a decision by the commission is final~~].

(c) The commission shall establish procedures and practices governing:

(1) employment-related grievances submitted by commission employees;
and

(2) disciplinary actions within the commission, including a procedure allowing a commission employee to elect to participate in an independent dismissal mediation if the employee is recommended for dismissal.

SECTION 23. Subchapter C, Chapter 61, Human Resources Code, is amended by adding Sections 61.0356, 61.0357, 61.0386, 61.0451, 61.0452, 61.0461, 61.061, 61.062, and 61.0651 to read as follows:

Sec. 61.0356. JUVENILE CORRECTIONAL OFFICERS; STAFFING. (a) In this section, "juvenile correctional officer" means an employee whose primary duty includes the custodial supervision of children in the custody of the commission.

(b) The commission shall provide each juvenile correctional officer employed by the commission with at least 300 hours of training, which must include on-the-job training, before the officer independently commences the officer's duties at the facility. The training must provide the officer with information and instruction related to the officer's duties, including information and instruction concerning:

(1) the juvenile justice system of this state, including the juvenile correctional facility system;

(2) security procedures;

(3) the supervision of children committed to the commission;

(4) signs of suicide risks and suicide precautions;

(5) signs and symptoms of the abuse, assault, neglect, and exploitation of a child, including sexual abuse and sexual assault, and the manner in which to report the abuse, assault, neglect, or exploitation of a child;

(6) the neurological, physical, and psychological development of adolescents;

(7) commission rules and regulations, including rules, regulations, and tactics concerning the use of force;

(8) appropriate restraint techniques;

(9) the Prison Rape Elimination Act of 2003 (42 U.S.C. Section 15601, et seq.);

(10) the rights and responsibilities of children in the custody of the commission;

(11) interpersonal relationship skills;

(12) the social and cultural lifestyles of children in the custody of the commission;

(13) first aid and cardiopulmonary resuscitation;

(14) counseling techniques;

(15) conflict resolution and dispute mediation, including de-escalation techniques;

(16) behavior management;

(17) mental health issues; and

(18) employee rights, employment discrimination, and sexual harassment.

(c) The commission may employ part-time juvenile correctional officers. A part-time juvenile correctional officer is subject to the training requirements of this section.

(d) In each correctional facility operated by the commission that has a dormitory, including an open-bay dormitory, the commission must maintain a ratio of not less than one juvenile correctional officer performing direct supervisory duties for every 12 persons committed to the facility.

(e) The commission shall consider the age of a juvenile correctional officer or other commission employee who performs direct supervisory duties when determining the placement of the officer or employee in a commission facility so that,

to the extent practicable, an officer or employee is not supervising a child who is not more than three years younger than the officer or employee or is otherwise a similar age to the officer or employee.

(f) The commission shall rotate the assignment of each juvenile correctional officer at an interval determined by the commission so that a juvenile correctional officer is not assigned to the same station for an extended period of time.

(g) The commission shall ensure that at least one juvenile correctional officer is assigned to supervise in or near a classroom or other location in which children receive education services or training at the time the children are receiving the education services or training.

(h) The commission shall adopt rules necessary to administer this section.

Sec. 61.0357. REQUIRED BACKGROUND AND CRIMINAL HISTORY CHECKS. (a) In this section:

(1) "Department" means the Department of Public Safety.

(2) "National criminal history record information" means criminal history record information obtained from the department under Subchapter F, Chapter 411, Government Code, and from the Federal Bureau of Investigation under Section 411.087, Government Code.

(b) The executive director or the executive director's designee shall review the national criminal history record information, state criminal history record information maintained by the department, and previous and current employment references of each person who:

(1) is an employee, contractor, volunteer, ombudsman, or advocate working for the commission or working in a commission facility or a facility under contract with the commission;

(2) provides direct delivery of services to children in the custody of the commission; or

(3) has access to records in commission facilities or offices.

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

(d) For each person described by Subsection (b), the executive director or the executive director's designee shall review on an annual basis the person's national criminal history record information.

(e) The commission shall ensure that the system used to check state criminal history record information maintained by the department is capable of providing real time arrest information.

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

(g) The commission shall adopt rules necessary to administer this section.

Sec. 61.0386. ADVOCACY AND SUPPORT GROUPS. (a) The commission shall allow advocacy and support groups whose primary functions are to benefit children, inmates, girls and women, the mentally ill, and victims of sexual assault to provide on-site information, support, and other services for children confined in commission facilities.

(b) The commission shall adopt security and privacy procedures for advocacy and support groups that provide on-site information, support, and other services under this section. The security and privacy procedures may not be designed to deny an advocacy or support group access to children confined in commission facilities.

(c) The commission shall adopt standards consistent with standards adopted by the Texas Department of Criminal Justice regarding the confidential correspondence of children confined in commission facilities with external entities, including advocacy and support groups.

Sec. 61.0451. OFFICE OF INSPECTOR GENERAL. (a) The office of inspector general is established at the commission for the purpose of investigating:

(1) fraud committed by commission employees, including parole officers employed by or under a contract with the commission; and

(2) crimes committed at a facility operated by the commission or at a residential facility operated by another entity under a contract with the commission.

(b) The office of inspector general shall prepare and deliver a report concerning the results of any investigation conducted under this section to:

(1) the executive director;

(2) the board;

(3) the governor;

(4) the lieutenant governor;

(5) the speaker of the house of representatives;

(6) the standing committees of the senate and house of representatives with primary jurisdiction over matters concerning correctional facilities;

(7) the special prosecution unit;

(8) the state auditor; and

(9) any other appropriate state agency responsible for licensing or certifying commission employees or facilities.

(c) The report prepared under Subsection (b) must include a summary of the actions performed by the office of inspector general in conducting the investigation, a statement of whether the investigation resulted in a finding that fraud or a criminal offense occurred, and a description of the finding. The report is public information under Chapter 552, Government Code, only to the extent authorized under that chapter and other law.

(d) The office of inspector general may employ and commission inspectors general as peace officers for the purpose of carrying out the duties described by this section. An inspector general shall have all of the powers and duties given to peace officers under Article 2.13, Code of Criminal Procedure.

(e) Peace officers employed and commissioned under Subsection (d) must:

(1) be certified by the Commission on Law Enforcement Officer Standards and Education under Chapter 1701, Occupations Code; and

(2) complete advanced courses relating to the duties of peace officers employed and commissioned under Subsection (d) as part of any continuing education requirements for the peace officers.

(f) The board shall select a commissioned peace officer as chief inspector general. The chief inspector general is subject to the requirements of this section and may only be discharged for cause.

(g) The chief inspector general shall on a quarterly basis prepare and deliver a report concerning the operations of the office of inspector general to:

(1) the executive director;

(2) the board;

(3) the governor;

(4) the lieutenant governor;

(5) the speaker of the house of representatives;

(6) the standing committees of the senate and house of representatives with primary jurisdiction over correctional facilities;

(7) the state auditor; and

(8) the comptroller.

(h) A report prepared under Subsection (g) is public information under Chapter 552, Government Code, to the extent authorized under that chapter and other law, and the commission shall publish the report on the commission's Internet website. A report must be both aggregated and disaggregated by individual facility and include information relating to:

(1) the types of investigations conducted by the office of inspector general, such as whether an investigation concerned narcotics or an alleged incident of sexual abuse;

(2) the relationship of a victim to a perpetrator, if applicable; and

(3) the number of investigations conducted concerning suicides, deaths, and hospitalizations of children in the custody of the commission.

(i) The office of inspector general shall immediately report to the executive director, the board, the governor's general counsel, and the state auditor any particularly serious or flagrant problem concerning the administration of a commission program or operation or any interference by the board or an employee of the commission with an investigation conducted by the office.

Sec. 61.0452. TOLL-FREE NUMBER. (a) The commission shall establish a permanent, toll-free number for the purpose of receiving any information concerning the abuse, neglect, or exploitation of children in the custody of the commission.

(b) The office of inspector general shall ensure that:

(1) the toll-free number is prominently displayed in each commission facility; and

(2) children in the custody of the commission and commission employees have access to telephones for the purpose of calling the toll-free number.

Sec. 61.0461. EMPLOYMENT OR DESIGNATION OF CHAPLAIN AT CERTAIN COMMISSION FACILITIES. The commission shall ensure that a chaplain is employed or formally designated for each commission correctional facility that is an institution.

Sec. 61.061. PLACEMENT IN COMMISSION FACILITIES. (a) The commission may not assign a child younger than 15 years of age to the same correctional facility dormitory as a person who is at least 17 years of age unless the commission determines that the placement is necessary to ensure the safety of children in the custody of the commission. This subsection does not apply to a dormitory that is used exclusively for short-term assessment and orientation purposes.

(b) The commission by rule shall adopt scheduling, housing, and placement procedures for the purpose of protecting vulnerable children in the custody of the commission. The procedures must address the age, physical condition, and treatment needs of a child as well as any other relevant factor.

(c) The commission shall consider the proximity of the residence of a child's family in determining the appropriate commission facility in which to place a child.

Sec. 61.062. ESTABLISHMENT OF MINIMUM LENGTH OF STAY. (a) The commission shall establish a minimum length of stay for each child committed to the commission without a determinate sentence.

(b) In establishing a minimum length of stay for a child, the commission shall consider:

(1) the nature of and seriousness of the conduct engaged in by the child; and

(2) the danger the child poses to the community.

Sec. 61.0651. INFORMATION PROVIDED BY COMMITTING COURT. In addition to the information provided under Section 61.065, a court that commits a child to the commission shall provide the commission with a copy of the following documents:

(1) the petition and the adjudication and disposition orders for the child, including the child's thumbprint;

(2) if the commitment is a result of revocation of probation, a copy of the conditions of probation and the revocation order;

(3) the social history report for the child;

(4) any psychological or psychiatric reports concerning the child;

(5) the contact information sheet for the child's parents or guardian;

(6) any law enforcement incident reports concerning the offense for which the child is committed;

(7) any sex offender registration information concerning the child;

(8) any juvenile probation department progress reports concerning the child;

(9) any assessment documents concerning the child;

(10) the computerized referral and case history for the child, including case disposition;

(11) the child's birth certificate;

(12) the child's social security number or social security card, if available;

(13) the name, address, and telephone number of the court administrator in the committing county;

(14) Title IV-E eligibility screening information for the child, if available;

(15) the address in the committing county for forwarding funds collected to which the committing county is entitled;

(16) any of the child's school or immunization records that the committing county possesses;

(17) any victim information concerning the case for which the child is committed; and

(18) any of the child's pertinent medical records that the committing court possesses.

SECTION 24. Sections 61.071 and 61.072, Human Resources Code, are amended to read as follows:

Sec. 61.071. INITIAL EXAMINATION. (a) The commission shall examine and make a study of each child committed to it as soon as possible after commitment. The study shall be made according to rules established by the commission and shall include:

(1) long-term planning for the child; and

(2) consideration of the child's medical, substance abuse, and treatment history, including the child's psychiatric history and substance abuse history [~~determination of whether the child will need long-term residential care~~].

(b) For a child for whom a minimum length of stay is established under Section 61.062 of one year or longer, the initial examination must include a comprehensive psychiatric evaluation.

(c) The commission shall administer comprehensive psychological assessments to a child as part of the child's initial examination, including assessments designed to identify whether a child is in need of a psychiatric evaluation. If the results of a child's psychological assessments indicate that the child is in need of a psychiatric evaluation, the commission shall as soon as practicable conduct a psychiatric evaluation of the child.

Sec. 61.072. REEXAMINATION. The commission shall periodically reexamine each child under its control, except those on release under supervision or in foster homes, for the purpose of determining whether a rehabilitation plan made by the commission concerning the child should be modified or continued. The examination must include a study of all current circumstances of a child's personal and family situation and an evaluation of the progress made by the child since the child's last examination. The examination of a child may be made as frequently as the commission considers necessary [~~desirable~~], but shall be made at intervals not exceeding six months [~~one year~~].

SECTION 25. Subchapter E, Chapter 61, Human Resources Code, is amended by adding Section 61.0711 to read as follows:

Sec. 61.0711. HEALTH CARE DELIVERY SYSTEM. (a) In providing medical care, behavioral health care, or rehabilitation services, the commission shall integrate the provision of those services in an integrated comprehensive delivery system.

(b) The delivery system may be used to deliver any medical, behavioral health, or rehabilitation services provided to a child in the custody of the commission, including:

(1) health care;

(2) dental care;

(3) behavioral health care;

(4) substance abuse treatment;

(5) nutrition;

(6) programming;

(7) case management; and

(8) general rehabilitation services, including educational, spiritual, daily living, recreational, and security services.

SECTION 26. Section 61.0731, Human Resources Code, is amended by adding Subsection (c) to read as follows:

(c) The commission may disclose to a peace officer or law enforcement agency images of children recorded by an electronic recording device and incident reporting and investigation documents containing the names of children if the information is relevant to the investigation of a criminal offense alleged to have occurred in a facility operated by or under contract with the commission.

SECTION 27. Subchapter E, Chapter 61, Human Resources Code, is amended by adding Sections 61.0763 and 61.0764 to read as follows:

Sec. 61.0763. RIGHTS OF PARENTS. (a) The commission, in consultation with advocacy and support groups such as those described in Section 61.0386(a), shall develop a parent's bill of rights for distribution to the parent or guardian of a child who is under 18 years of age and committed to the commission. The parent's bill of rights must include:

(1) a description of the commission's grievance policies and procedures, including contact information for the office of inspector general and the office of the independent ombudsman established under Chapter 64;

(2) a list of possible incidents that require parental notification;

(3) policies concerning visits and telephone conversations with a child committed to the commission;

(4) a description of commission caseworker responsibilities; and

(5) a statement that the commission caseworker assigned to a child may assist the child's parent or guardian in obtaining information and services from the commission and other resources concerning:

(A) counseling, including substance abuse and mental health counseling;

(B) assistance programs, including financial and travel assistance programs for visiting a child committed to the commission;

(C) workforce preparedness programs;

(D) parenting programs; and

(E) commission seminars.

(b) Not later than 48 hours after the time a child is admitted to a commission facility, the commission shall mail to the child's parent or guardian at the last known address of the parent or guardian:

(1) the parent's bill of rights; and

(2) the contact information of the commission caseworker assigned to the child.

(c) The commission shall on a quarterly basis provide to the parent, guardian, or designated advocate of a child who is in the custody of the commission a report concerning the progress of the child at the commission, including:

(1) the academic and behavioral progress of the child; and

(2) the results of any reexamination of the child conducted under Section 61.072.

(d) The commission shall ensure that written information provided to a parent or guardian regarding the rights of a child in the custody of the commission or the rights of a child's parent or guardian, including the parent's bill of rights, is clear and easy to understand.

Sec. 61.0764. COMMISSION CASEWORKERS. (a) The commission shall assign a caseworker to a child committed to the commission. A commission caseworker shall:

(1) explore family issues and needs with the parent or guardian of a child committed to the commission;

(2) as needed, provide the parent or guardian of a child committed to the commission with information concerning programs and services provided by the commission or another resource; and

(3) perform other duties required by the commission.

(b) A commission caseworker shall:

(1) at least once a month, attempt to contact the child's parent or guardian by phone, in person while the parent or guardian is visiting the facility, or, if necessary, by mail;

(2) if unsuccessful in contacting the child's parent or guardian under Subdivision (1), attempt at least one additional time each month to contact the child's parent or guardian; and

(3) document successful as well as unsuccessful attempts to contact the child's parent or guardian.

(c) To the extent practicable, a caseworker or another facility administrator shall attempt to communicate with a parent or guardian who does not speak English in the language of choice of the parent or guardian.

SECTION 28. Section 61.079(a), Human Resources Code, is amended to read as follows:

(a) After a child sentenced to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 16 years of age but before the child becomes 19 [24] years of age, the commission may refer the child to the juvenile court that entered the order of commitment for approval of the child's transfer to the ~~[institutional division of the]~~ Texas Department of Criminal Justice for confinement if:

(1) the child has not completed the sentence; and

(2) the child's conduct, regardless of whether the child was released under supervision under Section 61.081, indicates that the welfare of the community requires the transfer.

SECTION 29. Subchapter E, Chapter 61, Human Resources Code, is amended by adding Section 61.0791 to read as follows:

Sec. 61.0791. EVALUATION OF CERTAIN CHILDREN SERVING DETERMINATE SENTENCES. (a) When a child who is sentenced to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, becomes 18 years of age, the commission shall evaluate whether the child is in need of additional services

that can be completed in the six-month period after the child's 18th birthday to prepare the child for release from the custody of the commission or transfer to the Texas Department of Criminal Justice.

(b) This section does not apply to a child who is released from the custody of the commission or who is transferred to the Texas Department of Criminal Justice before the child's 18th birthday.

SECTION 30. Subchapter F, Chapter 61, Human Resources Code, is amended by adding Sections 61.0814, 61.0815, and 61.0816 to read as follows:

Sec. 61.0814. REENTRY AND REINTEGRATION PLAN. (a) The commission shall develop a reentry and reintegration plan for each child committed to the custody of the commission. The plan for a child must be designed to ensure that the child receives an extensive continuity of care in services from the time the child is committed to the commission to the time of the child's final discharge from the commission. The plan for a child must include, as applicable:

- (1) housing assistance;
- (2) a step-down program, such as placement in a halfway house;
- (3) family counseling;
- (4) academic and vocational mentoring;
- (5) trauma counseling for a child who is a victim of abuse while in the custody of the commission; and

(6) other specialized treatment services appropriate for the child.

(b) If a program or service in the child's reentry and reintegration plan is not available at the time the child is to be released, the commission shall find a suitable alternative program or service so that the child's release is not postponed.

Sec. 61.0815. COMPLETION OF MINIMUM LENGTH OF STAY. (a) After a child who is committed to the commission without a determinate sentence completes the minimum length of stay established by the commission for the child under Section 61.062, the commission shall, in the manner provided by this section:

- (1) discharge the child from the custody of the commission;
- (2) release the child under supervision under Section 61.081; or
- (3) extend the length of the child's stay in the custody of the commission.

(b) The commission by rule shall establish a panel whose function is to review and determine whether a child who has completed the child's minimum length of stay should be discharged from the custody of the commission as provided by Subsection (a)(1), be released under supervision under Section 61.081 as provided by Subsection (a)(2), or remain in the custody of the commission for an additional period of time as provided by Subsection (a)(3).

(c) The board shall determine the size of the panel and the length of the members' terms of service on the panel. The panel must consist of an odd number of members and the terms of the panel's members must last for at least two years. The board shall adopt policies that ensure the transparency, consistency, and objectivity of the panel's composition, procedures, and decisions. The board shall appoint persons to serve as members of the panel. A person appointed to the panel must be a commission employee who works at the commission's central office. A member of the panel may not be involved in any supervisory decisions concerning children in the custody of the commission.

(d) The panel may extend the length of the child's stay as provided by Subsection (a)(3) only if the panel determines by majority vote and on the basis of clear and convincing evidence that the child is in need of additional rehabilitation from the commission and that the commission will provide the most suitable environment for that rehabilitation. In extending the length of a child's stay, the panel must specify the additional period of time that the child is to remain in the custody of the commission and must conduct an additional review and determination as provided by this section on the child's completion of the additional term of stay. If the panel determines that the child's length of stay should not be extended, the commission must discharge the child from the custody of the commission as provided by Subsection (a)(1) or release the child under supervision under Section 61.081 as provided by Subsection (a)(2).

(e) The commission shall maintain statistics of the number of extensions granted by the panel. The statistics must include aggregated information concerning:

(1) the race, sex, specialized treatment needs, and county of origin for each child for whom an extension order is requested;

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

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

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

(g) The commission shall provide a report to the parent, guardian, or designated advocate of a child whose length of stay is extended under this section explaining the panel's reason for the extension.

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) a discharge or release under supervision; or

(B) the original extension order being upheld;

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

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

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

SECTION 31. Sections 61.084(e) and (g), Human Resources Code, are amended to read as follows:

(e) Except as provided by Subsection ~~[(f) or]~~ (g), the commission shall discharge from its custody a person not already discharged on the person's 19th ~~[21st]~~ birthday.

(g) The commission shall transfer a person who has been sentenced under a determinate sentence to commitment under Section 54.04(d)(3), 54.04(m), or 54.05(f), Family Code, or who has been returned to the commission under Section 54.11(i)(1), Family Code, to the custody of the ~~[pardons and paroles division of the]~~ Texas Department of Criminal Justice on the person's 19th ~~[21st]~~ birthday, if the person has not already been discharged or transferred, to serve the remainder of the person's sentence on parole as provided by Section 508.156, Government Code.

SECTION 32. Section 61.0841, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Not later than the 90th day before the date the commission transfers a person to the custody of ~~[the pardons and paroles division of]~~ the Texas Department of Criminal Justice for release on parole under Section 61.081(f) or 61.084(g) ~~[61.084(f) or (g)]~~, the commission shall submit to the department all pertinent information relating to the person, including:

- (1) the juvenile court judgment;
- (2) the circumstances of the person's offense;
- (3) the person's previous social history and juvenile court records;
- (4) the person's physical and mental health record;
- (5) a record of the person's conduct, employment history, and attitude while committed to the commission;
- (6) a record of the sentence time served by the person at the commission and in a juvenile detention facility in connection with the conduct for which the person was adjudicated; and
- (7) any written comments or information provided by the commission, local officials, family members of the person, ~~[or]~~ victims of the offense, or the general public.

(c) The Texas Department of Criminal Justice shall grant credit for sentence time served by a person at the commission and in a juvenile detention facility, as recorded by the commission under Subsection (a)(6), in computing the person's eligibility for parole and discharge from the department.

SECTION 33. Subchapter G, Chapter 61, Human Resources Code, is amended by adding Sections 61.098 and 61.099 to read as follows:

Sec. 61.098. CERTAIN CRIMES CONCERNING THE COMMISSION. (a) In this section, "special prosecution unit" means the special prosecution unit established under Subchapter E, Chapter 41, Government Code.

(b) As appropriate, the district attorney, criminal district attorney, or county attorney representing the state in criminal matters before the district or inferior courts of the county who would otherwise represent the state in the prosecution of an offense or delinquent conduct concerning the commission and described by Article 104.003(a), Code of Criminal Procedure, may request that the special prosecution unit prosecute the offense or delinquent conduct.

(c) The office of inspector general shall on a quarterly basis prepare and deliver to the board of directors of the special prosecution unit a report concerning:

(1) any alleged criminal offense or delinquent conduct concerning the commission and described by Article 104.003(a), Code of Criminal Procedure, that occurred during the preceding calendar quarter; and

(2) the disposition of any case involving a criminal offense or delinquent conduct concerning the commission and described by Article 104.003(a), Code of Criminal Procedure, that occurred during the preceding calendar quarter.

(d) Notwithstanding Subsection (c), the office of inspector general shall immediately provide the special prosecution unit with a report concerning an alleged criminal offense or delinquent conduct concerning the commission and described by Article 104.003(a), Code of Criminal Procedure, if the chief inspector general reasonably believes the offense or conduct is particularly serious and egregious.

(e) The chief inspector general of the office of inspector general, at the direction of the board of directors of the special prosecution unit, shall notify the foreman of the appropriate grand jury, in the manner provided by Article 20.09, Code of Criminal Procedure, if:

(1) the chief inspector general receives credible evidence of illegal or improper conduct by commission officers, employees, or contractors that the inspector general reasonably believes jeopardizes the health, safety, and welfare of children in the custody of the commission;

(2) the chief inspector general reasonably believes the conduct:

(A) could constitute an offense under Article 104.003(a), Code of Criminal Procedure; and

(B) involves the alleged physical or sexual abuse of a child in the custody of a commission facility or an investigation related to the alleged abuse; and

(3) the chief inspector general has reason to believe that information concerning the conduct has not previously been presented to the appropriate grand jury.

Sec. 61.099. DUTY TO FILE COMPLAINT WITH LAW ENFORCEMENT AGENCY. If the executive director has reasonable cause to believe that a child in the custody of the commission is the victim of a crime committed at a commission facility, the executive director shall immediately file a complaint with the appropriate law enforcement agency.

SECTION 34. Subtitle A, Title 3, Human Resources Code, is amended by adding Chapter 64 to read as follows:

CHAPTER 64. OFFICE OF INDEPENDENT OMBUDSMAN OF THE TEXAS
YOUTH COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 64.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Youth Commission.

(2) "Independent ombudsman" means the individual who has been appointed under this chapter to the office of independent ombudsman.

(3) "Office" means the office of independent ombudsman created under this chapter.

Sec. 64.002. ESTABLISHMENT; PURPOSE. The office of independent ombudsman is a state agency established for the purpose of investigating, evaluating, and securing the rights of the children committed to the commission, including a child released under supervision before final discharge.

Sec. 64.003. INDEPENDENCE. (a) The independent ombudsman in the performance of its duties and powers under this chapter acts independently of the commission.

(b) Funding for the independent ombudsman is appropriated separately from funding for the commission.

[Sections 64.004-64.050 reserved for expansion]

SUBCHAPTER B. APPOINTMENT AND MANAGEMENT OF OFFICE

Sec. 64.051. APPOINTMENT BY GOVERNOR. (a) The governor shall appoint the independent ombudsman with the advice and consent of the senate for a term of two years, expiring February 1 of odd-numbered years.

(b) A person appointed as independent ombudsman is eligible for reappointment but may not serve more than three terms in that capacity.

Sec. 64.052. ASSISTANTS. The independent ombudsman may hire assistants to perform, under the direction of the independent ombudsman, the same duties and exercise the same powers as the independent ombudsman.

Sec. 64.053. CONFLICT OF INTEREST. (a) A person may not serve as independent ombudsman or as an assistant to the independent ombudsman if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the commission;

(2) owns or controls, directly or indirectly, any interest in a business entity or other organization receiving funds from the commission; or

(3) uses or receives any amount of tangible goods, services, or funds from the commission.

(b) A person may not serve as independent ombudsman or as an assistant to the independent ombudsman if the person or the person's spouse is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

(c) A person may not serve as independent ombudsman or as an assistant to the independent ombudsman if the person or the person's spouse is an officer, employee, manager, or paid consultant of a Texas trade association in the field of criminal or juvenile justice.

(d) For the purposes of this section, a Texas trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

Sec. 64.054. SUNSET PROVISION. The office is subject to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. The office shall be reviewed during the periods in which state agencies abolished in 2009 and every 12th year after 2009 are reviewed.

Sec. 64.055. REPORT. (a) The independent ombudsman shall submit on a quarterly basis to the governor, the lieutenant governor, and each member of the legislature a report that is both aggregated and disaggregated by individual facility and describes:

(1) the work of the independent ombudsman;

(2) the results of any review or investigation undertaken by the independent ombudsman, including reviews or investigation of services contracted by the commission; and

(3) any recommendations that the independent ombudsman has in relation to the duties of the independent ombudsman.

(b) The independent ombudsman shall immediately report to the governor, the lieutenant governor, the speaker of the house of representatives, the state auditor, and the office of the inspector general of the commission any particularly serious or flagrant:

(1) case of abuse or injury of a child committed to the commission;

(2) problem concerning the administration of a commission program or operation;

(3) problem concerning the delivery of services in a facility operated by or under contract with the commission; or

(4) interference by the commission with an investigation conducted by the office.

Sec. 64.056. COMMUNICATION AND CONFIDENTIALITY. (a) The commission shall allow any child committed to the commission to communicate with the independent ombudsman or an assistant to the ombudsman. The communication:

(1) may be in person, by mail, or by any other means; and

(2) is confidential and privileged.

(b) The records of the independent ombudsman are confidential, except that the independent ombudsman shall:

(1) share with the office of inspector general of the commission a communication with a child that may involve the abuse or neglect of the child; and

(2) disclose its nonprivileged records if required by a court order on a showing of good cause.

(c) The independent ombudsman may make reports relating to an investigation public after the investigation is complete but only if the names of all children, parents, and employees are redacted from the report and remain confidential.

(d) The name, address, or other personally identifiable information of a person who files a complaint with the office of independent ombudsman, information generated by the office of independent ombudsman in the course of an investigation, and confidential records obtained by the office of independent ombudsman are confidential and not subject to disclosure under Chapter 552, Government Code, except that the information and records, other than confidential information and records concerning a pending law enforcement investigation or criminal action, may be disclosed to the appropriate person if the office determines that disclosure is:

(1) in the general public interest;

(2) necessary to enable the office to perform the responsibilities provided under this section; or

(3) necessary to identify, prevent, or treat the abuse or neglect of a child.

Sec. 64.057. PROMOTION OF AWARENESS OF OFFICE. The independent ombudsman shall promote awareness among the public and the children committed to the commission of:

(1) how the office may be contacted;

(2) the purpose of the office; and

(3) the services the office provides.

Sec. 64.058. RULEMAKING AUTHORITY. The office by rule shall establish policies and procedures for the operations of the office of independent ombudsman.

Sec. 64.059. AUTHORITY OF STATE AUDITOR. The office is subject to audit by the state auditor in accordance with Chapter 321, Government Code.

[Sections 64.060-64.100 reserved for expansion]

SUBCHAPTER C. DUTIES AND POWERS

Sec. 64.101. DUTIES AND POWERS. (a) The independent ombudsman shall:

(1) review the procedures established by the commission and evaluate the delivery of services to children to ensure that the rights of children are fully observed;

(2) review complaints filed with the independent ombudsman concerning the actions of the commission and investigate each complaint in which it appears that a child may be in need of assistance from the independent ombudsman;

(3) conduct investigations of complaints, other than complaints alleging criminal behavior, if the office determines that:

(A) a child committed to the commission or the child's family may be in need of assistance from the office; or

(B) a systemic issue in the commission's provision of services is raised by a complaint;

(4) review or inspect periodically the facilities and procedures of any institution or residence in which a child has been placed by the commission, whether public or private, to ensure that the rights of children are fully observed;

(5) provide assistance to a child or family who the independent ombudsman determines is in need of assistance, including advocating with an agency, provider, or other person in the best interests of the child;

(6) review court orders as necessary to fulfill its duties;

(7) recommend changes in any procedure relating to the treatment of children committed to the commission;

(8) make appropriate referrals under any of the duties and powers listed in this subsection; and

(9) supervise assistants who are serving as advocates in their representation of children committed to the commission in internal administrative and disciplinary hearings.

(b) The independent ombudsman may apprise persons who are interested in a child's welfare of the rights of the child.

(c) To assess if a child's rights have been violated, the independent ombudsman may, in any matter that does not involve alleged criminal behavior, contact or consult with an administrator, employee, child, parent, expert, or any other individual in the course of its investigation or to secure information.

(d) Notwithstanding any other provision of this chapter, the independent ombudsman may not investigate alleged criminal behavior.

Sec. 64.102. TREATMENT OF COMMISSION EMPLOYEES WHO COOPERATE WITH INDEPENDENT OMBUDSMAN. The commission may not discharge or in any manner discriminate or retaliate against an employee who in good faith makes a complaint to the office of independent ombudsman or cooperates with the office in an investigation.

Sec. 64.103. TRAINING. The independent ombudsman shall attend annual sessions, including the training curriculum for juvenile correctional officers required under Section 61.0356, and may participate in other appropriate professional training.

[Sections 64.104-64.150 reserved for expansion]

SUBCHAPTER D. ACCESS TO INFORMATION

Sec. 64.151. ACCESS TO INFORMATION OF GOVERNMENTAL ENTITIES. (a) The commission shall allow the independent ombudsman access to its records relating to the children committed to the commission.

(b) The Department of Public Safety shall allow the independent ombudsman access to the juvenile justice information system established under Subchapter B, Chapter 58, Family Code.

(c) A local law enforcement agency shall allow the independent ombudsman access to its records relating to any child in the care or custody of the commission.

Sec. 64.152. ACCESS TO INFORMATION OF PRIVATE ENTITIES. The independent ombudsman shall have access to the records of a private entity that relate to a child committed to the commission.

SECTION 35. Section 110.302(c), Occupations Code, is amended to read as follows:

(c) The Texas Board of Criminal Justice [~~or the governing board of the Texas Youth Commission~~] may vote to exempt employees of the Texas Department of Criminal Justice [~~or the Texas Youth Commission, as appropriate,~~] from a specific licensing requirement imposed under this section if the board determines that the requirement causes financial or operational hardship on the agency. The Texas Youth Commission may not exempt any employee of the commission from a licensing requirement imposed by this section for any reason.

SECTION 36. Sections 39.04(a) and (b), Penal Code, are amended to read as follows:

(a) An official of a correctional facility, an employee of a correctional facility, a person other than an employee who works for compensation at a correctional facility, a volunteer at a correctional facility, or a peace officer commits an offense if the person intentionally:

(1) denies or impedes a person in custody in the exercise or enjoyment of any right, privilege, or immunity knowing his conduct is unlawful; or

(2) engages in sexual contact, sexual intercourse, or deviate sexual intercourse with an individual in custody or, in the case of an individual in the custody of the Texas Youth Commission, employs, authorizes, or induces the individual to engage in sexual conduct or a sexual performance.

(b) An offense under Subsection (a)(1) is a Class A misdemeanor. An offense under Subsection (a)(2) is a state jail felony, except that an offense under Subsection (a)(2) is a felony of the second degree if the individual is in the custody of the Texas Youth Commission.

SECTION 37. Section 39.04(e), Penal Code, is amended by adding Subdivisions (4) and (5) to read as follows:

(4) "Sexual conduct" and "performance" have the meanings assigned by Section 43.25.

(5) "Sexual performance" means any performance or part thereof that includes sexual conduct by an individual.

SECTION 38. The following laws are repealed:

- (1) Sections 54.04(s) and (t), Family Code;
- (2) Section 54.05(k), Family Code; and
- (3) Section 61.084(f), Human Resources Code.

SECTION 39. A person committed to the Texas Youth Commission on the basis of conduct constituting the commission of an offense of the grade of misdemeanor under Section 54.04(d)(2), Family Code, as it existed before the effective date of this Act, must be discharged from the custody of the Texas Youth Commission not later than the person's 19th birthday.

SECTION 40. The change in law made by Section 54.052, Family Code, as added by this Act, and Section 61.0841(c), Human Resources Code, as added by this Act, applies only to conduct for which a child is adjudicated on or after the effective date of this Act. A child who is adjudicated before the effective date of this Act is governed by the law in effect when the child was adjudicated, and the former law is continued in effect for that purpose.

SECTION 41. The change in law made by this Act to Section 39.04, Penal Code, applies only to an offense committed on or after September 1, 2007. An offense committed before September 1, 2007, is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2007, if any element of the offense occurred before that date.

SECTION 42. The Texas Youth Commission shall develop and adopt a mission statement, as required by Section 61.0345, Human Resources Code, as added by this Act, on or before October 1, 2007.

SECTION 43. (a) Section 61.0356(b), Human Resources Code, as added by this Act, applies only to a juvenile correctional officer hired by the Texas Youth Commission on or after the effective date of this Act. As soon as practicable but not later than six months after the effective date of this Act, the Texas Youth Commission shall complete providing the training to juvenile correctional officers hired before the effective date of this Act that is necessary to conform to the requirements of Section 61.0356(b), Human Resources Code, as added by this Act.

(b) As soon as practicable after the effective date of this Act, the Texas Youth Commission shall ensure that:

(1) each correctional facility operated by the commission that has a dormitory, including an open-bay dormitory, has a ratio of not less than one juvenile correctional officer performing direct supervisory duties for every 12 children committed to the facility, as required by Section 61.0356(d), Human Resources Code, as added by this Act; and

(2) male children younger than 15 years of age are assigned to separate correctional facility dorms from persons who are at least 17 years of age as required by Section 61.061, Human Resources Code, as added by this Act.

SECTION 44. As soon as practicable after the effective date of this Act, the governor shall appoint the independent ombudsman of the Texas Youth Commission, as required by Section 64.051, Human Resources Code, as added by this Act, with a term of office expiring February 1, 2009.

SECTION 45. Before October 1, 2007, the Texas Youth Commission shall certify to the Employees Retirement System of Texas, in the manner prescribed by the retirement system, the name of each person employed by the office of inspector general at the Texas Youth Commission as a law enforcement officer, as defined by

Section 811.001, Government Code, as amended by this Act, and any other information the system determines is necessary for the crediting of service and financing of benefits under Subtitle B, Title 8, Government Code.

SECTION 46. As soon as practicable after the effective date of this Act, the Texas Youth Commission shall, in the manner prescribed by Section 61.0357, Human Resources Code, as added by this Act, begin obtaining national criminal history record information for each person who is described by Section 61.0357(b), Human Resources Code, as added by this Act.

SECTION 47. (a) Not later than September 30, 2007, the board of directors of the special prosecution unit established by Subchapter E, Chapter 41, Government Code, as added by this Act, shall elect the initial members of the executive board of the board of directors as required by Section 41.304, Government Code, as added by this Act. In electing those members, the board of directors shall specify:

(1) which members serve terms expiring in even-numbered years and which serve terms expiring in odd-numbered years; and

(2) the beginning and end dates of the terms served by the members of the executive board.

(b) Not later than September 30, 2007, the board of directors of the special prosecution unit established by Subchapter E, Chapter 41, Government Code, as added by this Act, shall elect the presiding officer and the assistant presiding officer of the board of directors and the executive board of the board of directors as required by Section 41.305, Government Code, as added by this Act. In electing those officers, the board of directors shall specify the beginning and end dates of the terms served by the officers.

(c) As soon as possible after the effective date of this Act, the executive board of the board of directors of the special prosecution unit established by Subchapter E, Chapter 41, Government Code, as added by this Act, shall elect the counsellor as required by Section 41.309, Government Code, as added by this Act.

SECTION 48. 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.

Floor Amendment No. 1

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

(1) On page 25, lines 17 and 18, strike "61.0386, 61.0451, 61.0452, 61.0461, 61.061, 61.062, and 61.0651" and substitute "and 61.0386".

(2) On page 30, between lines 9 and 10, insert the following:

SECTION _____. Section 61.0423, Human Resources Code, is amended to read as follows:

Sec. 61.0423. PUBLIC HEARINGS. (a) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the commission.

(b) The board shall ensure that the location of public hearings held in accordance with this section is rotated between municipalities in which a commission facility is located or that are in proximity to a commission facility.

SECTION _____. Subchapter C, Chapter 61, Human Resources Code, is amended by adding Sections 61.0451, 61.0452, 61.0461, 61.061, 61.062, and 61.0651 to read as follows:

(3) On page 54, line 2, between "governor," and "and", insert "the state auditor,".

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

SECTION _____. Chapter 54, Family Code, is amended by adding Section 54.0401 to read as follows:

Sec. 54.0401. COMMUNITY-BASED PROGRAMS. (a) This section applies only to a county that has a population of at least 335,000.

(b) A juvenile court of a county to which this section applies may require a child who is found to have engaged in delinquent conduct that violates a penal law of the grade of misdemeanor and for whom the requirements of Subsection (c) are met to participate in a community-based program administered by the county's juvenile board.

(c) A juvenile court of a county to which this section applies may make a disposition under Subsection (b) for delinquent conduct that violates a penal law of the grade of misdemeanor:

(1) if:

(A) the child has been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of misdemeanor on at least two previous occasions;

(B) of the previous adjudications, the conduct that was the basis for one of the adjudications occurred after the date of another previous adjudication; and

(C) the conduct that is the basis of the current adjudication occurred after the date of at least two previous adjudications; or

(2) if:

(A) the child has been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony on at least one previous occasion; and

(B) the conduct that is the basis of the current adjudication occurred after the date of that previous adjudication.

(d) The Texas Juvenile Probation Commission shall establish guidelines for the implementation of community-based programs described by this section. The juvenile board of each county to which this section applies shall implement a community-based program that complies with those guidelines.

(e) The Texas Juvenile Probation Commission shall provide grants to selected juvenile boards to assist with the implementation of a system of community-based programs under this section.

(f) Not later than January 1, 2009, the Texas Juvenile Probation Commission shall prepare and deliver to the governor, the lieutenant governor, and each member of the legislature a report describing the implementation and effectiveness of the community-based programs described by this section. The report must include information relating to the cost of requiring a child to participate in a community-based program.

SECTION _____. (a) Not later than November 1, 2007, the Texas Juvenile Probation Commission shall issue guidelines for the creation of community-based programs required by Section 54.0401, Family Code, as added by this Act.

(b) Not later than January 1, 2008, the juvenile board of a county to which Section 54.0401, Family code, as added by this Act, applies shall implement a community-based program that complies with the guidelines established by the Texas Juvenile Probation Commission.

Floor Amendment No. 2

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

(1) In SECTION 23 of the bill, in added Section 61.0451(a)(1), Human Resources Code (page 30, line 13), strike "fraud" and substitute "crimes".

(2) In SECTION 23 of the bill, in added Section 61.0451(c), Human Resources Code (page 31, line 10), strike "fraud or".

(3) In SECTION 43 of the bill (page 62, line 5), strike "male".

Floor Amendment No. 3

Amend **CSSB 103** (House committee printing) by adding the following appropriately numbered SECTION of the bill and renumbering the SECTIONS of the bill as appropriate:

SECTION _____. Section 261.201, Family Code, is amended by adding Subsections (i) and (j) to read as follows:

(i) Notwithstanding Subsection (a), the Texas Youth Commission shall release a report of alleged or suspected abuse or neglect made under this chapter if:

(1) the report relates to a report of abuse or neglect involving a child committed to the commission during the period that the child is committed to the commission; and

(2) the commission is not prohibited by Chapter 552, Government Code, or other law from disclosing the report.

(j) The Texas Youth Commission shall edit any report disclosed under Subsection (i) to protect the identity of:

(1) a child who is the subject of the report of alleged or suspected abuse or neglect;

(2) the person who made the report; and

(3) any other person whose life or safety may endangered by the disclosure.

Floor Amendment No. 5

Amend **CSSB 103** by striking SECTION 9 and substituting the following:

SECTION 9. Chapter 325, Government Code, is amended by adding Section 325.0121 to read as follows:

Sec. 325.0121. STUDY ON TRANSITION TOWARD REGIONALIZED JUVENILE CORRECTIONS. (a) As part of its review of juvenile corrections for the 81st legislature, the commission shall study the merits of moving the Texas Youth Commission toward a regionalized structure of smaller facilities and more diversified treatment and placement options, taking into consideration the likely effects of this regionalized structure on:

(1) recidivism;

(2) juvenile and family access to services; and

(3) costs to this state and the counties of this state.

(b) In conducting the study, the commission shall determine whether the existing Texas Youth Commission facilities meet their intended purposes.

(c) The commission shall take into consideration the findings and conclusions of the study in its report to the 81st Legislature and shall include any recommendations it considers appropriate resulting from its consideration of the study.

(d) The commission, in conducting the study, may seek the assistance of nationally recognized experts in the field of juvenile justice.

(e) This section expires September 1, 2009.

Floor Amendment No. 6

Amend **CSSB 103** (House committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Subchapter A, Chapter 531, Government Code, is amended by adding Section 531.016 to read as follows:

Sec. 531.016. EQUAL ACCESS TO FACILITIES, SERVICES, AND TREATMENT. (a) The commission, the Texas Youth Commission, and the Texas Juvenile Probation Commission shall periodically review, document, and compare the accessibility and funding of facilities, services, and treatment provided to females under 18 years of age to the accessibility and funding of facilities, services, and treatment provided to males in the same age group.

(b) The commission shall coordinate the review, documentation, and comparison required by Subsection (a).

(c) The areas of review required by Subsection (a) must include:

(1) the nature, extent, and effectiveness of services offered for females under 18 years of age within the areas of teen pregnancy, physical and sexual abuse, and alcohol and drug abuse, services for runaway and homeless females, and services for females involved in gangs or other delinquent activity; and

(2) the equity of services offered to persons under 18 years of age with respect to gender within the areas of physical and sexual abuse, alcohol and drug abuse, and services offered to runaway and homeless youth.

(d) Each health and human services agency or other state agency that provides facilities, services, treatment, or funding subject to the review required by Subsection (a) shall identify existing differences within the agency in the allocation and expenditures of money and services for males under 18 years of age in comparison to females in the same age group. Each agency shall submit a report to the commission describing any differences identified.

(e) Each agency described by Subsection (d) shall:

(1) develop a plan to address any lack of services for females under 18 years of age reported by the agency; and

(2) submit a report to the commission on the progress made under the plan.

(f) The commission shall assemble the agency reports submitted under Subsection (d) and (e) and prepare an executive summary to be delivered to the members of the legislature not later than July 1 of each even-numbered year.

(g) This section expires September 1, 2011.

SECTION _____. The Health and Human Services Commission, the Texas Youth Commission, and the Texas Juvenile Probation Commission shall jointly establish a timetable for the submission of agency reports required by Section 531.016, Government Code, as added by this Act, as soon as practicable after the effective date of this Act.

Floor Amendment No. 8

Amend **CSSB 103** as follows:

On page 23, by striking line 6 and substituting "chemically dependent, ~~and~~ emotionally disturbed children, and females.";

On page 23, line 15, between "(d)" and "If" insert

"The commission shall periodically review, document, and compare the accessibility and funding of treatment programs provided to female children committed to the commission to the accessibility and funding of treatment provided to males children committed to the commission.

(e)"

Floor Amendment No. 9

Amend **CSSB 103** by adding the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

"SECTION _____. Article 61.06(c), Code of Criminal Procedure, is amended to read as follows: (c) In determining whether information is required to be removed from an intelligence database under Subsection (b), the three-year period does not include any period during which the individual who is the subject of the information is:

(1) confined in the institutional division or the state jail division of the Texas Department of Criminal Justice;

(2) committed to a secure correctional facility operated by or under contract with the Texas Youth Commission, as defined by Section 51.02, Family Code; or

(3) a facility operated by a juvenile board in lieu of being committed to a secure correctional facility operated by or under contract with the Texas Youth Commission."

Floor Amendment No. 10

Amend **CSSB 103** (House committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Section 51.12, Family Code, is amended by adding Subsections (b-1), (c-1), and (m) and amending Subsections (c) and (i) to read as follows:

(b-1) A pre-adjudication secure detention facility may be operated only by:

(1) a governmental unit in this state as defined by Section 101.001, Civil Practice and Remedies Code; or

(2) a private entity under a contract with a governmental unit in this state.

(c) In each county, each judge of the juvenile court and a majority of the members of the juvenile board shall personally inspect all public or private [the] juvenile pre-adjudication secure detention facilities [and any public or private juvenile

~~secure correctional facilities used for post-adjudication confinement~~ that are located in the county ~~[and operated under authority of the juvenile board]~~ at least annually and shall certify in writing to the authorities responsible for operating and giving financial support to the facilities and to the Texas Juvenile Probation Commission that the facilities ~~[they]~~ are suitable or unsuitable for the detention of children. In determining whether a facility is suitable or unsuitable for the detention of children, the juvenile court judges and juvenile board members shall consider:

(1) current monitoring and inspection reports and any noncompliance citation reports issued by the Texas Juvenile Probation Commission, including the report provided under Subsection (c-1), and the status of any required corrective actions;

(2) current governmental inspector certification regarding the facility's compliance with local fire codes;

(3) current building inspector certification regarding the facility's compliance with local building codes;

(4) for the 12-month period preceding the inspection, the total number of allegations of abuse, neglect, or exploitation reported by the facility and a summary of the findings of any investigations of abuse, neglect, or exploitation conducted by the facility, a local law enforcement agency, and the Texas Juvenile Probation Commission;

(5) the availability of health and mental health services provided to facility residents;

(6) the availability of educational services provided to facility residents; and

(7) the overall physical appearance of the facility, including the facility's security, maintenance, cleanliness, and environment.

(c-1) The Texas Juvenile Probation Commission shall annually inspect each public or private juvenile pre-adjudication secure detention facility. The Texas Juvenile Probation Commission shall provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the detention of children in accordance with:

(1) the requirements of Subsections (a), (f), and (g); and

(2) minimum professional standards for the detention of children in pre-adjudication ~~[or post-adjudication]~~ secure confinement promulgated by the Texas Juvenile Probation Commission or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

(i) Except for ~~a facility operated or certified by the Texas Youth Commission or~~ a facility as provided by Subsection (l), a governmental unit or private entity that operates or contracts for the operation of a juvenile pre-adjudication secure detention facility under Subsection (b-1) ~~[or a juvenile post-adjudication secure correctional facility]~~ in this state shall:

(1) register the facility annually with the Texas Juvenile Probation Commission; and

(2) adhere to all applicable minimum standards for the facility.

(m) The Texas Juvenile Probation Commission may deny, suspend, or revoke the registration of any facility required to register under Subsection (i) if the facility fails to:

- (1) adhere to all applicable minimum standards for the facility; or
- (2) timely correct any notice of noncompliance with minimum standards.

SECTION _____. Chapter 51, Family Code, is amended by adding Section 51.125 to read as follows:

Sec. 51.125. POST-ADJUDICATION CORRECTIONAL FACILITIES. (a) A post-adjudication secure correctional facility for juvenile offenders may be operated only by:

(1) a governmental unit in this state as defined by Section 101.001, Civil Practice and Remedies Code; or

(2) a private entity under a contract with a governmental unit in this state.

(b) In each county, each judge of the juvenile court and a majority of the members of the juvenile board shall personally inspect all public or private juvenile post-adjudication secure correctional facilities that are not operated by the Texas Youth Commission and that are located in the county at least annually and shall certify in writing to the authorities responsible for operating and giving financial support to the facilities and to the Texas Juvenile Probation Commission that the facility or facilities are suitable or unsuitable for the detention of children. In determining whether a facility is suitable or unsuitable for the confinement of children, the juvenile court judges and juvenile board members shall consider:

(1) current monitoring and inspection reports and any noncompliance citation reports issued by the Texas Juvenile Probation Commission, including the report provided under Subsection (c), and the status of any required corrective actions; and

(2) the other factors described under Sections 51.12(c)(2)-(7).

(c) The Texas Juvenile Probation Commission shall annually inspect each public or private juvenile post-adjudication secure correctional facility that is not operated by the Texas Youth Commission. The Texas Juvenile Probation Commission shall provide a report to each juvenile court judge presiding in the same county as an inspected facility indicating whether the facility is suitable or unsuitable for the detention of children in accordance with minimum professional standards for the detention of children in post-adjudication secure confinement promulgated by the Texas Juvenile Probation Commission or, at the election of the juvenile board of the county in which the facility is located, the current standards promulgated by the American Correctional Association.

(d) A governmental unit or private entity that operates or contracts for the operation of a juvenile post-adjudication secure correctional facility in this state under Subsection (a), except for a facility operated by or under contract with the Texas Youth Commission, shall:

(1) register the facility annually with the Texas Juvenile Probation Commission; and

(2) adhere to all applicable minimum standards for the facility.

(e) The Texas Juvenile Probation Commission may deny, suspend, or revoke the registration of any facility required to register under Subsection (d) if the facility fails to:

- (1) adhere to all applicable minimum standards for the facility; or
- (2) timely correct any notice of noncompliance with minimum standards.

SECTION _____. Section 42.041(b), Human Resources Code, is amended to read as follows:

(b) This section does not apply to:

- (1) a state-operated facility;
- (2) an agency foster home or agency foster group home;
- (3) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities on or near the premises, including but not limited to retreats or classes for religious instruction;
- (4) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;
- (5) a youth camp licensed by the Department of State Health Services [~~Texas Department of Health~~];
- (6) a facility licensed, operated, certified, or registered by another state agency;
- (7) an educational facility accredited by the Texas Education Agency or the Southern Association of Colleges and Schools that operates primarily for educational purposes in grades kindergarten and above, an after-school program operated directly by an accredited educational facility, or an after-school program operated by another entity under contract with the educational facility, if the Texas Education Agency or Southern Association of Colleges and Schools has approved the curriculum content of the after-school program operated under the contract;
- (8) an educational facility that operates solely for educational purposes in grades kindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;
- (9) a kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the Texas Education Agency, that offers educational programs through grade six, and that does not provide custodial care during the hours before or after the customary school day;
- (10) a family home, whether registered or listed;
- (11) an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers educational programs for children age five and above in one or more of the following: kindergarten through at least grade three, elementary, or secondary grades;

(12) an emergency shelter facility providing shelter to minor mothers who are the sole support of their natural children under Section 32.201, Family Code, unless the facility would otherwise require a license as a child-care facility under this section;

(13) a juvenile detention facility certified under Section 51.12, Family Code, a juvenile correctional facility certified under Section 51.125, Family Code, ~~or Section 141.042(d),~~ a juvenile facility providing services solely for the Texas Youth Commission, or any other correctional facility for children operated or regulated by another state agency or by a political subdivision of the state;

(14) an elementary-age (ages 5-13) recreation program operated by a municipality provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs, that such standards are provided to the parents of each program participant, and that the ordinances shall include, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; and further provided that parents be informed that the program is not licensed by the state and the program may not be advertised as a child-care facility; or

(15) an annual youth camp held in a municipality with a population of more than 1.5 million that operates for not more than three months and that has been operated for at least 10 years by a nonprofit organization that provides care for the homeless.

SECTION _____. Section 42.052(h), Human Resources Code, is amended to read as follows:

(h) The certification requirements of this section do not apply to a juvenile detention facility certified under Section 51.12, Family Code, or a juvenile correctional facility certified under Section 51.125, Family Code ~~[or Section 141.042(d)]~~.

SECTION _____. Section 141.042(d), Human Resources Code, is repealed.

Floor Amendment No. 11

Amend **CSSB 103** (House committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Subchapter C, Chapter 61, Human Resources Code, is amended by adding Section 61.055 to read as follows:

Sec. 61.055. ZERO-TOLERANCE POLICY. The commission shall adopt a zero-tolerance policy concerning the detection, prevention, and punishment of the sexual abuse, including consensual sexual contact, of children in the custody of the commission.

(b) The commission shall establish standards for reporting and collecting data on the sexual abuse of children in the custody of the commission.

(c) The commission shall establish a procedure for children in the custody of the commission and commission employees to report incidents of sexual abuse involving a child in the custody of the commission. The procedure must designate a person

employed at the commission facility in which the abuse is alleged to have occurred as well as a person who is employed at the commission's headquarters to whom a person may report an incident of sexual abuse.

(d) The commission shall prominently display the following notice in the office of the chief administrator of each commission facility, the employees' break room of each commission facility, the cafeteria of each commission facility, and at least six additional locations in each commission facility:

THE TEXAS LEGISLATURE HAS ADOPTED A ZERO-TOLERANCE POLICY REGARDING THE SEXUAL ABUSE, INCLUDING CONSENSUAL SEXUAL CONTACT, CONCERNING A CHILD IN THE CUSTODY OF THE COMMISSION. ANY SUCH VIOLATION MUST BE REPORTED TO

Floor Amendment No. 12

Amend **CSSB 103** in SECTION 17 of the bill, in amended Subsection (b), Section 61.012, Human Resources Code (page 21, line 9), immediately following "the commission.", by inserting "At least two of the members of the board must have primary experience in a field other than the field of criminal or juvenile justice.".

The amendments were read.

Senator Hinojosa moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 103** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate: Senators Hinojosa, Chair; Whitmire, Seliger, Williams, and Hegar.

COMMITTEE SUBSTITUTE SENATE BILL 1429 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 1429** at this time on its second reading:

CSSB 1429, Relating to the authority of physicians to delegate to certain pharmacists the implementation and modification of a patient's drug therapy.

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 1429 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 1429** 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 277 WITH HOUSE AMENDMENT

Senator Shapiro called **SB 277** 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 277** by substituting in lieu thereof the following:

**A BILL TO BE ENTITLED
AN ACT**

relating to the use in an advertisement of a name or picture of a member of the United States armed forces or the state military forces; providing a criminal penalty.

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

SECTION 1. Subchapter D, Chapter 35, Business & Commerce Code, is amended by adding Section 35.64 to read as follows:

Sec. 35.64. CERTAIN USES OF NAME OR PICTURE OF MEMBER OF ARMED FORCES PROHIBITED. (a) In this section:

(1) "Heir" means a surviving grandparent, parent, sibling, child, or grandchild of a deceased individual.

(2) "Personal representative" means an executor, independent executor, administrator, independent administrator, or temporary administrator, together with their successors.

(b) A person commits an offense if the person uses, in an advertisement for a commercial purpose, the name of an individual who is an active duty or former member of the United States armed forces, who is a member or former member of a reserve component of the United States armed forces, or who is a member or former member of the state military forces, as defined by Section 431.001, Government Code, or a picture of the individual in uniform in which the individual is clearly identifiable, without obtaining the consent of:

(1) the individual, if the individual is living; or

(2) the individual's surviving spouse or personal representative or a majority of the individual's adult heirs, if the individual is deceased.

(c) An offense under this section is a Class A misdemeanor.

(d) This section does not apply to a member of the print or broadcast media who uses a name or picture of an individual in a report of news to the public or an advertisement for that report.

SECTION 2. This Act takes effect September 1, 2007.

The amendment was read.

Senator Shapiro moved to concur in the House amendment to **SB 277**.

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

HOUSE BILL 1491 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1491** at this time on its second reading:

HB 1491, Relating to disclosure of certain relationships with local government officers.

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 1491 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 **HB 1491** 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.

BILLS SIGNED

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

SB 168, SB 500, SB 947, SB 1084, SB 1107, SB 1306, SB 1430, SB 1463, SB 1542, SB 1634, SB 1660, SB 1673, SB 1836, SB 1977.

SENATE BILL 823 WITH HOUSE AMENDMENTS

Senator Whitmire called **SB 823** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 1

Amend **SB 823** (House committee printing) as follows:

(1) In SECTION 1 of the bill, strike the underlined language in proposed Paragraph (B), Subdivision (23), Section 1, Article 18.20, Code of Criminal Procedure (page 1, lines 15-18), and substitute the following:

(B) has received a minimum of 24 hours of training on kidnapping investigations and is:

(i) the sheriff of a county with a population of 3.3 million or more or the sheriff's designee; or

(ii) the police chief of a police department in a municipality with a population of 500,000 or more or the police chief's designee

(2) In SECTION 2 of the bill, strike proposed Subdivision (3-a), Section 1, Article 18.21, Code of Criminal Procedure (page 1, line 24, through page 2, line 1), and substitute the following:

(3-a) "Designated law enforcement agency" means:

(A) the sheriff's department of a county with a population of 3.3 million or more; or

(B) a police department in a municipality with a population of 500,000 or more.

(3) In SECTION 3 of the bill, strike "designated police agency" and substitute "designated law enforcement agency" in each of the following places:

(A) amended Subsection (b), Section 2, Article 18.21, Code of Criminal Procedure (page 2, lines 13 and 23-24);

(B) amended Subsection (d), Section 2, Article 18.21, Code of Criminal Procedure (page 3, lines 4-5, 10, and 14);

(C) proposed Subsection (i), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 15); and

(D) proposed Subsection (j), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 17).

(4) In SECTION 3 of the bill, in proposed Subsection (j), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 20), strike "the chief of the agency" and substitute "the sheriff or chief of the agency, as applicable".

(5) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 23), strike "chief of a designated police agency" and substitute "sheriff or chief of a designated law enforcement agency, as applicable".

(6) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 25), strike "by the chief".

(7) In SECTION 5 of the bill, in amended Section 15, Article 18.21, Code of Criminal Procedure (page 4, lines 21-22), strike "designated police agency" and substitute "designated law enforcement agency".

Floor Amendment No. 2

Amend **SB 823** (House committee printing) as follows:

(1) In the recital to SECTION 3 of the bill (page 2, line 4), strike "and (k)" and substitute "(k), and (l)".

(2) In SECTION 3 of the bill, in amended Section 2, Article 18.21, Code of Criminal Procedure, strike proposed Subsections (i) and (j) (page 3, lines 15-22) and substitute:

(i) A peace officer of a designated police agency is authorized to possess, install, operate, or monitor a pen register, ESN reader, or similar equipment if the officer's name is on the list submitted to the director of the Department of Public Safety under Subsection (k).

(j) Each designated police agency shall:

(1) adopt a written policy governing the application of this article to the agency; and

(2) submit the policy to the director of the Department of Public Safety, or the director's designee, for approval.

(3) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 23), strike "The" and substitute "If the director of the Department of Public Safety, or the director's designee, approves the policy submitted under Subsection (j), the".

(4) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 23), between "agency" and "shall", insert ", or the chief's designee,".

(5) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 24), strike "of the Department of Public Safety".

(6) In SECTION 3 of the bill, immediately following proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (between page 3, line 27, and page 4, line 1), insert the following:

(l) The Department of Public Safety may conduct an audit of a designated police agency to ensure compliance with this article.

(7) Strike SECTION 4 of the bill (page 4, lines 1-17).

(8) In SECTION 5 of the bill, in amended Section 15, Article 18.21, Code of Criminal Procedure (page 4, lines 21 and 22), strike "a designated police agency" and substitute "the chief of a designated police agency, or the chief's designee,".

(9) Renumber existing SECTIONS of the bill as appropriate.

Floor Amendment No. 3

Amend **SB 823** (House committee printing) as follows:

(1) In the recital to SECTION 3 of the bill (page 2, line 4), strike "and (k)" and substitute "(k), and (l)".

(2) In SECTION 3 of the bill, in amended Section 2, Article 18.21, Code of Criminal Procedure, strike proposed Subsections (i) and (j) (page 3, lines 15-22) and substitute:

(i) A peace officer of a designated police agency is authorized to possess, install, operate, or monitor a pen register, ESN reader, or similar equipment if the officer's name is on the list submitted to the director of the Department of Public Safety under Subsection (k).

(j) Each designated police agency shall:

(1) adopt a written policy governing the application of this article to the agency; and

(2) submit the policy to the director of the Department of Public Safety, or the director's designee, for approval.

(3) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 23), strike "The" and substitute "If the director of the Department of Public Safety, or the director's designee, approves the policy submitted under Subsection (j), the".

(4) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 23), between "agency" and "shall", insert ", or the chief's designee,".

(5) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 24), strike "of the Department of Public Safety".

(6) In SECTION 3 of the bill, immediately following proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (between page 3, line 27, and page 4, line 1), insert the following:

(l) The Department of Public Safety may conduct an audit of a designated police agency to ensure compliance with this article. If the department determines from the audit that the designated police agency is not in compliance with the policy adopted by the agency under Subsection (j), the department shall notify the agency in writing that it is not in compliance. If the department determines that the agency still is not in compliance with the policy 90 days after the date the agency receives written notice under this subsection, the agency loses the authority granted by this article until:

(1) the agency adopts a new written policy governing the application of this article to the agency; and

(2) the department approves the written policy.

(7) Strike SECTION 4 of the bill (page 4, lines 1-17).

(8) In SECTION 5 of the bill, in amended Section 15, Article 18.21, Code of Criminal Procedure (page 4, line 20), between the period and "The director", insert "(a)".

(9) In SECTION 5 of the bill, in amended Section 15, Article 18.21, Code of Criminal Procedure (page 4, lines 21 and 22), strike "a designated police agency" and substitute "the chief of a designated police agency, or the chief's designee,".

(10) In SECTION 5 of the bill, in amended Section 15, Article 18.21, Code of Criminal Procedure (page 5, between lines 2 and 3), insert the following:

(b) Not later than the 30th day after the date on which the administrative subpoena is issued under Subsection (a), the chief of a designated police agency shall report the issuance of the subpoena to the department.

(c) If, based on reports received under Subsection (b), the department determines that a designated police agency is not in compliance with the policy adopted by the agency under Section 2(j), the department shall notify the agency in writing that it is not in compliance. If the department determines that the agency still is not in compliance with the policy 90 days after the date the agency receives written notice under this subsection, the agency loses the authority granted by this article until:

(1) the agency adopts a new written policy governing the application of this article to the agency; and

(2) the department approves the written policy.

(11) Renumber existing SECTIONS of the bill as appropriate.

Floor Amendment No. 4

Amend **SB 823** by adding subsection (l) between page 3, line 27 and page 4, line 1 as follows:

(l) The chief of a designated police agency shall submit to the director of the Department of Public Safety a written report of expenditures made by the designated police agency for the purchase and maintenance of a pen register, ESN reader, or similar equipment, authorized pursuant to subsection (i). The director of the Department of Public Safety shall report such expenditures publicly on an annual basis via the department's website, or other comparable means.

The amendments were read.

Senator Whitmire moved to concur in the House amendments to **SB 823**.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1212 ON SECOND READING**

Senator Gallegos moved to suspend the regular order of business to take up for consideration **CSSB 1212** at this time on its second reading:

CSSB 1212, Relating to the local control of firefighter employment matters in certain municipalities.

The motion prevailed.

Senator Patrick 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: Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 1212 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1212** be placed on its third reading and final passage.

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

Nays: Patrick.

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

SENATE RESOLUTION ON FIRST READING

The following resolution was introduced, read first time, and referred to the committee indicated:

SJR 68 by Wentworth

Proposing a constitutional amendment to allow certain elected county or district officeholders to become a candidate for another office in a primary election held in the final year of the officeholder's term without causing the automatic resignation of the officeholder.

To Committee on State Affairs.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

HB 9 to Committee on Health and Human Services.

HB 13 to Committee on Transportation and Homeland Security.
HB 53 to Committee on Transportation and Homeland Security.
HB 147 to Committee on Natural Resources.
HB 319 to Committee on Jurisprudence.
HB 455 to Committee on Criminal Justice.
HB 916 to Committee on Criminal Justice.
HB 1117 to Committee on Health and Human Services.
HB 1137 to Committee on Education.
HB 1318 to Committee on Intergovernmental Relations.
HB 1372 to Committee on Business and Commerce.
HB 1381 to Committee on State Affairs.
HB 1404 to Committee on Intergovernmental Relations.
HB 1500 to Committee on Jurisprudence.
HB 1524 to Subcommittee on Emerging Technologies and Economic Development.
HB 1541 to Committee on Business and Commerce.
HB 1563 to Committee on Education.
HB 1573 to Committee on Intergovernmental Relations.
HB 1638 to Committee on Transportation and Homeland Security.
HB 1648 to Committee on Intergovernmental Relations.
HB 1728 to Committee on State Affairs.
HB 1737 to Committee on Business and Commerce.
HB 1889 to Committee on Criminal Justice.
HB 1920 to Committee on Natural Resources.
HB 1977 to Committee on State Affairs.
HB 2006 to Committee on State Affairs.
HB 2072 to Committee on Natural Resources.
HB 2109 to Committee on Jurisprudence.
HB 2132 to Committee on Health and Human Services.
HB 2137 to Committee on Jurisprudence.
HB 2156 to Committee on Intergovernmental Relations.
HB 2159 to Committee on Intergovernmental Relations.
HB 2190 to Committee on State Affairs.
HB 2218 to Committee on Intergovernmental Relations.
HB 2248 to Committee on State Affairs.
HB 2250 to Committee on State Affairs.
HB 2294 to Committee on Transportation and Homeland Security.
HB 2313 to Committee on Health and Human Services.
HB 2353 to Committee on Intergovernmental Relations.
HB 2358 to Committee on State Affairs.
HB 2368 to Committee on Natural Resources.
HB 2392 to Committee on Health and Human Services.
HB 2442 to Committee on Intergovernmental Relations.
HB 2467 to Committee on State Affairs.
HB 2502 to Committee on Jurisprudence.
HB 2504 to Committee on Education.
HB 2510 to Committee on Transportation and Homeland Security.

HB 2542 to Committee on Government Organization.
HB 2543 to Committee on Government Organization.
HB 2548 to Committee on State Affairs.
HB 2549 to Committee on State Affairs.
HB 2551 to Committee on Business and Commerce.
HB 2565 to Committee on Transportation and Homeland Security.
HB 2569 to Committee on Business and Commerce.
HB 2580 to Committee on Health and Human Services.
HB 2589 to Committee on State Affairs.
HB 2607 to Committee on Jurisprudence.
HB 2617 to Committee on Jurisprudence.
HB 2620 to Committee on Government Organization.
HB 2651 to Committee on Transportation and Homeland Security.
HB 2671 to Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.
HB 2678 to Committee on Natural Resources.
HB 2694 to Committee on Transportation and Homeland Security.
HB 2715 to Committee on Transportation and Homeland Security.
HB 2724 to Committee on Business and Commerce.
HB 2749 to Committee on Transportation and Homeland Security.
HB 2751 to Committee on Intergovernmental Relations.
HB 2752 to Committee on Intergovernmental Relations.
HB 2761 to Committee on State Affairs.
HB 2762 to Committee on State Affairs.
HB 2765 to Committee on State Affairs.
HB 2859 to Committee on Transportation and Homeland Security.
HB 2882 to Committee on State Affairs.
HB 2883 to Committee on Natural Resources.
HB 2912 to Committee on State Affairs.
HB 2917 to Committee on Intergovernmental Relations.
HB 2918 to Committee on Government Organization.
HB 2944 to Committee on Transportation and Homeland Security.
HB 2960 to Committee on Business and Commerce.
HB 2991 to Committee on Transportation and Homeland Security.
HB 3038 to Committee on Intergovernmental Relations.
HB 3070 to Committee on Natural Resources.
HB 3092 to Committee on Education.
HB 3123 to Committee on Business and Commerce.
HB 3125 to Committee on Intergovernmental Relations.
HB 3173 to Committee on Business and Commerce.
HB 3215 to Subcommittee on Higher Education.
HB 3259 to Committee on Education.
HB 3270 to Committee on Transportation and Homeland Security.
HB 3271 to Committee on Business and Commerce.
HB 3281 to Committee on State Affairs.
HB 3291 to Subcommittee on Higher Education.
HB 3293 to Committee on Jurisprudence.

HB 3353 to Committee on Natural Resources.
HB 3355 to Committee on Intergovernmental Relations.
HB 3426 to Committee on Government Organization.
HB 3444 to Committee on Transportation and Homeland Security.
HB 3457 to Committee on Education.
HB 3464 to Subcommittee on Higher Education.
HB 3473 to Committee on Health and Human Services.
HB 3475 to Committee on Natural Resources.
HB 3537 to Committee on Jurisprudence.
HB 3552 to Committee on Finance.
HB 3554 to Committee on Natural Resources.
HB 3593 to Committee on Jurisprudence.
HB 3594 to Committee on International Relations and Trade.
HB 3613 to Committee on Criminal Justice.
HB 3619 to Committee on State Affairs.
HB 3692 to Committee on Criminal Justice.
HB 3699 to Committee on Finance.
HB 3723 to Committee on State Affairs.
HB 3746 to Committee on Education.
HB 3776 to Committee on Natural Resources.
HB 3778 to Committee on Health and Human Services.
HB 3818 to Subcommittee on Emerging Technologies and Economic Development.
HB 3832 to Committee on Transportation and Homeland Security.
HB 3876 to Committee on Health and Human Services.
HB 3888 to Committee on Transportation and Homeland Security.
HB 3929 to Committee on Natural Resources.
HB 3930 to Committee on Criminal Justice.
HB 4031 to Committee on Intergovernmental Relations.
HB 4035 to Committee on Health and Human Services.
HB 4036 to Committee on Health and Human Services.
HB 4040 to Committee on Jurisprudence.
HB 4067 to Committee on Natural Resources.
HB 4074 to Committee on Intergovernmental Relations.
HB 4091 to Committee on Intergovernmental Relations.
HJR 39 to Committee on State Affairs.
HJR 72 to Committee on Business and Commerce.
HCR 49 to Committee on Government Organization.
HCR 81 to Committee on Government Organization.
HCR 102 to Committee on Government Organization.
HCR 163 to Committee on Transportation and Homeland Security.
HCR 186 to Committee on Government Organization.

**COMMITTEE SUBSTITUTE
SENATE BILL 1503 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1503** at this time on its second reading:

CSSB 1503, Relating to behavioral health services for children and establishment of the Children's Behavioral Health Council.

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 1503 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1503** 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 1638 ON SECOND READING**

Senator Williams moved to suspend the regular order of business to take up for consideration **CSSB 1638** at this time on its second reading:

CSSB 1638, Relating to the calculation of certain tax rates and certain notice requirements for local taxing jurisdictions.

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

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

On motion of Senator Uresti and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Administration might meet tomorrow.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider **HB 3281** today.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider **SJR 43** today.

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

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

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

On motion of Senator Shapleigh and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Subcommittee on Base Realignment and Closure might meet today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Averitt and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider **HB 1090** today.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 1007 by Deuell, In memory of Nehemiah Pickens.

SR 1008 by Deuell, In memory of Eric Jay Van Fossan.

SR 1009 by Deuell, In memory of Dale David Geddie.

Congratulatory Resolutions

SR 1010 by Shapiro, Recognizing Citizenship McKinney on the occasion of its 20th anniversary.

SR 1011 by Ellis, Recognizing Bestine Flood Forbes of Houston on the occasion of her 62nd birthday.

SR 1012 by West, Recognizing C. J. R. Phillips, Jr., for his service to Saint Phillips Missionary Baptist Church in Dallas.

SR 1013 by West, Commending Libbie Terrell Lee for her work in her profession.

SR 1014 by West, Recognizing Mount Rose Church in Dallas on the occasion of its 115th anniversary.

ADJOURNMENT

On motion of Senator Averitt, the Senate at 2:48 p.m. adjourned, in memory of Gussie Loretta Beatrice Baldwin Jones, until 9:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

May 10, 2007

TRANSPORTATION AND HOMELAND SECURITY — **HB 1049, HB 2163, HB 2546, HB 3601, HB 3955**

CRIMINAL JUSTICE — **HB 44, HB 198, HB 312, HB 425, HB 486, HB 963, HB 1178, HB 1839, HB 2611**

STATE AFFAIRS — **CSHB 2017**

INTERGOVERNMENTAL RELATIONS — **HB 3132**

BUSINESS AND COMMERCE — **HB 1248, CSHB 2251, HB 2348, HB 2350, HB 3074, HB 3446**

JURISPRUDENCE — **SCR 65, HB 95, HB 167, HB 342, HB 587, HB 764, HB 1204, HB 1346, HB 1709, HB 1972, HB 2766**

NATURAL RESOURCES — **CSHB 479**

TRANSPORTATION AND HOMELAND SECURITY — **CSHB 412, CSHB 413, CSSB 174**

BUSINESS AND COMMERCE — **CSHB 2144**

EDUCATION — **SB 1904, HB 86, HB 534, HB 606, HB 868, HB 890, CSHB 1157, HB 1187, HB 1400, HB 1418**

TRANSPORTATION AND HOMELAND SECURITY — **CSHB 1471**

EDUCATION — **HB 1700, HB 2341, HB 2411, HB 2455, HB 2503, HB 3564**

SENT TO GOVERNOR

May 10, 2007

SB 168, SB 500, SB 947, SB 1084, SB 1107, SB 1306, SB 1430, SB 1463, SB 1542, SB 1634, SB 1660, SB 1673, SB 1836, SB 1977

**In Memory
of
Gussie Loretta Beatrice Baldwin Jones
Senate Resolution 1004**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Gussie Loretta Beatrice Baldwin Jones, who died March 10, 2007, at the age of 73; and

WHEREAS, Gussie Loretta Beatrice Baldwin was born on November 30, 1933, to Sip and Mamie Williams Baldwin; she attended West Liberty and Liberty Training High schools; and

WHEREAS, She became a Christian at an early age and was a lifelong member of the Trinity Valley Baptist Church, where her grandfather had served as the first pastor and where she served in numerous capacities over the years; she loved singing and was a leader in the church choirs; and

WHEREAS, Gussie fulfilled her lifelong dream of becoming a nurse when she joined Lee Junior College's Licensed Vocational Nurse program in 1976; she especially enjoyed her 25 years of tending to the needs of mothers and their newborns in a labor and delivery department; because of her love of ministering to people in need, she inspired many young women to pursue nursing as a career; and

WHEREAS, Her loving home was always open to her extended family and friends, and she loved cooking and taking part in many community activities, such as serving in the Parent-Teacher Association, in baseball and softball leagues, in Scouting programs, and in booster clubs; and

WHEREAS, A devoted mother and doting grandmother, she set a fine example for her children and grandchildren and taught them to be steadfast in their religion and to pray; all who knew Gussie Jones will long remember her for her charm, her courage, and her generosity of spirit; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend sincere condolences to the bereaved family of Gussie Loretta Beatrice Baldwin Jones: her children, Marvin Sip Baldwin, Gerald Emile Baldwin, Loretta Cecile Baldwin-Eddings, and Chester D. T. Baldwin; her brothers, Chester E. Baldwin and G.W. Baldwin; her five grandchildren and her two great-grandchildren; and her other special children; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her 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 Gussie Loretta Beatrice Baldwin Jones.

WILLIAMS

