

# SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**THIRTY-THIRD DAY**

(Tuesday, March 27, 2007)

The Senate met at 11:08 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Gallegos.

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

The Reverend Dan Wooldridge, Crestview Baptist Church, Georgetown, offered the invocation as follows:

Father, we are a blessed people from a blessed state and a blessed nation. Your word says to whom much is given, much is required. Grant us the wisdom to know our responsibilities and do them. Guard us from selfishness, self-righteousness, carelessness, or callousness so that we can raise a harvest of righteousness in our land. Help us to know the difference between what we can do and what only You can do. Bless these who represent us with the strength and honor to seek always to do what is right to the best of their ability to understand. Cause them to understand our times well and know what should be done. Above all, remind us that to the everlasting question, "Am I my brother's keeper?" the only acceptable answer is, yes. Teach us to respect one another and honor one another even in days of disagreement. Finally, Father, I thank You for this great land in which we live. Help us to do the things that will keep it great and, by Your grace, make it better and, as always, I pray in the name of Jesus. Amen.

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

The motion prevailed without objection.

## LEAVE OF ABSENCE

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

**CO-AUTHOR OF SENATE BILL 44**

On motion of Senator Nelson, Senator Hinojosa will be shown as Co-author of **SB 44**.

**CO-AUTHOR OF SENATE BILL 50**

On motion of Senator Zaffirini, Senator Lucio will be shown as Co-author of **SB 50**.

**CO-AUTHOR OF SENATE BILL 129**

On motion of Senator West, Senator Wentworth will be shown as Co-author of **SB 129**.

**CO-AUTHOR OF SENATE BILL 222**

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 222**.

**CO-AUTHOR OF SENATE BILL 288**

On motion of Senator Nelson, Senator Uresti will be shown as Co-author of **SB 288**.

**CO-AUTHOR OF SENATE BILL 814**

On motion of Senator Janek, Senator Shapleigh will be shown as Co-author of **SB 814**.

**CO-AUTHOR OF SENATE BILL 966**

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 966**.

**CO-AUTHOR OF SENATE BILL 1295**

On motion of Senator West, Senator Van de Putte will be shown as Co-author of **SB 1295**.

**CO-AUTHOR OF SENATE BILL 1835**

On motion of Senator Hegar, Senator Eltife will be shown as Co-author of **SB 1835**.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 28**

On motion of Senator Watson, Senator Nelson will be shown as Co-author of **SCR 28**.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

March 27, 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 161**, Recognizing March 27, 2007, as West Texas Day at the State Capitol.

**HCR 169**, Commemorating the 40th anniversary of the Governor's Commission for Women.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **PHYSICIAN OF THE DAY**

Senator Ogden was recognized and presented Dr. Jeffrey Rettig of Groesbeck as the Physician of the Day.

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

### **BILL SIGNED**

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **SB 272**.

### **GUESTS PRESENTED**

Senator Averitt was recognized and introduced to the Senate a delegation of citizens from Waco.

The Senate welcomed its guests.

### **SENATE RESOLUTION 580**

Senator Deuell offered the following resolution:

WHEREAS, March 17, 2007, marks a very special day in the life of Patsy Jean Sparks Marshall of East Tawakoni, for on that date she is celebrating her 65th birthday; and

WHEREAS, Patsy Sparks grew up in the Terrell area in Kaufman County, and as a girl she enjoyed riding horses with her siblings around the grounds of what is now Lake Tawakoni; and

WHEREAS, In May of 1960, she graduated as valedictorian of Terrell High School, and a month later she married Billy Jon Marshall; the couple moved to Mesquite shortly thereafter and made their home there for 23 years; they were blessed with two sons, Kyle and Stuart, and today Mrs. Marshall also takes great pride in her six grandchildren; and

WHEREAS, Mrs. Marshall has been a valued resident of East Tawakoni in Rains County for more than 20 years; retired from Texas Commerce Bank, she rejoined the workforce in 1994, and has since served as city secretary of East Tawakoni, working for four local mayors during her notable tenure; she has also served the community as Rains County Republican Party chair; and

WHEREAS, A woman who cherishes her faith and family, Patsy Marshall has made a lasting difference in the lives of many, and she is an inspiration to all those who are privileged to know her; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby heartily congratulate Patsy Jean Sparks Marshall on the joyous occasion of her 65th birthday and extend to her sincere best wishes for continued happiness; and, be it further

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

**SR 580** was read and was adopted without objection.

#### **GUEST PRESENTED**

Senator Deuell was recognized and introduced to the Senate Patsy Jean Sparks Marshall of East Tawakoni.

The Senate welcomed its guest.

#### **SENATE RESOLUTION 581**

Senator Deuell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Ivan Alexander, Jr., for his many contributions to the City of Emory, Rains County and the surrounding areas; and

WHEREAS, Mr. Alexander graduated from East Texas State Teachers College in 1953 and served two years in the United States Air Force; he earned a law degree from The University of Texas at Austin in 1959 and has been a practicing attorney in Rains County since 1962; and

WHEREAS, Mr. Alexander has been an invaluable member of his community, participating in civic activities of every kind; he was instrumental in bringing the Terry's Furniture distribution center to Emory, creating many jobs for the community; he is the former president of Rains County Economic Growth, Incorporated, and he served as president of the Rains County Centennial in 1970; and

WHEREAS, He was elected a Fellow of the Texas Bar Foundation in 1982; he helped create the Rains County Volunteer Fire Department, and he helped organize the Annie Mae Schrimsher scholarship fund for Rains Independent School District students; he has received numerous awards from various civic organizations, and he is truly deserving of recognition for his many contributions to the City of Emory and Rains County; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend Ivan Alexander, Jr., for his many accomplishments and extend to him best wishes for all his future endeavors; and, be it further

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

**SR 581** was read and was adopted without objection.

#### **GUEST PRESENTED**

Senator Deuell was recognized and introduced to the Senate Ivan Alexander, Jr., of Emory.

The Senate welcomed its guest.

**SENATE RESOLUTION 582**

Senator Deuell offered the following resolution:

WHEREAS, On March 27, 2007, many proud Northeast Texas residents are visiting Austin in celebration of Rains County Day at the State Capitol; and

WHEREAS, Rains County was created in the late 1800s from Hopkins, Hunt, and Wood Counties; the county and its seat, Emory, were named in honor of Emory Rains, an early pioneer who served in the Congress of the Republic of Texas; and

WHEREAS, Rains County is one of the smallest counties in the state but is one of the fastest-growing counties in the country; and

WHEREAS, Situated between Lake Tawakoni and Lake Fork Reservoir, this lovely area is blessed with an abundant water supply and fertile soil characteristic of the Blackland Prairie region; the county initially prospered as a thriving agricultural and ranching center and today enjoys a diverse economy that includes oil production, manufacturing, and tourism; and

WHEREAS, Emory, which was originally known as Springville, is now the largest town in Rains County, with just over 1,000 people; it is home to the Rains County Fair Grounds and the annual Eagle Fest celebration, held in January, when the county's lakes are the winter home of many American bald eagles and other rare birds; and

WHEREAS, The City of Point was incorporated in 1966 and is recognized as the birthplace of the National Farmers Union, an organization that has grown to include more than 300,000 members; Point is where the 10 founding fathers of the National Farmers Union are memorialized on a Historic Monument and where there is the statue of the union's founder, Newton Isaac Gresham, and a display of the state flags of the 32 member states of the National Farmers Union; and

WHEREAS, The county's youngest municipality, East Tawakoni, was incorporated in 1967 and has experienced significant growth in recent years; this resort area offers residents the benefits of a relaxed rural community while providing easy access to Dallas; and

WHEREAS, In spite of its small size, Rains County has indeed played a vital role in the development of the Lone Star State, and it is a pleasure to join our fellow Texans in saluting the county and its fine citizens; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby recognize March 27, 2007, as Rains County Day at the State Capitol and extend to the Rains County residents who are visiting here today sincere best wishes for an informative and memorable visit to the Capital City; and, be it further

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

**SR 582** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a delegation of citizens from Rains County representing Rains County Day at the State Capitol.

The Senate welcomed its guests.

**SENATE RESOLUTION 525**

Senator Carona offered the following resolution:

WHEREAS, Throughout its history the State of Texas has maintained a commitment to the principle of protecting private property, and since 1920, members of the Texas Association of REALTORS have supported this vital principle; and

WHEREAS, Each day, REALTORS provide valuable professional services that enable their fellow Texans to buy, sell, lease, develop, and manage real estate in a knowledgeable and confident manner; and

WHEREAS, Over the years, Texas REALTORS have worked diligently within the regulatory process to promote and raise their business practices, and the term "REALTOR" has come to stand for competence, fairness, and integrity; and

WHEREAS, The 90,000 members of the Texas Association of REALTORS have consistently supported responsible government as well as the entrepreneurial spirit that is the backbone of our state's economy, and they are indeed worthy of special recognition at this time; now, therefore, be it

RESOLVED, That the Senate of the 80th Texas Legislature hereby recognize March 27, 2007, as REALTOR Appreciation Day at the State Capitol and extend a warm welcome to members of the Texas Association of REALTORS on the occasion of their visit to the State Capitol; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the Texas Association of REALTORS as an expression of high regard by the Texas Senate.

**SR 525** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Carona was recognized and introduced to the Senate representatives of the Texas Association of REALTORS Board of Directors: Avis Wukasch, Chair; Randy Jeffers, Chair-elect; Brooke Hunt, Secretary-Treasurer; Dennis Patillo, Immediate Past Chair; and Bill Jones, Secretary-Treasurer-elect; accompanied by a delegation of realtors.

The Senate welcomed its guests.

**(Senator Watson in Chair)**

**GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate a delegation of citizens representing the Deer Park Chamber of Commerce and Leadership Deer Park.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a group of students from Pharr-San Juan-Alamo High School.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Duell was recognized and introduced to the Senate a delegation from Seagoville: Desiray Drinning, Chamber of Commerce President; Denny Wheat, City Manager; Sidney Sexton, Mayor; Carl Polnac, Councilmember; and Debbie Hitt, Senior Citizen Director; accompanied by citizens representing Seagoville Day at the State Capitol.

The Senate welcomed its guests.

**HOUSE CONCURRENT RESOLUTION 161**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Proud residents of West Texas are gathering in Austin to celebrate West Texas Day at the State Capitol on March 27, 2007; and

WHEREAS, With its epic history—a chronicle of Native Americans contesting for the land with frontier soldiers and settlers, of cow towns and cattle drives supplanting immense herds of buffalo, of oilmen and roughnecks developing the vast petroleum and gas fields of the Permian Basin—this famous region encompasses much of what people most readily associate with the Lone Star State; and

WHEREAS, The scenic wonders of West Texas include, in the northern reaches, the primordial grasslands of the Llano Estacado, the imposing Caprock escarpment, and the spectacular Palo Duro Canyon, while to the south lie striking landscapes of mountains, deserts, and the steeply cut canyons of the Rio Grande; and

WHEREAS, Citizens of West Texas cherish the land and the rich heritage that have shaped them and take pride in the communities and institutions they have established; among their most important creations are many fine institutions of higher learning, including Abilene Christian University and McMurry University in Abilene, West Texas A&M University in Canyon, Texas Tech University, the Texas Tech University Health Sciences Center, and Lubbock Christian University in Lubbock, Midland College in Midland, The University of Texas of the Permian Basin and Odessa College in Odessa, and Angelo State University in San Angelo; and

WHEREAS, Serving the people of West Texas are a number of modern urban centers; Abilene, established in the 1880s on the line of the Texas and Pacific Railway, has grown from a celebrated cattle town into a thriving city of 115,000; a center for ranching and the petroleum industry, it is also the site of Dyess Air Force Base, home to the B-1 bomber and its crews and a staging area for troops fighting in Iraq and Afghanistan; in 2002, the city gained a dramatic addition to its downtown area with the opening of Frontier Texas! a six-acre, state-of-the-art tourist complex that also serves as the starting point for the Texas Forts Trail, a 650-mile heritage tour through 29 counties; and

WHEREAS, Located in the heart of the Panhandle and at the center of the largest natural gas field in the world, Amarillo has built its prosperity on gas, petroleum, agriculture, and cattle; in addition, the city has several major defense plants, including BWTX Pantex and Bell Helicopter Textron; residents enjoy such cultural amenities as opera, ballet, symphonic music, theater at the Globe News Center for the Performing Arts, and the Panhandle-Plains Historical Museum, while the nearby Cadillac Ranch ranks as one of the nation's truly unique tourist attractions; and

WHEREAS, Lubbock, a center for agribusiness, distribution, and manufacturing, is also widely known for its outstanding medical facilities, for its comprehensive National Ranching Heritage Center, and for a renowned archeological site, the Lubbock Lake Landmark; the birthplace, moreover, of rock and roll legend Buddy Holly, Lubbock has played an influential role in the growth of Texas music, nurturing such artists as Waylon Jennings, Joe Ely, Jimmie Dale Gilmore, and Butch Hancock; and

WHEREAS, Long identified with the oil business, Midland continues to be an administrative and financial center for that industry; its cultural attractions include the Petroleum Museum, the Museum of the Southwest, and the American Airpower Heritage Museum, a world-famous collection of vintage World War II aircraft that was initially developed by the Commemorative Air Force; and

WHEREAS, Odessa claims the distinction of being home to the largest inland petrochemical complex in the world; another facet of the community's identity is reflected in the venerable Sandhills Stock Show and Rodeo, the first rodeo of the season for the nearly one thousand men and women competing on the tour of the Professional Rodeo Cowboys Association; the city also boasts a replica of Shakespeare's Globe Theatre, the Ellen Noel Art Museum, the Parker House Ranching Museum, and the Presidential Museum, the only museum in the United States solely dedicated to the office of the presidency; and

WHEREAS, San Angelo's colorful frontier history lives on at Fort Concho, one of the best preserved forts in the country and now a national historic landmark; at one time the largest range cattle shipping station in the U.S., San Angelo continues to be a national leader in the processing and shipping of wool and mohair, while it also benefits from a highly diversified industrial sector; Goodfellow Air Force Base, established at San Angelo in 1940, further contributes to the city's economy, as well as to the nation's defense; and

WHEREAS, With its striking vistas, abundant natural resources, and energetic, hardworking people, West Texas is engaged in building a future that promises to be as dynamic and exciting as its storied past; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas hereby recognize March 27, 2007, as West Texas Day at the State Capitol and extend sincere best wishes for an enjoyable and memorable visit to all those who have traveled here for this special occasion.

SELIGER

**HCR 161** was read.

On motion of Senator Seliger and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Absent-excused: Gallegos.



**GUESTS PRESENTED**

Senator Seliger was recognized and introduced to the Senate Mayor Mike Canon of Midland, Mayor Debra McCartt of Amarillo, Mayor J. W. Lown of San Angelo, Mayor Larry Melton of Odessa, Mayor Norm Archibald of Abilene, and Mayor David Miller of Lubbock, representing West Texas Day at the State Capitol.

The Senate welcomed its guests.

**SENATE RESOLUTION 479**

Senator Uresti offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Robert Villarreal, who recently received a Citizen Hero Award from the San Antonio Police Department; and

WHEREAS, The Citizen Hero Award is the police department's highest award for a civilian; and

WHEREAS, Robert is a 21-year veteran of the United States Air Force and is a United States Customs and Border Protection officer; while driving down Jones Maltsberger Road on January 23, he saw a 10-year-old boy covered in blood calling for help after scrambling through a fence; and

WHEREAS, Robert did not hesitate to act and placed himself in danger by running into the boy's house and wrestling a knife away from the child's mother, who was attacking her other son; and

WHEREAS, Robert's actions were truly heroic, and he most likely saved one or both boys' lives while facing a grave danger to his own personal safety; and

WHEREAS, Mr. Villarreal exhibited uncommon courage and perseverance in handling a life-threatening event, and he is most deserving of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend Robert Villarreal for his heroism, his exemplary courage, and his service to his community; and, be it further

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

**SR 479** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Uresti was recognized and introduced to the Senate Robert Villarreal of San Antonio, accompanied by his wife, Catherine.

The Senate welcomed its guests.

**SENATE RESOLUTION 560**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Governor's Commission for Women, which is celebrating its 40th anniversary during Women's History Month on March 27, 2007; and

WHEREAS, The Governor's Commission for Women was established by executive order by Governor John Connally in 1967; since that time, Governors Connally, Smith, Briscoe, Clements, White, Richards, Bush, and Perry have had the distinct privilege of appointing women from around the state to serve on the commission; and

WHEREAS, The Governor's Commission for Women has launched public awareness campaigns, hosted workshops and conferences, conducted surveys, helped in establishing local women's commissions throughout the state, and honored outstanding women; and

WHEREAS, The Governor's Commission for Women honors notable Texas women for their service in fields such as the arts, athletics, business, education, health, and leadership through the Texas Women's Hall of Fame; inductees include former first ladies, astronauts, entrepreneurs, and athletes; in 2003, the commission established a permanent exhibit at Texas Woman's University in Denton to honor these outstanding women; and

WHEREAS, The Governor's Commission for Women's 40th anniversary is a milestone and provides a perfect opportunity to recognize former and current commission members and pay tribute to the women members of the Texas Legislature; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby congratulate the Governor's Commission for Women on its 40th anniversary and extend sincere appreciation to its members for their past and continued service to the State of Texas; and, be it further

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

ZAFFIRINI  
NELSON  
SHAPIRO  
VAN DE PUTTE

**SR 560** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate representatives of the Governor's Commission for Women: Wendy Bengal of El Paso, Vice-chair; Sue Chiang of Sugar Land; Cynthia Jenkins of Irving; Carmen Pagan of McAllen; and Keeley Appleton of Fort Worth, Chair.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 524**

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize the Parent Association for the Retarded of Texas, Incorporated, for its outstanding work on behalf of persons with mental retardation and is pleased to proclaim March 27, 2007, Parent Association for the Retarded of Texas Day at the State Capitol; and

WHEREAS, Parent Association for the Retarded of Texas is an organization of volunteers who are dedicated to preserving, improving, and expanding services for persons with mental retardation in our state; the association promotes quality services for state school residents, the mentally retarded in the state center system, and mentally retarded residents in the community; and

WHEREAS, The dedicated members of Parent Association for the Retarded of Texas present the parents' viewpoint to the Texas Department of Mental Health and Mental Retardation, the State Legislature, Congress, and the general public; and

WHEREAS, This association is well known for the support it offers to state school employees and its advocacy of new programs to meet the unique needs of the retarded; and

WHEREAS, Members of Parent Association for the Retarded of Texas have been prominently involved in the development of programs for persons with mental retardation since the 1950s, and they have fought vigorously for improved state schools, state centers, special education, and community mental health and mental retardation centers; and

WHEREAS, Today, the Parent Association for the Retarded of Texas continues to protect the mentally retarded people of Texas and tenaciously places responsibility on caregivers to maintain standards for quality care; the organization addresses such issues as fiscal accountability and special population needs; and

WHEREAS, The services provided by Parent Association for the Retarded of Texas have been vital to the welfare of both children and adults with mental retardation in our state, and members of the association are truly worthy of legislative recognition for their exceptional efforts and outstanding accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby declare March 27, 2007, Parent Association for the Retarded of Texas Day at the State Capitol as an expression of appreciation for this association's valuable contributions to the people of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Parent Association for the Retarded of Texas, Incorporated, as an expression of esteem from the Texas Senate.

**SR 524** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate representatives of the Parent Association for the Retarded of Texas, Incorporated.

The Senate welcomed its guests.

### **SENATE RESOLUTION 569**

Senator Uresti offered the following resolution:

WHEREAS, Professional social workers assist individuals, groups, and communities to restore or enhance their capacity for social functioning; and

WHEREAS, Highly trained and experienced, these esteemed individuals have earned social work degrees at the bachelor's, master's, or doctoral levels, completed a minimum number of hours in a supervised field, and received licensing through the Texas State Board of Social Worker Examiners; and

WHEREAS, Social workers are instrumental in helping people overcome some of life's most difficult challenges, including poverty, discrimination, abuse, addiction, physical illness, divorce, loss, unemployment, educational problems, disability, and mental illness; in addition, they help prevent crises and counsel individuals, families, and communities to cope more effectively with the stresses of everyday life; and

WHEREAS, Professional social workers are found in every facet of community life—schools, hospitals, mental health clinics, senior centers, prisons, corporations, public and private agencies, private practice, and the military—and their efforts make a positive difference in the lives of countless people; now, therefore, be it

RESOLVED, That the Senate of the 80th Texas Legislature hereby recognize March 27, 2007, as Social Work Day at the State Capitol and extend a warm welcome to those professional social workers and social work students who are visiting the Capitol today.

**SR 569** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Uresti was recognized and introduced to the Senate a delegation of social workers representing Social Work Day at the State Capitol.

The Senate welcomed its guests.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

**(Senator West in Chair)**

#### **SENATE BILL 1539 REREFERRED**

Senator Fraser submitted a Motion In Writing requesting that **SB 1539** be withdrawn from the Committee on Health and Human Services and rereferred to the Committee on Business and Commerce.

The Motion In Writing prevailed without objection.

#### **SENATE RESOLUTION 546**

Senator Watson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize San Juan Diego Catholic High School for providing a high-quality, college-preparatory education for the young people of Central Texas; and

WHEREAS, Founded in 2002, San Juan Diego Catholic High School has instituted a unique Corporate Work Study Program; through this exceptional program, all students gain on-the-job experience at entry-level positions in the corporate world while they pursue college-preparatory level academic studies; and

WHEREAS, San Juan Diego Catholic High School has benefited from the support of some of the top companies and nonprofit organizations in Austin, including Dell, Incorporated, Vinson and Elkins, Seton Healthcare Network, Goodwill Industries, and The University of Texas at Austin; and

WHEREAS, San Juan Diego Catholic High School provides its students the opportunity to become responsible, capable, and caring individuals, ready to be the leaders of a new generation; the school deserves recognition for its rigorous curriculum and innovative Corporate Work Study Program; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend San Juan Diego Catholic High School for uniting the corporate and academic worlds and making high-quality education affordable for the young people of Texas; and, be it further

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

**SR 546** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate representatives of San Juan Diego Catholic High School in Austin: Father Jayme Mathias, President; Dennis Kearns and Joe A. Garcia, Board Members; and students, Caron Garstka, David Mandujano, Maribel Cudzilla, Isaac Farias, and Juan Pablo Mata.

The Senate welcomed its guests.

#### **PERMISSION TO INTRODUCE BILLS**

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

**SB 1947, SB 1948, SB 1949, SB 1951, SB 1952, SB 1956, SB 1958, SB 1959, SB 1962, SB 1970, SB 1972.**

**(Senator Watson in Chair)**

#### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The Presiding Officer announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Jackson.

Senator Jackson moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

**NOMINEES CONFIRMED**

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

Judge, 433rd Judicial District Court, Comal County: Dibrell W. "Dib" Waldrip, Comal County.

Adjutant General, Adjutant General's Department: Charles Gary Rodriguez, Travis County.

Director, Alamo Regional Mobility Authority Board of Directors: William E. "Bill" Thornton, Bexar County.

Director, Cameron County Regional Mobility Authority Board of Directors: David E. Alex, Cameron County.

Member, Office of Rural Community Affairs Executive Committee: Wallace G. Klussmann, Llano County.

Public Counsel for the Office of Public Insurance Counsel: Roderick A. "Rod" Bordelon, Jr., Travis County.

Members, Public Safety Commission: Allan B. Polunsky, Bexar County; Louis E. Sturns, Tarrant County.

Member, State Cemetery Committee: Deborah "Borah" Van Dormolen, Bell County.

Members, State Commission On Judicial Conduct: Ann Appling Bradford, Midland County; Cynthia Tauss Delgado, El Paso County; Sid L. Harle; Jorge C. Rangel.

Chief Administrative Law Judge, State Office of Administrative Hearings: Shelia Bailey Taylor, Travis County.

Member, State Preservation Board: Jocelyn Levi Straus, Bexar County.

Member, State Securities Board: Edward Escudero, El Paso County.

Members, Texas Funeral Service Commission: Doug Carmichael, Gray County; Sue Evenwel, Titus County; Javier Villalobos, Hidalgo County.

Members, Texas School Safety Center Board of Directors: Garry Edward Eoff, Brown County; Daniel Riley Griffith II, Travis County; Vivian R. King, Harris County; Carl A. Montoya, Ed.D., San Patricio County; Jane A. Wetzel, Dallas County.

Member, Texas State Board of Examiners of Psychologists: Donna Lord Black, Fort Bend County.

Members, Texas State Board of Public Accountancy: Gregory Lee "Greg" Bailes, Travis County; John W. "Jay" Dunbar, El Paso County; James Calvin Flagg, Brazos County; Dorothy M. Fowler, Nueces County; Evelyn M. Martinez, Bexar County; James W. "Jim" Pollard, Hemphill County.

Member, Texas Water Development Board: Thomas Weir Labatt III, Bexar County.

### **NOMINATIONS RETURNED**

On motion of Senator Jackson and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nominations:

Member, Teacher Retirement System of Texas Board of Trustees: R. David Kelly, Collin County.

Members, Texas Youth Commission Governing Board: Stephen Kurt Fryar, Brown County; Juan Sanchez Munoz, Lubbock County.

### **CONCLUSION OF MORNING CALL**

The Presiding Officer, Senator Watson in Chair, at 12:02 p.m. announced the conclusion of morning call.

### **SENATE BILL 775 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 775** at this time on its second reading:

**SB 775**, Relating to an interim study concerning this state's hunting and fishing license systems.

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

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

Absent-excused: Gallegos.

### **SENATE BILL 775 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 775** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

### **Reason for Vote**

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 775**, 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 775** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE  
SENATE BILL 234 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 234** at this time on its second reading:

**CSSB 234**, Relating to the reporting of income-producing contracts entered into by school districts.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 234** (committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 44, Education Code, is amended by adding Section 44.012 to read as follows:

Sec. 44.012. **REPORT OF INCOME-PRODUCING CONTRACTS AND PROGRAMS.** (a) In this section, "income-producing contract or program" means:

(1) a contract under which a school district is entitled to or expects to receive income, including rentals, royalties, or a percentage of sales revenue; or

(2) a program operated by a school district or another entity under which the district is entitled to or expects to receive income.

(b) As provided by this section, a school district shall:

(1) publish a report of income-producing contracts and programs in a newspaper of general circulation in:

(A) a county in which the district is located; or

(B) the county seat of a county adjacent to a county in which the district is located, if a newspaper of general circulation is not published in a county in which the district is located; or

(2) post a report of income-producing contracts and programs on the district's Internet website.

(c) Except as provided by Subsection (d):



(1) for each income-producing contract a school district enters into or under which the district receives income during the reporting period covered by the publication or posting, the district's report must include:

(A) the full name and address of each party to the contract other than the district;

(B) a description of the type of contract involved;

(C) the date the contract was entered into;

(D) the duration of the contract;

(E) a statement of the amount of income the district expects to receive under the contract over the term of the contract; and

(F) a statement of the amount of income the district received under the contract during the reporting period; and

(2) for each income-producing program under which the district receives income during the reporting period covered by the publication or posting, the district's report must include:

(A) the name of the program;

(B) a description of the program;

(C) if the program is operated by an entity other than the district, the name of each entity from whom the district received income under the program during the reporting period; and

(D) a statement of the total amount of income the district received under the program during the reporting period.

(d) A school district is not required to report under this section:

(1) a contract or program from which the district expects to receive income of \$5,000 or less over:

(A) the term of the contract, in the case of a contract; or

(B) the reporting period, in the case of a program;

(2) a contract between the district and another school district or other governmental entity; or

(3) a fund-raising contract with a nonprofit organization or student group.

(e) A school district shall publish or shall post on the district's Internet website a report of income-producing contracts and programs two times each year. For a district whose fiscal year begins July 1, the first report shall be published or posted not later than August 15 and cover the period from the preceding January 1 through June 30, and the second report shall be published or posted not later than February 15 and cover the period from the preceding July 1 through December 31. For a district whose fiscal year begins September 1, the first report shall be published or posted not later than October 15 and cover the period from the preceding March 1 through August 31, and the second report shall be published or posted not later than April 15 and cover the period from the preceding September 1 through the last day of February.

(f) Beginning on the second anniversary of the last date a school district receives income under an income-producing contract or program, if the district does not expect to receive additional income under the contract or program, the district may remove information relating to the contract or program from the district's Internet website.

SECTION 2. A school district's first report of income-producing contracts and programs under Section 44.012, Education Code, as added by this Act, must be published or must be posted on the district's Internet website not later than October 15, 2007, or February 15, 2008, depending on the date the district's fiscal year begins.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

The amendment to **CSSB 234** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

**CSSB 234** as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos.

### **COMMITTEE SUBSTITUTE SENATE BILL 234 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 **CSSB 234** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

### **Reason for Vote**

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 234**, 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 234** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

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

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Gallegos.

### **GUESTS PRESENTED**

Senator Carona was recognized and introduced to the Senate a delegation of students from Richardson High School in Richardson.

The Senate welcomed its guests.

### **COMMITTEE SUBSTITUTE SENATE BILL 929 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 929** at this time on its second reading:

**CSSB 929**, Relating to the resolution of certain medical disputes regarding workers' compensation claims.

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

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

Absent-excused: Gallegos.

### **SENATE BILL 129 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 129** at this time on its second reading:

**SB 129**, Relating to reporting of gifts of cash or a cash equivalent to public officials.

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

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

Absent-excused: Gallegos.

### **SENATE BILL 129 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 129** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

#### **Reason for Vote**

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 129**, 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 129** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Gallegos.

#### **SENATE JOINT RESOLUTION 20 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 20** at this time on its second reading:

**SJR 20**, Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.

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

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

Absent-excused: Gallegos.

#### **SENATE JOINT RESOLUTION 20 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 20** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

#### **Reason for Vote**

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SJR 20**, 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 **SJR 20** 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 resolution was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

#### **COMMITTEE SUBSTITUTE SENATE BILL 132 ON THIRD READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 132** at this time on its third reading and final passage:

**CSSB 132**, Relating to the establishment and operation of a motor bus-only lane program.

The motion prevailed.

Senators Eltife, Fraser, Jackson, Janek, and Ogden asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read third time.

Senator West offered the following amendment to the bill:

#### **Floor Amendment No. 1 on Third Reading**

Amend **CSSB 132** on third reading in SECTION 1 of the bill, in added Section 455.006, Transportation Code (committee printing, page 1, between lines 42 and 43), by inserting:

( ) Notwithstanding Subsection (a), the Department may not establish or operate a motor bus-only lane on a highway or toll facility maintained by a Regional Toll Authority established under Chapter 366 of the Transportation Code without the Authority's consent

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The amendment to **CSSB 132** 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 Third Reading except as follows:

Absent-excused: Gallegos.

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

**CSSB 132** as again amended was finally passed by the following vote: Yeas 25, Nays 5.

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

Nays: Eltife, Fraser, Jackson, Janek, Ogden.

Absent-excused: Gallegos.

### **SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**SB 1945** by Ellis

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

To Committee on Intergovernmental Relations.

**SB 1946** by Nichols

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

To Committee on Intergovernmental Relations.

**SB 1947** by Ellis

Relating to the study of death eligible homicide cases committed and prosecuted in the state of Texas.

To Committee on Criminal Justice.

**SB 1948** by Ellis

Relating to the number of hours worked by a part-time fire protection employee.

To Committee on Intergovernmental Relations.

**SB 1949** by Ellis

Relating to the use by an active peace officer of the officer's rank or status to advertise or promote certain private businesses.

To Committee on Criminal Justice.

**SB 1950** by Duncan

Relating to the name, governing body, and boundaries of the Tri-County Groundwater Conservation District.

To Committee on Natural Resources.

**SB 1951** by Wentworth

Relating to the creation of district courts in certain counties.

To Committee on Jurisprudence.

**SB 1952** by Lucio

Relating to prohibiting discrimination in the sale of distilled spirits to wholesalers.

To Committee on Business and Commerce.

**SB 1953** by Hegar

Relating to the name, commissioners, and powers of the Aransas County Navigation District No. 1.

To Committee on Natural Resources.

**SB 1954** by Hegar

Relating to the creation of the Waller County Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1955** by Hegar

Relating to the creation of the Waller County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 1956** by Van de Putte

Relating to assistance for local areas affected by defense restructuring.

To Subcommittee on Base Realignment and Closure.

**SB 1957** by Estes

Relating to the qualifications and method of electing directors of the Mustang Special Utility District.

To Committee on Intergovernmental Relations.

**SB 1958** by Shapleigh

Relating to certain circumstances under which the Texas Commission on Environmental Quality is required or authorized to deny or amend a permit under the Texas Clean Air Act.

To Committee on Natural Resources.

**SB 1959** by Zaffirini

Relating to damage to an aquifer by projects for storage of appropriated water.  
To Committee on Natural Resources.

**SB 1960** by Hegar

Relating to the creation of the Lamar Improvement District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.  
To Committee on Intergovernmental Relations.

**SB 1961** by Hegar

Relating to the creation of the Willow Creek Farms Municipal Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.  
To Committee on Intergovernmental Relations.

**SB 1962** by Zaffirini, Hegar

Relating to authorizing the issuance of revenue bonds for Prairie View A&M University.  
To Committee on Finance.

**SB 1963** by Nichols

Relating to the creation of the Montgomery County Municipal Utility District No. 113; providing authority to impose a tax and issue bonds; granting the power of eminent domain.  
To Committee on Intergovernmental Relations.

**SB 1964** by Nichols

Relating to the creation of the Montgomery County Municipal Utility District No. 114; providing authority to impose a tax and issue bonds; granting the power of eminent domain.  
To Committee on Intergovernmental Relations.

**SB 1965** by Nichols

Relating to the creation of the Montgomery County Municipal Utility District No. 121; providing authority to impose a tax and issue bonds; granting the power of eminent domain.  
To Committee on Intergovernmental Relations.

**SB 1966** by Nichols

Relating to the creation of the Montgomery County Municipal Utility District No. 123; providing authority to impose a tax and issue bonds; granting the power of eminent domain.  
To Committee on Intergovernmental Relations.

**SB 1967** by Nichols

Relating to the creation of the Montgomery County Municipal Utility District No. 124; providing authority to impose a tax and issue bonds; granting the power of eminent domain.  
To Committee on Intergovernmental Relations.



**SB 1968** by Hegar

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

To Committee on Natural Resources.

**SB 1969** by Hegar

Relating to the creation of the Las Damas Management District; providing authority to levy an assessment, impose a tax, and issue bonds.

To Committee on Intergovernmental Relations.

**SB 1970** by Hinojosa

Relating to the destruction by the Department of Public Safety of drugs and controlled substances seized by a state, local, or federal agency and the fee charged by the department for that service.

To Committee on Criminal Justice.

**SB 1971** by Fraser

Relating to the creation of Burnet County Water Control and Improvement District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Natural Resources.

**SB 1972** by Fraser

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

To Committee on Intergovernmental Relations.

**SCR 42** by Wentworth

Granting Maria Isabel Guerrero-McDonald and Guerrero-McDonald & Associates, Inc., permission to sue Travis County.

To Committee on Jurisprudence.

**SCR 43** by Lucio

Memorializing Congress to enact the Secure Border Crossing Card Entry Act of 2007.

To Committee on International Relations and Trade.

**SCR 45** by Carona

Memorializing Congress to fund the REAL ID Act of 2005.

To Committee on Transportation and Homeland Security.

**SCR 46** by Averitt

Requesting the United States Congress to authorize the Secretary of the United States Department of Veterans Affairs to convey the Thomas T. Connally Department of Veterans Affairs Medical Center in Marlin, Texas, to the State of Texas.

To Committee on Veteran Affairs and Military Installations.

**SCR 47** by Shapleigh

Requesting that the governor, lieutenant governor, and speaker appoint a select commission on higher education and global competitiveness.

To Subcommittee on Higher Education.

**SCR 48** by Uresti

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

To Committee on Transportation and Homeland Security.

**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 tomorrow at the end of that day's session and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 3 ON SECOND READING**

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 3** at this time on its second reading:

**CSSB 3**, Relating to the development, management, and preservation of the water resources of the state; providing penalties.

The bill was read second time.

Senator Averitt offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 3** on page 20, lines 44 and 45 by striking "and extending the existing dam west across the Lavaca River".

The amendment to **CSSB 3** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

Senator Estes offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 3** in SECTION 1.07 of the bill, in proposed Section 11.02362(f)(2)(A)(iii), Water Code (Senate committee printing page 6, line 54), by striking "confined" and substituting "concentrated".

The amendment to **CSSB 3** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

Senator Seliger offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 3** (Senate committee printing) as follows:

(1) In SECTION 2.10 of the bill, in proposed Section 16.402(c), Water Code (page 19, lines 5 and 6), strike "and submission deadlines developed under Subsection (e)" and substitute "established by Section 11.1271 and the submission deadlines developed under Subsection (e) of this section".

(2) In SECTION 2.10 of the bill, in proposed Section 16.402(e)(1), Water Code (page 19, lines 17 and 18), strike "water conservation plans described by Subsection (b) and the annual reports required by that subsection" and substitute "annual reports required by Subsection (b)".

The amendment to **CSSB 3** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

Senator Eltife offered the following amendment to the bill:

**Floor Amendment No. 4**

Amend **CSSB 3** (Senate committee printing) as follows:

(1) In SECTION 3.02 of the bill, between Subdivisions (2) and (3) of the section (page 20, between lines 25 and 26), insert the following subdivision and renumber the subsequent subdivisions of the section accordingly:

(3) Marvin Nichols reservoir, to be located on the Sulphur River upstream from its confluence with White Oak Creek; the dam will be located in Titus and Red River Counties and the reservoir will also impound water in Franklin County;

(2) Between SECTIONS 3.03 and 3.04 of the bill (page 21, between lines 11 and 12), insert the following sections and renumber the subsequent section of Article 3 of the bill accordingly:

SECTION 3.04. RESTRICTION ON ELIGIBILITY TO HOLD WATER RIGHTS; LIABILITY FOR CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS. (a) This section applies only to a proposed reservoir listed in Section 3.02(3) of this Act that is to be located in the Region D Regional Water Planning Area.

(b) The right to appropriate at least 20 percent of the quantity of water that is authorized to be appropriated from each proposed reservoir must be held by one or more entities located in the regional water planning area in which the reservoir is to be located.

(c) If one or more entities located outside the regional water planning area in which a proposed reservoir is to be located are to hold the right to appropriate a majority of the quantity of water that is authorized to be appropriated from the reservoir, that entity or those entities must pay all of the costs of constructing, operating, and maintaining the reservoir until such time as one or more entities located

in the regional water planning area in which the reservoir is to be located begins diverting water. At such time, the entity or entities making a diversion shall pay a pro-rata share of the cost of operating and maintaining the reservoir.

SECTION 3.05. STUDY COMMISSION ON REGION C WATER SUPPLY.

(a) The Study Commission on Region C Water Supply is established. The study commission consists of six members as follows:

(1) three members appointed by the Region C Regional Water Planning Group; and

(2) three members appointed by the Region D Regional Water Planning Group.

(b) A member of the study commission may be, but is not required to be, a voting member of the regional water planning group that appointed the member.

(c) The members of the study commission shall select a presiding officer from among the members.

(d) Members of the study commission are not entitled to compensation for service on the study commission but may be reimbursed for travel expenses incurred while conducting the business of the study commission, as provided for in the General Appropriations Act.

(e) The study commission shall:

(1) review the water supply alternatives available to the Region C Regional Water Planning Area, including obtaining additional water supply from Wright Patman Lake, Toledo Bend Reservoir, Lake Texoma, Lake o' the Pines, and other existing and proposed reservoirs;

(2) in connection with the review under Subdivision (1) of this subsection, analyze the socioeconomic effect on the area where the water supply is located that would result from the use of the water to meet the water needs of the Region C Regional Water Planning Area, including:

(A) the effects on landowners, agricultural and natural resources, businesses, industries, and taxing entities of different water management strategies; and

(B) in connection with the use by the Region C Regional Water Planning Area of water from Wright Patman Lake, the effect on water availability in that lake and the effect on industries relying on that water availability;

(3) determine whether water demand in the Region C Regional Water Planning Area may be reduced through additional conservation and reuse measures so as to postpone the need for additional water supplies;

(4) evaluate measures that would need to be taken to comply with the mitigation requirements of the United States Army Corps of Engineers in connection with any proposed new reservoirs, including identifying potential mitigation sites;

(5) consider whether the mitigation burden described by Subdivision (4) of this subsection may be shared by the Regions C and D Regional Water Planning Areas in proportion to the allocation to each region of water in any proposed reservoir;

(6) review innovative methods of compensation to affected property owners, including royalties for water stored on acquired properties and annual payments to landowners for properties acquired for the construction of a reservoir to satisfy future water management strategies;

(7) evaluate the minimum number of surface acres required for the construction of proposed reservoirs in order to develop adequate water supply; and

(8) identify the locations of proposed reservoir sites in the Regions C and D Regional Water Planning Areas using satellite imagery with sufficient resolution to permit land ownership to be determined.

(f) The study commission may not be assisted by any person that is a party to or is employed by a party to a contract to perform engineering work with respect to site selection, permitting, design, or construction of the proposed Marvin Nichols reservoir.

(g) The Texas Water Development Board, on request of the study commission, may provide staff support or other assistance necessary to enable the study commission to carry out its duties. The Texas Water Development Board shall provide funding for the study commission, including funding of any studies conducted by the study commission, from the regional planning budget of the board.

(h) Not later than December 1, 2010, the study commission shall deliver a report to the governor, lieutenant governor, and speaker of the house of representatives that includes any:

(1) studies completed by the study commission;

(2) legislation proposed by the study commission;

(3) a recommendation as to whether Marvin Nichols should remain a designated reservoir site; and

(4) other findings and recommendations of the study commission.

(i) The study commission is abolished and this section expires December 31, 2011.

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The amendment to **CSSB 3** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

**CSSB 3** as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE  
SENATE BILL 3 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 3** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

**Reason for Vote**

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 3**, 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 3** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

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

Absent-excused: Gallegos.

**STATEMENT OF LEGISLATIVE INTENT**

Senator Williams submitted the following statement of legislative intent for **CSSB 3**:

**Senator Williams:** Senator Averitt, thank you for your hard work on this bill. You've been great, you've been very communicative with our office. I think I'm asking some questions that I already know the answer to, but just for, as a matter of the record, for the record, I'd like to make sure that in the committee substitute and with the amendments that we have here, I don't see anything in this that would affect our current junior water rights provisions. Is that your understanding of this bill?

**Senator Averitt:** That is correct, 100 percent.

**Senator Williams:** So, our current junior water rights provision remains in the bill, I mean remains in law as it is now; this bill doesn't change that at all?

**Senator Averitt:** Unaffected.

**Senator Williams:** OK. Thank you.

### **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 today: **SB 649, SB 1232.**

### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

#### **Memorial Resolutions**

**SR 575** by Lucio, In memory of Eliseo B. "Cheo" Vega of Port Isabel.

**SR 576** by Lucio, In memory of Charles Martin Cabler of Brownsville.

**SR 577** by Lucio, In memory of Arnolando Medina, Sr., of Brownsville.

**SR 578** by Lucio, In memory of Rosaura Orizaga of Brownsville.

**SR 579** by Lucio, In memory of Lance Corporal Anthony Aguirre.

#### **Congratulatory Resolutions**

**SR 545** by Watson, Commending the members of Girl Scout Troop 1500 and Darlene Grant and Ellen Spiro of The University of Texas at Austin for their achievements.

**SR 584** by Nelson, Recognizing the Northeast Tarrant Chamber of Commerce on the occasion of its 50th anniversary.

**SR 585** by Wentworth, Recognizing Ed and Linda Whitacre for their work in behalf of children.

**SR 586** by Ogden, Recognizing Virgil Hurt on the occasion of his retirement as Police Chief of the City of Caldwell.

**HCR 140** (Fraser), Honoring the history of the Buffalo Soldiers for their outstanding military service and contributions to the Lone Star State.

**HCR 169** (Zaffirini), Commemorating the 40th anniversary of the Governor's Commission for Women.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 1:35 p.m. adjourned, in memory of Anacleto Cuellar, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

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

March 27, 2007

INTERGOVERNMENTAL RELATIONS — **CSSB 542**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 111, CSSB 1025, CSSB 1795**

GOVERNMENT ORGANIZATION — **SB 913, SB 914**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 955, CSSB 964, CSSB 137, CSSB 893**

**SENT TO GOVERNOR**

March 27, 2007

**SB 272**