

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FIFTH DAY

(Thursday, March 29, 2007)

The Senate met at 10:13 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Gallegos.

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

The Reverend Keith Born, Immanuel Lutheran Church, Pflugerville, offered the invocation as follows:

Dear heavenly Father, this morning, I offer prayers for all the residents of our state. Help us all to understand our responsibilities to our neighbors. Strengthen us so that we may seek out and serve the needs of others. Bring us together and make of us a star, the Texas star, so that we, in our attitude and through our actions, might be a shining example of compassion and service to our country and our world. I offer prayers for the men and women of our military. Keep them safe, protect them from all harm and danger, and bring them home healthy and whole to family and friends. And I offer prayers for the men and women gathered here in this place on this day. Give these folks compassionate hearts, cooperative minds, and sincerity of purpose. Keep them mindful of those they are here to serve, and strengthen them with diligence for their task. I offer these prayers in and through Your most holy name. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

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

CO-AUTHOR OF SENATE BILL 476

On motion of Senator Uresti, Senator Duncan will be shown as Co-author of **SB 476**.

CO-AUTHOR OF SENATE BILL 480

On motion of Senator Janek, Senator Patrick will be shown as Co-author of **SB 480**.

CO-AUTHOR OF SENATE BILL 964

On motion of Senator Shapiro, Senator Nelson will be shown as Co-author of **SB 964**.

CO-AUTHOR OF SENATE BILL 965

On motion of Senator Shapiro, Senator Carona will be shown as Co-author of **SB 965**.

CO-AUTHOR OF SENATE BILL 1289

On motion of Senator Van de Putte, Senator Hinojosa will be shown as Co-author of **SB 1289**.

CO-AUTHOR OF SENATE BILL 1898

On motion of Senator Van de Putte, Senator Eltife will be shown as Co-author of **SB 1898**.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee of the Whole Senate:

Austin, Texas
March 28, 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 Conservator of the Texas Youth Commission, pursuant to Government Code §2104.011 for a term to expire the earlier of two (2) years from the date of appointment or when the conservatorship dissolves:

Jay Kimbrough
Calvert, Texas

Respectfully submitted,
/s/Rick Perry
Governor

MESSAGES FROM THE GOVERNOR

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

Austin, Texas
March 29, 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:

North East Texas Regional Mobility Authority

Jeff Austin III
Tyler, Texas

Appointment Date: May 9, 2006
Expiration Date: February 1, 2008

Hidalgo County Regional Mobility Authority

Dennis Bursleson
Mission, Texas

Appointment Date: February 27, 2006
Expiration Date: February 1, 2008

Grayson County Regional Mobility Authority

Raymond Jerdy Gary
Denison, Texas

Appointment Date: May 9, 2006
Expiration Date: February 1, 2008

To be members of the Texas Veterans' Commission for terms to expire December 31, 2011:

Ezell Ware, Jr.
Austin, Texas

(replacing Leo Barraza of El Paso whose term expired)

Terrence P. O'Mahoney
Dallas, Texas

(replacing James Adams of Dallas whose term expired)

Respectfully submitted,

/s/Rick Perry
Governor

BILL SIGNED

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **SB 190**.

(Senator Brimer in Chair)

SENATE RESOLUTION 591

Senator Wentworth offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Society of Mayflower Descendants of the State of Texas on the occasion of its 76th anniversary; and

WHEREAS, The Society of Mayflower Descendants was chartered on December 24, 1931, and the members in the Lone Star State trace their lineage directly back to the Pilgrims who arrived in the New World aboard the *Mayflower*; and

WHEREAS, The celebrated Pilgrims landed on Plymouth Rock in December of 1620 and faced cruel hardships and rigorous struggles their first year, which included a death toll of half of the population; the Texas society was founded by the lineal descendants of that courageous band of survivors in order to preserve their memory, their records, and their history; and

WHEREAS, The society was founded on the principles of the civil and religious liberty set forth in the Mayflower Compact, such as cherishing and maintaining the ideals and institutions of American freedom; this exemplary organization is dedicated to the values that built this state and this nation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the Society of Mayflower Descendants of the State of Texas for keeping alive the spirit of the Pilgrims and extend congratulations to the organization on the occasion of its 76th anniversary; and, be it further

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

SR 591 was read and was adopted without objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate representatives of the Society of Mayflower Descendants of the State of Texas.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

March 29, 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 34, Relating to the prohibition of certain payments or other inducements regarding a workers' compensation claim; providing an administrative violation.

HB 167, Relating to exempting a religious bible from attachment, execution, or other seizure for the satisfaction of debts.

HB 178, Relating to the issuance and renewal of certain licenses for junkyards and automotive wrecking and salvage yards.

HB 227, Relating to the operation of golf carts and side-by-side utility vehicles on municipal streets or county roads.

HB 246, Relating to reports on cases of acquired immune deficiency syndrome and human immunodeficiency virus infection.

HB 271, Relating to disclosure by a home seller of previous use of the home for manufacture of methamphetamine.

HB 313, Relating to an exemption from registration in this state for certain foreign commercial motor vehicles.

HB 314, Relating to the classroom placement of multiple birth siblings in public schools.

HB 342, Relating to concurrent guardianship proceedings in this state and in a foreign jurisdiction.

HB 365, Relating to the exemption from regulation of certain charitable, religious, or civic organizations engaged in auction activities.

HB 374, Relating to use of state buildings and grounds by a television or film production company.

HB 391, Relating to the estates of decedents.

HB 396, Relating to the development of a standard method of computing a student's high school grade point average.

HB 398, Relating to designating a county official to file certain financial information with the county commissioners court.

HB 402, Relating to a criminal violation of the open meetings law committed by a member of an appraisal district board of directors and to a prohibition on certain communications between a member of the board of directors and the chief appraiser of the district; providing penalties.

HB 412, Relating to erecting or maintaining certain outdoor signs or advertising; creating an offense; providing penalties.

HB 423, Relating to requiring that medical examiners and justices of the peace report certain deaths that result from a motor vehicle accident to the Texas Department of Public Safety.

HB 482, Relating to the eligibility of certain educationally disadvantaged students to attend free prekindergarten classes.

HB 504, Relating to payment for the provision of services by a metropolitan rapid transit authority to persons with disabilities in a unit of election that has withdrawn from the authority.

HB 536, Relating to the consent required for a municipality to annex a water or sewer district.

HB 684, Relating to state assistance for housing developments located in certain disaster areas and notice for certain housing developments.

HB 694, Relating to the declination of compensation by a candidate for a county or precinct office.

HB 860, Relating to management, investment, and expenditure of institutional funds and adoption of the Uniform Prudent Management of Institutional Funds Act.

HB 1010, Relating to the appraisal for ad valorem tax purposes of property located in more than one appraisal district and to the boundaries of an appraisal district.

HB 1029, Relating to an exemption from electrician licensing requirements for certain work performed by a plumber.

HB 1032, Relating to amendments to regional water plans.

HB 1060, Relating to the use of electronically readable information from a driver's license or personal identification certificate by certain health care providers and hospitals.

HB 1206, Relating to the effect of a school district's participation in tax increment financing in connection with certain reinvestment zones on the taxable value of property in the district for school finance purposes.

HB 1210, Relating to the extension of the deadline for filing an application for a refund of an overpayment or erroneous payment of ad valorem taxes.

HB 1298, Relating to the terms and election of the members of the board of directors of the Stonewall County Hospital District.

HB 1387, Relating to requiring a school district to provide for a feasibility study before acquiring title to real property through eminent domain.

HB 1388, Relating to the duty of the judge of the 147th District Court to impanel grand juries and to the terms of court for certain district courts in Travis County.

HB 1396, Relating to the Office for the Elimination of Health Disparities and the health disparities task force.

HB 1397, Relating to the inclusion in a notice of appraised value of information regarding ad valorem tax exemptions.

HB 1521, Relating to the prohibition of signs on certain roads.

HB 1676, Relating to a public awareness campaign concerning certain solicitations for the purchase of prescription drugs.

HB 1709, Relating to bonds required of guardians and other personal representatives.

HB 1763, Relating to the Harris County Board of Protective Services for Children and Adults.

HB 1780, Relating to the audit of a county jail's commissary operations.

HCR 3, Commending the Together Rx Access card program and participating pharmaceutical companies for their efforts to help uninsured Texans get prescription medication at reduced rates.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Zaffirini, on behalf of Senator Ellis, was recognized and introduced to the Senate a representative of the Together Rx Access program.

The Senate welcomed its guest.

PHYSICIAN OF THE DAY

Senator Nelson was recognized and presented Dr. Russell Gamber of Fort Worth as the Physician of the Day.

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

SENATE RESOLUTION 605

Senator Nichols offered the following resolution:

WHEREAS, The Jacksonville Leadership Institute is a truly laudable program that endeavors to educate and empower the future leaders of this great state; and

WHEREAS, A program of the Jacksonville Chamber of Commerce that familiarizes business leaders with the roles and responsibilities of city, county, and state government, the Jacksonville Leadership Institute is chaired by David Trawick and Melissa Wood; and

WHEREAS, Participants have undertaken leadership development activities and have toured local Jacksonville facilities, including hospitals and schools; these dedicated Jacksonville residents have also attended school board and city council meetings as part of the program and have visited an array of area businesses; and

WHEREAS, With the 80th legislative session in full swing, the Capitol Complex offers these esteemed Texans an opportunity to view their state government at its dynamic best, and it is a pleasure to recognize all those associated with this fine program at this time; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby welcome the members of the Jacksonville Leadership Institute to the State Capitol and extend best wishes for a memorable visit to the organizers and participants of this valuable program; and, be it further

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

SR 605 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate a delegation of citizens representing the Jacksonville Leadership Institute.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

SENATE RESOLUTION 606

Senator Nichols offered the following resolution:

WHEREAS, Citizens from Shelby County, including members of the Shelby County Chamber of Commerce and the Leadership Shelby County Class of 2007, the organization's fourth graduating class, are celebrating Shelby County Day at the State Capitol on March 29, 2007; and

WHEREAS, Originally organized by the Mexican government as the Tenawah Municipality, this lovely region was reorganized as Shelby County by the Congress of the Republic of Texas in 1836 and was named for Isaac Shelby, a United States Revolutionary War soldier from Tennessee; and

WHEREAS, Nestled deep in the Piney Woods of East Texas, Shelby County is rich in natural resources, and the area's economy is boosted by timber, cattle, and poultry production; although agriculture has served as the foundation of the county's economy, the economy was enhanced by the manufacturing that began in 1850; and

WHEREAS, Center, the county seat and the county's largest town, is home to the Shelby County Museum, Shelby Junior College, and the Shelby County Courthouse, which is listed on the National Register of Historic Places as the only Irish-castle-style courthouse in the nation; and

WHEREAS, Center was named a Hardworking Rural Community and given a Shining Star award from the Texas Department of Agriculture's Texas Yes! Program; the award was for its successful work in community development and economic development by partnering and collaborating with local, regional, and state resources; and

WHEREAS, Shelby County's landscape is rich with hills and timber and is an ideal area for hunting, fishing, and camping; the county has committed to form local partnerships in order to make an application for the Texas Certified Retirement Community designation; and

WHEREAS, This unique and vibrant county continues to be one of the Lone Star State's most treasured regions, and it is a pleasure to pay tribute to the residents of Shelby County and express appreciation for their contributions to our fair state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby recognize March 29, 2007, as Shelby County Day at the State Capitol and extend to the delegation here today sincere best wishes for an enjoyable visit; and, be it further

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

SR 606 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate a delegation of citizens and county officials from Shelby County.

The Senate welcomed its guests.

SENATE RESOLUTION 604

Senator Nichols offered the following resolution:

SR 604, In memory of Frank Edward "F. E." Parker of Center.

The resolution was read.

Senator Nichols was recognized and introduced to the Senate the widow of Frank Edward "F. E." Parker, Doris Massey Parker, and other family members and friends.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Nichols, **SR 604** was adopted by a rising vote of the Senate.

In honor of the memory of Frank Edward "F. E." Parker of Center, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a delegation of students, teachers, and administrators from the Duncanville Independent School District in Duncanville.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:41 a.m. announced the conclusion of morning call.

MOTION TO PLACE**SENATE BILL 507 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **SB 507** at this time on its second reading:

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

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

Yeas: Uresti.

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

Absent-excused: Gallegos.

SENATE BILL 506 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 506** at this time on its second reading:

SB 506, Relating to provisional certification for certain guardians.

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

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

Absent-excused: Gallegos.

SENATE BILL 506 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 506** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 506**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 506** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

SENATE BILL 505 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 505** at this time on its second reading:

SB 505, Relating to access to criminal history record information by the Guardianship Certification Board.

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

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

Absent-excused: Gallegos.

SENATE BILL 505 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 505** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 505**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 505** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

SENATE BILL 507 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 507** at this time on its second reading:

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

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

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

Absent-excused: Gallegos.

SENATE BILL 507 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 507** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 507**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 507** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

SENATE BILL 565 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 565** at this time on its second reading:

SB 565, Relating to the locations where the district courts and the courts of appeals may hear cases, hold court, and transact business.

The bill was read second time.

Senator Wentworth offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 565** (introduced version) by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill accordingly:

SECTION ____ . Subchapter A, Chapter 25, Government Code, is amended by adding Section 25.0013 to read as follows:

Sec. 25.0013. LOCATION OF EMERGENCY COURT PROCEEDINGS. The chief justice of the supreme court may, in the event of an emergency, by order allow a statutory county court to hear cases, hold court, and transact business at the county seat of another county located in the administrative judicial region in which the statutory county court is located or at the county seat of a county located in an adjacent administrative judicial region. This section prevails over any provision of this chapter that requires a case to be heard in a specific county or city.

The amendment to **SB 565** was read.

Senator Wentworth withdrew Committee Amendment No. 1.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 565** (Senate committee printing) by adding the following appropriately numbered sections to the bill and renumbering subsequent sections of the bill accordingly:

SECTION ____ . Chapter 21, Government Code, is amended by adding Section 21.010 to read as follows:

Sec. 21.010. EMERGENCY DEFINED. For purposes of any law that permits the chief justice of the supreme court, in the event of an emergency, to allow a court to hear cases, hold court, or transact business in a location other than a county seat where the court ordinarily is authorized to transact business, "emergency" means a condition or occurrence, including a natural disaster or enemy attack, that results in destruction of the court's facilities or that otherwise renders the facilities not physically suitable for transacting the court's normal business.

SECTION ____ . Subchapter A, Chapter 25, Government Code, is amended by adding Section 25.0013 to read as follows:

Sec. 25.0013. LOCATION OF EMERGENCY COURT PROCEEDINGS. The chief justice of the supreme court may, in the event of an emergency, by order allow a statutory county court to hear cases, hold court, and transact business at the county seat of another county located in the administrative judicial region in which the statutory county court is located or at the county seat of a county located in an adjacent administrative judicial region. This section prevails over any provision of this chapter that requires a case to be heard in a specific county or city.

SECTION ____ . Subchapter B, Chapter 25, Government Code, is amended by adding Section 25.0028 to read as follows:

Sec. 25.0028. LOCATION OF EMERGENCY COURT PROCEEDINGS. The chief justice of the supreme court may, in the event of an emergency, by order allow a statutory probate court to hear cases, hold court, and transact business at the county

seat of another county located in the administrative judicial region in which the statutory probate court is located or at the county seat of a county located in an adjacent administrative judicial region. This section prevails over any provision of this chapter that requires a case to be heard in a specific county or city.

The amendment to **SB 565** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

SB 565 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos.

SENATE BILL 611 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 611** at this time on its second reading:

SB 611, Relating to reporting certain information regarding residential property and personal automobile insurance and public Internet access to that information.

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

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

Absent-excused: Gallegos.

SENATE BILL 611 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 611** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 611**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The

suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 611** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

SENATE BILL 75 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 75** at this time on its second reading:

SB 75, Relating to penalties for certain repeat and habitual felony sex offenders.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 75** in SECTION 3 of the bill, in amended Subparagraph (i), Paragraph (A), Subdivision (2), Subsection (c), Section 12.42, Penal Code (Senate committee printing, page 1, line 29), by striking "21.11" and substituting "21.11(a)(1)".

The amendment to **SB 75** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

SB 75 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos.

SENATE BILL 75 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 75** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 75**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 75** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 64 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 64** at this time on its second reading:

CSSB 64, Relating to the reporting of political contributions accepted or political expenditures made near an election; providing a civil penalty.

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

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 64 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 64** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 64**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 64** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 287 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 287** at this time on its second reading:

CSSB 287, Relating to the appointment of an attorney for a workers' compensation claimant in certain judicial review proceedings initiated by a workers' compensation insurance carrier.

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

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 287 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 287** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 287**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 287** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

SENATE BILL 393 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 393** at this time on its second reading:

SB 393, Relating to creating a recognition day in honor of election volunteers.

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

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

Absent: Williams.

Absent-excused: Gallegos.

SENATE BILL 393 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 393** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent: Williams.

Absent-excused: Gallegos.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 393**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 393** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent: Williams.

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 484 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 484** at this time on its second reading:

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

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 484**, in SECTION 1 of the bill, in amended Section 39.907, Utilities Code (committee printing page 1, lines 16-24), by striking Subsection (b) and substituting the following:

(b) The committee is composed of six members as follows:

(1) the chair of the House Committee on Regulated Industries;

(2) the chair of the Senate Committee on Business and Commerce;

(3) the chair of the Senate Committee on Natural Resources;

(4) a member [~~three members~~] of the senate appointed by the lieutenant governor; and

(5) [~~3~~] two members of the house of representatives appointed by the speaker of the house of representatives.

The amendment to **CSSB 484** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

CSSB 484 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 484 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 484** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 484**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 484** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 534 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 534** at this time on its second reading:

CSSB 534, Relating to certain rights and liabilities of an employer regarding an employee's access to a concealed handgun.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 534** (Senate committee printing) in SECTION 1 of the bill, immediately following added Subsection (h), Section 52.061, Labor Code (page 2, between lines 24 and 25), by adding the following:

(i) Notwithstanding Subsection (a)(3), an employer may prohibit an employee described by that subsection from transporting or storing a handgun in the employee's locked motor vehicle in a parking area the employer provides employees if:

(1) the parking area is completely surrounded by a fence and is not open to the public;

(2) ingress to and egress from the parking area are constantly monitored by security personnel; and

(3) the employer provides an alternate parking area in close proximity for the employee in which the employee may transport or store a handgun in the employee's locked motor vehicle in accordance with Subsection (a)(3).

The amendment to **CSSB 534** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 534** (Senate committee printing) in SECTION 1 of the bill, immediately following added Subsection (h), Section 52.061, Labor Code (page 2, between lines 24 and 25), by adding the following:

(j) This section does not apply to a parking area on any property owned or leased by an employer who is required to submit a risk management plan under Section 550 of Homeland Security Appropriations Act of 2007 and contracts with the National Aeronautics and Space Administration and the employer's employees work at a National Aeronautics and Space Administration Facility in a county with a population with over 3.3 million.

The amendment to **CSSB 534** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

CSSB 534 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 534 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 534** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 534**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The

suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 534** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

REMARKS ORDERED PRINTED

On motion of Senator Hegar and by unanimous consent, the remarks by Senators Hegar, Seliger, and Nelson regarding Floor Amendments No. 1 and No. 2 to **CSSB 534** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Floor Amendment No. 1

Senator Seliger: Members, this amendment addresses some things that Senator Hegar has been really concerned with and, Senator Hegar, I appreciate your concern to do two things in this bill. One, to see to it that those second amendment rights that we are guaranteed by the Constitution are secure and that those additional rights and responsibilities and obligations that ought to go to the holders of the concealed handgun license go to those people. At the same time, their private property rights—

Senator Hegar: Right.

Senator Seliger: Those rights, that a corporation has a right to do what it wants to do with its property, and so what this amendment does is allow the employer who has a fenced-in parking area that's monitored by security personnel to maintain whatever provisions it wants, in terms of the conditions it sets on its employees using that parking area, but the employer should also provide alternate parking that is in close proximity to the secure parking area.

Senator Hegar: Senator Seliger and I have been working on this amendment to try to come up with an ability to ensure people have their second right amendments, yet also recognize private property rights, and I think this amendment accomplishes that. I think, as Senator Seliger is laying out, when we talk about close proximity, we had talked about different words, to how do we accomplish that close proximity, and in trying to do that, obviously, close proximity would not be 10 miles away or two miles away. It would be something that is relatively close, adjacent to, just outside the fence, or next door, whatever is very reasonable in the closest possible manner to make sure that that alternative parking is there. Would, is that not what you were trying to accomplish?

Senator Seliger: It is, and it addresses what we heard in committee about people who have to drive a long way to work and back at night and feel that they should avail themselves of the privileges of the concealed handgun license and should not have to leave their car or their handgun in some area blocks and blocks away from work and have to walk back and forth in the middle of the night. So the intent, specifically, is that this parking lot in which the holders can do what they want, be in very close proximity, and that means, specifically, next door, adjacent to, right across the street, not a few blocks away.

Senator Hegar: Thank you Senator. Amendment's acceptable.

Floor Amendment No. 2

Senator Nelson: Members, as a strong supporter of our second amendment rights, I am certainly supportive and am going to vote for Senator Hegar's bill today. This amendment provides an exemption for the NASA manned and unmanned space flight in Harris County. I represent Lockheed Martin which oversees this project. NASA does not have a fence that meets the definitions of Senator Seliger's amendment. It needs an exemption because of homeland security concerns. If security guards are sweeping the parking lot for weapon checks, you might see how it might be a problem to differentiate between the weapons of its employees and the weapons that shouldn't be there. I really appreciate Senator Hegar working with us on this and believe it's acceptable.

Senator Hegar: Yes, the amendment's acceptable. I mean, we're trying to make sure that when dealing with homeland security issues, especially on a NASA facility, that we're not trying to mandate to the federal government that they have to build a fence around their parking lot just so our companies here in Texas can be able to have those contracts and projects. We want to make sure that we're moving along for homeland security purposes and NASA projects and making sure that Texas businesses are able to have that flexibility, and I think this amendment narrowly defines down to that one specific project. I'm happy, it's acceptable.

SENATE BILL 244 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration **SB 244** at this time on its second reading:

SB 244, Relating to the temporary sealing of certain affidavits on which search warrants are based.

The motion prevailed.

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

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend proposed **SB 244** in SECTION 2 of the bill, by striking added Subdivision (1), Subsection (a), Article 18.011, Code of Criminal Procedure (Senate committee printing, page 1, lines 31-33), and substituting the following:

(1) public disclosure of the affidavit would jeopardize the safety of a victim, witness, or confidential informant or cause the destruction of evidence; or

The amendment to **SB 244** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 244** in SECTION 2 of the bill, in added Subsection (b), Article 18.011, Code of Criminal Procedure (Senate committee printing, page 1, lines 42 through 46), by striking everything after "grant" and substituting ", before the 31st day after the date on which the search warrant for which the affidavit was presented is executed, on a new finding of compelling state interest, one 30-day extension of the original order."

The amendment to **SB 244** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

SB 244 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: Zaffirini.

Absent-excused: Gallegos.

SENATE BILL 244 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 244** be placed on its third reading and final passage.

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

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

Nays: Wentworth, Zaffirini.

Absent-excused: Gallegos.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 244**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 244** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Zaffirini.

Absent-excused: Gallegos.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 140, HCR 161, HCR 169.**

SENATE RULE 14.01 SUSPENDED

On motion of Senator Whitmire and by unanimous consent, Senate Rule 14.01 was suspended as it relates to the referral of nominations to a committee.

COMMITTEE OF THE WHOLE SENATE

The President appointed Senator Whitmire Chair of the Committee of the Whole Senate.

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:25 p.m. resolved into the Committee of the Whole Senate.

IN LEGISLATIVE SESSION

The President called the Senate to order at 1:35 p.m. as In Legislative Session.

COMMITTEE OF THE WHOLE SENATE REPORT

Senator Whitmire was recognized and reported that the Committee of the Whole Senate, to which was referred the following appointment, have had same under consideration and report it back to the Senate with a recommendation that the nominee be confirmed:

Conservator, Texas Youth Commission: Jay Kimbrough, Calvert, Texas.

SENATE RULE 14.01 SUSPENDED

On motion of Senator Whitmire and by unanimous consent, Senate Rule 14.01 was again suspended as it relates to the confirmation of nominees.

NOMINEE CONFIRMED

On motion of Senator Whitmire, the following nominee was confirmed by the following vote: Yeas 29, Nays 1.

Nays: Shapleigh.

Absent-excused: Gallegos.

Conservator, Texas Youth Commission: Jay Kimbrough, Calvert, Texas.

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

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

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:41 p.m. agreed to adjourn, in memory of Frank Edward "F. E." Parker of Center, upon completion of the introduction of bills and resolutions on first reading, until 1:30 p.m. Monday, April 2, 2007.

HOUSE BILLS AND RESOLUTION ON FIRST READING

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

HB 76 to Committee on Criminal Justice.

HB 84 to Committee on Transportation and Homeland Security.

HB 121 to Committee on Education.

HB 143 to Committee on Business and Commerce.

HB 188 to Committee on Education.

HB 348 to Committee on Transportation and Homeland Security.

HB 407 to Committee on Natural Resources.

HB 417 to Committee on Jurisprudence.

HB 486 to Committee on Criminal Justice.

HB 487 to Committee on Criminal Justice.

HB 564 to Committee on Jurisprudence.

HB 585 to Committee on Jurisprudence.

HB 660 to Committee on Jurisprudence.

HB 674 to Committee on Government Organization.

HB 675 to Committee on Government Organization.

HB 679 to Committee on Intergovernmental Relations.

HB 680 to Committee on Intergovernmental Relations.

HB 682 to Committee on Jurisprudence.

HB 735 to Committee on Finance.

HB 823 to Committee on State Affairs.

HB 889 to Committee on Health and Human Services.
HB 899 to Committee on Business and Commerce.
HB 978 to Committee on Education.
HB 989 to Committee on Intergovernmental Relations.
HB 1006 to Committee on State Affairs.
HB 1009 to Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.
HB 1042 to Committee on Criminal Justice.
HB 1092 to Committee on Criminal Justice.
HB 1098 to Committee on Health and Human Services.
HB 1125 to Committee on Jurisprudence.
HB 1138 to Committee on Natural Resources.
HB 1176 to Committee on Intergovernmental Relations.
HB 1221 to Committee on Intergovernmental Relations.
HB 1237 to Committee on State Affairs.
HB 1311 to Committee on Natural Resources.
HB 1312 to Committee on Natural Resources.
HB 1447 to Committee on Transportation and Homeland Security.
HB 1488 to Committee on Jurisprudence.
HB 1518 to Committee on Jurisprudence.
HB 1562 to Committee on Intergovernmental Relations.
HB 2168 to Committee on Intergovernmental Relations.
HJR 59 to Committee on State Affairs.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 601 by Jackson, In memory of Henry Peter Porretto, Jr., of Galveston.
SR 607 by Van de Putte, In memory of Erin Kelly Graf of San Antonio.
HCR 4 (Eltife), In memory of David Lee Crowson of Longview.

Welcome and Congratulatory Resolutions

SR 597 by Jackson, Recognizing Robert George Bisby of Galveston for 50 years as a realtor.
SR 598 by Jackson, Recognizing Lee Otis Zapp, Jr., of Galveston for 50 years as a realtor.
SR 599 by Jackson, Welcoming the Greater Angleton Chamber of Commerce 2007 Leadership Program to the State Capitol.
SR 600 by Jackson, Commending David L. Everson, Sr., for his service to the First Union Baptist Church in Galveston.
SR 602 by Ellis, Congratulating Tom and Christi Riggs on the birth of their son, Thomas C. "Trace" Riggs III.
SR 603 by Ellis, Congratulating Leila Michelle Jones on the birth of her daughter, Marguerite Honey Jones.

SR 608 by Van de Putte, Recognizing Mutual of America for establishing the Mutual of America Community Partnership Award.

SR 609 by Van de Putte, Recognizing Don Strange of Texas, Incorporated, for earning the 2006 Mutual of America Community Partnership Award.

SR 610 by Van de Putte, Recognizing Roy Maas' Youth Alternatives, Incorporated, for earning the 2006 Mutual of America Community Partnership Award.

SR 611 by Duncan, Recognizing The Institute for Environmental and Human Health in Lubbock on the occasion of its 10th anniversary.

SR 612 by Duncan, Recognizing the Lubbock Independent School District on the occasion of its 100th anniversary.

SR 613 by Shapiro, Recognizing T. J. Leigh Elementary School in Irving for being named a winner in the HealthierUS School Challenge.

SR 614 by Shapiro, Commending the City of Irving for hosting the Tenth Anniversary Transportation Summit.

SR 615 by Estes, Recognizing Dorsey Trapp of Wichita County for receiving the 2007 Patsy Baggett Children's Service Award.

SR 616 by West, Commending Morgan Freeman for his body of work in the performing arts.

SR 617 by Watson, Recognizing Recording for the Blind and Dyslexic on the occasion of its 35th anniversary in Texas.

HCR 3 (Ellis), Commending the Together Rx Access card program and participating pharmaceutical companies for their efforts to help uninsured Texans get prescription medication at reduced rates.

HCR 5 (Eltife), Congratulating Homer L. Thornton, Jr., of Paris, Texas, on the occasion of his 75th birthday.

Official Designation Resolution

SR 618 by Hegar, Janek, and Patrick, Recognizing April 12, 2007, as Katy Day at the State Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 2:01 p.m. adjourned, in memory of Frank Edward "F. E." Parker of Center, until 1:30 p.m. Monday, April 2, 2007.

APPENDIX

COMMITTEE REPORTS

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

March 29, 2007

GOVERNMENT ORGANIZATION — **CSSB 757, CSSB 924**

BUSINESS AND COMMERCE — **SB 191, SB 765, SB 1264, CSSB 949, CSSB 1132, CSSB 1287**

INTERGOVERNMENTAL RELATIONS — **CSSB 1207, CSSB 1180, CSSB 1086, CSSB 1012, SB 1106, CSSB 594**

JURISPRUDENCE — **SB 928, SB 844, SB 821, SB 820, SB 819, SB 804**

BUSINESS AND COMMERCE — **CSSB 1253**

SENT TO GOVERNOR

March 29, 2007

SB 190

In Memory
of
Frank Edward "F. E." Parker
Senate Resolution 604

WHEREAS, The Senate of the State of Texas joins the citizens of Center in mourning the loss of Frank Edward "F.E." Parker, who died February 12, 2007, at the age of 82; and

WHEREAS, F.E. Parker was born October 19, 1924, in Center, to Fornie and Aileen Runnels Parker; he joined the ranks of the Eagle Scouts before graduating from Center High School in 1941; and

WHEREAS, He attended Stephen F. Austin State University and Texas A&M University before joining the United States Navy to serve the nation during World War II; after the war, he graduated from The University of Texas at Austin, although he remained a loyal Aggie throughout his life; and

WHEREAS, Mr. Parker owned and operated Parker Motor Company, the local Ford dealership, for over 40 years; active in civic affairs, he served on the board of the Center Rotary Club and as president of the Center Chamber of Commerce and Fair Association, and he served the state as a commissioner on the Sabine Compact Commission; and

WHEREAS, Mr. Parker co-founded the Center Country Club and served on the boards of Guaranty Bond Bank, Farmers State Bank, and Shelby Savings Bank; he was a member of the Sam Samford Masonic Lodge 149 and the Sharon Shrine Temple, and he served on the Center Independent School District board of trustees; and

WHEREAS, Mr. Parker was dedicated to helping others, and this was nowhere more evident than in his commitment to local high school students; he was instrumental in founding the Roughrider Scholarship Foundation, which now has more than \$1.4 million and has helped approximately 700 Center High School seniors so far; he also helped establish the Regional Training Center for students who want to learn marketable skills but do not wish to attend a four-year college; and

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

WHEREAS, Mr. Parker was a devoted husband, father, and grandfather, and his family and friends will continue to live with treasured memories of his life and his many accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend sincere condolences to the bereaved family of Frank Edward Parker: his wife of 60 years, Doris Massey Parker; his daughters and sons-in-law, Pam and William Harrison Wall and Patti and James Boyd

Peterson; his son and daughter-in-law, Frank E. Parker, Jr., and Cheryl Parker; his brother, Jack Parker; and his seven grandchildren and three great-grandchildren; and, be it further

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

NICHOLS