

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTY-THIRD DAY

(Wednesday, May 16, 2007)

The Senate met at 11:46 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 Jerry House, Jr., Christ United Methodist Church, College Station, offered the invocation as follows:

Gracious God, the question was once asked, "What is it that You require?" Your response was that Your people do justice, love kindness, and walk humbly with You. Within these hallowed halls today are gathered courageous public servants who are diligently seeking to do just that. But the path of justice and kindness and humility is never comfortable, nor is it easy to travel on. And, so we call on You today to show us the way. Illumine the path and strengthen our resolve as we seek to do what You would have us do. And may the decisions made today bring honor to this great state. But, most importantly, may they bring us all one step closer to the kind of world in which You intend for us to live. Amen.

CO-AUTHOR OF SENATE BILL 1292

On motion of Senator Nelson, Senator Wentworth will be shown as Co-author of **SB 1292**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 43

On motion of Senator Nelson, Senator Van de Putte will be shown as Co-author of **SJR 43**.

CO-SPONSOR OF HOUSE BILL 13

On motion of Senator Carona, Senator Nelson will be shown as Co-sponsor of **HB 13**.

CO-SPONSOR OF HOUSE BILL 41

On motion of Senator Seliger, Senator Ellis will be shown as Co-sponsor of **HB 41**.

CO-SPONSOR OF HOUSE BILL 218

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

CO-SPONSOR OF HOUSE BILL 662

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-sponsor of **HB 662**.

CO-SPONSOR OF HOUSE BILL 1230

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-sponsor of **HB 1230**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 16, 2007

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 256, Recalling S.B. 903 from the senate to the house for further consideration.

SB 22, Relating to long-term care insurance and a partnership for long-term care program.

(Amended)

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

(Committee Substitute)

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

SB 82, Relating to safety regulations for certain public school extracurricular activities.

(Committee Substitute/Amended)

SB 99, Relating to the identification of and provision of assistance to colonias and for tracking the progress of certain state-funded projects that benefit colonias.

SB 143, Relating to fetal and infant mortality review and health warnings related to fetal and infant mortality; imposing a penalty.

(Amended)

SB 178, Relating to working papers and electronic communications of State Office of Administrative Hearings administrative law judges.

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

SB 344, Relating to the additional exit conference required following inspection, survey, or investigation of certain facilities.
(Amended)

SB 382, Relating to certain refund requirements regarding credit insurance.
(Committee Substitute)

SB 502, Relating to minimum insurance coverage amounts to establish evidence of financial responsibility under the Texas Motor Vehicle Safety Responsibility Act.
(Amended)

SB 563, Relating to assistance by the attorney general in the prosecution of certain offenses involving the use, unlawful appropriation, or misapplication of state property or unlawful conduct in certain state-funded facilities or on other state property.
(Committee Substitute/Amended)

SB 596, Relating to the confidentiality of certain information involving real estate transactions of the School Land Board, Veterans' Land Board, General Land Office, or Commissioner of the General Land Office.

SB 600, Relating to compensation paid to statutory county court judges and certain court-related fees.

SB 744, Relating to retaliation for reports of possible abuse, neglect, or exploitation of certain persons receiving home and community-based services.

SB 802, Relating to the child fatality review process, including the composition and functions of the child fatality review team committee.

SB 811, Relating to requiring the Department of State Health Services to allow health care providers to use certain vaccines in the vaccines for children program.
(Amended)

SB 814, Relating to environmental lead investigations by the Department of State Health Services.

SB 952, Relating to designation of certain areas as the premises of a mixed beverage permit holder.

SB 1426, Relating to the issuance of a food and beverage certificate to the holder of a wine and beer retailer's permit or a retail dealer's on-premise license.

SB 1562, Relating to animal control officer training.
(Amended)

SB 1615, Relating to the collection of delinquent obligations owed to the state.

SB 1666, Relating to the authority of the Railroad Commission of Texas to file a lien on certain land adversely affected by past mining practices and reclaimed by the commission.

SB 1667, Relating to the amount of an administrative penalty assessed by the Railroad Commission of Texas for a violation of the Texas Surface Coal Mining and Reclamation Act or a permit issued under that act.

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

HB 246 (144 Yeas, 0 Nays, 2 Present, not voting)

HB 416 (105 Yeas, 37 Nays, 2 Present, not voting)

HB 564 (143 Yeas, 0 Nays, 3 Present, not voting)

HB 1210 (145 Yeas, 0 Nays, 2 Present, not voting)

HB 2188 (143 Yeas, 0 Nays, 2 Present, not voting)

HB 2967 (144 Yeas, 0 Nays, 2 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 88 (non-record vote)

House Conferees: Branch - Chair/Anderson/Aycock/Cohen/Corte

HB 1044 (non-record vote)

House Conferees: Dutton - Chair/Berman/Bohac/Bolton/Hodge

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIANS OF THE DAY

Senator Watson was recognized and presented Drs. John and Judith Egerton of Austin as the Physicians of the Day.

The Senate welcomed the Egertons and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

RECESS

On motion of Senator Van de Putte, the Senate at 11:54 a.m. recessed until 12:30 p.m. today.

AFTER RECESS

The Senate met at 4:14 p.m. and was called to order by the President.

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.

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 during the Local and Uncontested Calendar Session tomorrow.

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 RULES SUSPENDED
(Posting Rules)

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills tomorrow:

HB 426, HB 2198, HB 2646, HB 2814, HB 3171, HB 3826, HB 2560, HB 2563.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Transportation and Homeland Security might meet and consider the following bills today: **HB 191, HB 2216, HB 2622, HB 2694, HB 2859, HB 2945, HB 3190.**

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Government Organization might meet and consider the following bills and resolutions today:

HB 42, HB 2233, HB 2293, HB 2460, HB 2542, HB 2621, HB 2918, HB 3426, HCR 12, HCR 102.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Higher Education might meet and consider the following bills tomorrow:

HB 544, HB 1330, HB 1493, HB 1775, HB 2074, HB 2103, HB 2225, HB 2702, HB 3291, HB 3382, HB 3934.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Wentworth and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Jurisprudence might meet and consider **HB 1481** today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Veteran Affairs and Military Installations might meet and consider the following bills and resolution today: **HB 1275, HB 3396, HCR 16.**

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Health and Human Services might meet and consider the following bills tomorrow:

HB 405, HB 1168, HB 1370, HB 1385, HB 1614, HB 2034, HB 2256, HB 2644, HB 2827, HB 2935, HB 3184, HB 3261, HB 3443, HB 3618, HB 3735, HB 4047.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet and consider the following bills tomorrow:

HB 2210, HB 916, HB 3659.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider the following bills today:

HB 182, HB 470, HB 866, HB 1648, HB 2402, HB 2087, HB 2099, HB 2917, HB 3024, HB 3518, HB 3581, HB 3674, HB 3834, HB 4019, HB 4022, HB 4024, HB 4061, HB 4072, HB 4080, HB 4091.

SENATE RULES SUSPENDED
(Posting Rules)

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

HB 581, HB 2660, HB 3093, HB 3358, HB 1524, HB 2936, HB 3693, HB 550, HB 1196.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Averitt and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider **HB 3554** today.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on State Affairs might meet at his desk today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 4:29 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 9:00 a.m. tomorrow.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 1058 by Uresti, Commending Laura Zinsitz for earning a Girl Scout Gold Award.

SR 1059 by Ellis, Recognizing Edwin Cruz Ortiz on the occasion of his graduation from Texas State University.

SR 1060 by Ellis, Recognizing Steven Daniel Trojanowski on the occasion of his graduation from Parkview Baptist Academy.

SR 1061 by Ellis, Recognizing Vietta Janis Fair on the occasion of her retirement from the field of education.

SR 1062 by Ellis, Recognizing Nindiya Gobind Ramchandani on the occasion of her graduation from the Thurgood Marshall School of Law at Texas Southern University.

SR 1064 by Lucio, Congratulating contributors to *The Monitor* for receiving awards from the Texas Associated Press.

HCR 152 (Nelson), Honoring the Woodturners of North Texas for their service to the community and to members of the U.S. armed forces.

RECESS

On motion of Senator Whitmire, the Senate at 4:30 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:

May 16, 2007

INTERNATIONAL RELATIONS AND TRADE — **CSHB 2096**

STATE AFFAIRS — **CSHB 2761, CSHB 2762, CSHB 3066**

GOVERNMENT ORGANIZATION — **CSHB 2173**

HEALTH AND HUMAN SERVICES — **HB 755, CSHB 3876**

INTERGOVERNMENTAL RELATIONS — **CSSB 1948, CSHB 730, CSHB 3367**

NATURAL RESOURCES — **HB 149, HB 308, HB 462, HB 556, HB 891, HB 1679, HB 2072, HB 2174, HB 2444, HB 2910, HB 2983, HB 2984**

STATE AFFAIRS — **CSHB 1034**

EDUCATION — **CSHB 1563, CSHB 3457**

TRANSPORTATION AND HOMELAND SECURITY — **HB 1052, HB 1420, HB 1521, HB 1798, HB 2077, HB 2510, HB 2565, HB 2627, HB 2651, HB 2715, HB 2992, HB 2749**

CRIMINAL JUSTICE — **HB 401, HB 429, HB 432, HB 433, HB 434, HB 487, HB 814, HB 887, HB 959, HB 1092, HB 1129, HB 1212, HB 1586, HB 1678, HB 1767, HB 1804, HB 2267, HB 2391, HB 3210, HB 3211, HB 922**

BUSINESS AND COMMERCE — **HB 1734, HB 1737, HB 2471, HB 2569, HB 2724, HB 3123**

INTERGOVERNMENTAL RELATIONS — **CSHB 1551, CSHB 1886**

INTERNATIONAL RELATIONS AND TRADE — **HB 2235, HB 3594**