

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FOURTH DAY

(Wednesday, April 18, 2007)

The Senate met at 11:10 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 Erik Stadler, Memorial Lutheran Church, Katy, offered the invocation as follows:

Dear heavenly Father, we humbly come before You this morning in prayer. We pray for the elected men and women in this wonderful State of Texas as they donate their time and effort to use the talents and blessings You have given them to serve the people who have elected them to their various offices. We ask You to bless all of the families of these leaders as they share their time with those whom they have been called to serve. We ask that You give all those in our state government the wisdom to handle the difficult decisions that sometimes must be made, just as You gave King Solomon the wisdom to lead his kingdom. Guide these men and women as they make decisions to preserve order, help the downtrodden, educate our children, and work to make the businesses of Texas prosper. And at times when all of us fall short in our service, we turn to Your mercy to pick us up. Renew us and set us again in the right direction. We ask that You bless this great State of Texas and use all those in leadership to make her an even better place for all, that we may be a shining example of what it means to live in a godly democracy. Also, we ask this morning that You be with our fellow citizens of Virginia as they mourn the tragedy that occurred on one of their university campuses this past Monday; give them hope and comfort in their time of need. All this we ask in the name of Your risen son, Jesus Christ, our savior. 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-AUTHORS OF SENATE BILL 1170

On motion of Senator Hinojosa, Senators Gallegos and Janek will be shown as Co-authors of **SB 1170**.

CO-AUTHOR OF SENATE BILL 1176

On motion of Senator Ellis, Senator Gallegos will be shown as Co-author of **SB 1176**.

CO-AUTHOR OF SENATE BILL 1267

On motion of Senator Nichols, Senator Gallegos will be shown as Co-author of **SB 1267**.

CO-AUTHOR OF SENATE BILL 1454

On motion of Senator Van de Putte, Senator Gallegos will be shown as Co-author of **SB 1454**.

CO-AUTHOR OF SENATE BILL 1500

On motion of Senator Zaffirini, Senator Nelson will be shown as Co-author of **SB 1500**.

CO-AUTHOR OF SENATE BILL 1697

On motion of Senator Shapiro, Senator Lucio will be shown as Co-author of **SB 1697**.

CO-AUTHOR OF SENATE BILL 1700

On motion of Senator Shapiro, Senator West will be shown as Co-author of **SB 1700**.

CO-AUTHOR OF SENATE BILL 1870

On motion of Senator Zaffirini, Senator Deuell will be shown as Co-author of **SB 1870**.

CO-AUTHOR OF SENATE BILL 1912

On motion of Senator Shapleigh, Senator Zaffirini will be shown as Co-author of **SB 1912**.

CO-AUTHORS OF SENATE BILL 1956

On motion of Senator Van de Putte, Senators Eltife and Hinojosa will be shown as Co-authors of **SB 1956**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 18, 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 11, Relating to the filing of sales reports with the comptroller by wholesalers and distributors of certain alcohol and tobacco products.

HB 95, Relating to interference with child custody in violation of a temporary child custody order; imposing a criminal penalty.

HB 216, Relating to the margin of error the comptroller of public accounts must use to determine whether the local value for a school district is valid after conducting the annual property value study.

HB 347, Relating to the punishment for the offense of harboring a runaway child.

HB 460, Relating to the offense of fraudulent use or possession of a person's identifying information.

HB 685, Relating to the exemption of volunteer fire departments from certain motor fuel taxes.

HB 954, Relating to extending to veterans of the armed forces the discount for concealed handgun licenses currently available to active members of the armed forces.

HB 1105, Relating to the state contribution to the Teacher Retirement System of Texas, including a one-time supplemental annuity payment.

HB 1178, Relating to procedures applicable to waivers of the right to counsel in certain adversary judicial proceedings that may result in punishment by confinement.

HB 1265, Relating to the operations of the Task Force on Indigent Defense.

HB 1270, Relating to an intensive reading or language intervention pilot program at certain public school campuses.

HB 1610, Relating to the requirement that a judge release on community supervision certain defendants convicted of certain state jail felonies.

HB 1764, Relating to the purchasing methods available to a county when paying with certain funds.

HB 1922, Relating to eligibility of school districts for state assistance with payment of existing debt.

HB 2198, Relating to authorizing certain public junior colleges to offer baccalaureate degree programs.

HJR 19, Proposing a constitutional amendment to require each house of the legislature to take a record vote on final passage of a bill other than certain local bills, of a resolution proposing or ratifying a constitutional amendment, or of any other nonceremonial resolution, and to publish the record vote on the Internet.

SCR 56, Recognizing April 17, 2007, as Texas Retired Educators Day.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 17, HCR 180, HCR 190.**

SENATE RESOLUTION 545

Senator Watson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the members of Girl Scout Troop 1500 and associate professors Dr. Darlene Grant and Ellen Spiro of The University of Texas at Austin; and

WHEREAS, Girl Scout Troop 1500 was established in 1998 as a visiting program for women in prison and their daughters; the goal of the program is to break the cycle of crime, allow incarcerated mothers to participate in their daughters' lives in a positive way, and help the girls fulfill their dreams for the future, which include becoming doctors, lawyers, veterinarians, social workers, or marine biologists; and

WHEREAS, Dr. Darlene Grant serves as an associate professor and a researcher in the School of Social Work and is an associate dean of graduate studies at The University of Texas at Austin, and she has worked closely with Troop 1500 since its inception; she has conducted extensive research focused on incarcerated women and their children, family systems, and adolescent psychiatric issues; Dr. Grant has been named the 2006 Social Worker of the Year by the National Association of Social Workers; and

WHEREAS, Ellen Spiro is an associate professor in the Department of Radio-Television-Film at The University of Texas at Austin and an award-winning film producer; she received a national Gracie Award for her documentary, *Troop 1500—Girl Scouts Beyond Bars*, which aired on the PBS series *Independent Lens* in 2005; she conducted media workshops with the troop and gave the girls the opportunity to take an active and empowering role as cinematographers and interviewers in the film's production; and

WHEREAS, The girls participating in Austin's enterprising Girl Scout Troop 1500 deserve credit for their efforts to improve their lives, and Dr. Darlene Grant and Professor Ellen Spiro merit recognition for their outstanding work on behalf of the troop; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the members of Girl Scout Troop 1500, Dr. Darlene Grant, and Professor Ellen Spiro for their achievements and extend to all best wishes for continued success; and, be it further

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

SR 545 was again read.

The resolution was previously adopted on Tuesday, March 27, 2007.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Julia Cuba and Melanie Smith of Girl Scout Troop 1500 and Dr. Darlene Grant and Professor Ellen Spiro of The University of Texas at Austin.

The Senate welcomed its guests.

(Senator Carona in Chair)

SENATE RESOLUTION 770

Senator Deuell offered the following resolution:

WHEREAS, The City of Balch Springs, Texas, is located in Dallas County and was established in 1870 by John Balch beside springs that never went dry; and

WHEREAS, Balch Springs is a home-rule city that was incorporated by the State of Texas in 1953 and has grown to have a population of over 19,000; and

WHEREAS, Balch Springs honors the traditions of wholesome family values, academic excellence, and the treatment of seniors with dignity and respect; the city has a variety of schools and sports facilities for community enrichment; and

WHEREAS, Balch Springs take pride in its development as a community and in building a telecom infrastructure throughout Texas and the nation; the city has a new library, a civic center, an animal shelter, and a recreation center; it seeks to meet the needs of its citizens with quality community development and business leadership; and

WHEREAS, Balch Springs is the home of the Southeast Dallas County Social Security Administration Office, the Double D Dude Ranch, and the Chiesl Baseball Complex; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby proclaim April 18, 2007, Balch Springs Day at the Capitol and commend the citizens of this community for their patriotism and civic service; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Balch Springs.

SR 770 was read and was adopted without objection.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a delegation of citizens from Balch Springs, representing Balch Springs Day at the Capitol.

The Senate welcomed its guests.

SENATE RESOLUTION 775

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Legislative Internship Program, which is being offered for the second time this spring as an academic course at The University of Texas School of Law; and

WHEREAS, The Legislative Internship Program provides an opportunity for law students to work on legal issues at approved placements in the Texas Legislature for academic credit; and

WHEREAS, Law students study the legislative process and the role of lawyers in the legislature while under the close supervision of experienced attorneys; and

WHEREAS, There are 28 students participating in the internship program this spring; one student works in the Office of the Lieutenant Governor; 18 students work in the Texas Senate with 10 senators and four committees; seven students work in the Texas House of Representatives with the Speaker of the House and six representatives; and two students work with the Texas Legislative Council; and

WHEREAS, Students in the Legislative Internship Program gain valuable firsthand knowledge of the governmental process and insight into the issues facing our communities and our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the administrators of The University of Texas School of Law for providing the Legislative Internship Program for law students and extend to members of the inaugural class best wishes for the future; and, be it further

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

SR 775 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate members of the Legislative Internship Program at The University of Texas School of Law: Hilary Aldama, Casey Kaplan, Victor Obaseki, and Dean Larry Sager, accompanied by other members of the Legislative Internship Program.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate a group of parents, teachers, and superintendents representing the San Antonio Independent School District Council of PTAs.

The Senate welcomed its guests.

PERMISSION TO INTRODUCE BILL

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill: **SB 2031**.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

SENATE RESOLUTION 693

Senator Hegar offered the following resolution:

SR 693, In memory of Justin Hurst.

The resolution was read.

Senator Hegar was recognized and introduced to the Senate family members of Justin Hurst: his widow, Amanda Hurst; his parents, Pat and Allen Hurst; and his son, Kyle Hunter Hurst; accompanied by his supervisors.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Hegar, **SR 693** was adopted by a rising vote of the Senate.

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

REMARKS ORDERED PRINTED

On motion of Senator Whitmire and by unanimous consent, the remarks by Senator Hegar regarding **SR 693** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Mr. President and Members, today with us on the Senate floor we have Amanda Hurst, the wife of Justin; Kyle Hunter, their baby son; and his parents, Pat and Allen. Justin lived in the district that I serve in El Campo, one of the communities that I served for four years when I was in the House of Representatives and also serve today. And in visiting with several members of the community which I've got to know so well over the last four-plus years, Justin is someone who was an individual that so many people respected, so many people cared about, and so many people thought very highly of. He was an individual who was dedicated, he worked very hard for his family, for his community, not only for Texas Parks and Wildlife in his role as a Game Warden and for the State of Texas but he worked hard for the community, and he worked hard to serve other people. He was a young man who was devoted to his family and God and tried to serve the greater area, to have something that he loved, he believed in, in trying to make a little bit of good out of this world for those people that he worked for. And in visiting with many of my constituents, it was truly felt. They firmly believe that he was really a remarkable individual. In visiting with Amanda earlier, I get a great sense from the parents, now that they've moved to El Campo, that they also realize the love that the community shared for your son and what he meant for the community. And as in myself, someone who has a two-year-old little girl and a wife, I cannot even begin to imagine the pain or the sorrow that you feel, or the pain or sorrow that you feel in raising your son right now. And I just want you to know that the Texas Senate, I can speak on behalf of all my colleagues, on behalf of our Lieutenant Governor and everybody here, that we appreciate the dedication of your son and of your husband because he made a difference in people's lives. And, tragically, his life was cut short, but he made a difference, and he made a difference as a role model, as a husband, as a son, and as a father during that time. And it is very sad for me and very sad for all of my colleagues to imagine that could happen to us in a brief moment as well. And, so it's a clear tragedy that happened on that day and it's a tragedy that you're living yet today. And I just want to say thank you for what your husband and what your son did for the State of Texas in giving his service and, unfortunately, his life in the cause that he believed in. And I just thank you very deeply for your strength to be able to come here today. We appreciate that very much. Also in the gallery, we have Justin's supervisors who have come to show their support for the Hurst family: Major David Sinclair, Major Ted Holley, and also Captain Rhett Mayes here in the gallery. If you all would stand for us, please. And I just want, on behalf of myself, the Senate, Lieutenant Governor, and the State of Texas, thank you very much for your husband and your son's dedication to the State of Texas and thank you very much for being here.

(Senator Brimer in Chair)

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:57 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 161 ON THIRD READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 161** at this time on its third reading and final passage:

CSSB 161, Relating to intercollegiate athletics fees at institutions within the Texas State University System.

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

SENATE BILL 864 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 864** at this time on its second reading:

SB 864, Relating to offenses involving boating safety.

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 864 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 864** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 864**, 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 864** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

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

/s/Jeff Wentworth
Senator, District 25

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1724 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1724** at this time on its second reading:

CSSB 1724, Relating to abolishing the Texas Military Facilities Commission and transferring its functions to the adjutant general.

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 1724 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1724** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1724**, 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 1724** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

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

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILL 874 ON SECOND READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **SB 874** at this time on its second reading:

SB 874, Relating to the tuition and fee exemption available to certain military personnel and permitting those personnel to transfer the exemption to a child.

The motion prevailed.

Senator Ogden asked to be recorded as "Present-not voting" 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:

Present-not voting: Ogden.

SENATE BILL 874 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 **SB 874** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Ogden.

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 874**, 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 874** 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, Present-not voting 1.

Present-not voting: Ogden.

**COMMITTEE SUBSTITUTE
SENATE BILL 660 ON THIRD READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 660** at this time on its third reading and final passage:

CSSB 660, Relating to the creation of an additional statutory county court in Travis County.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1765 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 1765** at this time on its second reading:

CSSB 1765, Relating to the authority of a municipality to enter into contracts without competitive bidding; making conforming changes.

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 1765 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 1765** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1765**, 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 1765** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILL 956 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 956** at this time on its second reading:

SB 956, Relating to consideration of family violence in the risk assessment for international parental abduction of a child.

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 956 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 **SB 956** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 956**, 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 956** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILL 960 ON SECOND READING

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 960** at this time on its second reading:

SB 960, Relating to the administration of exit-level state assessment instruments to transfer students who are dependents of military personnel.

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 960 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 960** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 960**, 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 960** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1132 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1132** at this time on its second reading:

CSSB 1132, Relating to the calculation of certain fees collected to defray certain expenses incurred in conjunction with the sale of a motor vehicle.

The motion prevailed.

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

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

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

Nays: Jackson.

**COMMITTEE SUBSTITUTE
SENATE BILL 1132 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1132** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Jackson, Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1132**, 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 1132** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Nays: Jackson.

**COMMITTEE SUBSTITUTE
SENATE BILL 889 ON THIRD READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 889** at this time on its third reading and final passage:

CSSB 889, Relating to the charges for certain public information maintained by a governmental body.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1064 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1064** at this time on its second reading:

CSSB 1064, Relating to the purchasing and contracting practices of junior college districts; providing criminal penalties.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1064** (Senate committee printing) as follows:

(1) Strike added Subsection (b), Section 130.258, Education Code (page 5, lines 52 through 60), and substitute the following:

(b) The district may, as an alternative to publishing notice in a newspaper exclusively under Subsection (a), publish on a publicly accessible Internet site the notice required by this section. Before or at the same time the district first publishes the Internet notice, the district shall publish a notice in a newspaper of general circulation, as described by Subsection (a), that includes the name of the goods or services to be purchased, the date, time, and place for receiving and opening bids, proposals, or statements of qualifications, and the Internet address of the Internet site where detailed requirements may be found. The notice posted on the Internet under this subsection must be posted every day for at least:

(1) 10 business days before the deadline for receiving the bids or proposals;

or

(2) five business days before the deadline for receiving responses to a request for qualifications.

(2) In added Subsection (c), Section 130.258, Education Code (page 5, line 61), strike "The" and substitute "Except as otherwise provided by Subsection (b) for the newspaper notice required by that subsection, the".

(3) In added Subsection (a), Section 130.306, Education Code (page 11, lines 13 and 14), strike "Except as otherwise provided by this subchapter, for" and substitute "For".

(4) Strike added Subsection (b), Section 130.306, Education Code (page 11, lines 29 through 37).

(5) Redesignate added Subsection (c), Section 130.306, Education Code (beginning on page 11, line 38), as Subsection (b) of that section.

The amendment to **CSSB 1064** was read and was adopted by a viva voce vote.

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

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

CSSB 1064 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 1064 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1064** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1064**, 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 1064** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

COMMITTEE SUBSTITUTE SENATE BILL 1454 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 1454** at this time on its second reading:

CSSB 1454, Relating to veteran's employment preferences.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSSB 1454** (Senate committee printing) as follows:

(1) In SECTION 9 of the bill, in added Section 657.052(a), Government Code (page 3, line 22), between "complaint" and the period, insert "and notify the applicant of the decision".

(2) In SECTION 9 of the bill, in added Section 657.101, Government Code (page 3, line 37), between "HEARING." and "An", insert "(a)".

(3) In SECTION 9 of the bill, in added Section 657.101, Government Code (page 3, line 42), between "agency." and "Not", insert the following:

(b) The applicant must request a hearing not later than the 30th day after the date the applicant receives notice of the decision issued under Section 657.052.

(c)

(4) In SECTION 9 of the bill, in added Subchapter C, Chapter 657, Government Code (page 3, between lines 64 and 65), insert the following:

Sec. 657.104. REPORT. The State Office of Administrative Hearings shall report to the governor, comptroller, and the legislature the number of hearings requested under this subchapter.

(5) Strike SECTION 10 of the bill (page 3, lines 65 and 66), and renumber remaining SECTIONS of the bill as appropriate.

The amendment to **CSSB 1454** was read and was adopted by a viva voce vote.

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

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

CSSB 1454 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 1454 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 1454** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1454**, 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 1454** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

**COMMITTEE SUBSTITUTE
SENATE BILL 436 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 436** at this time on its second reading:

CSSB 436, Relating to the operation of hybrid motor vehicles.

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 436 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 436** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 436**, 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 436** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate fourth-grade students and their teachers from San Antonio Christian Schools Elementary.

The Senate welcomed its guests.

SENATE BILL 1956 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 **SB 1956** at this time on its second reading:

SB 1956, Relating to assistance for local areas affected by defense restructuring.

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 1956 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 **SB 1956** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1956**, 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 1956** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

GUEST PRESENTED

Senator Hinojosa was recognized and introduced to the Senate former Dean of the Senate Carlos Truan.

The Senate welcomed its guest.

GUEST PRESENTED

The Presiding Officer, Senator Brimer in Chair, introduced to the Senate Commissioner of Agriculture Todd Staples.

The Senate welcomed its guest.

SENATE BILL 1912 ON SECOND READING

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1912** at this time on its second reading:

SB 1912, Relating to certification of educators from outside the state.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1912** (committee printing) as follows:

(1) In SECTION 1 of the bill, in the introductory language (page 1, line 11), strike "(e) and (f)" and substitute "(c), (c-1), (d), (e), and (f)".

(2) In SECTION 1 of the bill, immediately preceding added Subsections (e) and (f), Section 21.052, Education Code (page 1, between lines 11 and 12), insert the following:

(c) Subject to Subsection (c-1), the board shall issue a temporary certificate for an initial term of one year to a person participating in an accredited alternative certification program in another state, provided that the person holds or would be entitled to obtain a temporary credential issued by the other state authorizing the person to teach in that state. The board shall permit a person issued a temporary certificate under this subsection to take the appropriate examination or examinations under Section 21.048 for standard certification during the initial term of the temporary certificate.

(c-1) A person described by Subsection (c) is subject to any fingerprinting requirement generally imposed by the board on a person seeking a certificate and is not entitled to a temporary certificate under that subsection if the person does not satisfy any criteria relating to criminal history established by the board.

(d) The board shall renew a temporary certificate issued under Subsection (c) for a second one-year term if the person to whom the certificate is issued satisfactorily completes one year of teaching in a setting that includes participation by the person in an educator mentoring program and performs successfully on the appropriate examination or examinations under Section 21.048 for standard certification. After the expiration of the second one-year term, the person is not entitled to further renewal of the temporary certificate and must obtain a standard certificate from the board based on the person's receipt of a standard certificate from the state in which the person participated in the accredited alternative certification program.

The amendment to **SB 1912** was read.

Senator Seliger temporarily withdrew Floor Amendment No. 1.

Senator Shapleigh moved to postpone further consideration of **SB 1912** to a time certain of 1:10 p.m. today.

The motion prevailed.

Question — Shall **SB 1912** be passed to engrossment?

COMMITTEE SUBSTITUTE
SENATE BILL 11 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 11** at this time on its second reading:

CSSB 11, Relating to homeland security; providing penalties.

The bill was read second time.

(President in Chair)

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 11** to strike Article 8 (Senate committee printing line 23 through line 36), renumber the remaining articles accordingly.

The amendment to **CSSB 11** was read and was adopted by the following vote: Yeas 18, Nays 13.

Yeas: Averitt, Carona, Deuell, Ellis, Gallegos, Hegar, Hinojosa, Lucio, Ogden, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Brimer, Duncan, Eltife, Estes, Fraser, Harris, Jackson, Janek, Nelson, Nichols, Patrick, Shapiro, Williams.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 11** in Article 4 of the bill as follows:

(1) Strike SECTION 4.03 of the bill and substitute a new SECTION 4.03 to read as follows:

SECTION 4.03. Subsection (a), Section 37.203, Education Code, is amended to read as follows:

(a) The center is advised by a board of directors composed of:

(1) the attorney general, or the attorney general's designee;

(2) the commissioner, or the commissioner's designee;

(3) the executive director of the Texas Juvenile Probation Commission, or the executive director's designee;

(4) the executive director of the Texas Youth Commission, or the executive director's designee;

(5) the commissioner of the [Texas] Department of State [Mental] Health Services [and Mental Retardation], or the commissioner's designee; [and]

(6) the commissioner of higher education, or the commissioner's designee;
and

(7) the following members appointed by the governor with the advice and consent of the senate:

(A) a juvenile court judge;

(B) a member of a school district's board of trustees;

(C) an administrator of a public primary school;

(D) an administrator of a public secondary school;

(E) a member of the state parent-teacher association;

(F) a teacher from a public primary or secondary school;

(G) a public school superintendent who is a member of the Texas Association of School Administrators;

(H) a school district police officer or a peace officer whose primary duty consists of working in a public school; and

(I) two members of the public.

(2) Add the following SECTION, to be numbered appropriately, and renumber subsequent SECTIONS accordingly:

SECTION ____ Subchapter G, Chapter 37, Education Code, is amended by adding Section 37.213 to read as follows:

Sec. 37.213. INSTITUTIONS OF HIGHER EDUCATION. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education may use any appropriate model plan developed by the center under Section 37.205(4).

(c) The center may provide an institution of higher education with on-site technical assistance and safety training.

(d) The center may charge a fee to an institution of higher education for assistance and training provided under Subsection (c).

The amendment to **CSSB 11** was read and was adopted by a viva voce vote.

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

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 11** (Senate committee printing) in SECTION 2.01 of the bill as follows:

(1) In proposed Subdivision (1), Section 51.01, Business and Commerce Code (page 5, lines 28 and 29), between "which a" and "mobile", insert "wireless service provider has turned on service and a".

(2) In proposed Subdivision (5), Section 51.01, Business and Commerce Code (page 5, line 40), between "includes" and "a", insert ", but is not limited to,".

(3) In proposed Section 51.04, Business and Commerce Code (page 5, lines 68 and 69), strike "a business establishment that engages in those activations" and substitute "the entity that provides wireless service to the mobile telephone".

(4) In proposed Section 51.04, Business and Commerce Code (page 6, line 1), strike "person" and substitute "consumer".

(5) In proposed Section 51.05, Business and Commerce Code (page 6, line 7), strike "a business establishment that activates a" and substitute "the entity that provides wireless service to the prepaid".

(6) In proposed Section 51.05, Business and Commerce Code (page 6, line 10), strike "establishment" and substitute "entity".

(7) In proposed Subsection (a), Section 51.06, Business and Commerce Code (page 6, lines 13 and 14), between "establishment" and "that" insert "or wireless service provider".

The amendment to **CSSB 11** was read and was adopted by a viva voce vote.

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

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 11** (Senate committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to Article 7 of the bill:

SECTION 7.__. Section 1(1), Article 18.20, Code of Criminal Procedure, is amended to read as follows:

(1) "Wire communication" means an aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, including the use of such a connection in a switching station, furnished or operated by a person authorized to engage in providing or operating the facilities for the transmission of communications as a communications common carrier. [~~The term includes the electronic storage of a wire communication.~~]

SECTION 7.__. Section 1(5), Article 18.21, Code of Criminal Procedure, is amended to read as follows:

(5) "Mobile tracking device" means an electronic or mechanical device that permits tracking the movement of a person, vehicle, container, item, or object. [~~The term does not include a device designed, made, adapted, or capable of:~~

[~~(A) intercepting the content of a communication; or~~

[~~(B) functioning as a pen register, ESN reader, trap and trace device, or similar equipment.~~]

SECTION 7.__. The change in law made by this article to Article 18.21, Code of Criminal Procedure, applies only to an application for an order authorizing the installation and use of a mobile tracking device that is submitted on or after the effective date of this article. An application that was submitted before the effective date of this article is covered by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(2) In SECTION 7.02 (page 9, line 16), strike "The change in law made by this article applies" and substitute "The change in law made by this article to Article 18.20, Code of Criminal Procedure, applies".

(3) Renumber subsequent SECTIONS of the article accordingly.

The amendment to **CSSB 11** was read and was adopted by a viva voce vote.

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

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

CSSB 11 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 11 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 11** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 11**, 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 11** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILL 1912 ON SECOND READING

The President laid before the Senate **SB 1912** by Senator Shapleigh on its second reading. The bill had been read second time and further consideration postponed to a time certain of 1:10 p.m. today:

SB 1912, Relating to certification of educators from outside the state.

Question — Shall **SB 1912** be passed to engrossment?

Senator Seliger again offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1912** (committee printing) as follows:

(1) In SECTION 1 of the bill, in the introductory language (page 1, line 11), strike "(e) and (f)" and substitute "(c), (c-1), (d), (e), and (f)".

(2) In SECTION 1 of the bill, immediately preceding added Subsections (e) and (f), Section 21.052, Education Code (page 1, between lines 11 and 12), insert the following:

(c) Subject to Subsection (c-1), the board shall issue a temporary certificate for an initial term of one year to a person participating in an accredited alternative certification program in another state, provided that the person holds or would be entitled to obtain a temporary credential issued by the other state authorizing the person to teach in that state. The board shall permit a person issued a temporary certificate under this subsection to take the appropriate examination or examinations under Section 21.048 for standard certification during the initial term of the temporary certificate.

(c-1) A person described by Subsection (c) is subject to any fingerprinting requirement generally imposed by the board on a person seeking a certificate and is not entitled to a temporary certificate under that subsection if the person does not satisfy any criteria relating to criminal history established by the board.

(d) The board shall renew a temporary certificate issued under Subsection (c) for a second one-year term if the person to whom the certificate is issued satisfactorily completes one year of teaching in a setting that includes participation by the person in an educator mentoring program and performs successfully on the appropriate examination or examinations under Section 21.048 for standard certification. After the expiration of the second one-year term, the person is not entitled to further renewal of the temporary certificate and must obtain a standard certificate from the board based on the person's receipt of a standard certificate from the state in which the person participated in the accredited alternative certification program.

The amendment to **SB 1912** was again 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 Shapleigh and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1912 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 1912 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1912** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1912**, 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 1912** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILL 1496 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 1496** at this time on its second reading:

SB 1496, Relating to the partial forgiveness of Texas B-On-time loans for certain graduates of four-year public and private institutions of higher education.

The motion prevailed.

Senator Ellis 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: Ellis.

SENATE BILL 1496 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1496** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Ellis, Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1496**, 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 1496** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Nays: Ellis.

SENATE BILL 1697 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 1697** at this time on its second reading:

SB 1697, Relating to improvement of reading skills of students enrolled in public middle and junior high schools and use of certain federal funds to provide accelerated instruction to certain public school students.

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 1697 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 1697** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1697**, 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 1697** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILLS ON FIRST READING

The following bill, filed on or before Friday, March 9, 2007, was introduced, read first time, and referred to the committee indicated:

SB 466 by Eltife

Relating to the composition of the Cass County Juvenile Board.
To Committee on Jurisprudence.

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

SB 2027 by Shapleigh

Relating to a border crossing initiative and issuance of an enhanced driver's license or personal identification certificate by the Department of Public Safety.
To Committee on Transportation and Homeland Security.

SB 2031 by Ogden

Relating to requiring legislative consent or approval of the settlement or compromise of a claim or action against the state that will involve state expenditures exceeding a certain amount.

To Committee on Finance.

SB 2032 by Ellis

Relating to Harris County Improvement District No. 6.
To Committee on Intergovernmental Relations.

**COMMITTEE SUBSTITUTE
SENATE BILL 1688 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1688** at this time on its second reading:

CSSB 1688, Relating to the creation, powers, and duties of a transportation infrastructure services district created by a municipality; imposing taxes and authorizing bonds.

The motion prevailed.

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

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1688** as follows:

(1) In SECTION 1 of the bill, in proposed Sec. 432.001, Transportation Code (committee printing page 1, lines 24-25), strike "(4) "Principal municipality" means the most populous municipality in a county." and substitute the following:

(4) "District voters" means qualified voters within the district. Property owners qualify as district voters as determined from the most recent certified county property tax rolls.

(5) "Principal municipality" means the most populous municipality in a county.

(2) In SECTION 1, in the proposed Subchapter B, Chapter 432, Transportation Code (committee printing, page 2, lines 14-16), strike the proposed Sec. 432.051(a)(2) and substitute the following:

(2) within five miles to the west and within two miles to the east of the center line of a toll project that passes through the extraterritorial jurisdiction or corporate limits of the principal municipality; and

(3) In SECTION 1 of the bill, in the proposed Subchapter B, Chapter 432, Transportation Code (committee printing, page 2, between lines 59 and 60), add the following new Section 432.055:

Sec. 432.055. DISTRICT VOTERS ELIGIBLE TO VOTE IN MUNICIPAL ELECTIONS. Upon creation of a district as authorized by this subchapter, the qualified district voters who are residents of the district are entitled to vote in municipal elections regarding the election or recall of members of the governing body of the principal municipality, the election or recall of the controller, if the office of controller is an elective position of the principal municipality, and the amendment of the municipal charter of the principal municipality.

(4) In SECTION 1 of the bill, in proposed Subchapter C, Chapter 432, Transportation Code (committee printing page 2, line 60), strike "432.055" and substitute "432.056".

(5) In SECTION 1 of the bill, in proposed Subchapter C, Chapter 432, Transportation Code (committee printing page 2, line 62, through page 3, line 8), strike proposed Sections 432.101 and 432.102, Transportation Code.

(6) In SECTION 1 of the bill, in proposed Subchapter C, Chapter 432, Transportation Code (committee printing page 3, line 9), strike "432.103" and substitute "432.101".

(7) In SECTION 1 of the bill, in proposed Section 432.103(b), Transportation Code, (committee printing page 3, line 13), strike "432.352" and substitute "432.402".

(8) In SECTION 1 of the bill, in proposed Subchapter C, Chapter 432, Transportation Code (committee printing page 3, line 18), strike "432.104" and substitute "432.102".

(9) In SECTION 1 of the bill, in proposed Section 432.104, Transportation Code (committee printing page 3, lines 18-24), strike proposed Subsection (a) and substitute the following:

(a) The principal municipality may not impose a change in its planning or zoning ordinances that applies to any area in a district unless the governing body of the principal municipality appoints an advisory committee composed of representatives of a broad cross-section of the commercial interests and residents of the district as determined by the governing body. At least 75 percent of the persons on the advisory committee must be property owners in the district and the advisory committee must include the persons appointed per Section 432.151(c)(3)-(5).

(10) In SECTION 1 of the bill, in proposed Subchapter C, Chapter 432, Transportation Code (committee printing page 3, line 33), strike "432.105" and substitute "432.103".

(11) In SECTION 1 of the bill, in proposed Subchapter C, Chapter 432, Transportation Code (committee printing page 3, line 36), strike "432.106-432.150" and substitute "432.104-432.150".

(12) In SECTION 1 of the bill, in proposed Section 432.151, Transportation Code (committee printing page 3, lines 42-58), strike proposed Subsections (c) and (d) and substitute the following:

(c) A district's board consists of:

(1) the mayor of the principal municipality who serves as a presiding non-voting member of the board except when necessary to cast a vote in the event of a tie;

(2) the city council of the presiding municipality;

(3) two persons appointed by the principal municipality's governing body from a list of at least six names submitted by a nonprofit organization that promotes economic development and real estate related issues in the county in which the district is located;

(4) two persons appointed by the principal municipality's governing body from a list of at least six names submitted by a nonprofit organization that represents home builders; and

(5) two persons who are residents of the district appointed by the principal municipality's governing body after reviewing letters of interest submitted by district residents.

(13) In SECTION 1 of the bill, in proposed Section 432.158, Transportation Code (committee printing page 4, lines 30-31), between "a" and "pecuniary" insert "direct".

(14) In SECTION 1 of the bill, in proposed Section 432.202, Transportation Code (committee printing page 4, line 62), strike "A" and substitute "If there is a net benefit to the district, the".

(15) In SECTION 1 of the bill, in proposed Section 432.217, Transportation Code (committee printing page 6, line 57), strike "A" and substitute "If there is a net benefit to the district, the".

(16) In SECTION 1 of the bill, in proposed Section 432.260, Transportation Code (committee printing page 9, lines 16-25), strike proposed Subsections (e), (f), and (g) and substitute the following:

(e) Not later than one year after the adoption by the board of the bond or capital improvement program, the board shall hold an election in the district on question of:

(1) the implementation of the bond or capital improvement program; and

(2) the application of the principal municipality's planning and zoning ordinances under Section 432.351.

(f) If the question is approved by a majority of the district voters voting at the election, the board shall begin to implement the bond or capital improvement program not later than the first anniversary of the election date at which the program was approved.

(g) The board may call subsequent elections under this section.

(17) In SECTION 1 of the bill, in proposed Section 432.263, Transportation Code (committee printing page 9, line 41), strike "432.353" and substitute "432.403".

(18) In SECTION 1 of the bill, in proposed Section 432.301, Transportation Code (committee printing page 9, line 58), between "a" and "benefit", insert "net".

(19) In SECTION 1 of the bill, in proposed Section 432.304, Transportation Code (committee printing page 10, lines 27 and 28), strike "by the owners of 50 percent or more of the assessed value of the property" and substitute "by 75 percent or more of the owners of property".

(20) In SECTION 1 of the bill, in proposed Chapter 432, Transportation Code (committee printing page 12, between lines 42 and 43), add the following new Subchapter H:

SUBCHAPTER H. PLANNING AND ZONING AUTHORITY

Sec. 432.351. APPLICATION OF MUNICIPALITY'S PLANNING AND ZONING ORDINANCES; ELECTION. (a) The election held under Section 432.260 must also propose, as part of the same ballot question, the question of the imposition of the principal municipality's planning and zoning ordinances in the district.

(b) If approved by a majority of the voters voting in the election, the principal municipality's planning and zoning ordinances apply in the district.

Sec. 432.352. INTERIM PLANNING AND ZONING AUTHORITY. Until a bond or capital improvement program and the application of the principal municipality's planning and zoning ordinances in the district are approved at an election held under Section 432.260, the principal municipality's planning and zoning ordinances apply within 1,000 feet of the center line of the toll project that made the area eligible for creation of a district under Section 432.051.

[Sections 432.353-432.400 reserved for expansion]

(21) In SECTION 1 of the bill, in the heading of proposed Subchapter H, Chapter 432, Transportation Code (committee printing page 12, line 43), strike "H" and substitute "I".

(22) In SECTION 1 of the bill, in proposed Section 432.351, Transportation Code (committee printing page 12, line 44), strike "432.351" and substitute "432.401".

(23) In SECTION 1 of the bill, in proposed Section 432.352, Transportation Code (committee printing page 12, line 50), strike "432.352" and substitute "432.402".

(24) In SECTION 1 of the bill, in proposed Section 432.353, Transportation Code (committee printing page 12, line 56), strike "432.353" and substitute "432.403".

(25) In SECTION 1 of the bill, in proposed Section 432.353, Transportation Code (committee printing page 12, line 57), strike "dissolution" and substitute "annexation of any part or dissolution of any part of the district".

(26) In SECTION 1 of the bill, in proposed Section 432.353, Transportation Code (committee printing page 12, line 59), strike "dissolution" and substitute "annexation of any part or dissolution of any part of the district".

(27) In SECTION 1 of the bill, in proposed Section 432.351, Transportation Code (committee printing page 12, between lines 49 and 50), insert a new subsection (c) to read as follows:

(c) Upon dissolution of the district by the principal municipality under this section, the application of the principal municipality's planning and zoning ordinances, as authorized by an election under Section 432.260(e), is repealed.

(28) In SECTION 1 of the bill, in proposed Chapter 432, Transportation Code (committee printing page 12, between lines 62 and 63), add the following new Section 432.404:

Sec. 432.404. A district shall automatically expire within six years of the date of its creation under Section 432.053 if the question under Section 432.260(e) is not approved by a majority of the district voters during that six-year period.

The amendment to **CSSB 1688** was read.

Senator Wentworth offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **CSSB 1688** to strike the proposed Section 432.051(a)(2) and substitute the following:

(2) within the area between a line that is two miles to the east of the center line of a toll project that passes through the extraterritorial jurisdiction or corporate limits of the principal municipality and, to the west, the principal municipality's eastern full-purpose boundaries in a distance not to exceed five miles; and

The amendment to Floor Amendment No. 1 to **CSSB 1688** 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.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 1688**, the amendment as amended was adopted by a viva voce vote.

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

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

CSSB 1688 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: Ogden.

COMMITTEE SUBSTITUTE SENATE BILL 1688 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 1688** 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, Gallegos, Harris, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Ogden, Wentworth.

Absent: Williams.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1688**, 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 1688** 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: Ogden.

Absent: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1222 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1222** at this time on its second reading:

CSSB 1222, Relating to the licensing and regulation of appliance installers and appliance installation contractors.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1222** as follows:

(1) In SECTION 5 of the bill, in added Section 1305.1617, Occupations Code (committee printing page 3, line 41), between "INSTALLER." and "An", insert "(a)".

(2) In SECTION 5 of the bill, after added Section 1305.1617, Occupations Code (committee printing page 3, between lines 43 and 44), insert the following:

(b) Rules adopted under Section 1305.102(a) for the licensing of appliance installers must ensure that a successful applicant is qualified to safely and competently perform appliance installation. In adopting rules for the licensing of appliance installers, the executive director shall consider imposing requirements for:

(1) training;

(2) knowledge of code requirements, including the requirements of the National Electrical Code;

(3) work experience; and

(4) any other knowledge or skills necessary for the safe and competent performance of appliance installation.

The amendment to **CSSB 1222** was read and was adopted by a viva voce vote.

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

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

CSSB 1222 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 1222 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1222** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1222**, 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 1222** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

SENATE BILL 1172 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1172** at this time on its second reading:

SB 1172, Relating to the disposition of income at Palo Duro Canyon State Park.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1172** on page 1, line 17, after "the biennium", by striking "may be used by the department on other state parks" and inserting "shall be placed in the state treasury to the credit of the state parks account".

The amendment to **SB 1172** 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 Seliger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1172 as amended was passed to engrossment by a viva voce vote.

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

SENATE BILL 1172 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 **SB 1172** be placed on its third reading and final passage.

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

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1172**, 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 1172** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Brimer announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

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 will be meeting tomorrow during the Local and Uncontested Calendar Session.

SENATE RULE 11.18(a) SUSPENDED
(Public Hearings)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on State Affairs might consider **SB 1552** tomorrow.

SENATE RULE 11.18(a) SUSPENDED
(Public Hearings)

On motion of Senator Wentworth and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Jurisprudence might consider **SB 1556** today.

SENATE RULE 11.18(a) SUSPENDED
(Public Hearings)

On motion of Senator Averitt and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Natural Resources might consider the following bills tomorrow: **SB 1895, SB 2019**.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:19 p.m. agreed to adjourn, in memory of Justin Hurst, upon conclusion of the Local and Uncontested Calendar Session, until 10:00 a.m. tomorrow.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 769 by Zaffirini, In memory of the life of Wiley Clem McKinney.

Welcome and Congratulatory Resolutions

SCR 57 by Duncan, Recognizing The Institute for Environmental and Human Health in Lubbock on the occasion of its 10th anniversary.

SR 766 by Nelson, Recognizing Wayne Blankenship on the occasion of his retirement from the ministry.

SR 768 by Zaffirini, Congratulating George Alvarado for being named General Aviation Airport Manager of the Year.

SR 771 by Wentworth, Welcoming first-grade students and their teachers from Dennis Cowan Elementary School in Austin to the State Capitol.

SR 774 by Janek, Commending the Empowering Teen Leaders program for its work in developing future Texas leaders.

SR 776 by Lucio, Congratulating Patrick Burchfield for being named a recipient of the 2006 National Recovery Champion award by the United States Fish and Wildlife Service.

Official Designation Resolution

SR 772 by Shapleigh, Celebrating April 14, 2007, as Pan-American Health Organization Day.

RECESS

On motion of Senator Whitmire, the Senate at 2:20 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

April 18, 2007

HEALTH AND HUMAN SERVICES — CSSB 1766

STATE AFFAIRS — CSSB 1832

NATURAL RESOURCES — CSSB 642, CSSB 1037, CSSB 1312, CSSB 1351, CSSB 1383

EDUCATION — CSHB 314, HB 566, HB 708, HB 978, SB 1052, SB 1446, SB 1517, CSSB 1146

GOVERNMENT ORGANIZATION — HB 385

STATE AFFAIRS — CSSB 361, CSSB 1434, CSSB 1464, CSSB 1626, CSSB 1776

GOVERNMENT ORGANIZATION — HCR 6

NATURAL RESOURCES — SB 825, SB 1128, SB 1396, SB 1440, SB 1668, SB 1669, SB 1932, HB 1311, HB 1312

INTERGOVERNMENTAL RELATIONS — SB 833, SB 1063, SB 1630, SB 1769

CRIMINAL JUSTICE — SB 239, SB 698, SB 877, SB 1244, SB 1348, SB 1404, SB 1415, SB 1557, SB 1558, SB 1796

SENT TO GOVERNORApril 18, 2007**SB 462, SB 505, SB 506, SB 670, SCR 15, SCR 31**

**In Memory
of
Justin Hurst
Senate Resolution 693**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Texas Parks and Wildlife Department Game Warden Justin Hurst, who was killed in the line of duty March 17, 2007, at the age of 34; and

WHEREAS, Justin Hurst was born March 17, 1973; he began his career with the Texas Parks and Wildlife Department as a biologist and migratory bird specialist in August of 1995; and

WHEREAS, Mr. Hurst entered the Texas Game Warden Academy and graduated in August of 2002; dedicated to protecting wildlife and enforcing the law, he was considered a great law enforcement officer and trainer and was highly respected by his colleagues and the community; and

WHEREAS, A man of courage, strength, and compassion, Mr. Hurst gave generously to others, and his integrity, professionalism, and commitment to his work and family will not be forgotten by those who knew him; and

WHEREAS, Justin Hurst was a devoted husband and father, and he will long be remembered with affection and admiration by all who were privileged to share in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend sincere condolences to the bereaved family of Justin Hurst: his wife, Amanda; his son, Kyle Hunter; his parents, Allen and Pat Hurst; and his brother, Greg Hurst; 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 Justin Hurst.

HEGAR

