

JOURNAL

OF THE

SENATE

REGULAR SESSION

OF THE

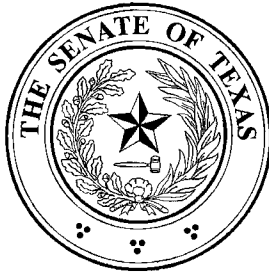
EIGHTY-SECOND LEGISLATURE

OF THE

STATE OF TEXAS

Convened January 11, 2011

Adjourned May 30, 2011



VOLUME I

Polly Emerson, Journal Clerk

Lourdes L. Guerra, Assistant

Charlene Ansley
Cathy Criss
Bonnie Michell Hill
Carmen S. Kennedy

Virginia L. Nailling
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SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Tuesday, January 11, 2011)

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Eighty-second Legislature met in the Senate Chamber of the State Capitol on Tuesday, the 11th day of January, 2011, at 12:05 p.m.

The Honorable David Dewhurst, Lieutenant Governor and President of the Senate, called the Senate to order.

Chaplain Steven Vaughn, Texas Army National Guard, offered the invocation as follows:

Psalm 31:24. Be strong and take heart, all you who hope in the Lord. Father, we are challenged in Your holy word to take heart as we trust in You. So it is today that we humbly ask Your wisdom and guidance upon this legislative body. As they set about preserving what makes our state so great and making changes that will make it better, they face many challenges, and there are honest differences in this honorable body. We pray that they would have Your wisdom in working through those differences for the greater good of our citizenry. May they feel Your divine hand as they seek to lead and guide us. We ask now, Father, for our citizenry. We have so many men and women, just ordinary people who make our state one of the premier places to reside within our country. Our police, our firemen, the EMS—so many who sacrifice so much. We pray Your hand of safety be upon them as they daily put themselves at risk for the people of Texas. And we remember this day the victims of the recent tragedy in Arizona. For the families of the victims and for those recovering from this terrible ordeal we ask Your hand of mercy and blessing. May they feel Your hand of love and healing. And last but not least, Father, we remember the men and women of our Armed Forces. We ask Your protection and blessings upon them and their families. We ask for their safe return and a happy reintegration with their loved ones. We ask these things in Your blessed and holy name. Amen.

MOMENT OF SILENCE OBSERVED

At the request of the President, the Senate observed a moment of silence in honor of victims of the shooting in Tucson, Arizona.

ACKNOWLEDGMENTS

The President acknowledged the presence of his wife, Tricia; his daughter, Carolyn; and his in-laws, Carolyn and Carlos Hamilton, Jr.

The Senate welcomed its guests.

ROLL CALL OF SENATORS

The President directed the Secretary of the Senate to call the roll of the Members of the Senate.

The roll was called and the following Senators answered to their names: Carona, Davis, Duncan, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Lucio, Seliger, Van de Putte, West, Williams, Zaffirini.

MESSAGE FROM THE SECRETARY OF STATE

The following message from the Secretary of State was read and was filed with the Secretary of the Senate:

THE STATE OF TEXAS

Secretary of State

I, HOPE ANDRADE, Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office the attached is a true and correct list, in alphabetical order, of the members of the Senate of the 82nd Legislature, 2011, whose election on November 2, 2010, has been duly and legally certified to this office.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, Texas this 7th day of December, 2010.

(Seal)

/s/Hope Andrade
Secretary of State

The Honorable Brian Birdwell, representing the Twenty-second Senatorial District composed of: Bosque, Coryell, Ellis, Falls, Hill, Hood, Johnson, McLennan, Navarro, and Somervell counties.

The Honorable Robert F. Deuell, representing the Second Senatorial District composed of: Part of Dallas, Delta, Fannin, Hopkins, Hunt, Kaufman, Rains, Rockwall, part of Smith, and Van Zandt counties.

The Honorable Rodney Ellis, representing the Thirteenth Senatorial District composed of: Part of Fort Bend and part of Harris counties.

The Honorable Kevin Eltife, representing the First Senatorial District composed of: Bowie, Camp, Cass, Franklin, Gregg, Harrison, Lamar, Marion, Morris, Panola, Red River, Rusk, part of Smith, Titus, Upshur, and Wood counties.

The Honorable Glen Hegar, representing the Eighteenth Senatorial District composed of: Aransas, Austin, Bastrop, Caldwell, Calhoun, Colorado, DeWitt, Fayette, part of Fort Bend, Goliad, Gonzales, Jackson, Lavaca, Matagorda, Refugio, Victoria, Waller, Washington, and Wharton counties.

The Honorable Joan Huffman, representing the Seventeenth Senatorial District composed of: Part of Brazoria, part of Chambers, part of Fort Bend, part of Galveston, part of Harris, and part of Jefferson counties.

The Honorable Jane Nelson, representing the Twelfth Senatorial District composed of: Part of Denton and part of Tarrant counties.

The Honorable Robert Nichols, representing the Third Senatorial District composed of: Anderson, Angelina, Cherokee, Hardin, Henderson, Jasper, part of Montgomery, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, part of Smith, and Tyler counties.

The Honorable Steve Ogden, representing the Fifth Senatorial District composed of: Brazos, Burleson, Freestone, Grimes, Houston, Lee, Leon, Limestone, Madison, Milam, Robertson, Trinity, Walker, and Williamson counties.

The Honorable Dan Patrick, representing the Seventh Senatorial District composed of: Part of Harris County.

The Honorable Jose R. Rodriguez, representing the Twenty-ninth Senatorial District composed of: Part of El Paso County.

The Honorable Florence Shapiro, representing the Eighth Senatorial District composed of: Part of Collin and part of Dallas counties.

The Honorable Carlos I. Uresti, representing the Nineteenth Senatorial District composed of: Bandera, part of Bexar, Brewster, Crockett, Culberson, Edwards, part of El Paso, Hudspeth, Jeff Davis, Kinney, Loving, Maverick, Medina, Pecos, Presidio, Real, Reeves, Sutton, Terrell, Uvalde, Val Verde, Ward, and Winkler counties.

The Honorable Kirk Watson, representing the Fourteenth Senatorial District composed of: Part of Travis County.

The Honorable Jeff Wentworth, representing the Twenty-fifth Senatorial District composed of: Part of Bexar, Comal, Guadalupe, Hays, Kendall, and part of Travis counties.

The Honorable John Whitmire, representing the Fifteenth Senatorial District composed of: Part of Harris County.

ROLL CALL OF SENATORS-ELECT

The President directed the Secretary of the Senate to call the roll of the Senators-elect as certified by the Secretary of State.

The roll was called and the following Senators-elect answered to their names: Birdwell, Deuell, Ellis, Eltife, Hegar, Huffman, Nelson, Nichols, Ogden, Patrick, Rodriguez, Shapiro, Uresti, Watson, Wentworth, and Whitmire.

OATH OF OFFICE ADMINISTERED TO SENATORS-ELECT

The President directed the Senators-elect to proceed to the Bar of the Senate.

Chief Justice Wallace B. Jefferson administered the Constitutional Oath of Office to the Senators-elect as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of Senator of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

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

ACKNOWLEDGMENTS

The President acknowledged the presence of and thanked Chief Justice Wallace B. Jefferson; Susan Combs, Comptroller; Todd Staples, Commissioner of Agriculture; and Railroad Commissioner David Porter.

The Senate welcomed its guests.

SENATE RESOLUTION 1 (Caucus Report)

Senator Whitmire offered the following resolution:

BE IT RESOLVED BY THE SENATE OF THE STATE OF TEXAS:

SECTION 1. CAUCUS REPORT. At a caucus held in the offices of the senate attended by 30 members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. SENATE OFFICERS. (a) Senate officers for the 82nd Legislature are:

- (1) Secretary of the Senate—Patsy Spaw;
- (2) Calendar Clerk—Linda Tubbs;
- (3) Doorkeeper—Austin Osborn;
- (4) Enrolling Clerk—Mardi Alexander;
- (5) Journal Clerk—Polly Emerson; and
- (6) Sergeant-at-arms—Rick DeLeon.

(b) Officers named in this section serve at the will of the senate.

SECTION 3. PARLIAMENTARIAN. The parliamentarian, Karina Davis, is named by the lieutenant governor and serves at the will of the lieutenant governor. The parliamentarian is a senate officer.

SECTION 4. EMPLOYEES. (a) The lieutenant governor may employ staff for the office of the lieutenant governor at salaries set by the lieutenant governor.

(b) Each senator may employ staff for the senator's office at salaries set by the senator.

(c) The chairman of each committee may employ staff of the chair's selection as needed by the committee. A committee employee shall be compensated in amounts similar to the compensation paid to persons in similar senate positions.

(d) The secretary of the senate may employ other staff necessary for the operation of the senate at salaries approved by the administration committee.

(e) The lieutenant governor, the secretary of the senate, and each senator may use the assistance of any assistant sergeant-at-arms or other available senate employee for any and all services needed in and about the senate.

(f) In this resolution, "senate employee" includes an employee of the lieutenant governor, the secretary of the senate, a senator, a senate committee, and any other person compensated from funds appropriated for the operation of the senate.

SECTION 5. DUTIES OF ADMINISTRATION COMMITTEE. (a) In addition to the duties of the administration committee expressly imposed by this resolution, the committee shall take actions necessary to ensure that the administrative operations of the senate comply with applicable law and are conducted effectively and efficiently.

(b) The committee shall establish appropriate and necessary controls over contracts, inventory, and property management.

(c) The committee may delegate any of its responsibilities to the committee chair or to the secretary of the senate to be performed under the general supervision of the committee.

(d) Policies adopted by the administration committee must be consistent with the provisions of this resolution. To the extent of a conflict between a policy and this resolution, this resolution prevails.

(e) Policies adopted by the administration committee are subject to the will of the senate, and a majority of the senate may reject or modify any policy adopted by the committee.

SECTION 6. EMPLOYMENT AND PERSONNEL POLICIES. (a) The administration committee may adopt and enforce personnel and employment policies governing senate employees.

(b) The administration committee may not adopt a policy that limits the salary of an employee of the lieutenant governor, a senator, or a senate committee, except that the administration committee may require approval by that committee of any senate committee employee salary that is proposed to exceed \$5,000 a month.

SECTION 7. MEMBER'S EMPLOYEE LEAVE POLICY. (a) An employee of a senator accrues vacation leave, compensatory leave, or sick leave in accordance with policies adopted by the senator consistent with the requirements of this section.

(b) An employee may accrue vacation leave, compensatory leave, or sick leave only if the employee files a monthly time record with the senate human resources office. Time records are due not later than the 10th day of the following month.

(c) Compensatory time must be used not later than the last day of the 12th month following the month in which the time was accrued.

(d) An employee is not entitled to compensation for accrued but unused compensatory time.

SECTION 8. OUTSIDE EMPLOYMENT. An employee of the senate may not be employed by and receive compensation from any other person during the term of senate employment without the permission of the employee's senate employer.

SECTION 9. WORK HOURS. An employee shall report to work at the time, and work for the number of hours, set by the employee's senate employer.

SECTION 10. LIMIT ON MONTHLY STAFF SALARY AND TRAVEL EXPENSES. (a) The total amount of staff salaries and intrastate staff travel expenses for each senator may not exceed \$35,625 per month.

(b) This monthly amount accrues on the first day of the month and may not be expended prior to the month in which it accrues, but any unexpended portion for a month may be carried forward from one month to the next and expended until the end of the fiscal year.

SECTION 11. SENATORS' EXPENSE REIMBURSEMENT AND PER DIEM. The secretary of the senate shall provide for the reimbursement of the expenses of each senator and the payment of each senator's per diem in accordance with law, this resolution, and the rules of the Texas Ethics Commission.

SECTION 12. OTHER SENATE EXPENSES. (a) The lieutenant governor, the secretary of the senate, and each senator may incur expenses for carrying out official duties, including expenses for items such as subscriptions, stationery, postage, and telecommunications.

(b) Expenses under this section shall be paid from the contingent expense fund of the senate.

SECTION 13. PAYMENT OF SALARIES AND EXPENSES. (a) Salaries and expenses authorized by this resolution shall be paid from the contingent expense fund as provided by this section.

(b) Vouchers for payment of any expense, including salaries and travel expenses, must be signed by the chair of the administration committee and the secretary of the senate.

(c) The administration committee shall adopt policies regarding the presentation of timely, properly completed, and signed vouchers.

SECTION 14. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS. (a) The administration committee shall designate a senator or any employee to attend an official meeting of a national governmental organization during a session of the 82nd Legislature. The person designated is entitled to reimbursement for actual and necessary expenses.

(b) The lieutenant governor may designate a senator to represent the senate at ceremonies and ceremonial functions. The necessary expenses of the senator and necessary staff for this purpose shall be paid pursuant to a budget adopted by the administration committee.

SECTION 15. ELECTRONIC RECORDING BY MEMBER PROHIBITED. No member of the senate may electronically record a private conversation held within the brass rail on the senate floor during a legislative session without the knowledge and consent of all participants to the conversation.

SECTION 16. JOURNAL. The secretary of the senate shall provide for the printing of not more than 250 copies of the daily journal. Of that number:

(1) 140 shall be furnished to the house of representatives;

(2) four shall be furnished to the Texas State Library and Archives Commission;

(3) four shall be furnished to the Legislative Reference Library; and

(4) the remainder shall be apportioned among the senators and the lieutenant governor.

SR 1 was read and was adopted without objection.

**OATH OF OFFICE ADMINISTERED
TO OFFICERS OF THE SENATE**

The President directed the officers of the Senate to proceed to the Bar of the Senate.

The President administered the Constitutional Oath of Office to the officers as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of _____ of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

PHYSICIAN OF THE DAY

Senator Nichols was recognized and presented Dr. Melissa Gerdes of Whitehouse as the Physician of the Day.

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

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were filed with the Secretary of the Senate:

Austin, Texas
January 11, 2011

STATE OF TEXAS
OFFICE OF THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:

I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 82nd Legislature, now convened:

Legislation to protect private property rights and address eminent domain issues.

Respectfully submitted,
/s/Rick Perry
Governor
Austin, Texas
January 11, 2011

STATE OF TEXAS
OFFICE OF THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:

I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 82nd Legislature, now convened:

Legislation to abolish sanctuary cities in Texas.

Respectfully submitted,

/s/Rick Perry

Governor

MOTION IN WRITING

Senator Eltife offered the following Motion In Writing:

Mr. President:

I move that the President be authorized to appoint two committees of five Members each to notify the Governor and the House of Representatives that the Senate is organized and ready to transact business.

ELTIFE

The Motion In Writing was read and was adopted without objection.

Accordingly, the President appointed the following Committee to Notify the Governor: Senators Fraser, Chair; Nelson, Nichols, Van de Putte, and West, and the following Committee to Notify the House of Representatives: Senators Hegar, Chair; Birdwell, Huffman, Rodriguez, and Davis.

AT EASE

The President at 12:21 p.m. announced the Senate would stand At Ease pending departure of its guests.

IN LEGISLATIVE SESSION

The President at 12:26 p.m. called the Senate to order as In Legislative Session.

GOVERNOR NOTIFIED

The Committee to Notify the Governor that the Senate was organized and ready to transact business appeared at the Bar of the Senate, accompanied by Governor Perry, and Senator Fraser notified the President and the Members that the committee had performed its duty.

Upon invitation by the President, the Governor was escorted by the Committee to Notify the Governor to the President's Rostrum.

The Senate welcomed Governor Rick Perry.

ADDRESS BY GOVERNOR

Thank you, Governor Dewhurst, it's great to see you again at the helm of this distinguished body. It's my honor, and my pleasure, to be with you all again today at the commencement of a historic legislative session. As we begin, it's fitting to reflect for a moment on the shootings Saturday in Arizona and continue praying for those forever affected by this senseless tragedy. Incidents like that one provide a stark reminder of the fragility of life and the importance of making one's mark on the world every single day. As elected leaders, we're called to make an even bigger mark. The decisions we make shape economies, affect employers, and touch the lives of all Texans. The actions we take can make the difference between success and failure for people in all walks of life all across this state. Now I'll be speaking to the House in a little bit and I expect to see a whole lot of new faces over there which is a nice balance with the more "seasoned" group here. I know a thing or two about being "well-seasoned" and it ain't all bad. Whether you're a newcomer or an old hand, we all heard the message Texans sent us on Election Day. They expect us to balance this budget without taking more money from employers and working families. They want state government leaner and more efficient. I'm confident we will heed that message. Many of you can attest that we've handled similar challenges before in the not too distant past. In 2003, we heard the same doom and gloom about the budget from many of the same sources; 2003 was no cakewalk, but we balanced that budget and set the stage for our state's job creation and economic success throughout the rest of the decade. That growth helped us weather the recent economic storms in better condition than anywhere else in the country. As we did in "aught-three," we'll balance the budget this time, too, by setting priorities and making tough choices, not by raising taxes. Together, we can make government work leaner and smarter and set the stage for Texas to emerge even stronger in job creation and educational achievement, in public safety and quality of life. While the budget is our top responsibility, there are other pressing issues that have waited too long already. That's why I'm declaring emergency items for the upcoming session starting with the pressing need for tougher eminent domain laws. Property ownership remains an essential freedom for Texans, and we must continue our efforts to properly protect it. I've been working with Senator Estes and Representative Geren and other stakeholders on this issue for years, and we agree that their bill will resolve the key issues of eminent domain in Texas for now and the future. Next, we must abolish sanctuary city rules and free up our peace officers to do their job keeping our families and neighborhoods safe. Immigration laws and their enforcement are the responsibility of the federal government. We cannot compound their failure by preventing Texas peace officers from doing their jobs. We must empower officers to apply their training, experience, and judgment to enforcing the laws by keeping municipalities from tying their hands. These are just a few of the issues we'll address in the next 140 days, but they merit our closest attention as they relate to the safety and security

of our citizens and, most of all, their liberty. I look forward to working with Governor Dewhurst and each of you in doing the people's business over the next 140 days. Will that work be easy? Probably not. Will there be disagreements within this building? I'd call that the safest bet in town. At the end of the day, though, I'm certain you'll work together in the best interest of our state and merit the faith placed in you by the millions of Texans who put you here. May God bless you, and, through you, may He continue to bless the great State of Texas.

(Note: Prepared text)

HOUSE OF REPRESENTATIVES NOTIFIED

The Committee to Notify the House of Representatives that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Hegar notified the President and Members that the committee had performed its duty.

ELECTION OF PRESIDENT PRO TEMPORE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

The President announced that the time had arrived for the election of President Pro Tempore of the 82nd Legislature, Regular Session.

Senator Duncan placed in nomination the name of Senator Steve Ogden of Bryan for the office of President Pro Tempore of the 82nd Legislature, Regular Session.

On motion of Senator Eltife and by unanimous consent, the nominating speech by Senator Duncan and the remarks made to second the nomination were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Duncan: Thank you, Mr. President and Members. I rise to nominate our good friend, Senator Steve Ogden, the Senator from Bryan, to serve as President Pro Tempore of the Texas Senate. Steve Ogden has been a friend of all of us for a long time, has served ably in the Texas House, and then came over here in 1997, in the best freshman class the Texas Senate ever knew, to serve in the Texas Senate. The President Pro Tempore of the Texas Senate is a position that is mandated by the Texas Constitution. The Member who serves in that position serves and is third in succession to the Governor's Office, should something happen, or should the Governor and the Lieutenant Governor be out of the state at the same time. Senator Ogden deserves this position, not only because of his seniority and length of time in the Texas Senate, which is one of the factors, but also because of the respect that he has earned from each and every one of us in the Texas Senate. Steve has been, I think, a friend of all of us, but also a steady hand in times of chaos and trying to determine when and where we're going to spend the state's dollars or cut the state's dollars and come up with a budget that's good for all of Texas. Budgeting process and his job as Chairman of Senate Finance is the hardest job in the Texas Legislature. Not only does he have to balance the competing interests of this state but he also has to solve the problems of each and every one of our districts. He also has to deal with Members of the Texas Senate and Texas House that sometimes have a little bit of a different idea about the way to do things, and he always has a calming way to do it. He has a great sense of humor, which makes him a fun person to be around with and work through

with tough problems. Steve Ogden will serve us well. I don't know of anyone who has more respect in this building than Steve Ogden, and he's earned it. Steve was born in September in 1950, so that tells you how old he is, to Emil and Clementine Ogden. He's the oldest of six children. He was raised in Abilene, Texas. That's another reason why he's so good, as he's a good West Texas guy, Senator Fraser. Senator Ogden is married to Beverly. They were married in, don't want to say the time, but in 1973, in Maryland. Steve attended the United States Naval Academy, played football there, many of you didn't know that, graduated and was commissioned as an officer of the U.S. Navy in 1973. He and Beverly were married in Annapolis in 1973 and their children are Michael, Stephanie, Kristen, and Chaz. We all know Chaz, and we especially know Michael through his deployment in 2003 and other deployment since that time, and have kept up with them. We appreciate your family. We appreciate your dedication and your service to the people of the State of Texas. Mr. President, I rise to nominate Steve Ogden as President Pro Tempore of the Texas Senate.

Senator Williams: Mr. President, Members, it is my honor and privilege to rise and second the nomination of Steve Ogden for President Pro Tempore of the Texas Senate. I first got to know Steve after I was elected to the Texas House in 1996. After the November election, Steve moved to the Senate in a Special Election to fill a seat vacated by a Member who left for Congress. As a newly elected House Member it didn't take me long to figure out Steve Ogden was my go-to guy in the Senate. During the six years I served in the House, Steve and I got to know each other and he became a role model for me. Steve really cares about the folks he represents, the plain-spoken folks of Central Texas have come to count on him to represent their interests in Austin. I think the campaign slogan for his recent re-election sums it up pretty well, "If you send me back to Austin, I will do the job right." That sums it up, and he won an overwhelming victory in his re-election campaign because his constituents knew it wasn't a slogan, it's a promise from a man they've trusted to be their voice in Austin for over 20 years. Steve Ogden kept that promise and we all know he'll keep that sacred promise again this session. Thank you, Steve, for showing me how to serve my constituents. Steve is a remarkable man, a man of many accomplishments, but above all else when I think of Steve Ogden, I think of a man of deeply held convictions. A man with the courage to live his convictions, someone who is willing to walk the walk, someone who is willing to act on his most strongly held beliefs. Steve is a man of great intellect. After graduating from the Naval Academy, serving on a submarine as an officer, he was selected to attend Nuclear Propulsion School. After listening to him talk about Nuclear Propulsion School, I think he might have angled to attend just to prove he wasn't a dumb jock since he played football while attending the Academy. My point is this: Our state constitution only mentions one thing we have to do every biennial session—draft and enact a state budget. Steve Ogden is the guy we all trust to get the most important job done, craft and pass our state budget. Steve was first appointed to chair the Senate Finance Committee in 2005. Chairing the Senate Finance Committee is arguably the most demanding job in the Texas Legislature. Everyone was pensive about the budget at the beginning of the '05 session. We were worried how it would come together after the 2003 session that had been both a watershed budget and probably the most difficult budget session most of us had seen. Steve didn't miss a beat in his new role.

Texas Monthly had this to say about him when they named him one of the session's Ten Best Legislators, ". . . this session as chair of the Senate Finance Committee. From his basement office, (he) Ogden commanded the committee crafting the session's greatest success: the \$140 billion state budget . . ." Steve has a reputation as a no-nonsense kind of guy. If you've ever discussed legislation you are opposing with Steve, it's likely he's asked you, "What's your plan?" If he thinks someone has worked to find a solution, it's not good enough for Steve that you don't like the proposed solution, you'd better have an alternative. Sometimes his no-nonsense reputation keeps people from seeing the kinder, gentler Steve Ogden. Steve gave several of us (Senator Whitmire, Senator David Cain, and others) a tour of the Naval Academy. Seeing the Naval Academy through his eyes gave us a glimpse of Steve as a young midshipman from Abilene, Texas. He was a long way from home. The most interesting story was how he and Beverly met and married. They just celebrated their 37th wedding anniversary. Steve Ogden is a good and honorable man. He has served his country as an officer in the United States Navy. He has served his state with distinction as both a State Representative for six years and a State Senator since 1997. His accomplishments are many and I won't embarrass him by listing them here. The thing I think Steve is proudest of is his role as a husband to Beverly for almost 40 years, a father to Michael, Stephanie, Kristen, and Chaz Ogden. I know him, as all of you do, a good friend and a great Senator. I am proud to second his nomination for President Pro Tempore of the Texas Senate.

Senator Lucio: Mr. President and Members, ladies and gentlemen, it is truly an honor to be here today speaking on behalf of my very dear friend, Senator Steve Ogden, in seconding his nomination for President Pro Tempore of this great body. Senator Ogden is more than a Texas Senator and a close friend, he's an exemplary leader and a true statesman. If you want to know about the issues, just have a conversation with Steve and you'll learn a lot. I have learned as, after working with Steve over the years at the Capitol in this Chamber, as a Member of the Committee on Finance, I have witnessed firsthand Chairman Ogden's leadership qualities. Marian Anderson, a civil rights activist who sang at President John Kennedy's inauguration, once said that leadership should be born out of the understanding of the needs of those who would be affected by it. Senator Ogden exemplifies Ms. Anderson's definition of leadership. I would like to add my own definition and that is, the ability to make people want to do the right thing through example and, again, Senator Ogden exemplifies my definition as well. These are the kinds of leadership that need to be employed at the Capitol over this next session. I believe the state is fortunate to have Senator Ogden here in these hard and challenging times. He is fair, candid, and he places the needs of Texans above party and ideology. Many bills are passed during the legislative session, but Chairman Ogden takes the lead on the most important one, the state budget. Former Governor Bill Hobby recently said, I have written budgets in booms and busts, booms are better. Indeed, everyone knows the challenges we face during this session. It has been said that desperate times call for desperate measures, but I prefer the quote, cometh the hour, cometh the man. Cometh the hour, Senator Ogden will be here for Texas. As Chair of the Finance Committee, Senator Ogden has spoken to a lot of people over the years about budget issues. One of those he spoke to was my own daughter, Lynda. Several years ago, Lynda was undergoing treatment for

leukemia, she had cancer. Senator Ogden went to visit her at M.D. Anderson, the cancer center there in Houston, along with some other Senators. When Lynda found out that Steve was the Chair of the Finance Committee, she thought it would be a very good opportunity to challenge the Chairman and the Senators about the budget needs for M.D. Anderson at the time, right there from her hospital bed. And, but on the serious note, I just want to say that as a father, Senator Ogden's gesture meant the world to me. My wife, Minnie, who is here with me today, remembers that moment as well. We stood beside her for many months. Gestures like that are part of who Senator Ogden is, a caring and understanding public servant. Back in 2007 I was saddened by the death of Lance Corporal Anthony Aguirre, who died serving his country in Iraq. I went to the airport and picked up Senator Ogden, who came over to my desk after I asked Dean Whitmire to end the day in remembrance of this young man and his service to his country. I remember picking up Steve and driving over to Raymondville. I remember the conversation, it was about Americanism and patriotism and how he felt about our country, how we felt about it, and what we should do as State Senators to make sure that we supported our young men and women in uniform. When we got to the house, it was a cold and damp day with some light drizzle coming down, and the sun had just gone down, and we entered the house, and Steve, obviously, towered over everybody, and as we stepped into the first room, that very humble house had faulty floors, and we could actually hear the creaking, the cracking, creaking of the floor, and didn't take long for Steve to connect to that family. I introduced him, we paid our condolences, heartfelt sympathy, but he embraced the mama and the daddy and the family, and it showed me what a great man he truly was to leave his district on a weekend and to come down and to share some moments and all with me and my constituents in a very humble surrounding. Likewise, when Senator Ogden's son, Michael, a Major in the U.S. Marine Corps, served overseas in Iraq, I prayed for him, we prayed for him. We went to mass together. We held hands and prayed the Lord's Prayer. Over the years I have found great strength in the spiritual fellowship I've shared with Steve. We, again, attend mass at Saint Mary's Church, which is not far from here, during the session. Chairman Ogden, in many ways we're not very different, but the things we share are stronger than the things that divide us, and that's the great relationship that Steve and I have. There's never been any partisanship between us and there never will be. Chairman Ogden, the stakes are high and the problems are many this session. I am glad that the state faces these problems with your leadership skills and budgetary expertise at hand. Obviously, we will need your leadership as we tackle these most important issues. In closing, I would like to say that I believe the budget is essentially a moral document. A budget reveals what a community believes to be most important. It may be full of numbers but the effect is always felt by people. Senator Ogden, you have traveled to my district at the southern tip of Texas and all across the state. I know you have seen firsthand the needs of all Texans. I know that you are truly a compassionate man who understands the budget and has a human face, and that's what I like about you, Steve. Before I finish, I do want to end on, last night as I visited with Beverly, she made me promise to feed Steve while she was gone back to the district to rear their 15-year-old boy. I promised her I would feed him a lot of Mexican food and that he'd be talking

Spanish by the end of the session. With that, Mr. President, I gladly second the nomination of my very dear friend, Senator Steve Ogden, for the position of President Pro Tempore of our Texas Senate. Thank you.

The President declared that the Honorable Steve Ogden had been duly elected President Pro Tempore of the 82nd Legislature by acclamation.

The President appointed the following Committee to Escort Senator Ogden and his family to the President's Rostrum: Senators Duncan, Chair; Williams, Lucio, Hinojosa, and Shapiro.

Senator Ogden and his party were then escorted to the President's Rostrum by the committee.

OATH OF OFFICE ADMINISTERED

The President administered the Constitutional Oath of Office to Senator Ogden as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

ADDRESS BY PRESIDENT PRO TEMPORE

President Pro Tempore Ogden addressed the Senate as follows:

Thank you, my fellow Senators. Back on November 2, I think it was, the election day here in Texas, I woke my wife up and said, come on, Bev, get out of bed. You get to go vote for me one more time. Her response is not repeatable. But I think she did. You know, Tommy was talking about how long I've been married. Lucky man. I've been married for 37 years. Why? Well, you marry a woman because you love that woman. But there's always been something very special about my wife. She gave me confidence. It may surprise you that when I was younger, I was kind of an absent-minded, pencil-neck, awkward, geeky, jock type. Might surprise you. She didn't see it that way. And I still remember as a young man thinking how lucky and fortunate I was to have a woman of such beauty and talent to think I was something special. She gave me confidence. Because she believed in me, I believed in myself. And I've drug her all over this country. The day we got married, eleven in the morning in Annapolis, Maryland, at ten o'clock at night I was in San Francisco with her. Her comment on our wedding night that she was kind of tired was true. But from the time we were first married, to nine and a half months later when she presented me with our first son, to the time I said, you know, it's time to go to sea, take care of the family, to the time I said we're going back to Texas, to the time I volunteered her to be a CPS caseworker, she's always been there at my side. She has been the wind beneath my wings. And I would like to thank her for 37 years. Ken Herman wrote a beautiful piece in the *Austin American-Statesman* on January 6th, concerning a recent tragic and sorrowful event, the death of

Corporal Tevan Nguyen in Afghanistan. Much of what he wrote about, I observed myself. Corporal Tevan Nguyen was from Hutto, Texas. He was killed in Afghanistan on December the 28th while on patrol with his Marine unit. Since that time, our country has lost 10 more soldiers and Marines. Well, last Thursday I was in Brownwood, Texas, to pay my respects to Tevan Nguyen and his family and his memory. Now, Tevan Nguyen's last name is not spelled W-I-N. It's spelled N-G-U-Y-E-N. Tevan Nguyen's father, who lives and worked in Hutto, Texas, escaped from Vietnam and came here to this country and to this state for the freedom and the opportunity that it offers. Why was Tevan being born in Brownwood? Because his mother, Amy Salazar Nguyen was from Brownwood. And Tam Nguyen, his father, and Amy Nguyen, his mother, and Monique Stearns, the mother of his four-month-old son, and his four-month-old son, were all there in a small Catholic church in Brownwood, Texas, across the street from Howard Payne University. In this church, many people were there. His high school coaches were there, his friends, the people he played football with in Hutto. The service was in English. The choir sang in Spanish. The patriot guard, the Patriot Riders stood at attention outside the church. And when we left the church and joined the funeral procession, which was going to a country cemetery in Brown County, Texas, about 15 miles outside of Brownwood, the streets were lined with thousands of Texans. And they were all standing at attention and saluting Tevan Nguyen and waving their flags. And as I was standing at this cemetery, this beautiful, peaceful place in Central Texas, and I watched the Marines stand at attention as they lowered Tevan Nguyen's body in the ground, and I watched his father, and I watched his mother stay there until their son was properly buried, I thought, this is a snapshot of Texas in 2011. And all of us were there, all of us who were there, all several thousand of us who were there were all united, we were all united in our sorrow at the tragic loss of an American hero. But we were also united in our love for this country and our love for this state. And we were united in our determination to stay free. Tevan Nguyen and thousands like him have given their lives for our freedom and our right to govern ourselves. We owe it to him and we owe it to all who have sacrificed so much for us, to give them our best efforts on their behalf. So, let's roll up our sleeves and let's get to work. One of the things that I think has made our state better and stronger than other states, and to a certain extent the federal government, is that in our Constitution we are required to balance our budget. And we also, in our Constitution, generally have to ask the people for permission before we borrow their money. The federal government has neither of these requirements and it needs to change. The federal budget deficit is over \$14 trillion. Trillions are numbers that are so big it's hard to imagine. We usually associate them with space travel, and the reason that we don't use trillions in space is because it's too big. We use light years. A light year, by the way, is 5.6 trillion miles. The federal budget deficit is bigger than the entire economy of the United States. The annual deficit is bigger than the entire gross state product of the State of Texas. If you could

spend a million dollars every day since Christ was born, you would still have another 700 years to go before you spent your first trillion. After the last election, Congress of the United States along with the President got together and had a great, allegedly, bipartisan victory over taxes and over spending. The only problem with it is, it added \$850 billion to this \$14 trillion deficit. Article V of the United States Constitution gives us here in Texas an opportunity to change that. And one of the things that we need to debate and discuss and pass in this body, as soon as possible, is a resolution calling on the Congress, under Article V of the United States Constitution, to call a constitutional convention for the purposes of balancing the federal budget. Texas has done this before. Texas did this back in 1978 and '79. It was ignored. It was forgotten. We dare not let it happen again. A lot of the talk on my nominating speech is about our budget. I'd like to share with you a couple of numbers that haven't been widely discussed because there's a blizzard of numbers and a blizzard of opinions and blizzards of this and that. The Comptroller said that the total state revenue in the next biennium is 177.8 billion. That's everything, general revenue, federal funds, other funds, whole thing, 177.8 billion. Two years ago, her revenue estimate was 167.7 billion, 10 billion less than now. And my point is this, that a lot can happen in the next 140 days, and our job in this Texas Senate is to manage the problem and not let the problem manage us. And I know, with \$177.8 billion, and \$9.2 billion in the Rainy Day Fund, we can get the job done. It will not be easy, it will not be painless, but we can do it. One of the areas that we have got to address is Medicaid. How we deal with Medicaid will determine how the rest of the budget goes. In the current biennium we appropriated \$44 billion of all funds to Medicaid. And as a result of the federal stimulus that was enacted two years ago, the federal government reimbursed Texas out of that \$44 billion. Seventy percent was paid for with federal tax receipts and 30 percent was paid for with our tax receipts. We believe that there will no longer be such a stimulus. We believe that the federal government cannot do it and be fiscally responsible. And so, we're anticipating a federal match that's more like 58-32, 58-42. The difference between a 60-40 match and a 70-30 match, just to round off the numbers, is four and a half billion dollars, 10 percent of 44 billion. And that four and a half billion dollars that's not coming from the federal government has got to be replaced with something. Some of it has to be reform. Medicaid cries out for reform. Every hospital in this state and every procedure in every hospital in this state has a different formula for reimbursement. Makes no sense. It has been estimated by our Lieutenant Governor and others that if we converted Medicaid to a managed care program, we could save \$4 billion. The governor, 30, over 30 governors, of the State of Texas had petitioned the federal government for relief. A system that can, that only sends you 60 percent of the money but ties you up with 100 percent of the regulations will not work. And so, our first job, Senators, is to figure out how to save Medicaid. We have got to reform it and we have got to work together to fill, as a minimum, the four and a half billion dollar hole that exists because we

are not going to receive any more federal stimulus money. If you look at our budget with respect to education and health and human services, Article II and Article III, 81 percent of all the general revenue that we appropriate is appropriated in Article III and Article II. It is impossible to balance this budget without making cuts in Article II and Article III. In Article III, which is the entire education budget, we appropriate approximately \$50 billion. If you look at the Foundation School Program, we appropriate about 35 billion of that 50 billion. The Foundation School Program has serious structural problems. And in order to balance this budget we're going to have to fix public school finance. And the biggest problem with public school finance is a term called target revenue. If you go back and you remember what we did in 2006 and 2007, we basically held all of our school districts harmless. And what we said in 2006 was, look, school districts, we know that by cutting school property taxes, some of you guys are not going to get as much money as you used to, so we promise that you'll always get the same amount of money forever. School districts get to pick between how much money they got in 2005, or how much money they got in 2006, and we promised to keep giving them the same amount of money no matter what, per student. So, the money keeps going up because population's going up. We have to fix target revenue in order to balance this budget. Target revenue is a form of hold harmless. I asked the LBB how much hold harmless is costing us and the Foundation School Program, and the answer is five and a half billion dollars. So, there's where your hole is. Four and a half billion in Medicaid and five and a half billion in the Foundation School Program. We have got to fix that; we can. And the last thing I want to talk to you about with respect to the budget is the state's business tax, what's called the gross margins receipts tax. We enacted that, again, back in 2006 as part of the largest property tax cut in the history of this state. And we did. We cut school property taxes by \$14 billion. And we were going to pay for that in part with a new business tax called gross receipts, the margins tax. Problem is that the margin tax has underperformed what we have predicted ever since we enacted it. In fact, it's underperformed by a huge amount. On average, year after year after year, starting on 2006, the margins tax has underperformed what we predicted when we enacted all these property tax cuts by approximately \$2 billion a year. Part of the deficit that the Comptroller was talking about in the current biennium of 4.3 billion, 1.2 billion of that is as a result of the margins tax underperforming what we predicted. And here's the reality, none of us were elected to go out and raise taxes on anybody. But the margin tax is different because if we don't fix the margins tax, at least change the trajectory of the margins tax, then school property taxes will go up for sure. And so, when we're balancing this budget in the areas of public education, we have got to work on that issue of target revenue and fix it, and we have got to work with our colleagues in the House to fix the margins tax if we want to keep property taxes as low as they currently are. Last thing I'd like to share with you is my concerns about Border security. It's a big issue in the campaign. The Governor's already

brought up an aspect of that. I decided during the campaign that I didn't really know what I was talking about. So, I got on the plane, and I went to Del Rio, and I went to Laredo, and I'm going to go to El Paso, and I went to McAllen, and I spent a good week along the Border, and I came back more alarmed than before I left. I believe that this issue is a national security issue. I believe that Mexico could fail as a country because of the war that's going on in northern Mexico which is spilling across the river into Texas. Mexico is our largest trading partner. The United States runs the biggest trade surplus with Mexico than any other country in the world, the biggest trade surplus. If the Mexican economy collapses because of this drug war, the Texas economy will suffer. And the human cost is going to be bigger than that. And it is, and the refugees, and the people that are basically seeking political asylum in this country because Mexico is no longer governable, could overwhelm us. And so, we've got to petition the federal government for help. Because I believe if it was not so easy to import drugs in the United States across the Rio Grande River there probably wouldn't even be anything to fight for in northern Mexico, and the war could be won. So, we've got to do our part. And one of the things that we should do is put Border inspection stations for all vehicles going from the United States into Mexico. I think we have 27 ports of entry. Obviously, there's a lot of people checking you when you're going north, but there's not a 24-hour presence checking you going south. And what's going on in our drug war is that drugs are coming in the United States and stolen cars are leaving and stolen guns are leaving and millions of dollars of cash is leaving. I was in Laredo and I asked Senator Zaffirini, got any trouble with car theft down here? She laughed. The room, I said, how many people had your car stolen? Two-thirds of the people in Laredo, Texas, in that room, raised their hand and said my car's been stolen down here. Where are they going? They're going to Mexico. But we, as Members of this Legislature, need to think and work to secure our Border. It is a national security issue, it is a state security issue, and none of us can afford to have Mexico fail as a country because Mexico loses this war along the Border. Enough preaching. Thank you for this honor. I will do my very best to fulfill the duties that I have just sworn to undertake. And I ask every one of my fellow Senators to check your political considerations and your political ambition at the door, and let's work, and let's do our very best for the 25 million people that call Texas home. Thank you.

VIDEO RELEASE POLICY WAIVED

On motion of Senator Eltife and by unanimous consent, the Senate policy that governs the release of recordings of the Senate proceedings was waived in order to grant the request of Senator Ogden for a DVD of today's session.

SENATE CONCURRENT RESOLUTION 3

The President laid before the Senate the following resolution:

BE IT RESOLVED by the 82nd Legislature, That a joint committee, composed of six members of the senate appointed by the lieutenant governor and six members of the house of representatives appointed by the speaker of the house, arrange for the canvass of the votes cast for governor and lieutenant governor at the general election held on November 2, 2010, and that a joint session of the senate and house be held in the hall of the house of representatives at 10:00 a.m., on Thursday, January 13, 2011, for the purpose of counting the votes, receiving the report, and hearing the declaration of the results of the canvass; and, be it further

RESOLVED, That the senate and house of representatives sit in joint session at 11:00 a.m. on Tuesday, January 18, 2011, for the inauguration of the governor-elect and lieutenant governor-elect of Texas as determined by the canvass of the votes; and, be it further

RESOLVED, That a joint committee, composed of five members of the senate appointed by the lieutenant governor and five members of the house of representatives appointed by the speaker of the house, make arrangements for the joint session and oath-taking ceremony on January 18, 2011; and, be it further

RESOLVED, That the Department of Public Safety of the State of Texas be, and is hereby, instructed to close all vehicle entrances to the Capitol grounds on Tuesday, January 18, 2011, except for those vehicles approved by the inaugural committee as necessary for use in connection with the ceremony and the program following.

OGDEN

SCR 3 was read.

On motion of Senator Ogden, 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.

BENEDICTION

His Eminence, Daniel Cardinal DiNardo, Archdiocese of Galveston-Houston, offered the benediction as follows:

Almighty and compassionate Lord, You have revealed Your glory to all nations and have care for all. We humbly thank You for this land, our state, a land rich in resources but above all rich in its many people. May we be a people mindful of Your love, justice, and kindness. Save us from violence, discord, and confusion, from pride and arrogance, and from every evil way. God of wisdom and justice, through Your authority is rightly administered, laws are enacted, and judgment is decreed. Let the light of Your divine wisdom direct the deliberations of this Legislature and shine forth in all its proceedings and laws framed for our rule and governance. May this Senate seek to preserve the common good and continue to bring us the blessings of liberty and equality. Assist with Your spirit of counsel and fortitude the Lieutenant Governor, the State Senators, that their administration be conducted in right judgment and be eminently useful to the citizens of this

state. May they encourage due respect for virtue and religion and execute laws with justice and mercy. May they have the strength and purpose to be accountable to the people and fulfill their roles with responsibility and their duties with honesty and ability. We pray for the governor, for judges, elected civil officials, and all others who are entrusted to guard our political welfare. We ask for Your mercy on those who were killed last Saturday in Tucson and healing for those wounded. Please assist their families with Your grace. We above all commend to Your unbounded generosity and compassion all the citizens of this state, that we may be blessed in the knowledge and sanctified in the observance of Your holy law. May we be preserved in unity and in that peace the world cannot give. After enjoying the blessings of this life may we be admitted to those which are eternal. We pray to You, who are our Lord and God, forever and ever. Amen.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 5 by Ellis, In memory of Bill Bonham.

SR 9 by West, In memory of Sharon Sternes of DeSoto.

Congratulatory Resolutions

SR 4 by Zaffirini, Recognizing Raul Vasquez for his public service.

SR 6 by Ellis, Recognizing Tracye McDaniel for her contributions to our state.

SR 8 by Harris, Recognizing the Medical Center of Lewisville Grand Theater on the occasion of its grand opening.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:38 p.m. adjourned, in memory of Tevan Nguyen of Hutto, until 11:00 a.m. tomorrow.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SECOND DAY

(Wednesday, January 12, 2011)

The Senate met at 11:09 a.m. pursuant to adjournment and was called to order by the President.

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

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

Pastor A. W. Anthony Mays, Mount Sinai Missionary Baptist Church, Austin, was introduced by Senator Watson and offered the invocation as follows:

O Lord God, maker and ruler over all things, we humble ourselves before Your presence this morning. Please hear this prayer, as You have heard our prayers over the years. I come before You in the name of our savior, Jesus the Christ, who is Lord. Please receive us, and, for our sins' sake, please do not turn us away. We thank You, dear Lord, for all You do, and simply for who You are. You have blessed this State of Texas in so many ways, and for all these things we offer You both thanksgiving and praise. Now, dear Lord, bless this body of men and women, which represents part of the governing process and procedures of this State of Texas. Bless the Members of this body, individually and collectively, with Your wisdom, with Your courage, and with Your compassion. Bless the Members to lead well with a vision for all the citizens, and for the best welfare of the entire State of Texas. Protect them, and protect their families at all times from anyone who would seek their harm. Protect them to serve well in all matters of concern. I pray this prayer over them and for them in Jesus' name. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, January 12, 2011 - 1

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 26 Craddick

Congratulating the Midland High School Bulldogs football team on its success during the 2010 season.

SCR 3 Ogden

Sponsor: Geren

Providing for procedures for the canvass of votes for the governor and lieutenant governor and the inauguration of the governor and lieutenant governor.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Hegar was recognized and presented Dr. David Watson of Yoakum as the Physician of the Day.

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

SENATE RESOLUTION 3

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas Public Health Association; and

WHEREAS, The Texas Public Health Association had its origin in the Texas Association of Sanitarians, which was organized in Austin on November 16, 1923; and

WHEREAS, The constitution of the original association was rewritten on April 12, 1932, and the organization was chartered under the name of the Texas Public Health Association; and

WHEREAS, The purpose for which the organization was formed is to advocate for public health workers, courses of instruction, and the advancement of knowledge for sanitary improvements, public health nursing, hygiene control, and prevention of communicable diseases; and

WHEREAS, The organization's objective is to protect and promote the health of the people of Texas, and its motto is "Health is Everybody's Business"; and

WHEREAS, The association is an affiliate member of the American Public Health Association, and its 430 members are known experts in the field of public health; and

WHEREAS, The association is holding its 87th Annual Education Conference April 13 through 15, 2011, in Houston; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby recognize the Texas Public Health Association for its many years of service to the Texas Legislature and the citizens of our state; and, be it further

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

SR 3 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate members of the Texas Public Health Association.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 6

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Thursday, January 13, 2011, and ending on Tuesday, January 18, 2011.

WHITMIRE

SCR 6 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

CANVASS AND INAUGURAL COMMITTEES APPOINTED

In accordance with the provisions of **SCR 3**, the President announced the appointment of the following as a Committee to Canvass the Votes: Senators Huffman, Chair; Birdwell, Hegar, Patrick, Davis, and Rodriguez, and the following as the Inaugural Committee: Senators Ogden, Chair; Eltife, Williams, Hinojosa, and Van de Putte.

CO-AUTHORS OF SENATE BILL 124

On motion of Senator Patrick, Senators Nichols and Shapiro will be shown as Co-authors of **SB 124**.

CO-AUTHOR OF SENATE BILL 169

On motion of Senator Lucio, Senator Davis will be shown as Co-author of **SB 169**.

MOTION TO RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:19 a.m. agreed to recess upon conclusion of the Joint Session to Canvass the Votes until 11:00 a.m. Tuesday, January 18, 2011, for the Joint Session to Inaugurate the Governor and Lieutenant Governor.

The Senate further agreed to adjourn upon conclusion of the Joint Session to Inaugurate the Governor and Lieutenant Governor until 11:00 a.m. Wednesday, January 19, 2011, in memory of Nancy J. Berkman of Houston.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 11 by Davis and Harris, In memory of Jillian Smith of Arlington.

Congratulatory Resolutions

SR 10 by Harris and Davis, Recognizing the Texas Christian University Horned Frogs football team on the occasion of its victory in the Rose Bowl.

HCR 26 (Seliger), Congratulating the Midland High School Bulldogs football team on its success during the 2010 season.

RECESS

On motion of Senator Watson, the Senate at 11:20 a.m. recessed until 10:00 a.m. tomorrow for the Joint Session to Canvass the Votes for Governor and Lieutenant Governor.

APPENDIX

RESOLUTIONS ENROLLED

January 11, 2011

SR 1, SR 4, SR 5, SR 6, SR 8, SR 9

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SECOND DAY

(Continued)

(Thursday, January 13, 2011)

AFTER RECESS

JOINT SESSION

(To canvass votes cast for Governor and Lieutenant Governor at the General Election)

The Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 10:00 a.m. to canvass the votes cast for the Governor and Lieutenant Governor at the last General Election.

The Senators were announced and were admitted and escorted to seats prepared for them.

Senator Huffman, Chair of the Senate canvass committee, on invitation of the Speaker, occupied a seat on the Speaker's Rostrum.

Senator Huffman called the Senate to order and announced a quorum present.

The Honorable Joe Straus, Speaker of the House of Representatives, called the House to order and announced a quorum of the House present.

Senator Huffman stated the purpose of the Joint Session pursuant to **SCR 3**.

Speaker Straus then announced the appointment of the Joint Committee of Tellers and requested the tellers appointed, pursuant to the provisions of **SCR 3**, to come forward and receive the returns of votes cast for Governor and Lieutenant Governor at the last General Election held on November 2, 2010, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives.

Senators Huffman, Chair; Birdwell, Davis, Hegar, Patrick, and Rodriguez on the part of the Senate, and Representatives Darby, Chair; Frullo, Otto, Hochberg, Gonzalez, and Margo on the part of the House of Representatives, then received the returns and proceeded to count the votes cast for Governor and Lieutenant Governor at the last General Election.

AT EASE

Speaker Straus at 10:13 a.m. announced that the Joint Session would stand At Ease awaiting the report of the Joint Committee of Tellers.

IN JOINT SESSION

Representative Geren at 12:33 p.m. called the Joint Session to order.

The Joint Committee of Tellers submitted the following report which was read to the Joint Session:

**REPORT OF THE JOINT COMMITTEE TO CANVASS
VOTES CAST FOR GOVERNOR AND LIEUTENANT GOVERNOR**

Austin, Texas
January 13, 2011

The Honorable Steve Ogden
President Pro Tempore of the Senate

The Honorable Joe Straus
Speaker of the House

Sirs:

We, the joint committee appointed by the presiding officers of the senate and house of representatives to canvass the votes cast at the last general election held in the State of Texas on November 2, 2010, for governor and lieutenant governor of the State of Texas, as shown by returns delivered to us by the secretary of state, beg leave to report that we have performed that duty and that the result of our canvass is as follows:

The votes cast for governor are as follows:

Rick Perry, Republican Party	2,737,481
Bill White, Democratic Party	2,106,395
Kathie Glass, Libertarian Party	109,211
Deb Shafto, Green Party	19,516
Andy Barron, Write-In	7,267

The votes cast for lieutenant governor are as follows:

David Dewhurst, Republican Party	3,049,109
Linda Chavez-Thompson, Democratic Party	1,719,202
Scott Jameson, Libertarian Party	122,142
Herb Gonzales, Jr., Green Party	44,903

Respectfully submitted,

HUFFMAN, Chair

BIRDWELL

HEGAR

PATRICK

DAVIS

RODRIGUEZ

On the part of the Senate

DARBY, Chair

FRULLO

OTTO

HOCHBERG

GONZALEZ

MARGO

On the part of the House

The report was read and was adopted unanimously by the Joint Session.

Representative Geren declared the Honorable Rick Perry duly, legally, and constitutionally elected Governor of the State of Texas for an ensuing term of four years.

Representative Geren declared the Honorable David Dewhurst duly, legally, and constitutionally elected Lieutenant Governor of the State of Texas for an ensuing term of four years.

CONCLUSION OF JOINT SESSION

Senator Huffman at 12:36 p.m. announced that the purpose for which the Joint Session was called had been completed and, pursuant to a previously adopted motion, the Senate would stand in recess until 11:00 a.m. Tuesday, January 18, 2011.

Representative Geren at 12:36 p.m. announced that the purpose for which the Joint Session was called having been completed, the House would stand At Ease pending the departure of its guests.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 7 by West, Congratulating the Canterbury Episcopal School Lady Cougars volleyball team on winning a state championship.

SR 13 by Davis, Recognizing Bradford S. Wheeler for his contributions to this country.

SR 14 by Davis, Recognizing Carrie A. Pyle Wheeler for her accomplishments in the field of education.

SR 16 by West, Recognizing the Harmony School of Nature and Athletics in Dallas on the occasion of its official opening and science fair.

Official Designation Resolution

SR 12 by Fraser, Recognizing April 27, 2011, as Texas Water Conservation Day at the State Capitol.

RECESS

Pursuant to a previously adopted motion, the Senate at 12:36 p.m. recessed until 11:00 a.m. Tuesday, January 18, 2011, for the Joint Session to Inaugurate the Governor and Lieutenant Governor.

APPENDIX

RESOLUTIONS ENROLLED

January 12, 2011

SCR 3, SR 3, SR 10, SR 11

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SECOND DAY

(Continued)

(Tuesday, January 18, 2011)

AFTER RECESS

JOINT SESSION

(To inaugurate the Governor and Lieutenant Governor)

The Senate met at 11:00 a.m. in Joint Session with the House of Representatives in the space reserved for the Legislature adjacent to the platform erected at the South entrance of the Capitol for the inauguration of the Governor and the Lieutenant Governor.

The Members and guests stood for the presentation of colors.

With the Ross Volunteer Company Honor Guard standing at attention and forming a saber arch, Representative Dan Branch and wife, Stacey; Dr. Ed Young and wife, Jo Beth; Bishop Joe S. Vasquez; David Robinson; Chief Justice Wallace B. Jefferson and wife, Rhonda; Senator Steve Ogden; Speaker Joe Straus and wife, Julie; Lieutenant Governor David Dewhurst and wife, Patricia, and daughter, Carolyn; Sydney Perry; Griffin Perry and wife, Meredith; and Governor Rick Perry and Anita Perry were announced and advanced to the platform.

Those present sang the National Anthem, accompanied by The University of Texas Longhorn Band.

The Honorable Steve Ogden, President Pro Tempore of the Senate, called the Senate to order and announced a quorum present.

The Honorable Joe Straus, Speaker of the House of Representatives, called the House to order, announced a quorum present, and stated the purpose of the Joint Session.

Speaker Straus introduced Dr. Ed Young, Senior Pastor, Second Baptist Church, Houston, who offered the invocation.

Speaker Straus introduced Captain Daniel P. Moran, United States Marine Corps, Retired, who led the Pledge of Allegiance and the Pledge of Allegiance to the Texas flag.

Speaker Straus announced that the Constitutional Oath of Office would be administered to Lieutenant Governor David Dewhurst by the Chief Justice of the Supreme Court of Texas, Wallace B. Jefferson.

The Honorable David Dewhurst, accompanied by his family, took the Constitutional Oath of Office.

The Honorable Steve Ogden presented Lieutenant Governor David Dewhurst, who addressed the Joint Session as follows:

Thank you, Senator Ogden. My friends, Governor Perry, Speaker Straus, Chief Justice Jefferson, Members of the Legislature, my fellow Texans: I'm deeply honored to once again take the oath of office as your Lieutenant Governor, to serve the greatest people on this planet—the people of Texas. You have my profound gratitude.

It's very special for me to take this oath with Tricia by my side and with our little daughter, Carolyn. For me, there is no greater blessings in life than a wonderful wife and family. I learned that from a very special woman who loved her children unconditionally, who overcame great adversity, who put her children's future ahead of her own—my mom. A member of the "Greatest Generation," she was prepared to sacrifice so her boys might grow up and be half the man their dad was.

When I first told Mom that I had decided to run for public office, I'll never forget what she told me. She said, "David, have you completely lost your mind?" And then she thought about it, and with moist eyes she said, "David, you have my blessing as long as you promise me every day you are in politics, you'll push the envelope—you'll help people who have no one else to help them. And the day you don't, you'll get out of office."

I stand before you today the Lieutenant Governor of Texas on the shoulders of that very special woman and also with a very special wife. As long as I have the opportunity to serve the people of Texas, I will keep my solemn vow to help those who cannot help themselves, to ensure that the promise of opportunity is available to all without favoring the few. To the good people of Texas, I'm honored by the responsibility you have given me, and I promise to use the power you have loaned me humbly to help all people.

There's a lot that is special about being a Texan; we are independent, optimistic, and occasionally stubborn. Those men and women who made their way to Texas, who settled these unforgiving plains, who sought neither a handout nor a stimulus check—they simply sought freedom. What makes Texas great is not cattle, cotton, or crude oil; it's people.

We have big challenges facing us in this 2011 legislative session. But we will be successful because our challenges are not bigger than the sheer will and determination of the people of Texas. I know this for a fact because eight years ago when I was sworn in for the first time, we faced some of the same problems. But we didn't shrink from these challenges. We looked at the mountain in front of us and began to climb. And working together, we passed major lawsuit reform, school finance, and we balanced four state budgets without raising taxes, while protecting essential services for our most vulnerable.

Job one is to balance the budget without raising taxes. In the worst economy in 70 years with unemployment at its highest in decades, now is not the time to ask families to make do with less so government can spend more. As President Ronald Reagan once said, "There are no easy answers, but there are simple answers." Simply put, government must live within its means. This last election, Texans spoke clearly about excessive government spending when they said, "No," to the Washington way, where they spend \$5 for every \$3 they take in. In contrast to Washington, we offer limited government to create unlimited opportunity. We know people agree because they are voting with their feet and moving to Texas in larger numbers than any other state. Last year, more than 200,000 people moved to Texas from the other 49 states, and it's not because of our weather. It's because we are a fortress of economic freedom—a lone bastion of opportunity in the midst of a global economic crisis.

Let me tell you what I hear from Texans. Over the past 18 months, as I crisscrossed the state, I heard neither a clamoring for more taxes nor a call for more government. What I heard was anger over reckless spending in Washington. I listened to ranchers, lawyers, doctors, factory workers, small business owners—some of the same men and women who formed a grassroots rebellion against reckless spending: the patriots of the Tea Party! From Boston Harbor in 1773 to Austin, Texas, in 2011, the cry of everyday citizens is to be freed from a distant government which doesn't listen to us but tries to control our lives at the expense of our liberty.

Washington should listen to the people and look to the states—the laboratories of innovation and governing. The Tea Party, independents, Republicans, and conservative Democrats should all be proud of Texas as a shining example of limited government, low taxes, and economic growth. I'm proud of the role I played with Governor Perry, the Speaker, and the Legislature cutting the size of government in 2003 and in 2010 and again this year. Working together, we've held the line on spending for the last eight years.

In Texas, we will never concede our freedom to Washington because we believe government exists to empower people, not rule over them. Like many of you, I've studied the Constitution, and I have a profound respect for its enduring wisdom. But as amazing as our Constitution is for what it does, it's just as amazing for what it doesn't do. It does not make Washington all-powerful. Our founding fathers had the chance to centralize power in a government that they themselves would run; yet, they chose to give it away. They gave power to the people enshrined in the Declaration of Independence, the Constitution, and the Tenth Amendment—in peace, on purpose. Theirs was an act of courage rare in the annals of history.

Our founding fathers knew that absolute power in the hands of a few meant lost liberty for the many. The same is true today. The only thing as outrageous as the amount of money Washington is borrowing from foreign

creditors is the amount of money they withhold from states unless we comply with their edicts. Washington has run roughshod over state sovereignty.

The examples are more and more outrageous: the offshore drilling ban, misguided Congressmen blocking almost \$1 billion of funding for our Texas school children, the EPA taking over 167 clean air permits, cap-and-trade which will increase your taxes, and Obamacare—the largest expansion of government in a generation!

What the Obama administration has failed to achieve through legislation, they are instead trying to pass through regulation. And unfortunately, Texas has been forced to use our last option: litigation.

And while Washington intrudes upon the rights of states, they have yet to meet their most basic constitutional obligation: to secure our borders. Today, our borders are under siege by gangs and cartels that traffic in drugs, weapons, and human beings. Border security is a federal job, but the states pay the price. That's why Texas has spent more than a quarter billion dollars over the last four years—putting state troopers, helicopters, and local law enforcement on the Border. And you know what we've found? Manpower is the key to securing the Border. Every time we do surge operations, massing personnel on our southern border, nothing moves! Criminal activity virtually shuts down in the area. Therefore, today I'm asking the federal government to triple the number of border patrol agents on our borders! If that doesn't secure our borders, then I will keep demanding additional boots on the ground until we have sufficient manpower to seal it, control it, and enforce it. When it comes to our sovereignty and security, there is no compromise.

My priorities this session are clear. In addition to securing our borders, we will pass legislation to encourage more job creation; to protect the integrity of our elections, we will again pass voter ID; we will continue to improve our public schools because a quality education gives every child a chance to realize their dreams; we will continue building a world-class transportation system because quality roads without congestion are the economic arteries of future prosperity; we will make health care more accessible and more affordable with better medical outcomes at a lower cost by passing reforms that will lead the nation because Texans deserve better health care, not more bureaucracy; and we will achieve all these goals while balancing our budget without raising taxes because I want a budget that grows the Texas economy, not the Texas government.

Can we do all these things? You bet! Eight years ago, at our inaugural prayer service, my friend Dr. Ed Young joked that Texans are accused of having an accent that causes us to mispronounce some words. We pronounce the word "C-R-I-S-I-S" as "opportunity." Our economic ascent is the result of bedrock conservative principles: limited government, low taxes, creating a level playing field, and a predictable, dependable business climate.

For years, the Texas landscape has bloomed with opportunity. One of the many things I love about Texas, and which I've experienced, is that the Texas of today is a place where any day anyone from any background can climb heights as improbable as they are breathtaking. We are Texans, and we can do anything we set our minds to! But our optimism of the Texas that is and the Texas that can be cannot, and should not, cause us to lose sight of the jobless, the helpless, the hopeless.

I want everyone to have the opportunity to be all they can be. To me, the best investments are those that give Texans the tools of self-sufficiency: a world-class education, quality, affordable health care, a stable, dependable business climate so that entrepreneurs can build successful companies and workers can make better wages. These are the kinds of investments we must make in good times or bad. But government cannot solve every problem or address every ill. Centralized government that attempts too much achieves too little.

So for those of us who have been blessed, we have a special calling to serve and sacrifice to help people. Service and sacrifice are what define our "Greatest Generation," the men and women who fought the forces of tyranny in the trenches of Europe, on the islands of the Pacific, on the high seas and at high altitudes. During World War II, 750,000 Texans—including 12,000 women—served our country. My father was one: an ordinary Texan who went to war, did his job, and became a highly decorated B-26 bomber pilot, flying 85 missions over Nazi Europe. Every time he roared down the runway, he knew it might be his last. But he did it anyway, just like your fathers and your grandfathers. I've been to the shores of Normandy where thousands and thousands of brave Americans are buried—Americans who made the ultimate sacrifice. An indescribable peace permeates such hallowed ground; where heroes rest, the silence speaks.

It was not just my father and the millions of servicemen who sacrificed; it was all of American society; it was the factory workers; it was the women who not only raised families without their husbands but worked in plants to support the war; it was citizens who bought war bonds and prayed every night for the safe return of their loved ones. Each had a role to play, and virtually all rose to the challenge. We see that same spirit of sacrifice alive and well today in our fighting men and women in Afghanistan and Iraq. They are freedom's greatest ambassadors: warriors willing to sacrifice all, including their own safety, for a greater good. We must never become oblivious to their sacrifice or fail to remember the generations that came before them. We, too, as individual citizens and civilians must be willing to sacrifice for the good of our state and our country.

Many in America have been trained to believe we can have all we want when we want it. But at the core of being a Texan and an American is not what we get from society, but what we give back. For most of us Texans, the question is not what government can do for us, but what we can do if government doesn't stand in our way. Government cannot replace the role

of parents in families, cannot legislate personal responsibility, cannot replace the private sector in creating jobs, and cannot govern an individual's life better than his own conscience.

Texas still offers the promise of a better tomorrow, where a little boy or girl can grow up with nothing, work hard, and have the storybook ending they would never dare to imagine as a child. I know because that's my story. And it's the story of millions of Texans who have lived the American Dream in this state so abundant with opportunity—those who sacrifice, those who persevere, those who dust off their boots and get back up every time they get knocked down. They are the ones who know the meaning of the American Dream, the Texas Dream.

The promise of Texas is a light on the distant horizon piercing the darkness. It's a promise available to any and all who are willing to work hard, sacrifice, and never give up. This has never been more true than today with thousands of new pilgrims settling here each day in this modern promised land we call Texas. We who have inherited that promise must preserve and protect it. We must never allow its light to lose its luster. We must be united in our quest for a better Texas—a Texas rich in values, abundant in opportunity, wealthy in spirit. One people, one star, one destiny.

May God bless each and every one of you, and may He continue to bless the great State of Texas. Thank you.

(Note: Prepared text)

Speaker Straus announced that the Constitutional Oath of Office would now be administered to Governor Rick Perry by Chief Justice Wallace B. Jefferson of the Supreme Court of Texas.

The Honorable Rick Perry, accompanied by his family, took the Constitutional Oath of Office.

Following a 19-gun salute, Speaker Straus presented His Excellency, the Honorable Rick Perry, Governor of the State of Texas, who addressed the Joint Session as follows:

Thank you, Speaker Straus. You have been a strong, conservative partner, and I look forward to working with you again this session.

Governor Dewhurst, it has been a distinct honor to serve with you over the last eight years, and I look forward to the next four.

My fellow statewide elected officials, members of the judiciary, Members of the House and Senate, friends, and Texans, it is an honor to once again take the oath of office as your Governor.

It took 154 years to get an Aggie into the Governor's office, and some of you are probably wondering if he'll ever leave.

I know this, though. If I never served a day in this office, I'd still be the most blessed man on Earth because of my wife, Anita Thigpen Perry.

Anita, you have served as First Lady with grace and dignity, and simply put, I love you. And like you, I thank God every day for the gift of our wonderful children: Sydney, Griffin, and his wonderful new wife, Meredith.

I am also blessed with the best parents a guy could ever ask for: Ray and Amelia Perry, and wonderful in-laws Dr. Joe and Mrs. Thigpen.

With fathers who fought in World War II, Anita and I don't have to look beyond family to find true heroes.

There are many heroes here today, some the ordinary kind, who work hard, pay taxes, and teach their children values that will sustain them.

There is also the extraordinary kind, those who know the enormous price of freedom, because they've paid it with their own blood.

I speak of the veterans of our nation's wars.

Men and women who answered the call of our country, trained for the rigors of battle, then pushed their bodies, minds, and spirits to the limit.

Their service required sacrifices that no man or woman should ever endure, the terror of battle, the death of friends, the lasting injuries, both seen and unseen. For these men and women, sacrifice is not a word, it's a way of life.

I'm talking about Texans like R. V. Burgin from Lancaster, who fought his way across the Pacific islands of Peleliu and Okinawa; John Keith Wells of Abilene, a Navy Cross recipient who led a platoon of Marines through the hell of Iwo Jima; Ben Berger, who hit the Normandy beaches on D-Day with Earl Rudder and the 5th Ranger Battalion; teenage Marine Jay Kimbrough of Dallas, who was badly wounded when his assault helicopter was shot southwest of Da Nang; and Marine Captain Dan Moran, who was hit by an IED in Iraq's Al Anbar province.

If anyone here in the audience today defended freedom as a member of our Armed Forces, please stand or wave so we can recognize you.

On behalf of those assembled, and more than 25 million Texans, I want to thank all of our men and women in uniform for your service and your sacrifice.

Those of us fortunate enough to work in this building must always remember it is an honor and a privilege to serve. Words like "sacrifice" should be reserved for those who made that service possible.

As we reflect together on all that has transpired since the icy cold of the last Texas inaugural, much has changed in our world.

While conditions have improved for our troops in Iraq, they have worsened in Afghanistan.

Here at home, we've seen catastrophic events in the marketplace that have unleashed an economic recession unlike anything we've experienced in 70 years.

The failure of major financial institutions led to tighter credit, massive foreclosures, and staggering layoffs.

Risky practices in the private sector were compounded by poor spending decisions in the public sector.

With bloated stimulus spending, record debt, and massive entitlement programs, Washington has America on a collision course with bankruptcy.

While Texas has fared better than most states, we have not gone untouched by this global recession, and we cannot forget those Texans who are dealing with the fear and uncertainty of joblessness.

While much has changed in the last four years, one thing will never change: the character, resilience, and resourcefulness of our citizens.

Texans just don't like the word "impossible." If something has never been done, it's because we simply haven't tried.

We tamed the frontier, formed our own Republic, discovered oil, pioneered space, and transformed the marketplace.

The first word spoken on the moon was, "Houston," a city whose namesake was not Texan by birth but Texan by choice like millions more who would follow.

While our budget challenges are substantial, for the good of the 25 million pioneers we call Texans, for a people who work hard to get ahead—we must balance our budget without raising their taxes.

Since the last legislative session ended, I have traversed this great state, meeting with Texans from every walk of life, and I have listened.

I heard their belief that tough economic times require strong leadership and tough choices for everyone.

I have heard their calls for government that is smarter, leaner, and more accountable.

They reminded me that there is no such thing as government money; it's the people's money in government's hands.

Texas families have endured this long season of economic trouble by tightening their own budgets and making tough choices.

Texas employers have streamlined operations, becoming more innovative and efficient.

Making their lives harder just to make our jobs easier would be a failure of leadership.

As Texans, we always take care of the least among us.

The frail, the young, the elderly on fixed incomes, those in situations of abuse and neglect, people whose needs are greater than the resources at their disposal—they can count on the people of Texas to be there for them.

We will protect them, support them, and empower them but cannot risk the future of millions of taxpayers in the process. We must cut spending to keep our economic engine on track.

As legislators do the hard work of trimming agency budgets, the headlines will be dominated by impacted constituencies, but these tough times dictate government doing more with less.

That's what we campaigned on, and that's what we'll deliver.

We need to prioritize and justify every penny and validate every investment made.

During this session, Texas will prove again that fiscal responsibility, sound policymaking, and a passion for individual liberty are essential to the success of employers, institutions, and families.

If we cannot exercise fiscal discipline in governing Texas, I doubt it can be achieved anywhere, least of all in Washington.

With our nation mired in more than \$14 trillion of debt, accountability and fiscal responsibility will not come from Washington—it will come from places like Texas.

Texas is still the engine of America's economy, and we're proud to lead the nation in Fortune 1000 companies, international exports, and job creation.

Those jobs are more than statistics—they provide wealth and opportunity for our citizens and families.

The jobs aren't just going to our big cities but also to towns like Cuero and Seguin where employers have relocated or expanded their operations thanks to the job friendly climate we've worked so hard to create.

Texans are also creating new technologies that will save lives at companies like Falcon International in Odessa, whose new body armor technology will protect troops who go into harm's way to protect the American way.

Texans are also on the leading edge of discovery in the race to find cures for various forms of cancer, a disease that has extinguished the hopes of too many, too young.

Through initiatives like the Cancer Prevention and Research Institute of Texas in conjunction with our universities, medical centers, and high-tech firms, we are doing groundbreaking medical research that will save lives that would otherwise be lost.

As Texans continue to invent and innovate and change the face of medicine, science, and business, we must apply the same creativity and commitment to creating a safe and secure Border.

With us today is a delegation of governors and businessmen from our neighboring states in Mexico.

I am grateful for the honor of their presence today and appreciate our excellent working relationship.

We not only share a common border with these leaders but a common past, present, and future.

We are not only joined together by geography and economics but by cultural ties and family roots as well.

We share great opportunity and great challenges.

On this day of celebration, the drug-related violence along our Border may seem a million miles away, but in reality, it has arrived on our doorstep.

While it should be addressed by our respective federal governments, we cannot stand idly by when our citizens are threatened.

Our state's efforts to secure the Border have made our citizens safer and must be continued to prevent the flow of cross-border violence.

For all of us, a secure Border means a more stable economy, safer families, and a brighter future.

Throughout history, in good times and bad, Texans have endured identifying opportunities, counting the cost, and then just outworking everyone else in the race for success.

As their elected leaders, we have an obligation to govern as we promised.

As elected leaders, we have sworn to uphold the Constitution of this great state, in whose Bill of Rights this key phrase resides, "All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit."

As we do so, our vision must extend beyond the next 140 days across this new decade and the rest of this century.

We must continue investing in our people, developing young minds, grooming and attracting the best and brightest in the fields of science and medicine, giving individuals the tools and the freedom to prosper.

Given our state's economic success compared to that of other states and Washington's ongoing irresponsibility, I believe Texas will lead the way out of this turmoil.

You might say historians will look back on this as the "Texas Century."

Americans once looked to the East Coast for opportunity and inspiration, then to the West Coast.

Today they are looking to the Gulf Coast—they are looking to Texas.

Our state is the new, best hope for entrepreneurs and small businesses—the place where Americans can redeem their promise and fulfill their potential.

We have the resources to meet our challenges and the vision to apply them for a more prosperous future.

This is our time, this is our place in history.

We must seize the moment.

We must plant the seeds of opportunity that bloom beyond our years.

We must show the world the endless possibilities of freedom and free enterprise.

If I've said it once, I've said it a thousand times, and will say it a thousand more: there is still a place where opportunity looms large in this country, and that place is called Texas.

Let's do all we can to keep her moving forward.

May God bless you all and, through you, may He continue to bless the great State of Texas.

(Note: Prepared text)

Speaker Straus introduced Bishop Joe S. Vasquez, Austin, who delivered the inaugural blessing.

Speaker Straus introduced David Robinson, who delivered the benediction.

The Members and guests stood as Speaker Straus introduced the Texas A&M Singing Cadets who sang "Eternal Father, Strong to Save" and "Texas, Our Texas," accompanied by the Texas A&M University Fightin' Texas Aggie Band.

INTERPRETERS FOR THE DEAF

The interpretation of the proceedings was provided by Kristen Herrera, Tammy Carrizales, Cathy Williams, Lee Godbold, Tildon Humphrey, and Tyrone Reins, all from the Texas School for the Deaf.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 21 by Gallegos, In memory of Nancy J. Berkman of Houston.

Congratulatory Resolutions

SR 15 by Nelson, Recognizing the senior citizens of this state on the occasion of Senior Day at the State Capitol in 2011.

SR 18 by Gallegos, Congratulating Cornelius Elementary School in Houston for its selection as a 2010 Blue Ribbon School.

SR 19 by Gallegos, Congratulating Varnett Public School East Campus for its selection as a 2010 Blue Ribbon School.

SR 20 by Davis, Recognizing Gayle S. Ayers for her contributions to the field of commercial real estate.

SR 22 by Van de Putte, Recognizing Antonia R. Arias on the occasion of her 90th birthday.

SR 23 by Van de Putte, Recognizing Erwin J. De Luna on the occasion of his retirement from the Texas Health and Human Services Commission.

ADJOURNMENT

President Pro Tempore Ogden at 12:15 p.m. stated the purpose for which the Joint Session was held having been completed, the Senate, pursuant to a previously adopted motion, would stand adjourned until 11:00 a.m. tomorrow in memory of Nancy J. Berkman of Houston.

Speaker Straus at 12:15 p.m. stated the purpose for which the Joint Session was held having been completed, the House, pursuant to a previously adopted motion, would stand adjourned until 10:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

January 13, 2011

SR 7, SR 12, SR 13, SR 14, SR 16

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRD DAY

(Wednesday, January 19, 2011)

The Senate met at 11:06 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Ellis, Hegar.

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

The Reverend John W. Newton IV, Episcopal Student Center, Austin, offered the invocation as follows:

O Lord our governor, whose will is good and gracious and whose law is truth, we come before You now and commend this state to Your merciful care that being guided by Your providence, we may live in Your peace. We ask Your special blessing on our Senators that being filled with the spirit of wisdom, charity, and justice, they may faithfully serve in their office to promote the well-being of all people. Fill them with the love of truth and righteousness, and make them ever mindful of their calling to serve the people of this state. And finally, teach all of us to rely on Your strength and to accept the responsibilities we have to our fellow citizens, that we may serve You faithfully in our generation and honor Your holy name. Amen.

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

The motion prevailed without objection.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Ellis was granted leave of absence for today on account of important business.

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

GUESTS PRESENTED

The President introduced to the Senate members of his family and business associates: Gene and Linda Dewhurst, Marty and Mary Ann Young, Chris Dewhurst, Naomi Dewhurst, Justin Nevins, Maria Sophia Dewhurst, Don Nevins, and Mr. and Mrs. Curt Beck.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. John Frederick of Austin as the Physician of the Day.

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

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 26, SCR 3.**

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Darrien Skinner and Samantha Garrett of Ingleside, serving today as Honorary Senate Pages.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

Wednesday, January 19, 2011 - 1

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:

SCR 6 Whitmire Sponsor: Smithee
Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, January 13, 2011, and ending on Tuesday, January 18, 2011.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 35

Senator West offered the following resolution:

SR 35, Honoring the victims and heroes of the Arizona shooting.

The resolution was read.

On motion of Senator Lucio and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator West, **SR 35** was adopted by a rising vote of the Senate.

In honor of the memory of the victims of the Arizona shooting, the text of the resolution is printed at the end of today's *Senate Journal*.

SENATE RESOLUTION 36

Senator Eltife offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Rules of the Senate of the 81st Legislature are adopted as the Permanent Rules of the Senate of the 82nd Legislature with the following modifications:

1. Amend Rule 7.07 to read as follows:

LIMITATIONS ON INTRODUCTION

Rule 7.07. (a) A bill filed for introduction [~~may be introduced at any time~~] during the first 60 calendar days of the regular session [~~and~~] may be thereafter referred to the proper committee and disposed of under the rules of the Senate.

(b) Except as provided in Subsection (a) and in Rule 7.08, no bill shall be introduced after the first 60 calendar days of the session. This provision may only be suspended by an affirmative vote of four-fifths of the members of the Senate.

(c) It shall not be in order to introduce a local bill as defined by Rule 9.01 unless notice of publication, as provided by law, is attached.

2. Amend Rule 11.02 to read as follows:

LIST OF STANDING COMMITTEES

Rule 11.02. At the beginning of each regular session, the President shall appoint the following standing committees with the number of members indicated:

STANDING COMMITTEES

- (1) Committee on Administration (7 members)
- (2) Committee on Agriculture and Rural Affairs (5 members)
- (3) [~~2~~] Committee on Business and Commerce (9 members)
- (4) [~~3~~] Committee on Criminal Justice (7 members)
- (5) Committee on Economic Development (7 members)
- (6) [~~4~~] Committee on Education (9 members)
- (7) [~~5~~] Committee on Finance (15 members)
- (8) [~~6~~] Committee on Government Organization (7 members)
- (9) [~~7~~] Committee on Health and Human Services (9 members)
- (10) Committee on Higher Education (7 members)
- (11) [~~8~~] Committee on Intergovernmental Relations (5 members)
- (12) [~~9~~] Committee on International Relations and Trade (7 members)

- (13) [~~(10)~~] Committee on Jurisprudence (7 members)
 (14) [~~(11)~~] Committee on Natural Resources (11 members)
 (15) [~~(12)~~] Committee on Nominations (7 members)
 (16) [~~(13)~~] Committee on State Affairs (9 members)
 (17) [~~(14)~~] Committee on Transportation and Homeland Security (9 members)
 (18) [~~(15)~~] Committee on Veteran Affairs and Military Installations (5 members)

3. Amend Rule 12.08 to read as follows:

SUSPENSION OF CONFERENCE COMMITTEE RULES

Rule 12.08. (a) Limitations imposed on certain conference committees by the provisions of Rules 12.03, 12.04, 12.05, 12.06, and 12.07 may be suspended, in part, by permission of the Senate to enable consideration of and action on a specific matter or matters which otherwise would be in violation thereof. Such permission shall be granted only by resolution passed by majority vote of the Senate, with yeas and nays thereon to be recorded in the journal of the Senate. Such resolution shall specify in detail: (1) the exact nature of the matter or matters proposed to be considered; (2) the specific limitation or limitations to be suspended thereby; (3) the specific action contemplated by the conference committee thereon; and (4) except for a resolution suspending the limitations on the conferees for the general appropriations bill, the reasons why suspension of such limitations is being requested. In the application of this rule to appropriations bills, the resolution need not include changes in amounts resulting from a proposed salary plan or changes in format that do not affect the amount of an appropriation or the method of finance of an appropriation, but shall include a general statement describing the salary plan or format change. The resolution need not include differences in language which do not affect the substance of the bill. Permission thus granted shall suspend such limitations only for the matter or matters clearly specified in the resolution, and action of the conference committee shall be in conformity therewith.

(b) A copy of a resolution suspending the limitations on the conferees for the general appropriations bill must be furnished to each member at least 48 hours before any action thereon, if convened in regular session, and 24 hours before any action thereon, if convened in called session.

SR 36 was read and was adopted by the following vote: Yeas 18, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Ellis, Hegar.

REASON FOR VOTE

Senator Birdwell submitted the following reason for vote on **SR 36**:

I cast a "Yes" vote on the rules package today so that the Senate may continue to address the people's business. I do, however, have great reservations about the "Two-thirds Rule," which requires the consent of 21 of 31 Members to allow a bill to

be considered on the floor by the entire body. This rule provides a minority of Members to direct or preclude the actions of the majority, an example of what founding father James Madison feared in Federalist 58: "It would no longer be the majority that would rule: the power would be transferred to the minority." The fundamental character of our Republic is that the will of the majority shall prevail.

BIRDWELL

REASON FOR VOTE

Senator Carona submitted the following reason for vote on **SR 36**:

This Journal notation is intended to register my opposition to the inconsistent application of the Senate's Two-thirds Rule by Special Order and to acknowledge my preference that the Senate operate by majority-rule in voting on all legislation. Regrettably, a sufficient number of votes to make such rule changes on this date does not exist.

CARONA

REASON FOR VOTE

Senator Davis submitted the following reason for vote on **SR 36**:

I will not vote in favor of the Senate Rules today because these rules fail Texas by promoting a single issue, voter ID, above all other issues in Texas such as funding public and higher education—which is critical to economic stability, job creation, and the ability to keep good-paying jobs—or legislation aimed at protecting the pocketbooks of Texans by lowering homeowners insurance rates and residential electricity rates or bills aimed at protecting our state's most vulnerable. I must oppose a change which excludes one particular issue from a rule, which has historically provided the Senate with a consensus-building tool that benefits constituents in districts throughout Texas.

DAVIS

REASON FOR VOTE

Senator Fraser submitted the following reason for vote on **SR 36**:

Since becoming a Senator in 1997, I have supported eliminating the rule requiring a vote of two-thirds of Members to bring a vote to the floor. However, I am voting today for this package of rules because as a whole it represents a good operating structure for the Senate.

FRASER

REASON FOR VOTE

Senator Huffman submitted the following reason for vote on **SR 36**:

Concerning the adoption of the Senate Rules for the 82nd legislative session. I respect the institution of the Senate and appreciate it as a deliberative body, however, I disagree with the limitations imposed by the use of the "blocker bill." I believe this practice limits the representation of the citizens of Senate District 17 and the majority of Texans. As the size and scope of each Senate district continues to grow, I believe a

vote of 60 percent of the Members present is a fair and equitable alternative. Over 60 years ago, when the Senate began using the "blocker bill," the population of Texas was under eight million. Today there are over 25 million Texans, with each Senator representing over 800,000. I believe the time has passed when a fraction of the body can prohibit debate on issues that have support of Members who represent over 16 million people.

HUFFMAN

REASON FOR VOTE

Senator Lucio submitted the following reason for vote on **SR 36**:

I voted against SR 36 for the same reason I voted against the rules resolution two years ago. The Senate Rules provision relating to "Special Orders" circumvents Senate tradition on the Two-thirds Rule and silences the voices of my constituents on issues deemed as "Special Orders," such as so-called voter ID.

LUCIO

REASON FOR VOTE

Senator Patrick submitted the following reason for vote on **SR 36**:

Let the record reflect that I object to the Two-thirds Rule that requires a supermajority of two-thirds of the Members present in order to bring legislation to the Senate floor. This rule allows a minority of the Members to have veto power over the will of the majority. The Two-thirds Rule can prevent the majority from voting on legislation that is favored by their constituents. This rule also undermines the basic principle of the U.S. Constitution of majority rule. "The fundamental principle of our Constitution requires that the will of the majority shall prevail," President George Washington. The founders considered requiring a two-thirds majority to pass legislation in Congress but rejected the idea. James Madison explained in Federalist 58 that a two-thirds approval margin had been rejected because power would be transferred to the rule of the minority. Thomas Jefferson also said, "The will of the majority is the natural law of every society and is the only sure guardian of the rights of man." I will continue to fight to change the Two-thirds Rule in the Senate, known as the blocker bill, until the Senate one day reflects the basic principle of our Constitution.

PATRICK

REASON FOR VOTE

Senator Van de Putte submitted the following reason for vote on **SR 36**:

Today I voted "Nay" on the Senate Rules because the lone issue of voter ID legislation remained as an item considered as a Special Order for procedural purposes. This was first adopted in the Senate Rules of the 81st Legislature and was carried over into the 82nd Legislature's Senate Rules resolution. I voted against the 81st legislative Senate Rules then, and remain opposed now, because this bypass of the two-thirds Senate tradition remains in the rules. I oppose any exception to the Senate's two-thirds tradition because the tradition ensures that the Texas Senate maintains a collaborative bipartisan tone. Any exception to the tradition only encourages Washington, D.C.,

style extreme partisanship, which I oppose. Further, I voted against the rules because, with the inclusion of this Special Order, the vote on the Senate Rules amounted to a proxy vote on voter ID legislation. I oppose such legislation because it discriminates against minority voters, low-income voters, and elderly voters, while claiming to solve a problem which bill supporters have been unable to document. If not for the inclusion of the Special Order, I would have been pleased to vote in favor of the Senate Rules.

VAN DE PUTTE

REASON FOR VOTE

Senator Watson submitted the following reason for vote on **SR 36**:

My vote against Senate Resolution 36 was over the continued inclusion of the Special Order that allows bills regarding identification checks of voters to be excluded from the Senate's traditional Two-thirds Rule. I oppose the special treatment of these bills and efforts to exempt them from rules governing other bills before the Senate. However, I strongly support the rule change requiring a 48-hour layout of the outside the bounds resolution for the conference committee report on the General Appropriations Act, and I believe it is an important step in assuring budget honesty.

WATSON

REASON FOR VOTE

Senator Zaffirini submitted the following reason for vote on **SR 36**:

Today I voted against SR 36 because of the inclusion of voter ID legislation as a Special Order. Exempting voter ID legislation from the Two-thirds Rule was wrong in the 81st legislative session, and it is still wrong in the 82nd. The Two-thirds Rule is a time-honored tradition for good reason. Not only does it force consensus-building but it also results in better legislation. Any exception to the Two-thirds Rule fosters partisanship and discord. I am proud of the Texas Senate's record as a collegial, deliberative body, but I am disappointed that we are beginning the session by placing politics above policy. Texas faces many challenges this session, and we should be setting the stage for collaboration, not partisanship. Were it not for the inclusion of the Special Order, I would have voted for SR 36.

ZAFFIRINI

SENATE CONCURRENT RESOLUTION 7

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, January 19, 2011, and ending on Monday, January 24, 2011.

WHITMIRE

SCR 7 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 29, Nays 0.

Absent-excused: Ellis, Hegar.

ACKNOWLEDGMENT

The President acknowledged the presence of Diane Nielsen.

The Senate welcomed its guest.

GUEST PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Krystal Garza of Saint Luke's Catholic School.

The Senate welcomed its guest.

CO-AUTHOR OF SENATE BILL 331

On motion of Senator Shapiro, Senator Davis will be shown as Co-author of **SB 331**.

CO-AUTHOR OF SENATE BILL 341

On motion of Senator Uresti, Senator Wentworth will be shown as Co-author of **SB 341**.

CO-AUTHOR OF SENATE BILL 357

On motion of Senator Van de Putte, Senator Gallegos will be shown as Co-author of **SB 357**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 14

On motion of Senator Van de Putte, Senator Gallegos will be shown as Co-author of **SJR 14**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 27 by Estes, In memory of Susan Holland Campbell of Bowie.

SR 28 by Estes, In memory of Ray Clymer of Wichita Falls.

SR 30 by Uresti, In memory of Israel Diaz "Lito" Trinidad.

SR 32 by Watson, In memory of Maria Teresa "Terrie" Rabago of Austin.

SR 33 by Watson, In memory of Donato P. Rodriguez, Jr.

Congratulatory Resolutions

SR 26 by West, Commending Cristian Andrew-Rene Mattoon for achieving the rank of Eagle Scout.

SR 37 by Lucio, Recognizing Antonio Limas Hernandez of Harlingen on the occasion of his 100th birthday.

SR 38 by Lucio, Recognizing Resaca Elementary School in Brownsville on the occasion of its 80th anniversary.

Legislative Policy Resolution

SR 24 by Whitmire, Granting the Texas DeMolay Association permission to use the Senate Chamber in the State Capitol on February 12 and 13, 2011.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:00 p.m. adjourned, in memory of Christina Taylor Green, Dorothy Morris, Judge John Roll, Phyllis Schneck, Dory Stoddard, and Gabe Zimmerman, and in honor of those individuals who stepped forward to help the victims of the Arizona shooting, until 1:30 p.m. Monday, January 24, 2011.

APPENDIX

RESOLUTIONS ENROLLED

January 18, 2011

SR 15, SR 18, SR 19, SR 20, SR 21, SR 22, SR 23

In Memory
of
**Christina Taylor Green, Dorothy Morris, Judge John Roll, Phyllis
Schneck, Dory Stoddard, and Gabe Zimmerman**

Senate Resolution 35

WHEREAS, The Senate of the State of Texas joins the nation in mourning the six people tragically killed on January 8, 2011, when a gunman unleashed a hail of bullets during a community event held by United States Representative Gabrielle Giffords in Tucson, Arizona; and

WHEREAS, The members of the Texas Senate would like to recognize and honor those victims and those who were wounded in the shooting and express profound sympathy to their friends and family, as well as pay tribute to those who helped to put an end to the incident through their heroism; and

WHEREAS, The youngest victim, Christina Taylor Green, was only nine years old and attending the rally because of her budding interest in politics; and

WHEREAS, Dory Stoddard was a retired construction worker and was trying to shield his wife when he was shot; as a result of his selfless act, Mrs. Stoddard survived; and

WHEREAS, Dorothy Morris was a retired secretary, and her son spoke of her upbeat and helpful nature; she is survived by her husband, George, who was also shot during the incident; and

WHEREAS, Gabe Zimmerman was the constituent services representative for Congresswoman Giffords and was known for the tremendous compassion and understanding he demonstrated for others; and

WHEREAS, Judge John Roll was nominated by President George H. W. Bush to the federal bench in 1991 and was elevated to the position of chief judge in 2006; he is survived by his wife, three sons, and five grandchildren; and

WHEREAS, Phyllis Schneck is survived by three children, seven grandchildren, and a great-granddaughter; her daughter spoke of how she loved to laugh and talk with people; and

WHEREAS, President Obama is asking the American people to come together as a nation and to keep the victims and their families in their thoughts and prayers; and

WHEREAS, The members of the Texas Senate are also deeply concerned for those wounded in the shooting, including Congresswoman Giffords, and wish them all a swift recovery; and

WHEREAS, In the wake of this great tragedy, a number of heroes are deserving of special recognition for their courage and determination; Patricia Maisch was able to wrest another gun clip away from the shooter after he had been tackled by Roger Salzgeber and Bill D. Badger; Joseph Zamudio also

helped pin down the assailant, and Daniel Hernandez, Jr., stayed with Congresswoman Giffords after she was shot and kept her conscious and talking; and

WHEREAS, This terrible event has stunned our nation, and our hearts go out to those who were injured and to the loved ones of those who were killed; now, therefore, be it

RESOLVED, That the Senate of the 82nd Texas Legislature hereby pay tribute to all the victims of the tragic Arizona shooting and honor those brave individuals who stepped forward to help their fellow Americans; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the victims and their families and that when the Texas Senate adjourns this day, it do so in memory of Christina Taylor Green, Dorothy Morris, Chief Judge John Roll, Phyllis Schneck, Dory Stoddard, and Gabe Zimmerman.

WEST
CARONA
DAVIS
DEUELL
DUNCAN
ELLIS

GALLEGOS
HINOJOSA
HUFFMAN
NELSON
RODRIGUEZ
SELIGER

SHAPIRO
VAN DE PUTTE
WATSON
WHITMIRE
WILLIAMS

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTH DAY

(Monday, January 24, 2011)

The Senate met at 1:38 p.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Hegar.

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

Chaplain Steven Vaughn, Texas Army National Guard, offered the invocation as follows:

I will say of the Lord, He is my refuge and my fortress, my God, in whom I trust. (Psalm 91:2) Father, today we pause to honor a group of men and women who by their very sacrifice have set themselves apart from all others. We cannot bestow more honor and dignity upon them than they themselves have already earned, but we can say "thank you." We can and do ask Your hand of mercy and love be around them. For those still recovering we ask that You give the doctors the wisdom needed to assist these patriots in their recovery process. We ask also for their families that will walk this road alongside them. Grant them the wisdom and strength to be a pillar of support and love as their loved one makes his or her journey. Now, Father, we humbly ask Your blessings upon our country and our service members currently serving in harm's way. We ask that they might soon be returned to their loved ones. We ask in Your blessed and holy name. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

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

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 6**.

SENATE BILLS ON FIRST READING

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

SB 1 by Ogden
General Appropriations Bill.
To Committee on Finance.

SB 14 by Fraser, Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams
Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.
To Committee of the Whole Senate.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were filed with the Secretary of the Senate:

Austin, Texas
January 20, 2011

STATE OF TEXAS OFFICE OF THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:

I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 82nd Legislature, now convened:

Legislation that requires a voter to present proof of identification when voting.

Respectfully submitted,
/s/Rick Perry
Governor
Austin, Texas
January 20, 2011

STATE OF TEXAS OFFICE OF THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:

I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 82nd Legislature, now convened:

Legislation that will provide for a federal balanced budget amendment to the United States Constitution.

Respectfully submitted,

/s/Rick Perry
Governor

Austin, Texas
January 21, 2011

STATE OF TEXAS
OFFICE OF THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
EIGHTY-SECOND TEXAS LEGISLATURE, REGULAR SESSION:

I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matter for immediate consideration to the Senate and House of Representatives of the 82nd Legislature, now convened:

Legislation that requires a sonogram before a woman elects to have an abortion so that she may be fully medically informed.

Respectfully submitted,

/s/Rick Perry
Governor

SENATE RESOLUTION 31

Senator Uresti offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Real County and Texans across the state in celebrating Real County Day at the State Capitol on January 24, 2011; and

WHEREAS, Real County was established in 1913 from parts of Edwards, Bandera, and Kerr Counties, and it was named for Julius Real, the only Republican in the Texas Senate at that time; and

WHEREAS, Situated on the Balcones Escarpment, on the southern edge of the Edwards Plateau, Real County is marked by the rugged terrain and scenic canyons of the Frio and Nueces Rivers; and

WHEREAS, Anglo-American settlers first came to the area in the 1850s, and the military post Camp Wood was established in 1857; ranching soon came to dominate the local economy, with the raising of angora goats and sheep playing a major role; and

WHEREAS, Today, ranching continues to play a vital role in the economy of Real County, with tourism and hunting also contributing greatly to its prosperity; the county is also known for its pecans; Leakey, the county seat, annually hosts the July Jubilee; and

WHEREAS, Real County Day at the Capitol is an excellent opportunity to celebrate the history and the fine qualities of this area; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the people of Real County on their many contributions to the rich historical legacy of our state and extend to them best wishes for a memorable Real County Day at the State Capitol; and, be it further

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

SR 31 was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate Garry Merritt, Real County Judge; Charles Reağor, Trustee of Leakey ISD; Carl Jensen, Leakey City Councilmember; Charles Hunger, Trustee of Nueces Canyon Consolidated ISD; and Karen Dean, City of Camp Wood.

The Senate welcomed its guests.

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.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate members of the Mariachi Los Tigres del Sur of Martin High School in Laredo.

The Senate welcomed its guests.

SENATE RESOLUTION 53

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize and pay tribute to the members of the United States military who have so honorably served our great nation and state in the armed services and join all Texans in observing January 24, 2011, as Wounded Warrior Day at the Texas State Capitol; and

WHEREAS, The soldiers, sailors, airmen, and Marines of the United States military and their families have made extraordinary sacrifices to serve our nation both abroad and within our own borders; and

WHEREAS, Of the 253,049 members of the United States military who are currently deployed around the world, 19,413 are from Texas, and of the 42,167 service members who have been wounded since 2001 in the Iraqi Freedom, Enduring Freedom, and New Dawn Conflicts, 3,622 have been from Texas; and

WHEREAS, We are blessed to honor today the wounded warriors who have returned from these conflicts, including Major John J. Ploch, Staff Sergeant Richard Groff, Staff Sergeant Frank Lamar, Sergeant Juan Carrion, Sergeant Chris Goebel, and Private First Class Kevin Macari; without their willingness to serve and the contributions made by them and their families, we could not enjoy many of the freedoms that make this nation great; and

WHEREAS, These veterans have bravely and selflessly served in defense of our nation and its democratic ideals; with silent dedication and unmatched grit, they ensure our safety and security, and it is indeed fitting that all Texans recognize, honor, and reaffirm their gratitude to these true American heroes; and

WHEREAS, Although these veterans represent many different hometowns and backgrounds, what unites them is greater than what divides them—a deep and abiding love of their country; it is for America and all Americans that they leave their homes and their family and friends in order to guarantee the continuation of those freedoms etched into the Declaration of Independence and ensured by our Constitution; and

WHEREAS, It is for our service members' willingness to serve to protect these freedoms that we honor them; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the wounded warriors of our nation for their sacrifice, dedication, and patriotism, recognizing them, honoring them, and reaffirming the gratitude of all Texans to these true American heroes; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the dedication and sacrifice of the men and women of the United States armed services and their families.

SR 53 was read and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Van de Putte, joined by Senators Estes, Ogden, Davis, and Birdwell, was recognized and introduced to the Senate Sergeant Juan Carrion, Sergeant Chris Goebel, Staff Sergeant Frank Lamar, Private First Class Kevin Macari, and the Purple Heart Warriors present.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Wentworth was recognized and introduced to the Senate Staff Sergeant Richard Groff.

The Senate welcomed its guest.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Major John J. Ploch.

The Senate welcomed its guest.

GUEST PRESENTED

Senator Fraser was recognized and introduced to the Senate Staff Sergeant Floyd L. Hall.

The Senate welcomed its guest.

GUEST PRESENTED

Senator Birdwell was recognized and introduced to the Senate Lieutenant Colonel Tim Karcher of Copperas Cove.

The Senate welcomed its guest.

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Chaplain Roger Benimoff of Dallas County.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate Army veterans Joel Jimenez, Paul Miller, and Paul VanLinder.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Van de Putte was again recognized and introduced to the Senate T. P. O'Mahoney, Chair, Texas Veterans Commission; Tom Palladino, Executive Director, Texas Veterans Commission; and Adjutant General Jose Mayorga.

The Senate welcomed its guests.

ACKNOWLEDGMENT

Senator Whitmire acknowledged the following Senators who are veterans: Senator Birdwell, United States Army; Senator Hinojosa, United States Marines; Senator Ogden, United States Marines; and Senator Uresti, United States Marines.

ACKNOWLEDGMENT

Senator Van de Putte acknowledged Lieutenant Governor David Dewhurst, a veteran of the United States Air Force.

SENATE RESOLUTION 41

Senator Williams offered the following resolution:

SR 41, Commending Sergeant James Eddie Wright on his service to our nation.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Williams was recognized and introduced to the Senate Sergeant James Eddie Wright of Conroe.

The Senate welcomed its guest.

SENATE RESOLUTIONS

Senator Hinojosa offered the following resolutions:

SR 75, Commending Ram Chavez on his service to our nation.

The resolution was read.

SR 76, Commending Frank Alaniz on his service to our nation.

The resolution was read.

SR 78, Commending Roberto Callejo on his service to our nation.

The resolution was read.

SR 75, SR 76, and SR 78 were adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Ram Chavez, United States Army, and Frank Alaniz and Roberto Callejo, United States Marine Corps.

The Senate welcomed its guests.

SENATE RESOLUTION 49

Senator Davis offered the following resolution:

SR 49, Commending Master Sergeant Richard Ruffert on his service to our nation.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Davis was recognized and introduced to the Senate Richard Ruffert of Fort Worth, United States Army.

The Senate welcomed its guest.

SENATE RESOLUTION 69

Senator Uresti offered the following resolution:

SR 69, Commending First Sergeant Ruperto Cruz, Jr., on his service to our nation.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Uresti was recognized and introduced to the Senate Ruperto Cruz, Jr., United States Army, Retired, of San Antonio.

The Senate welcomed its guest.

STANDING COMMITTEE APPOINTED

The President announced the appointment of the following committee for the 82nd Legislature:

FINANCE

Ogden, Chair; Hinojosa, Vice-chair; Deuell, Duncan, Eltife, Estes, Lucio, Nelson, Patrick, Seliger, Shapiro, West, Whitmire, Williams, Zaffirini.

SENATE RESOLUTION 79

Senator Duncan offered the following resolution:

WHEREAS, Article III, Section 9, and Article IV, Section 16, of the Texas Constitution and Article XIII of the Senate Rules recognize the existence of the Committee of the Whole Senate; and

WHEREAS, Pursuant to Senate Rule 7.06, the President referred Senate Bill 14, relating to voter identification requirements, directly to the Committee of the Whole Senate; and

WHEREAS, Senate Rule 13.01 provides that it is in order for the Senate at any time after bills and resolutions have been called to resolve itself into a Committee of the Whole Senate; and

WHEREAS, The Senate may adopt by resolution specific procedures to govern the operation of the Committee of the Whole Senate during its consideration of Senate Bill 14; now, therefore, be it

RESOLVED, That the Senate resolve itself into a Committee of the Whole Senate on Monday, January 24, 2011, at the conclusion of the morning call for the consideration of Senate Bill 14; and

RESOLVED, That the Senate may meet as in Committee of the Whole Senate from day to day as necessary; and

RESOLVED, That the following procedures shall apply when in Committee of the Whole Senate for the duration of its consideration of Senate Bill 14:

1. The Committee shall afford reasonable opportunity to interested parties to appear and testify before the Committee.

2. The Chair shall require all parties appearing at the meeting to swear or affirm that the testimony they give to the Committee is true and correct.

3. The Chair may fix the order of appearance and time allotted for each witness unless a majority of the members present directs otherwise.

4. Senate Rules addressing access to the Senate Floor shall be enforced by the Chair while the Committee is meeting, except as follows:

(a) Witnesses appearing before the committee may be admitted to the floor of the Senate as their names are called by the Chair, and may remain only until their testimony is completed.

(b) Each Senator may be assisted by one employee of the Senate within the brass rail at any given time. The Sergeant-at-Arms shall provide seating next to a requesting senator for such authorized employees.

5. Senate Rule 3.04, relating to posters, placards, banners and signs, and Senate Rule 3.05, relating to applause, outbursts, and demonstrations, shall be strictly enforced by the Chair. Subject to approval by the Chair, witnesses may use visual aids as necessary in the presentation of their testimony.

6. Senate Rule 3.01, relating to attire, shall not apply to witnesses.

SR 79 was read and was adopted by the following vote: Yeas 18, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Hegar.

**NOTICE FILED BY LEGISLATOR CONCERNING
RELATIVE WHO IS A LOBBYIST**

Name of Legislator: John Whitmire

A legislator must file a notice before introducing, sponsoring, or voting on a measure or bill if the legislator's spouse, parent, or child is registered as a lobbyist with respect to the subject matter of the measure or bill. Gov't Code § 572.0531.

The notice must be filed with the Texas Ethics Commission and the chief clerk of the house or the secretary of the senate, as applicable. In addition, the spouse or relative must file a notice with the Texas Ethics Commission. A legislator uses this form to provide the notice. A spouse or relative uses FORM LOB-REL.

LOBBYIST NAME AND BILL/MEASURE INFORMATION

Name of registered lobbyist: Whitney Whitmire

Bill, measure, or class of bills or measures with respect to which this notice is required. See attached.

I give notice that I intend to introduce, sponsor, or vote on a bill or measure and my spouse, parent, or child is registered as a lobbyist under Chapter 305 of the Government Code with respect to the subject matter of the bill or measure.

/s/John Whitmire

January 10, 2011

Attachment:

amusements, games, sports; business and commerce; coastal affairs and beaches; communications and press; consumer protection; corporations and associations; disaster preparedness and relief; economic and industrial development; energy; environment; fees and other non-tax revenue; gambling; health and healthcare; highways and roads; insurance; oil and gas; product liability; property interests; taxation; transportation; utilities; vehicles and traffic.

Received by Texas Ethics Commission on January 20, 2011

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Duncan and by unanimous consent, the Senate at 4:18 p.m. resolved into a Committee of the Whole Senate to consider **SB 14** with Senator Duncan presiding.

(Tuesday, January 25, 2011)

IN LEGISLATIVE SESSION

The President called the Senate to order at 10:44 a.m. as In Legislative Session.

COMMITTEE OF THE WHOLE SENATE REPORT

Senator Duncan was recognized and reported that the Committee of the Whole Senate had met and would continue consideration of **SB 14**.

CO-AUTHOR OF SENATE BILL 121

On motion of Senator Ellis, Senator Carona will be shown as Co-author of **SB 121**.

CO-AUTHORS OF SENATE BILL 124

On motion of Senator Patrick, Senators Carona and Nelson will be shown as Co-authors of **SB 124**.

CO-AUTHORS OF SENATE BILL 178

On motion of Senator Fraser, Senators Deuell, Hegar, and Nichols will be shown as Co-authors of **SB 178**.

CO-AUTHORS OF SENATE BILL 321

On motion of Senator Hegar, Senators Deuell and Eltife will be shown as Co-authors of **SB 321**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 5

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SCR 5**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 15

On motion of Senator Wentworth, Senator Eltife will be shown as Co-author of **SJR 15**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 51 by Van de Putte, In memory of Mary Espiritu of San Antonio.

SR 54 by West, In memory of Charles Key.

SR 57 by Watson, In memory of Hunter Mason Morris.

SR 61 by Uresti, In memory of Maria Rosa Pena of San Antonio.

Congratulatory Resolutions

SR 29 by Harris, Recognizing Danny F. Vance of Arlington on the occasion of his retirement from the Trinity River Authority of Texas.

SR 39 by Ellis, Recognizing East Bethel Missionary Baptist Church in Houston on the occasion of its 85th anniversary.

- SR 42** by Van de Putte, Recognizing John J. Ploch for his service to his country.
- SR 43** by Van de Putte, Recognizing Juan Carrion for his service to his country.
- SR 44** by Van de Putte, Recognizing Frank Lamar for his service to his country.
- SR 45** by Van de Putte, Recognizing Kevin Macari for his service to his country.
- SR 46** by Van de Putte, Recognizing Chris Goebel for his service to his country.
- SR 47** by Van de Putte, Recognizing Richard Groff for his service to his country.
- SR 58** by Watson, Recognizing Carlota Vasquez of Austin on the occasion of her 90th birthday.
- SR 59** by Ellis, Recognizing Minnie J. and Delbert Ray Jefferson for their 25 years of service to Christian Home Missionary Baptist Church.
- SR 62** by Uresti, Recognizing Glenn Ratliff of Monahans on the occasion of his 100th birthday.
- SR 63** by West, Recognizing Holy Cross Catholic Church in Dallas on the occasion of the dedication ceremony for the new church sanctuary.
- SR 64** by West, Congratulating Travis T. Howard Lewis on being honored by the Alpha Xi Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated.
- SR 65** by Ogden, Recognizing Mark Evans on the occasion of his retirement as Trinity County Judge.
- SR 67** by Nelson, Fraser, Huffman, and Lucio, Recognizing the Turquoise Council of Americans and Eurasians on the occasion of its Turkic-Texan Friendship Reception and Awards Dinner.
- SR 68** by Ellis, Congratulating Kalamu Ryo Johnson and Jatoi Jones Johnson on the birth of their daughter, Kailah Ryonne Johnson.
- SR 70** by Lucio, Recognizing Jose M. Mendoza on the occasion of his retirement from the Brownsville Police Department.
- SR 77** by Hinojosa, Recognizing Richard Valent for his service to his country.
- SR 80** by Davis, Recognizing James Cash, Jr., for his career as a leader in academia and business.

Official Designation Resolutions

- SR 40** by Birdwell, Celebrating January 25, 2011, as Hewitt Day at the State Capitol.
- SR 50** by West, Recognizing January of 2011 as National Slavery and Human Trafficking Prevention Month.
- SR 66** by Whitmire, Recognizing the Texas Chapter of Paralyzed Veterans Annual BBQ Cook-Off as a Texas State Barbecue Championship competition.
- SR 71** by Lucio, Celebrating January 30 through February 5, 2011, as Catholic Schools Week.
- SR 73** by Nelson, Recognizing January 23 through January 29, 2011, as Texas Nurse Anesthetists Week.

SR 74 by Nelson, Proclaiming January, 2011, Communities In Schools Month and January 26, 2011, Communities In Schools Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 10:45 a.m. Tuesday, January 25, 2011, adjourned until 11:00 a.m. today.

APPENDIX

RESOLUTIONS ENROLLED

January 19, 2011

SCR 6, SR 24, SR 26, SR 27, SR 28, SR 30, SR 32, SR 33, SR 35, SR 36, SR 37, SR 38

SENT TO GOVERNOR

January 20, 2011

SCR 3

SENT TO SECRETARY OF STATE

January 24, 2011

SCR 6

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTH DAY

(Tuesday, January 25, 2011)

The Senate met at 11:22 a.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend J. Patrick Hazel, Saint David's Episcopal Church, Austin, offered the invocation as follows:

Grant, O God, that Your holy and life-giving spirit may so move every human heart, and especially the hearts of the women and men of this Texas Senate, that barriers which divide them may crumble, suspicions disappear, hatreds cease; that bonds which unite them may blossom, trust reappear, and love abound; so that their divisions being healed, they may live in and work for justice and peace for all citizens of the State of Texas. This we ask in the name of You who are the God of all—*Dios de toda la gente*—Jews, Muslims, Christians, Buddhists, Hindus, and those who do not believe. 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.

PHYSICIAN OF THE DAY

Senator Huffman was recognized and presented Dr. Rosanne Popp of Houston as the Physician of the Day.

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

SENATE RESOLUTION 52

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the members of the Washington's Birthday Celebration Association and the association's president, Susan Foster, on their successful annual planning of the celebration of Washington's Birthday in Laredo; and

WHEREAS, Every year, the citizens of Laredo celebrate the birthday of the Father of Our Country; the Washington's Birthday Celebration Association sponsors the celebration to pay tribute to the memory of George Washington and to his virtues and his patriotism; the 114th celebration will take place from January 20 through February 20, 2011; and

WHEREAS, Since its beginning as a two-day event in 1898, the Washington's Birthday Celebration gradually has evolved into a grand celebration entailing numerous events in the United States and in Mexico; spectators and participants enjoy marching bands and floats, spectacular fireworks displays, food, games, and entertainers from both sides of the border; and

WHEREAS, The yearly celebrations exemplify the spirit and enthusiasm of Laredoans and the pride they take in their city and country; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the members of the Washington's Birthday Celebration Association on their patriotism and their dedication and extend best wishes to them for a joyous 114th birthday celebration; and, be it further

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

SR 52 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Washington's Birthday Celebration Association President Susan Foster, Betty Ann Bunn Moreno, Frank C. Averill, Jr., Rosemary Therese Santos, Alex Jacob Cavazos, Katarina Garcia, Evan A. Valls, Paloma Chapa Mendoza, and Ernesto Knosel Reina.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate citizens of Hewitt: Adam Miles, City Manager; Charlie Turner, Mayor; and Wilbert Wachtendorf, City Councilmember.

The Senate welcomed its guests.

SENATE RESOLUTION 34

Senator Duncan offered the following resolution:

SR 34, Recognizing January 25, 2011, as Lubbock Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Irasema Velasquez, Lubbock Chamber of Commerce Chair; Joe Rapier, former Chamber of Commerce Chair; and Tim Collins, Chamber of Commerce Chair-elect; accompanied by a delegation of citizens from Lubbock.

The Senate welcomed its guests.

SENATE RESOLUTION 60

Senator Gallegos offered the following resolution:

SR 60, Recognizing January 25, 2011, as East End Chamber Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate representatives of the Houston East End Chamber of Commerce: President Frances Castañeda Dyess, Steve Stewart, Bill Johnson, Todd Monette, Johnny Bright, and Diane Schenke.

The Senate welcomed its guests.

SENATE RESOLUTION 72

Senator Lucio offered the following resolution:

SR 72, Recognizing January 25, 2011, as Brownsville Day at the State Capitol.

(Senator Eltife in Chair)

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Pat Ahumada, Mayor of Brownsville; John Reed, Chair, Port of Brownsville; Arturo Farias, Chair, Public Utilities Board; Ernie Hernandez, Cameron County Commissioner; and Rose Gowen, Chair, Community Improvement Corporation of Brownsville.

The Senate welcomed its guests.

(President in Chair)

SENATE RESOLUTION 87

Senator Patrick offered the following resolution:

SR 87, Honoring the efforts of the Boot Campaign and its contributions to United States active duty service members and veterans.

The resolution was read.

On motion of Senator Uresti and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Patrick, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate the "Boot Girls" of the Boot Campaign: Leigh Ann Ranslem, Sherri Reuland, Mariae Bui, and Heather Fordham.

The Senate welcomed its guests.

SENATE RESOLUTION 91

Senator Nichols offered the following resolution:

SR 91, Recognizing January 25, 2011, as Texas Merchandise Vending Association Day at the State Capitol.

NICHOLS
ELTIFE

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Nichols, joined by Senator Eltife, was recognized and introduced to the Senate the Texas Merchandise Vending Association delegation and the President of the association, Patrick Moran.

The Senate welcomed its guests.

SENATE RESOLUTION 29

Senator Harris offered the following resolution:

WHEREAS, Danny F. Vance of Arlington is retiring from the Trinity River Authority of Texas on February 28, 2011, after four decades of outstanding service to the agency; and

WHEREAS, A native Texan, Danny Vance was born in Galveston in 1943, and he was raised alongside his brother, Benny, and his sister, Janis, in Palestine; he graduated from Palestine High School in 1962, and he went on to attend Sam Houston State University, where he earned a bachelor's degree in 1966, served as a graduate assistant, and attained a master's degree in business administration in 1968; he also earned a teaching certificate, and for two years he served in the United States Army as a specialist stationed in Germany; and

WHEREAS, In 1970, Mr. Vance joined the Trinity River Authority as assistant to the manager of the Southern Region, and later that year he relocated to Arlington to serve as an administrative services manager for the agency; he also held the positions of general services manager and of regional manager of the Northern Region; in 1979, at the age of 35, he became general manager of the Trinity River Authority, and at the time he was the youngest manager of a major Texas river authority and only the second general manager in the agency's history; and

WHEREAS, During his tenure, Mr. Vance has overseen the creation of four regional potable water systems and three regional wastewater systems, as well as significant improvements to all nine regional systems, and the Trinity River Authority became the largest river authority in Texas, with major increases to its assets and annual operating budget; and

WHEREAS, Mr. Vance further dedicated his time to various regional water planning groups, and he served as president of the Texas Water Conservation Association; he was recognized by many for his leadership in balancing the need for adequate water supplies for a growing population with the environmental needs of the Trinity Basin and the Trinity Bay and Estuary; and

WHEREAS, In all of his endeavors, Mr. Vance enjoys the love and support of his wife, Janet, whom he married in 1967; the Vances are looking forward to their future retirement; and

WHEREAS, Danny Vance has demonstrated an unwavering commitment to excellence over the course of his career, and he may indeed reflect with great pride on his professional achievements as he prepares to embark on the next exciting chapter of his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby congratulate Danny F. Vance on his retirement from the Trinity River Authority of Texas and extend to him sincere best wishes for continued happiness; and, be it further

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

SR 29 was again read.

The resolution was previously adopted on Monday, January 24, 2011.

GUESTS PRESENTED

Senator Harris was recognized and introduced to the Senate Danny Vance and his wife, Janet; Trinity River Authority of Texas Executive Committee Chairman, Michael Cronin; President of the Board, Linda Timmerman; and Vice-president of the Board, Harold Barnard.

The Senate welcomed its guests.

SENATE RESOLUTION 85

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Fethullah Gülen for his ongoing and inspirational contributions to the promotion of global peace and understanding; and

WHEREAS, A Turkish scholar, author, poet, preacher, and educational activist, Fethullah Gülen has inspired a worldwide social movement that promotes humanistic values and service and is known as the Hizmet Movement or the Gülen Movement; and

WHEREAS, Based on the principle that each human being is of value, regardless of background, faith, or culture, the Gülen Movement offers a multifaceted approach to seeking world peace; it places a strong emphasis on intercultural understanding and the embracing of differences; it values compassionate acts of care and concern; and it promotes the importance of education in laying the groundwork for fostering better relationships between diverse populations; and

WHEREAS, The Gülen Movement emphasizes the core concept that peace is a function of tolerance and dialogue; it offers "Living to let others live" as the foundation of a life of altruistic service and calls on the younger generation to combine intellectual enlightenment with spirituality to make the world a better place; and

WHEREAS, The strength of the universal values promoted by the movement has led to the creation of the Gülen Institute at the University of Houston, which promotes academic research as well as grassroots activity as a means to bring about positive social change; Fethullah Gülen and the movement for social justice he inspired are truly deserving of recognition for their impact on our global society; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend Fethullah Gülen for his dedication to working toward a better world through education, service, tolerance, and the free exchange of ideas and extend to him best wishes for continued success in all his 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.

LUCIO
FRASER
HUFFMAN

NELSON
VAN DE PUTTE

SR 85 was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Congressmen Nurettin Canikli, Hasan Murat Mercan, Emin Nedim Ozturk, Abdullah Caliskan, Murat Yildirim, Mehmet Sahin, and Congresswoman Fatma Sahin, all from the Republic of Turkey.

The Senate welcomed its guests.

SENATE RESOLUTION 55

Senator Watson offered the following resolution:

SR 55, In memory of Joe Limon Avila of Austin.

On motion of Senator Watson, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Joe Limon Avila, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Pauline Avila, widow of Joe Limon Avila, and Regina Estrada, his granddaughter.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 84

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas joins the citizens of South Texas and Texans across the state in honoring the victims of violence along our border with Mexico and paying tribute to the brave men and women who place their lives on the line in an effort to create a safe environment for us all; and

WHEREAS, In a continuing struggle for dominance of lucrative smuggling routes along the border, drug cartels have resorted to ever-escalating violence to achieve their aims, including the use of improvised explosive devices and grenades, piracy, the kidnapping and murder of government officials, and the killing of innocent civilians; and

WHEREAS, Coverage of this violence by Mexican media has been effectively silenced, with more than 20 journalists having been killed in the last four years; and

WHEREAS, This brutality and aggression has begun to have an effect on the United States and its citizens; consular workers and tourists have lost their lives, stray bullets from gunfire have landed on the campuses of The University of Texas at Brownsville and Texas Southmost College and The University of Texas at El Paso, and sporadic gun battles have caused the closure of international bridges; and

WHEREAS, Much progress has been made in the fight against the cartels; various police departments have initiated programs to increase enforcement, and the Texas Department of Public Safety, the game wardens of the Texas Parks and Wildlife Department, county sheriffs, and United States Customs and Border Patrol officers are cooperating to ensure the safety and well-being of border residents; and

WHEREAS, To remember, honor, and support the individuals and families on both sides of the border who are affected by the difficulties of our neighbors to the south, Senator Eddie Lucio has initiated Prayers for Peace, a special day of prayer and spiritual meditation on the need for peace along the border that takes place the second Thursday of each month; and

WHEREAS, Despite the violence and uncertainty, the Rio Grande Valley remains a vibrant, growing region that is proud of its rich history and traditions; it continues to be a leading destination for tourists and seasonal residents, and its citizens stand ready to face the future with confidence; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby honor the victims of the senseless violence being perpetrated along our southern border and pay tribute to the brave men and women who are working tirelessly to end it; and, be it further

RESOLVED, That a copy of this Resolution be prepared as a reflection of the high regard of the Texas Senate for their sacrifice and their courage.

LUCIO	URESTI
HINOJOSA	ZAFFIRINI
RODRIGUEZ	

(Senator Eltife in Chair)

SR 84 was read and was adopted without objection.

MESSAGES FROM THE GOVERNOR

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

January 19, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

A&M UNIVERSITY SYSTEM BOARD OF REGENTS, TEXAS

John David White - Houston

Appointment Date: January 4, 2011

Expiration Date: February 1, 2015

ADMINISTRATIVE LAW JUDGE, CHIEF

Lyn Cathleen Parsley - Austin

Appointment Date: June 11, 2010

Expiration Date: May 15, 2012

AFFORDABLE HOUSING CORPORATION BOARD OF DIRECTORS, TEXAS STATE

Merrideth Jeran Akers - Plano

Appointment Date: September 1, 2009

Expiration Date: February 1, 2011

AGING AND DISABILITY SERVICES COUNCIL

Gary Don Newsom, M.D. - Austin

Appointment Date: July 16, 2009

Expiration Date: February 1, 2013

ALCOHOLIC BEVERAGE COMMISSION, TEXAS

Jose Cuevas, Jr. - Midland

Appointment Date: November 10, 2010

Expiration Date: November 15, 2015

ANGELINA AND NECHES RIVER AUTHORITY BOARD OF DIRECTORS

Dominick B. "Nick" Bruno, II - Jacksonville

Appointment Date: September 17, 2009

Expiration Date: September 5, 2015

Keith Drewery - Nacogdoches

Appointment Date: September 17, 2009

Expiration Date: September 5, 2015

James Edward Hughes, Jr. - Newton

Appointment Date: September 17, 2009

Expiration Date: September 5, 2015

ANIMAL HEALTH COMMISSION, TEXAS

Coleman Hudgins Locke - Wharton

Appointment Date: September 6, 2009

Expiration Date: September 6, 2015

Ralph Simmons - Tenaha

Appointment Date: September 6, 2009

Expiration Date: September 6, 2015

Beauregard Brite White - Rosanky

Appointment Date: September 6, 2009

Expiration Date: September 6, 2015

APPRAISER LICENSING AND CERTIFICATION BOARD, TEXAS

Malachi Obadiah Boyuls - Dallas

Appointment Date: June 30, 2010

Expiration Date: January 31, 2012

Luis Felipe De La Garza, Jr. - Laredo

Appointment Date: September 20, 2010

Expiration Date: January 31, 2012

Laurie Carden Fontana - Houston

Appointment Date: January 6, 2011

Expiration Date: January 31, 2012

Shannon K. McClendon - Dripping Springs

Appointment Date: January 6, 2011

Expiration Date: January 31, 2012

Sheryl R. Swift - Galveston

Appointment Date: June 30, 2010

Expiration Date: January 31, 2011

ARTS, TEXAS COMMISSION ON THE

Rita Esther Baca - El Paso

Appointment Date: September 21, 2010

Expiration Date: August 31, 2011

Dale Wills Brock - Wichita Falls

Appointment Date: March 15, 2010

Expiration Date: August 31, 2013

Linda Ann Hatchel - Woodway

Appointment Date: December 28, 2009

Expiration Date: August 31, 2015

Patty Hayes Huffines - Austin

Appointment Date: December 28, 2009

Expiration Date: August 31, 2015

Liza B. Lewis - San Antonio

Appointment Date: December 28, 2009

Expiration Date: August 31, 2015

Jacoba-Jetske S. "Cobie" Russell - Dallas

Appointment Date: December 28, 2009

Expiration Date: August 31, 2015

Stephanie Shawn Stephens - Houston

Appointment Date: December 28, 2009

Expiration Date: August 31, 2015

ASSISTIVE AND REHABILITATIVE SERVICES COUNCIL

Judy Castle Scott - Dallas

Appointment Date: November 29, 2010

Expiration Date: February 1, 2015

**AUTISM AND PERVASIVE DEVELOPMENTAL DISORDERS, TEXAS
COUNCIL ON**

Callie M. Matthews - Fort Worth

Appointment Date: June 30, 2010

Expiration Date: February 1, 2011

Pamela R. Rollins, Ed.D. - Dallas

Appointment Date: June 30, 2010

Expiration Date: February 1, 2012

Glenn Roque-Jackson - Plano

Appointment Date: June 30, 2010

Expiration Date: February 1, 2012

Stephanie Sokolosky - Lubbock

Appointment Date: June 30, 2010

Expiration Date: February 1, 2012

BRAZOS RIVER AUTHORITY BOARD OF DIRECTORS

Michael "Todd" Brashears, Ed.D. - Wolfforth

Appointment Date: December 3, 2009

Expiration Date: February 1, 2015

William Arthur "Bill" Masterson - Guthrie

Appointment Date: March 15, 2010

Expiration Date: February 1, 2013

Jeffrey Tallas - Sugar Land

Appointment Date: May 27, 2010

Expiration Date: February 1, 2015

**CANCER PREVENTION AND RESEARCH INSTITUTE OF TEXAS
OVERSIGHT COMMITTEE**

Joyce King - Plano

Appointment Date: May 5, 2010

Expiration Date: January 31, 2013

Samuel Philip Wilson - Austin

Appointment Date: March 12, 2010

Expiration Date: January 31, 2015

COASTAL COORDINATION COUNCIL

Bob McCan - Victoria

Appointment Date: June 9, 2009

Expiration Date: May 31, 2011

Jerry A. Mohn - Galveston

Appointment Date: June 9, 2009

Expiration Date: May 31, 2011

COASTAL WATER AUTHORITY BOARD OF DIRECTORS

Alan D. Conner - Dayton

Appointment Date: August 19, 2010

Expiration Date: April 1, 2012

Douglas E. Walker - Beach City

Appointment Date: December 1, 2010

Expiration Date: April 1, 2011

COLORADO RIVER AUTHORITY, LOWER

Jett Jay Johnson - Goldthwaite

Appointment Date: December 17, 2010

Expiration Date: February 1, 2015

COLORADO RIVER AUTHORITY, UPPER

Eva Horton - San Angelo

Appointment Date: June 10, 2010

Expiration Date: February 1, 2015

COUNSELORS, TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL

Sarah Abraham - Sugar Land

Appointment Date: March 17, 2010

Expiration Date: February 1, 2013

CREDIT UNION COMMISSION

Rob Kyker - Richardson

Appointment Date: September 9, 2009

Expiration Date: February 15, 2015

CRIME STOPPERS COUNCIL, TEXAS

Katherine Cabaniss - Houston

Appointment Date: September 21, 2009

Expiration Date: September 1, 2013

William R. McDaniel - Montgomery

Appointment Date: September 21, 2009

Expiration Date: September 1, 2013

DEAF, GOVERNING BOARD OF THE TEXAS SCHOOL FOR THE

Tyran Paul Lee - Humble

Appointment Date: November 23, 2010

Expiration Date: January 31, 2013

DENTAL EXAMINERS, STATE BOARD OF

James Wesley Chancellor, D.D.S. - Garden Ridge

Appointment Date: August 28, 2009

Expiration Date: February 1, 2015

DIETITIANS, TEXAS STATE BOARD OF EXAMINERS OF

Christina Stirling - Brownsville

Appointment Date: September 17, 2009

Expiration Date: September 1, 2015

Elizabeth J. Tindall - Odessa

Appointment Date: September 17, 2009

Expiration Date: September 1, 2015

Mary Kate "Suzy" Weems, Ph.D. - Waco

Appointment Date: September 17, 2009

Expiration Date: September 1, 2015

ECONOMIC DEVELOPMENT CORPORATION, TEXAS

David Gregorio Cabrales - Dallas

Appointment Date: December 29, 2009

Expiration Date:

Marc Angelle Farmer - Lubbock

Appointment Date: December 1, 2010

Expiration Date:

Mario Omar Garcia - La Vernia

Appointment Date: December 8, 2010

Expiration Date:

Macedonio "Massey" Villarreal - Sugar Land

Appointment Date: January 10, 2011

Expiration Date:

EDUCATION COORDINATING BOARD, TEXAS HIGHER

Durga D. Agrawal, Ph.D. - Houston

Appointment Date: August 31, 2009

Expiration Date: August 31, 2015

Dennis D. Golden, O.D. - Carthage

Appointment Date: August 31, 2009

Expiration Date: August 31, 2015

Harold W. Hahn - El Paso

Appointment Date: August 9, 2010

Expiration Date: August 31, 2013

Wallace L. Hall, Jr. - Dallas

Appointment Date: August 31, 2009

Expiration Date: August 31, 2015

EDUCATION, TEXAS STATE BOARD OF, CHAIR

Gail Lowe - Lampasas

Appointment Date: July 10, 2009

Expiration Date: February 1, 2011

EDUCATOR CERTIFICATION, STATE BOARD FOR

Laurie Bricker - Houston

Appointment Date: December 28, 2009

Expiration Date: February 1, 2013

Leonard Curtis Culwell, Ed.D. - Garland

Appointment Date: March 15, 2010

Expiration Date: February 1, 2011

EMERGENCY COMMUNICATIONS, COMMISSION ON STATE

William H. "Bill" Buchholtz - San Antonio

Appointment Date: November 23, 2010

Expiration Date: September 1, 2015

Mitchell F. Fuller, II - Cedar Park

Appointment Date: December 21, 2010

Expiration Date: September 1, 2015

EMERGENCY SERVICES RETIREMENT SYSTEM, TEXAS

Graciela G. Flores - Corpus Christi

Appointment Date: May 13, 2010

Expiration Date: September 1, 2015

Virginia Kathleen Moore - Lake Jackson

Appointment Date: May 13, 2010

Expiration Date: September 1, 2015

Dennis Ray Rice - Canyon

Appointment Date: May 13, 2010

Expiration Date: September 1, 2015

Stephen K. Williams - Carthage

Appointment Date: November 12, 2010

Expiration Date: September 1, 2011

ENGINEERS, TEXAS BOARD OF PROFESSIONAL

Cary A. Baker - Amarillo

Appointment Date: January 7, 2011

Expiration Date: September 26, 2015

Lamberto J. "Bobby" Balli - Houston

Appointment Date: January 7, 2011

Expiration Date: September 26, 2015

James Alan "Jim" Greer - Keller

Appointment Date: January 7, 2011

Expiration Date: September 26, 2015

ENVIRONMENTAL QUALITY, TEXAS COMMISSION ON

Carlos Rubinstein - Austin

Appointment Date: August 31, 2009

Expiration Date: August 31, 2015

EVERGREEN UNDERGROUND WATER CONSERVATION DISTRICT

Jason Byron Peeler - Floresville

Appointment Date: June 3, 2010

Expiration Date: February 1, 2013

FINANCE COMMISSION OF TEXAS

David Jesus Cibrian - San Antonio

Appointment Date: July 31, 2009

Expiration Date: February 1, 2012

Cynthia F. Lyons - El Paso

Appointment Date: April 20, 2010

Expiration Date: February 1, 2016

Jonathan B. Newton - Houston

Appointment Date: April 20, 2010

Expiration Date: February 1, 2016

Hilliard "Jay" Shands, III - Lufkin

Appointment Date: September 20, 2010

Expiration Date: February 1, 2012

William James White - Georgetown

Appointment Date: April 20, 2010

Expiration Date: February 1, 2016

FIRE FIGHTERS' PENSION COMMISSIONER

Sherri Barr Walker - Pflugerville

Appointment Date: November 15, 2010

Expiration Date: July 1, 2011

FIRE PROTECTION, TEXAS COMMISSION ON

Louis "Tony" Cortes - San Antonio

Appointment Date: May 27, 2010

Expiration Date: February 1, 2015

John Tilden McMakin - LaRue

Appointment Date: January 10, 2011

Expiration Date: February 1, 2013

Leonardo L. Perez - Brownsville

Appointment Date: September 24, 2010

Expiration Date: February 1, 2013

FORENSIC SCIENCE COMMISSION, TEXAS

John Martin Bradley - Georgetown

Appointment Date: September 29, 2009

Expiration Date: September 1, 2011

Lance T. Evans - Fort Worth

Appointment Date: October 9, 2009

Expiration Date: September 1, 2011

Norma Jean Farley, M.D. - Harlingen
Appointment Date: September 29, 2009
Expiration Date: September 1, 2011

Nizam Peerwani, M.D. - Fort Worth
Appointment Date: December 14, 2009
Expiration Date: September 1, 2011

GALVESTON COUNTY PORTS, BOARD OF PILOT COMMISSIONERS FOR
Henry Stephen Porretto - Galveston
Appointment Date: March 18, 2010
Expiration Date: February 1, 2014

GEOSCIENTISTS, TEXAS BOARD OF PROFESSIONAL
Justin McNamee - Rowlett
Appointment Date: March 11, 2010
Expiration Date: February 1, 2015

GUARANTEED STUDENT LOAN CORPORATION, TEXAS
Steven Vaughn Tays - San Antonio
Appointment Date: August 19, 2010
Expiration Date: January 31, 2011

GULF COAST WASTE DISPOSAL AUTHORITY BOARD OF DIRECTORS
Zoe Milian Barinaga - Houston
Appointment Date: August 31, 2009
Expiration Date: August 31, 2011

Randy Jarrell - Galveston
Appointment Date: September 20, 2010
Expiration Date: August 31, 2012

Lamont Edward Meaux - Stowell
Appointment Date: September 20, 2010
Expiration Date: August 31, 2012

HEALTH AND HUMAN SERVICES, EXECUTIVE COMMISSIONER OF
Thomas M. Suehs - Austin
Appointment Date: September 1, 2009
Expiration Date: February 1, 2011

HEALTH COORDINATING COUNCIL, STATEWIDE
James Alexander, Ph.D. - Caldwell
Appointment Date: August 27, 2010
Expiration Date: August 1, 2013

Richard Lynn Beard - Mesquite
Appointment Date: August 27, 2010
Expiration Date: August 1, 2015

Fred Sinclair Brinkley, Jr. - Austin
Appointment Date: August 27, 2010
Expiration Date: August 1, 2015

Janet Buckley Claborn - Muleshoe
Appointment Date: August 27, 2010
Expiration Date: August 1, 2011

Brenda Dever-Armstrong - San Antonio
Appointment Date: August 27, 2010
Expiration Date: August 1, 2015

Steven N. Nguyen, O.D. - Irving
Appointment Date: August 27, 2010
Expiration Date: August 1, 2011

Roger Michael Ragain, M.D. - Lubbock
Appointment Date: August 27, 2010
Expiration Date: August 1, 2015

HEALTH SERVICES AUTHORITY CORPORATION, TEXAS

David C. Fleeger, M.D. - Austin
Appointment Date: June 11, 2010
Expiration Date: June 15, 2011

Edward W. Marx - Colleyville
Appointment Date: June 11, 2010
Expiration Date: June 15, 2011

Kathleen K. Mechler - Fredericksburg
Appointment Date: June 11, 2010
Expiration Date: June 15, 2011

Judith Day Powell - The Woodlands
Appointment Date: June 11, 2010
Expiration Date: June 15, 2011

J. Darren Rodgers - Dallas
Appointment Date: June 11, 2010
Expiration Date: June 15, 2011

Stephen Yurco, M.D. - Austin
Appointment Date: June 11, 2010
Expiration Date: June 15, 2011

HEARING INSTRUMENTS, STATE COMMITTEE OF EXAMINERS IN THE FITTING AND DISPENSING OF

Carla Sue Hoffman - Corpus Christi
Appointment Date: January 20, 2010
Expiration Date: December 31, 2015

James Paul Jay - Temple
Appointment Date: January 20, 2010
Expiration Date: December 31, 2015

Cindy M. Steinbart - Round Rock
Appointment Date: January 20, 2010
Expiration Date: December 31, 2015

HOUSING AND COMMUNITY AFFAIRS, TEXAS DEPARTMENT OF

Lowell Adams Keig - Austin

Appointment Date: August 26, 2009

Expiration Date: January 31, 2013

INDIGENT DEFENSE, TASK FORCE ON

Jon H. Burrows - Temple

Appointment Date: July 29, 2010

Expiration Date: February 1, 2012

Knox Fitzpatrick - Dallas

Appointment Date: July 29, 2010

Expiration Date: February 1, 2012

Benny Glen Whitley - Hurst

Appointment Date: July 29, 2010

Expiration Date: February 1, 2012

INDUSTRIALIZED BUILDING CODE COUNCIL, TEXAS

Roland Lee Brown - Midlothian

Appointment Date: September 20, 2010

Expiration Date: February 1, 2011

Joe D. Campos - Dallas

Appointment Date: September 20, 2010

Expiration Date: February 1, 2012

Randall Reddin Childers - Hewitt

Appointment Date: September 20, 2010

Expiration Date: February 1, 2012

Amy Dempsey - Austin

Appointment Date: September 20, 2010

Expiration Date: February 1, 2012

Martin J. Garza - San Antonio

Appointment Date: September 20, 2010

Expiration Date: February 1, 2012

Mark Remmert - Liberty Hill

Appointment Date: September 20, 2010

Expiration Date: February 1, 2012

Jesse Rider - Tyler

Appointment Date: September 20, 2010

Expiration Date: February 1, 2012

INFORMATION RESOURCES, DEPARTMENT OF

Richard S. Moore - Goliad

Appointment Date: August 28, 2009

Expiration Date: February 1, 2015

JEFFERSON AND ORANGE COUNTY BOARD OF PILOT COMMISSIONERS

Martin E. Broussard - Beaumont
Appointment Date: December 10, 2010
Expiration Date: August 22, 2012

George W. Brown, III - Beaumont
Appointment Date: October 16, 2009
Expiration Date: August 22, 2011

Russell S. Covington - Orange
Appointment Date: October 16, 2009
Expiration Date: August 22, 2011

Travis Todd Miller, D.D.S. - Orange
Appointment Date: December 10, 2010
Expiration Date: August 22, 2012

William F. Scott - Nederland
Appointment Date: October 16, 2009
Expiration Date: August 22, 2011

JUDGE, 243RD JUDICIAL DISTRICT, EL PASO COUNTY

Bill D. Hicks, Jr. - El Paso
Appointment Date: January 4, 2011
Expiration Date:

JUDGE, 378TH JUDICIAL DISTRICT, ELLIS COUNTY

Joe F. Grubbs - Waxahachie
Appointment Date: January 1, 2011
Expiration Date:

JUDGE, 438TH JUDICIAL DISTRICT, BEXAR COUNTY

Victor H. Negrón, Jr. - San Antonio
Appointment Date: September 1, 2010
Expiration Date:

JUDGE, 439TH JUDICIAL DISTRICT, ROCKWALL COUNTY

David E. Rakow - Rockwall
Appointment Date: November 2, 2010
Expiration Date:

JUDGE, 96TH JUDICIAL DISTRICT, TARRANT COUNTY

Reuben "R. H." Wallace, Jr. - Keller
Appointment Date: November 12, 2010
Expiration Date:

JUDICIAL CONDUCT, STATE COMMISSION ON

Martha Morales Hernandez - Diboll
Appointment Date: July 13, 2010
Expiration Date: November 19, 2015

Diane DeLaTorre Threadgill - Midlothian

Appointment Date: July 13, 2010

Expiration Date: November 19, 2015

JUDICIAL COUNCIL, TEXAS

Richard Battle - Lakeway

Appointment Date: September 17, 2009

Expiration Date: June 30, 2015

Henry Nuss - Corpus Christi

Appointment Date: September 17, 2009

Expiration Date: June 30, 2015

JUSTICE, 1ST COURT OF APPEALS, HARRIS COUNTY

Harvey G. Brown, Jr. - Houston

Appointment Date: November 10, 2010

Expiration Date:

JUSTICE, 3RD COURT OF APPEALS, AUSTIN

Jeffrey Lee "Jeff" Rose - Austin

Appointment Date: November 12, 2010

Expiration Date:

JUVENILE PROBATION COMMISSION, TEXAS

William Player Conley - Wimberley

Appointment Date: September 23, 2009

Expiration Date: August 31, 2015

Migdalia Lopez - Harlingen

Appointment Date: September 23, 2009

Expiration Date: August 31, 2015

Scott O'Grady - McKinney

Appointment Date: September 23, 2009

Expiration Date: August 31, 2015

LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION,
COMMISSION ON

James Neil Oakley - Spicewood

Appointment Date: March 11, 2010

Expiration Date: August 30, 2011

J.B. Pennington - Jersey Village

Appointment Date: September 21, 2009

Expiration Date: August 30, 2015

Ruben Villescás - Pharr

Appointment Date: September 21, 2009

Expiration Date: August 30, 2015

John Randall "Randy" Watson - Burleson

Appointment Date: December 2, 2010

Expiration Date: August 30, 2015

LEASE OF TEXAS DEPARTMENT OF CRIMINAL JUSTICE LANDS, BOARD
FOR

Wesley D. Lloyd - Waco

Appointment Date: September 1, 2009

Expiration Date: September 1, 2011

LEASE OF TEXAS PARKS AND WILDLIFE LANDS, BOARD FOR

Wesley D. Lloyd - Waco

Appointment Date: September 1, 2009

Expiration Date: September 1, 2011

LIBRARY AND ARCHIVES COMMISSION, TEXAS STATE

Martha D. Freeman - West Lake Hills

Appointment Date: September 28, 2009

Expiration Date: September 28, 2015

Larry G. Holt - College Station

Appointment Date: September 28, 2009

Expiration Date: September 28, 2015

Sandra Pickett - Liberty

Appointment Date: September 28, 2009

Expiration Date: September 28, 2015

LOTTERY COMMISSION, TEXAS

Winston Krause - Austin

Appointment Date: August 27, 2010

Expiration Date: February 1, 2013

MIDWESTERN STATE UNIVERSITY BOARD OF REGENTS

Michael Bernhardt - Wichita Falls

Appointment Date: March 17, 2010

Expiration Date: February 25, 2016

Kenneth "Kenny" Bryant - Wichita Falls

Appointment Date: March 17, 2010

Expiration Date: February 25, 2016

Tiffany Dawn Burks - Grand Prairie

Appointment Date: March 17, 2010

Expiration Date: February 25, 2016

Samuel Molinar "Sam" Sanchez - Fort Worth

Appointment Date: March 17, 2010

Expiration Date: February 25, 2012

MILITARY PREPAREDNESS COMMISSION, TEXAS

Ernest "Ernie" Aliseda - McAllen

Appointment Date: August 13, 2010

Expiration Date: February 1, 2015

Arthur R. Emerson - San Antonio
Appointment Date: October 20, 2009
Expiration Date: February 1, 2011

William H. Parry, III - Belton
Appointment Date: November 23, 2010
Expiration Date: February 1, 2013

Alton Fredrick Thomas, Jr. - El Paso
Appointment Date: September 23, 2009
Expiration Date: February 1, 2011

MOTOR VEHICLES BOARD, TEXAS DEPARTMENT OF

Clifford Ernest Butler - Mount Pleasant
Appointment Date: September 28, 2009
Expiration Date: February 1, 2013

James Robert "Jim" Campbell, Jr. - Sachse
Appointment Date: September 28, 2009
Expiration Date: February 1, 2011

Ramsay H. Gillman - Houston
Appointment Date: September 28, 2009
Expiration Date: February 1, 2013

Cheryl E. Johnson - Friendswood
Appointment Date: September 28, 2009
Expiration Date: February 1, 2013

Victor Rodriguez - McAllen
Appointment Date: September 28, 2009
Expiration Date: February 1, 2015

William Marvin Rush - Seguin
Appointment Date: September 28, 2009
Expiration Date: February 1, 2011

Laura Ryan Heizer - Cypress
Appointment Date: July 30, 2010
Expiration Date: February 1, 2015

Victor Thomas Vandergriff - Arlington
Appointment Date: September 1, 2009
Expiration Date: February 1, 2015

John Henry Walker, III - Houston
Appointment Date: September 28, 2009
Expiration Date: February 1, 2011

MUNICIPAL RETIREMENT SYSTEM, TEXAS

Julie Oakley - Spicewood
Appointment Date: July 22, 2010
Expiration Date: February 1, 2013

MUTUAL INSURANCE COMPANY BOARD OF DIRECTORS, TEXAS

Linda S. Foster-Smith - Georgetown

Appointment Date: October 16, 2009

Expiration Date: July 1, 2015

NECHES VALLEY AUTHORITY BOARD OF DIRECTORS, LOWER

Mary "Sue" Cleveland - Lumberton

Appointment Date: August 6, 2009

Expiration Date: July 28, 2015

Jimmie Ruth Cooley - Woodville

Appointment Date: August 6, 2009

Expiration Date: July 28, 2015

Kathleen Thea Jackson - Beaumont

Appointment Date: August 6, 2009

Expiration Date: July 28, 2015

NORTH TEXAS TOLLWAY AUTHORITY BOARD OF DIRECTORS

Robert Kelly Shepard - Weatherford

Appointment Date: September 23, 2009

Expiration Date: August 31, 2011

NUECES RIVER AUTHORITY BOARD OF DIRECTORS

Tomas Ramirez, III - Moore

Appointment Date: June 3, 2010

Expiration Date: February 1, 2015

Stephen Hamilton Thomas - Portland

Appointment Date: November 23, 2010

Expiration Date: February 1, 2015

OCCUPATIONAL THERAPY EXAMINERS, TEXAS BOARD OF

DeLana Kaye Honaker, Ph.D. - Amarillo

Appointment Date: July 12, 2010

Expiration Date: February 1, 2011

OMBUDSMAN FOR STATE SUPPORTED LIVING CENTERS, INDEPENDENT

George P. Bithos, D.D.S., Ph.D. - Austin

Appointment Date: February 11, 2010

Expiration Date: June 11, 2011

ONE CALL BOARD

Dean D. Bernal - Austin

Appointment Date: March 18, 2010

Expiration Date: August 31, 2012

Joseph F. Berry - Pearland

Appointment Date: September 24, 2010

Expiration Date: August 31, 2013

Barry Calhoun - Richardson

Appointment Date: September 24, 2010

Expiration Date: August 31, 2013

Julio Cerda - Mission

Appointment Date: March 18, 2010

Expiration Date: August 31, 2012

Judith H. Devenport - Midland

Appointment Date: September 24, 2010

Expiration Date: August 31, 2013

Jason Hartgraves - Frisco

Appointment Date: March 18, 2010

Expiration Date: August 31, 2012

John Linton - McAllen

Appointment Date: September 24, 2010

Expiration Date: August 31, 2013

Janie Lou Walenta - Quitman

Appointment Date: March 18, 2010

Expiration Date: August 31, 2012

ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL

Scott Ralph Adams - Fort Davis

Appointment Date: September 15, 2010

Expiration Date: September 1, 2012

Elaine Anne Boatright - Smithville

Appointment Date: October 23, 2009

Expiration Date: September 1, 2011

Brian J. Christian - Round Rock

Appointment Date: September 15, 2010

Expiration Date: September 1, 2012

Jaime Ariel Garza - Harlingen

Appointment Date: June 10, 2010

Expiration Date: September 1, 2011

Richard Dwain Gerard - Livingston

Appointment Date: September 15, 2010

Expiration Date: September 1, 2012

Sockalingam "Sam" Kannappan - Houston

Appointment Date: October 23, 2009

Expiration Date: September 1, 2011

Janet Dee Meyers - Aubrey

Appointment Date: September 15, 2010

Expiration Date: September 1, 2012

Brian L. Padden - Austin

Appointment Date: October 23, 2009

Expiration Date: September 1, 2011

Carl Russell, Jr. - Lubbock

Appointment Date: October 23, 2009

Expiration Date: September 1, 2011

William F. "Dubb" Smith, III - Dripping Springs

Appointment Date: October 23, 2009

Expiration Date: September 1, 2011

Ronald J. Suchecki, Jr. - China Spring

Appointment Date: September 15, 2010

Expiration Date: September 1, 2012

PARDONS AND PAROLES, BOARD OF

David Gutierrez - Lubbock

Appointment Date: September 14, 2009

Expiration Date: February 1, 2015

PARKS AND WILDLIFE COMMISSION

Dan Allen Hughes, Jr. - Beeville

Appointment Date: June 4, 2009

Expiration Date: February 1, 2015

PHARMACY, TEXAS STATE BOARD OF

Wilson Benjamin "Ben" Fry - San Benito

Appointment Date: January 6, 2010

Expiration Date: August 31, 2015

Joyce Tipton - Houston

Appointment Date: January 6, 2010

Expiration Date: August 31, 2015

Charles F. Wetherbee - Boerne

Appointment Date: January 6, 2010

Expiration Date: August 31, 2015

PHYSICAL THERAPY EXAMINERS, TEXAS BOARD OF

Kathleen Ann Luedtke-Hoffmann, Ph.D. - Garland

Appointment Date: June 3, 2010

Expiration Date: January 31, 2011

PHYSICIAN ASSISTANT BOARD, TEXAS

Margaret Bentley - DeSoto

Appointment Date: March 11, 2010

Expiration Date: February 1, 2015

PLUMBING EXAMINERS, TEXAS STATE BOARD OF

Tammy Betancourt - Houston

Appointment Date: November 2, 2010

Expiration Date: September 5, 2015

Carlos DeHoyos - Gladewater

Appointment Date: November 2, 2010

Expiration Date: September 5, 2015

Richard Allen "Rick" Lord - Pasadena

Appointment Date: November 2, 2010

Expiration Date: September 5, 2015

PODIATRIC MEDICAL EXAMINERS, TEXAS STATE BOARD OF

Charles Jason Hubbard, D.P.M. - Austin

Appointment Date: September 17, 2009

Expiration Date: July 10, 2015

Harold Ashley Ledger, D.P.M. - Nolanville

Appointment Date: September 17, 2009

Expiration Date: July 10, 2015

Morgan Talbot - McAllen

Appointment Date: September 17, 2009

Expiration Date: July 10, 2015

PRESIDING JUDGE, EIGHTH ADMINISTRATIVE JUDICIAL REGION

Roger Jeffrey Walker - Fort Worth

Appointment Date: February 12, 2010

Expiration Date: February 25, 2014

PRESIDING JUDGE, FIFTH ADMINISTRATIVE JUDICIAL REGION

J. Rolando Olvera, Jr. - Brownsville

Appointment Date: January 4, 2011

Expiration Date: January 3, 2015

PRESIDING JUDGE, SEVENTH ADMINISTRATIVE JUDICIAL REGION

Morton "Dean" Rucker, II - Midland

Appointment Date: September 20, 2010

Expiration Date: October 4, 2014

PRESIDING JUDGE, THIRD ADMINISTRATIVE JUDICIAL REGION

Billy Ray Stubblefield - Georgetown

Appointment Date: February 4, 2010

Expiration Date: February 11, 2014

PSYCHOLOGISTS, TEXAS STATE BOARD OF EXAMINERS OF

Jeffrey Baker, Ph.D. - League City

Appointment Date: December 17, 2010

Expiration Date: October 31, 2015

Carlos Chacon - El Paso

Appointment Date: March 24, 2010

Expiration Date: October 31, 2015

Leslie Dee Rosenstein, Ph.D. - Austin

Appointment Date: March 24, 2010

Expiration Date: October 31, 2015

PUBLIC SAFETY COMMISSION

A. Cynthia "Cindy" Leon - Mission

Appointment Date: January 10, 2011

Expiration Date: January 1, 2016

Allan B. Polunsky - San Antonio

Appointment Date: December 31, 2009

Expiration Date: December 31, 2015

PUBLIC UTILITY COMMISSION OF TEXAS

Donna Nelson - Austin

Appointment Date: September 23, 2009

Expiration Date: September 1, 2015

PUBLIC UTILITY COUNSEL, OFFICE OF

Sheri Sanders Givens - Round Rock

Appointment Date: December 21, 2009

Expiration Date: February 1, 2011

RACING COMMISSION, TEXAS

Alan Scott Haywood - Austin

Appointment Date: November 24, 2009

Expiration Date: February 1, 2015

Michael Floyd Martin, D.V.M. - San Antonio

Appointment Date: November 3, 2010

Expiration Date: February 1, 2015

REAL ESTATE RESEARCH ADVISORY COMMITTEE

Kimberly Shambley - Dallas

Appointment Date: April 30, 2010

Expiration Date: January 31, 2015

RED RIVER AUTHORITY OF TEXAS BOARD OF DIRECTORS

Jerry B. Daniel - Truscott

Appointment Date: August 11, 2009

Expiration Date: August 11, 2015

George Wilson Scaling, II - Henrietta

Appointment Date: August 11, 2009

Expiration Date: August 11, 2015

Cliff A. Skiles, Jr., D.V.M. - Hereford

Appointment Date: August 11, 2009

Expiration Date: August 11, 2015

REGIONAL MOBILITY AUTHORITY, CAMERON COUNTY

David Allex - Harlingen

Appointment Date: March 26, 2010

Expiration Date: February 1, 2012

REGIONAL MOBILITY AUTHORITY, CAMINO REAL

Scott A. McLaughlin - El Paso

Appointment Date: August 11, 2010

Expiration Date: February 1, 2011

REGIONAL MOBILITY AUTHORITY, GRAYSON COUNTY

Will Rich Hubbard, Jr. - Tioga

Appointment Date: April 30, 2010

Expiration Date: February 1, 2012

REGIONAL MOBILITY AUTHORITY, HIDALGO COUNTY

Dennis Burleson - Mission

Appointment Date: March 26, 2010

Expiration Date: February 1, 2012

REGIONAL MOBILITY AUTHORITY, NORTH EAST TEXAS

Jeff Austin, III - Tyler

Appointment Date: March 23, 2010

Expiration Date: February 1, 2012

RETIREMENT SYSTEM, TEXAS COUNTY AND DISTRICT

Jerry V. Bigham - Canyon

Appointment Date: May 13, 2010

Expiration Date: December 31, 2015

Daniel R. Haggerty - El Paso

Appointment Date: May 13, 2010

Expiration Date: December 31, 2015

Jan Kennady - New Braunfels

Appointment Date: May 13, 2010

Expiration Date: December 31, 2015

Dorye Kristeen Roe - Bryan

Appointment Date: November 30, 2009

Expiration Date: December 31, 2011

RISK MANAGEMENT BOARD

Stephanie E. Simmons, Ph.D. - Missouri City

Appointment Date: January 6, 2011

Expiration Date: February 1, 2015

John Wesley Youngblood - Cameron

Appointment Date: December 21, 2010

Expiration Date: February 1, 2013

RURAL AFFAIRS, TEXAS DEPARTMENT OF

Bryan Keith Tucker - Childress

Appointment Date: March 11, 2010

Expiration Date: February 1, 2011

SABINE RIVER AUTHORITY BOARD OF DIRECTORS

Cary McClure "Mac" Abney - Marshall

Appointment Date: August 6, 2009

Expiration Date: July 6, 2015

Connie Wade - Longview

Appointment Date: August 6, 2009

Expiration Date: July 6, 2015

Constance M. "Connie" Ware - Marshall

Appointment Date: August 6, 2009

Expiration Date: July 6, 2015

SABINE RIVER COMPACT ADMINISTRATION

Jerry F. Gipson - Longview

Appointment Date: July 13, 2010

Expiration Date: July 12, 2016

SCHOOL LAND BOARD

Thomas "Tommy" Orr - Houston

Appointment Date: September 23, 2009

Expiration Date: August 29, 2011

SCHOOL SAFETY CENTER BOARD, TEXAS

Dewey "Mike" Cox - Driftwood

Appointment Date: March 19, 2010

Expiration Date: February 1, 2012

Garry Edward Eoff - Brownwood

Appointment Date: March 19, 2010

Expiration Date: February 1, 2012

Daniel Riley Griffith, II - Pflugerville

Appointment Date: March 19, 2010

Expiration Date: February 1, 2012

Stephen Raley - Lufkin

Appointment Date: March 19, 2010

Expiration Date: February 1, 2012

Dawn DuBose Randle - Houston

Appointment Date: March 19, 2010

Expiration Date: February 1, 2012

SOCIAL WORKER EXAMINERS, TEXAS STATE BOARD OF

Nancy Ann Pearson - Burton

Appointment Date: April 27, 2010

Expiration Date: February 1, 2011

SOIL AND WATER CONSERVATION BOARD, STATE

Larry D. Jacobs - Montgomery

Appointment Date: March 11, 2010

Expiration Date: February 1, 2012

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, STATE BOARD OF EXAMINERS FOR

Kimberly M. Carlisle - Plano

Appointment Date: January 12, 2010

Expiration Date: August 31, 2015

Kerry Ormson, Ed.D. - Amarillo

Appointment Date: January 12, 2010

Expiration Date: August 31, 2015

Christopher J. Rourk - Dallas

Appointment Date: January 12, 2010

Expiration Date: August 31, 2015

STATE EMPLOYEE CHARITABLE CAMPAIGN POLICY COMMITTEE

Peter Paul Flores - Austin

Appointment Date: June 14, 2010

Expiration Date: January 1, 2012

Louri Marie O'Leary - Austin

Appointment Date: June 14, 2010

Expiration Date: January 1, 2012

Jason Kevin Patteson - Austin

Appointment Date: June 14, 2010

Expiration Date: January 1, 2012

Carol Frost Treadway - Austin

Appointment Date: June 14, 2010

Expiration Date: January 1, 2012

SULPHUR RIVER BASIN AUTHORITY BOARD OF DIRECTORS

Borden E. Bell, Jr. - Texarkana

Appointment Date: September 1, 2009

Expiration Date: February 1, 2015

David Neeley - Mount Pleasant

Appointment Date: September 1, 2009

Expiration Date: February 1, 2015

Michael Edward Russell - Clarksville

Appointment Date: November 2, 2010

Expiration Date: February 1, 2011

TEACHER RETIREMENT SYSTEM OF TEXAS BOARD OF TRUSTEES

Todd F. Barth - Houston

Appointment Date: October 16, 2009

Expiration Date: August 31, 2015

Christopher S. Moss - Lufkin
Appointment Date: March 15, 2010
Expiration Date: August 31, 2015

F. Nanette Sissney - Whitesboro
Appointment Date: October 16, 2009
Expiration Date: August 31, 2015

TEXAS STATE TECHNICAL COLLEGE SYSTEM BOARD OF REGENTS

Penny Forrest - Waco
Appointment Date: September 9, 2009
Expiration Date: August 31, 2015

James Virgil "J. V." Martin - Sweetwater
Appointment Date: September 9, 2009
Expiration Date: August 31, 2015

Linda McKenna - Harlingen
Appointment Date: September 9, 2009
Expiration Date: August 31, 2015

TEXAS TECH UNIVERSITY SYSTEM BOARD OF REGENTS

Debra Montford - San Antonio
Appointment Date: November 12, 2010
Expiration Date: January 31, 2011

TEXAS WOMAN'S UNIVERSITY BOARD OF REGENTS

Mary Wilson - Austin
Appointment Date: September 9, 2009
Expiration Date: February 1, 2011

TRINITY RIVER AUTHORITY BOARD OF DIRECTORS

William W. "Bill" Collins, Jr. - Fort Worth
Appointment Date: December 14, 2009
Expiration Date: March 15, 2015

UNIVERSITY OF HOUSTON SYSTEM BOARD OF REGENTS

Nandita V. Berry - Houston
Appointment Date: August 31, 2009
Expiration Date: August 31, 2015

Tilman Fertitta - Houston
Appointment Date: August 31, 2009
Expiration Date: August 31, 2015

Jarvis Vincent Hollingsworth - Sugar Land
Appointment Date: August 31, 2009
Expiration Date: August 31, 2015

UNIVERSITY OF NORTH TEXAS SYSTEM BOARD OF REGENTS

Michael R. Bradford - Midland
Appointment Date: July 31, 2009
Expiration Date: May 22, 2015

Steve Mitchell - Richardson
Appointment Date: July 31, 2009
Expiration Date: May 22, 2015

George B. "Brint" Ryan - Dallas
Appointment Date: August 24, 2009
Expiration Date: May 22, 2015

UNIVERSITY OF TEXAS SYSTEM BOARD OF REGENTS

Robert Steven "Steve" Hicks - Austin
Appointment Date: July 2, 2010
Expiration Date: February 1, 2015

Brenda Pejovich - Dallas
Appointment Date: July 2, 2010
Expiration Date: February 1, 2011

VETERANS COMMISSION, TEXAS

Richard A. McLeon, IV - Victoria
Appointment Date: November 10, 2010
Expiration Date: December 31, 2011

James Henry Scott - San Antonio
Appointment Date: November 10, 2010
Expiration Date: December 31, 2015

VETERINARY MEDICAL EXAMINERS, STATE BOARD OF

Bud E. Alldredge, D.V.M. - Sweetwater
Appointment Date: September 23, 2009
Expiration Date: August 26, 2015

John Todd Henry, D.V.M. - Wimberley
Appointment Date: August 9, 2010
Expiration Date: August 26, 2015

Paul Martinez - Sonora
Appointment Date: September 23, 2009
Expiration Date: August 26, 2015

YOUTH COMMISSION INDEPENDENT OMBUDSMAN, TEXAS

Debbie Kay Unruh - Austin
Appointment Date: November 1, 2010
Expiration Date: February 1, 2011

YOUTH COMMISSION, TEXAS

Joseph D. Brown - Sherman
Appointment Date: September 1, 2009
Expiration Date: September 1, 2011

Larry Carroll - Midland
Appointment Date: September 1, 2009
Expiration Date: September 1, 2011

Scott W. Fisher - Bedford

Appointment Date: September 1, 2009

Expiration Date: September 1, 2011

Manson B. Johnson - Houston

Appointment Date: September 1, 2009

Expiration Date: September 1, 2011

J. Rolando Olvera, Jr. - Brownsville

Appointment Date: September 1, 2009

Expiration Date: September 1, 2011

Toni Sykora - San Antonio

Appointment Date: March 10, 2010

Expiration Date: September 1, 2011

David D. Teuscher, M.D. - Beaumont

Appointment Date: September 1, 2009

Expiration Date: September 1, 2011

Respectfully submitted,

/s/Rick Perry

Governor

January 21, 2011

Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be Judge of the 43rd Judicial District Court, Parker County, for a term until the next General Election and until his successor shall be duly elected and qualified:

Trey Edward Loftin

Aledo, Texas

Mr. Loftin is replacing Judge Don Chrestman who resigned.

To be Judge of the 431st Judicial District Court, Denton County, pursuant to HB 4833, 81st Legislature, Regular Session, for a term until the next General Election and until his successor shall be duly elected and qualified:

Jonathan M. Bailey

Highland Village, Texas

Respectfully submitted,

/s/Rick Perry

Governor

MESSAGES FROM THE SUPREME COURT OF TEXAS

The following Messages from the Supreme Court of Texas were read and were referred to the Committee on Nominations:

The Supreme Court of Texas
July 2, 2009

The Honorable David Dewhurst
Lieutenant Governor of Texas
Capitol Station
P. O. Box 12068
Austin, Texas 78711

Dear Lieutenant Governor Dewhurst:

Since adjournment of the 81st Texas Legislature, the Supreme Court of Texas has made the following appointments to the State Bar of Texas Board of Directors which require the advice and consent of the Senate:

Annette Raggette, Austin, Texas
Timothy D. Belton, Bellaire, Texas

Ms. Raggette was appointed on June 2, 2009, to a term of three years which will expire on June 30, 2012. Ms. Raggette replaces Robert Kyker whose term expired June 30, 2009.

Mr. Belton was appointed June 22, 2009, to a term of three years which will expire on June 30, 2012. Mr. Belton replaces Curtis Flowers whose term expired June 30, 2009.

The Supreme Court of Texas requests the consent and confirmation of the Senate for each of these appointments.

Sincerely,
/s/Nathan L. Hecht
Senior Justice

The Supreme Court of Texas
January 10, 2011

The Honorable David Dewhurst
Lieutenant Governor of Texas
Capitol Station
P. O. Box 12068
Austin, Texas 78711

Dear Lieutenant Governor Dewhurst:

Since adjournment of the 81st Texas Legislature, the Supreme Court of Texas has made the following appointments, all of which require the advice and consent of the Senate:

State Commission on Judicial Conduct

The Honorable Joel Baker
Constitutional County Court Judge, Smith County
Tyler, Texas

The Honorable Edward J. Spillane, III
Municipal Court Judge, Brazos County
College Station, Texas

The Honorable Steven L. Seider
Justice of the Peace, Dallas County
Dallas, Texas

The Honorable M. Sue Kurita
County Court at Law Judge, El Paso County
El Paso, Texas

Judge Joel Baker was appointed on July 14, 2009, to fulfill the unexpired term of Judge Ernie Houdashell, which will expire November 19, 2011.

Judge Edward J. Spillane was appointed on December 7, 2009, to a term of six years which will expire November 19, 2015. Judge Spillane succeeds Judge Monica Gonzalez.

Judge Steven L. Seider was appointed on February 25, 2010, to a term of six years which will expire on November 19, 2015. Judge Seider succeeds Judge Tom Lawrence.

Judge M. Sue Kurita was appointed on August 16, 2010, to a term of six years which will expire November 19, 2015. Judge Kurita succeeds Judge Michael Fields.

Board of Directors of the State Bar of Texas

Ms. Becky Baskin Ferguson
Midland, Texas

Ms. Virginia Campbell
Fort Worth, Texas

Ms. Ferguson was appointed on May 26, 2010, to a term of three years which will expire on June 30, 2013. Ms. Ferguson succeeds Samuel B. Lovelady.

Ms. Campbell was appointed on May 26, 2010, to a term of three years which will expire on June 30, 2013. Ms. Campbell succeeds Deborah Ruth Gagliardi.

Employees Retirement System of Texas Board of Trustees

Mr. Ira Craig Hester
Austin, Texas

Mr. Hester was reappointed on August 31, 2010, to a term of six years which will expire on August 31, 2016.

The Court respectfully requests the consent and confirmation of the Senate for each of the above listed appointments.

Sincerely,
/s/Wallace B. Jefferson
Chief Justice

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Duncan and by unanimous consent, the Senate at 12:38 p.m. resolved into a Committee of the Whole Senate to consider **SB 14** with Senator Duncan presiding.

IN LEGISLATIVE SESSION

The President called the Senate to order at 9:20 p.m. as In Legislative Session.

COMMITTEE OF THE WHOLE SENATE REPORT

Senator Duncan was recognized and reported that the Committee of the Whole Senate had met and reported **SB 14** to the Senate with the recommendation that it do pass and be printed.

MOTION IN WRITING

Senator Fraser offered the following Motion In Writing:

Mr. President:

I move that SB 14, relating to voter identification requirements, be made a special order for 9:20 p.m. Wednesday, January 26, 2011, and thereafter until disposed of on second and third readings.

FRASER

The Motion In Writing prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

CO-AUTHOR OF SENATE BILL 18

On motion of Senator Estes, Senator Patrick will be shown as Co-author of **SB 18**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 1

On motion of Senator Ogden, Senators Eltife and Patrick will be shown as Co-authors of **SJR 1**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 89 by Van de Putte, In memory of Wesley J. Rice of San Antonio.

Congratulatory Resolutions

SR 48 by Harris and Davis, Congratulating the Texas Rangers on winning the American League Championship and advancing to the World Series.

SR 83 by Williams, Shapiro, and Whitmire, Recognizing the Jewish Federation of Greater Houston on the occasion of its 75th anniversary.

SR 86 by Lucio, Recognizing Juan de Dios Garcia for his accomplishments as the boys' soccer coach at Hanna High School in Brownsville.

SR 88 by Van de Putte, Recognizing John Wesley Boldt for his contributions to the field of medicine.

Official Designation Resolutions

SR 81 by Harris and Davis, Celebrating January 26, 2011, as Arlington to Austin Day.

SR 82 by Zaffirini, Recognizing January 26, 2011, as Laredo Legislative Day at the Capitol.

RECESS

On motion of Senator Whitmire, the Senate at 9:23 p.m. recessed until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

January 24, 2011

SR 29, SR 31, SR 39, SR 40, SR 41, SR 42, SR 43, SR 44, SR 45, SR 46, SR 47, SR 49, SR 50, SR 51, SR 53, SR 54, SR 57, SR 58, SR 59, SR 61, SR 62, SR 63, SR 64, SR 65, SR 66, SR 67, SR 68, SR 69, SR 70, SR 71, SR 73, SR 74, SR 75, SR 76, SR 77, SR 78, SR 79, SR 80

In Memory
of
Joe Limon Avila
Senate Resolution 55

WHEREAS, The Senate of the State of Texas joins the citizens of Austin in mourning the loss of business owner Joe Limon Avila, who died January 9, 2011, at the age of 81; and

WHEREAS, Joe Avila was born in Austin April 14, 1929; he proudly served his country in the United States Army during the Korean War and received a Purple Heart; and

WHEREAS, He dedicated his life to his childhood dream of becoming a restaurant owner; he believed and proved that anything is possible if you work hard and persevere; Joe's Bakery and Coffee Shop was the fulfillment of his dream; and

WHEREAS, He also believed strongly in giving back to the community, and he always remembered the neighborhood from which he came; he loved to make people laugh and delighted in playing jokes; and

WHEREAS, The way he lived his life and his devout faith played a vital role in the way he raised his daughters, whom he inspired to accept both the joys and hardships of life; he leaves a legacy of service and accomplishments that will be long remembered by all who knew him; and

WHEREAS, He was a devoted husband to his wife of 56 years, Pauline, and a loving father and grandfather, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the life of Joe Limon Avila and extend sincere condolences to his bereaved family; and, be it further

RESOLVED, That a copy of this Resolution be prepared for 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 Joe Limon Avila.

WATSON

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTH DAY

(Continued)

(Wednesday, January 26, 2011)

AFTER RECESS

The Senate met at 11:10 a.m. and was called to order by President Pro Tempore Ogden.

Rabbi Brian Strauss, Congregation Beth Yeshurun, Houston, offered the invocation as follows:

Almighty God and universal father over all of mankind, we are gathered here to deliberate and make difficult decisions concerning the welfare of our fellow Texans. As we begin, we beseech Your divine assistance, and we pray that You cast the rays of Your divine guidance upon all assembled here, our Lieutenant Governor, Senators, and all others who sacrifice every day to make Texas a better place. Help us, O Lord, to give a full measure of devotion with sincerity and honesty to those problems—political, social, and economic—which continue to knock upon the doors of humanity. Enable us to reflect and to discuss the matters before us in a spirit of wisdom, intelligence, and in the light of Your eternal truth. We beseech You, eternal God, to help us concentrate our efforts toward the eradication of hatred, prejudice, selfishness, poverty, and all forms of human suffering. O Lord, may goodwill and peace belong to all; and one day, may the people of this great state proclaim in unison: All people are deserving of our help as we are all created in the image of God. To this, let us say, Amen.

SENATE RESOLUTION 74

Senator Nelson offered the following resolution:

SR 74, Proclaiming January, 2011, Communities In Schools Month and January 26, 2011, Communities In Schools Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, January 24, 2011.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate Gary Henderson, Sandy Chavarria, and a Communities In Schools delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 48

Senator Harris offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the 2010 American League champion Texas Rangers on the occasion of the first World Series appearance in franchise history; and

WHEREAS, Originally based in the nation's capital and known as the Washington Senators, the franchise moved to Arlington after the 1971 season and began its history as the Texas Rangers; through the years, the Rangers have appeared in the playoffs three times prior to the 2010 season; and

WHEREAS, On August 12, 2010, Major League Baseball unanimously approved the sale of the Texas Rangers from Thomas O. Hicks to the group known as Rangers Baseball Express, led by Chuck Greenberg and Nolan Ryan; and

WHEREAS, The 2010 Rangers became the first team in franchise history to win a playoff series when they defeated the Tampa Bay Rays three games to two in the American League Division Series; they went on to avenge three previous playoff series losses to the New York Yankees by defeating them in six games in the American League Championship Series to advance to the World Series; and

WHEREAS, These skilled athletes have demonstrated great talent, enthusiasm, and perseverance throughout the year; overcoming a slow start, they ended the regular season with a record of 90-72, winning the American League West Division; team members can take great pride in their outstanding performance; and

WHEREAS, Under the superior leadership and expertise of manager Ron Washington and the entire front office, the Rangers have developed exceptional teamwork and discipline and have laid the foundation for continued success in the years to come; and

WHEREAS, The citizens of Arlington and the Dallas-Fort Worth Metroplex and Texans across the state are proud of the Rangers for their hard work, their impressive skills, and their fine sportsmanship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the Texas Rangers on their exceptional season and extend to them congratulations on winning the American League championship and advancing to the World Series; and, be it further

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

HARRIS
DAVIS

(President in Chair)

SR 48 was again read.

The resolution was previously adopted on Tuesday, January 25, 2011.

GUESTS PRESENTED

Senator Harris was recognized and introduced to the Senate Nolan Ryan and Chuck Greenberg, co-owners of the Texas Rangers, as well as Ron Washington, manager.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini, joined by Senator Watson, was recognized and introduced to the Senate the Girls' School of Austin fourth grade class including Sophia Martinez and teacher, Rachael Lee.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Davis was recognized and presented Dr. Joane Baumer of Fort Worth as the Physician of the Day.

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

SENATE RESOLUTION 2

Senator Ogden offered the following resolution:

SR 2, Congratulating members of the TALL XII class for their selection as participants.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate Dr. Jim Mazurkiewicz, Leadership Program Director and Professor, Texas Agrilife Extension Service, and members of the TALL XII class.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Gallegos was recognized and introduced to the Senate Sylvia Garcia, President of the National Association of Latino Elected Officials.

The Senate welcomed its guest.

SENATE RESOLUTION 83

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Jewish Federation of Greater Houston on the occasion of its 75th anniversary; and

WHEREAS, The Jewish Federation of Greater Houston was founded in 1936 as the Jewish Community Council to support Jewish causes and to further social services and philanthropic works locally, nationally, and around the world; its mission is to preserve and enrich Jewish communal life through innovative and visionary leadership that is responsive and responsible to Jewish communities everywhere; and

WHEREAS, The federation has for 75 years worked to give voice to the Jewish community and to ensure that the basic necessities of life are provided for its most vulnerable members, including those who are poor, elderly, or disabled; and

WHEREAS, Jewish tradition calls on each individual to contribute to the well-being of the less fortunate, and the federation has diligently worked to help the members of the Houston Jewish community fulfill this charge; along with its partners, it provides numerous volunteer opportunities for people of all ages; and

WHEREAS, This exemplary organization honors another central tenet of Jewish tradition by engaging young people and inspiring their connection to the community so that teachings may be passed from one generation to the next; it is truly deserving of recognition for its many contributions to the Houston community; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the Jewish Federation of Greater Houston on its legacy of philanthropy and support and extend to its members best wishes for a memorable 75th anniversary; and, be it further

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

WILLIAMS
SHAPIRO
WHITMIRE

SR 83 was again read.

On motion of Senator Huffman and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was previously adopted on Tuesday, January 25, 2011.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate Jewish Federation of Greater Houston members: Steven Finkelman, Leonard Goldstein, Rob Shoss, Lee Wunsch, and Lisa Yoram.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a fourth grade class from Hyde Park Baptist Schools and teachers, Peggy Buckmeyer and Claudia Bernard.

The Senate welcomed its guests.

SENATE RESOLUTION 81

Senator Harris offered the following resolution:

SR 81, Celebrating January 26, 2011, as Arlington to Austin Day.

HARRIS
DAVIS

The resolution was again read.

The resolution was previously adopted on Tuesday, January 25, 2011.

GUESTS PRESENTED

Senator Harris, joined by Senator Davis, was recognized and introduced to the Senate members of the Arlington Chamber of Commerce: Earl Harcrow, Foundation Chair; Robert Cluck, Mayor; Jerry McCullough, Arlington ISD Superintendent; and Wes Jurey, President.

The Senate welcomed its guests.

SENATE RESOLUTION 73

Senator Nelson offered the following resolution:

SR 73, Recognizing January 23 through January 29, 2011, as Texas Nurse Anesthetists Week.

The resolution was again read.

The resolution was previously adopted on Monday, January 24, 2011.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate the Texas Association of Nurse Anesthetists delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 82

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to honor the City of Laredo and its delegation and to recognize January 26, 2011, as Laredo Legislative Day at the Capitol; and

WHEREAS, Laredo, truly a gem along the Rio Grande, was established in 1755 by Don Tomas Sanchez, and its history offers a compelling tale, as the town was forged by Spaniards, Indians, Mexicans, Texans, and Americans; a dynamic bilingual and bicultural community, it is a true Texas city proud of its Mexican roots, making it a unique city under seven flags that daily celebrates its dual historical and cultural ties; and

WHEREAS, Situated on the banks of the Rio Grande, Laredo is now the 10th-largest city in Texas and the largest inland port on the southern United States border; it is one of the top four ports-of-commerce in the nation, and in 2010, the city handled 40 percent of all overland trade between the United States and Mexico; and

WHEREAS, Education plays a vital role in the life of Laredo, where three institutes of higher learning have almost 110 years of combined experience; Laredo Community College, first established in 1947 on the 100-year-old grounds of the historic Fort McIntosh, boasts two campuses to better serve the entire city; Texas A&M International University has been educating local Laredo leaders for the last 40 years; and the Laredo Extension Campus of The University of Texas Health Science Center at San Antonio thrives with students, who benefit from new interlocal agreements that give medical students practical experience; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend best wishes for a celebratory Laredo Legislative Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the citizens of Laredo as a memento of this occasion.

SR 82 was again read.

The resolution was previously adopted on Tuesday, January 25, 2011.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Raul Salinas, Mayor of the City of Laredo; Nora Rivera, Mayor of the City of Rio Bravo; and Laredo City Councilmembers: Cindy Liendo Espinoza, Juan Narvaez, Alejandro Perez, Jr., Esteban Rangel, and Charlie San Miguel.

The Senate welcomed its guests.

SENATE RESOLUTION 90

Senator Ogden offered the following resolution:

SR 90, Recognizing Lisa Benford on the occasion of her retirement from the Texas Legislative Council.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Ogden was recognized and introduced to the Senate Lisa Benford and congratulated her on her retirement from the Texas Legislative Council.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate members of Leadership Farm Bureau.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate members of the Texas Farm Bureau, Atascosa County: Lloyd House, Raymond Meyer, Martin Krueger, Bettie House, Shirley Stevens, Walter Stevens, Anna Meyer, Pete Pawelek, and Lynse Pawelek, accompanied by Clifton Stacey, Frio County.

The Senate welcomed its guests.

SENATE RESOLUTION 56

Senator Watson offered the following resolution:

SR 56, In memory of Dr. James Paul Duncan of Austin.

On motion of Senator Watson, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of James Paul Duncan, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate family members of James Paul Duncan: Nancy Duncan, wife; Brad Duncan, son; Mary de la Garza, daughter; Kevin Sadler, former son-in-law; and Cullen Sadler, grandson.

The Senate welcomed its guests and extended its sympathy.

RECESS

On motion of Senator Whitmire, the Senate at 12:28 p.m. recessed until 2:30 p.m. today.

AFTER RECESS

The Senate met at 2:49 p.m. and was called to order by the President.

SENATE RESOLUTION 119

The President laid before the Senate the following resolution:

WHEREAS, Subsection (b), Section 5, Article III, Texas Constitution, reads:

"When convened in regular Session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature. During the succeeding thirty days of the regular session of the Legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor. During the remainder of the session the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature."; and

WHEREAS, It is specifically provided in Subsection (c), Section 5, Article III, Texas Constitution, that either house may otherwise determine its order of business by an affirmative vote of four-fifths of its membership; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 82nd Legislature, by an affirmative vote of four-fifths of its membership, That the senate determine that the constitutional order of business for the first thirty days of the regular session is hereby suspended to the extent necessary to allow the senate to hold hearings during the first thirty days to consider any bill, resolution, or other matter pending before the senate.

ELTIFE

SR 119 was read and was adopted by the following vote: Yeas 30, Nays 0.

Absent: Uresti.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Uresti was granted leave of absence for the remainder of the day on account of important business.

**MOTION TO PLACE
SENATE BILL 14 ON SECOND READING**

Senator Fraser moved to suspend all necessary rules at this time to take up for consideration **SB 14** on its second reading (Set as special order) (Submitted by Governor as an emergency matter):

SB 14, Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

Question — Shall all necessary rules be suspended?

Senator Van de Putte was recognized to read a statement in reference to **SB 14**.

Senator West moved to have Senator Van de Putte's statement reduced to writing and printed in the *Senate Journal*.

There was objection.

Senator Duncan was recognized to comment on Senator Van de Putte's statement and asked that his remarks be reduced to writing and printed in the *Senate Journal*.

Senator West withdrew his motion.

Question — Shall all necessary rules be suspended?

MOTION IN WRITING

Senator Fraser offered the following Motion In Writing:

Mr. President:

I move to suspend all necessary rules to take up and consider **SB 14** at this time.

FRASER

Question — Shall the Motion In Writing be adopted?

Senator Whitmire was recognized to comment on the statements by Senator Van de Putte and Senator Duncan.

Senator West again moved to have Senator Van de Putte's remarks reduced to writing.

There was objection.

Senator Duncan offered a substitute motion to have the remarks by Senators Van de Putte, Duncan, and Whitmire reduced to writing and printed in the *Senate Journal*.

The substitute motion was adopted without objection.

REMARKS

Senator Van de Putte: Thank you, Mr. Chairman, and thank you, Mr. President. The Senate Democrats, including those who represent districts in which minority voters are electing candidates of their choice, and who also speak on behalf of minority voters in this state, have made clear their unanimous opposition to the voter ID legislation. That opposition remains. And no matter the specific time of passage of this bill, the outcome is inevitable and our opposition remains firm. In the interest of

continuing debate on the legislation during appropriate hours, however, and to avoid late night debate, which the public would find more difficult to observe, we will not oppose a vote to suspend the 24-hour layout requirement. Debate on this legislation was in the Committee of the Whole consisting of all 31 Members of the Senate. Thus, we see little compelling need for such layout requirement, which typically exists to give those Senators not on the relevant committee opportunity to review legislation. All 31 Senators have had ample opportunity to review the bill, which is the purpose of having a layout requirement. Thank you, Mr. Chairman.

Senator Duncan: I appreciate the fact that we're working together to try to move this bill and we've talked and worked a lot, but the only thing in your statement that I might have exception to is the fact that all Members of this Senate represent minority voters. And, I want to make clear that that is a statement of this whole body and not just of one political party or another. So, with that understanding, I will go ahead and not have an objection. And, I'd like my comments put in the record, if we could.

Senator Whitmire: Senator Duncan, I want to clarify in your comments to Senator Van de Putte before you pose the question, really a comment. You said that you felt like all Members on the floor were attempting to move the bill forward.

Senator Duncan: That's correct.

Senator Whitmire: Okay, well, I want to strongly disagree with you that that's not the position of the opposition. We're not voting for this rule, or this motion because we're trying to move this bill forward. We're trying to move the process forward and the only, and the distinction is we'll do it at 9:20 tonight or at three o'clock this afternoon, but we're going to do everything we can to stop this bill.

Senator Duncan: I understand that.

Senator Whitmire: But we want to have the discussion in the middle of the afternoon versus the middle of the morning.

Senator Duncan: That wasn't my, that, that really—

Senator Whitmire: I know.

Senator Duncan: —wasn't what I intended to say.

Senator Whitmire: You understand.

Senator Duncan: I just, I was intending to, I, I was objecting to the statement to the extent—

Senator Whitmire: I respect that.

Senator Duncan: —it said that, you know, that it implied that not all Members of this body represent minority interests. That was my objection and that's what I wanted in the record.

Senator Whitmire: Certainly, and I think you have a right to make that record and I heard your feelings, but I could not allow your comment that we're all, 31 of us, attempting to move this bill forward, on the record, without making it very clear that that's not the way we feel towards voting for this motion, which allow us to bring it

up immediately. We're very much opposed to the bill, which you will get to witness in a moment. But we do think it good judgment to go forward at this point, versus going into the mid-part of the next morning.

Senator Duncan: I think we can all agree on that and I think we understand that. I had only one objection to the statement and I made that objection.

Question — Shall the Motion In Writing be adopted?

The President requested the Secretary of the Senate to again read the Motion In Writing.

MOTION IN WRITING

The Secretary of the Senate again read the following Motion In Writing:

Mr. President:

I move to suspend all necessary rules to take up and consider **SB 14** at this time.

FRASER

Senator Fraser withdrew the Motion In Writing.

MOTION IN WRITING

Senator Fraser offered the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 5.11 and Senate Rule 7.12 to take up **SB 14** at this time, which is set as a special order for 9:20 p.m. today.

FRASER

The Motion In Writing was read and was adopted without objection.

SENATE BILL 14 ON SECOND READING

The President laid before the Senate **SB 14** by Senator Fraser at this time on its second reading (Set as special order) (Submitted by Governor as an emergency matter):

SB 14, Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 14** by striking below the enacting clause and adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION __. Subchapter A, Chapter 61, Election Code, is amended by adding Section 61.015 to read as follows:

Sec. 61.015. FRAUDULENT OR DECEPTIVE VOTING PRACTICES. (a) A person commits an offense if the person knowingly:

(1) impersonates or attempts to impersonate another person, or uses or attempts to use the identify of another person, for the purpose of voting in any election in this state.

(2) removes the name of an eligible voter from the list of registered voters or the poll list for the precinct;

(3) prevents the deposit in the ballot box of a marked and properly folded ballot that was provided at the polling place to the voter who is depositing it or for whom the deposit is attempted;

(4) provides false information to a voter about voting procedures, resulting in the voter:

(A) refraining from voting under a reasonable belief that the voter may not vote or that the procedures are intimidating or cumbersome; or

(B) otherwise being prevented from casting a ballot that may legally be counted;

(5) places restrictions on a voter's exercise of the right to vote that are not required by this code, resulting in the voter:

(A) refraining from voting under a reasonable belief that the voter may not vote; or

(B) otherwise being prevented from casting a ballot that may legally be counted; or

(6) impersonates a law enforcement officer or provides false information about law enforcement procedures for the purpose of intimidating voters regardless of whether the voter casts a vote.

(b) An offense under this section is a felony of the first degree.

SECTION __. Subsections 64.010(a)(2) and 64.012(a)(3), Election Code, are repealed.

SECTION __. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION __. This Act takes effect September 1, 2011.

WATSON
RODRIGUEZ

The amendment to **SB 14** was read.

(President Pro Tempore Ogden in Chair)

On motion of Senator Fraser, Floor Amendment No. 1 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 14** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Sections 20.063(a) and (b), Election Code, are amended to read as follows:

(a) The Department of Public Safety shall:

(1) provide to each person who applies in person at the department's offices for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected license or card [an opportunity to complete] a voter registration application form and an opportunity to complete the form; and

(2) inform each person who applies in person at the department's offices for an original or renewal personal identification card or a duplicate or corrected card that the department may not collect a fee for a personal identification card issued to a person who states that the person is obtaining the personal identification card for the purpose of voting and:

(A) who is a registered voter in this state and presents a valid voter registration certificate; or

(B) who is eligible for registration under Section 13.001 and submits a registration application to the department.

(b) When the department processes a license or card for renewal by mail, the department shall deliver to the applicant by mail a voter registration application form. The department by rule shall prescribe a form and manner of providing to persons renewing licenses and cards by mail a notice stating the information required to be provided under Subsection (a) to a person who applies in person at the department's offices for an original or renewal personal identification card or a duplicate or corrected card.

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 2 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 14** as follows:

(1) In SECTION 3 of the bill, in added Section 31.012(a), Election Code (page 2, line 19), between "website" and the period, insert "in each language in which voter registration materials are available".

(2) In SECTION 3 of the bill, add a new subsection to added Section 31.012, Election Code (page 2, between lines 23 and 24), to read as follows:

(c) The county clerk of each county shall post in a prominent location at the clerk's office a physical copy of the notice prescribed under Subsection (a) in each language in which voter registration materials are available.

GALLEGOS
HINOJOSA
LUCIO

The amendment to **SB 14** 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: Uresti.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 4

Amend **SB 14** as follows:

(1) In SECTION 3 of the bill, in added Section 31.012(a), Election Code (page 2, line 19), between "website" and the period, add "in English and Spanish".

(2) In SECTION 3 of the bill, in added Section 31.012, Election Code (page 2, between lines 23 and 24), add the following new subsection:

(c) The county election administrator or county clerk, as applicable, shall post in a prominent location a physical copy of the notice prescribed by Subsection (a) in English and Spanish.

LUCIO
HINOJOSA

The amendment to **SB 14** was read.

Senator Lucio withdrew Floor Amendment No. 4.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 5

Amend **SB 14** in SECTION 3 of the bill, in added Section 62.016, Election Code (page 3, line 20), after "24-point.", by adding "The notices required under this subsection shall be posted separately from all other notices required by state or federal law."

The amendment to **SB 14** 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. 5 except as follows:

Absent-excused: Uresti.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 6

Amend **SB 14** in SECTION 7 of the bill, in amended Section 63.001(c), Election Code (page 4, line 6), by adding after the period "If in determining whether a voter's name is on the list of registered voters the election officer determines that the voter's name on the documentation does not match exactly the name on the list, the voter shall be accepted for voting as otherwise required by this section if the voter submits an affidavit stating that the voter is the person on the list of registered voters."

The amendment to **SB 14** was read.

Senator Davis withdrew Floor Amendment No. 6.

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

Floor Amendment No. 7

Amend **SB 14** in SECTION 7 of the bill, in amended Section 63.001(d), Election Code (page 4, line 10), by adding after the period "In determining whether to accept a voter for voting, the election officer may not consider whether any address shown on the voter's documentation matches the address of the voter as shown on the list."

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 7 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 8

Amend **SB 14** in SECTION 7 of the bill, in amended Section 63.001(d), Election Code (page 4, line 10), by adding after the period "In the event of an inconsistency between an address that appears on the documentation presented by a voter described by this subsection and the voter registration list, the voter shall be accepted if the voter asserts that the address that appears on the voter registration list is the voter's address for the purposes of voting."

The amendment to **SB 14** was read.

Senator Davis withdrew Floor Amendment No. 8.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 9

Amend **SB 14** in SECTION 9 of the bill by striking added Section 63.0012(c), Election Code and replacing with the following:

(c) This section expires September 1, 2017.

The amendment to **SB 14** 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. 9 except as follows:

Absent-excused: Uresti.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 10

Amend **SB 14** as follows:

(1) In SECTION 7 of the bill, in the recital (page 3, line 23), strike "(g) and (h)" and substitute "(g), (h), and (i)".

(2) In SECTION 7 of the bill, in proposed Section 63.001(b), Election Code (page 3, line 26, through page 4, line 1), strike the text and substitute the following:
place:

(1) one form of identification listed in Section 63.0101; or

(2) the voter's voter registration certificate, accompanied by the affidavit described by Subsection (i) [to an election officer at the polling place].

(3) In SECTION 7 of the bill, following proposed Section 63.001(h), Election Code (page 5, between lines 10 and 11), add the following:

(i) If the requirement for identification prescribed by Subsection (b) is not met, an election officer shall notify the voter that the voter may be accepted for voting if the voter executes an affidavit under penalty of perjury stating that the voter is the person named on the voter registration certificate. The affidavit shall be in a form prescribed by the secretary of state and must include the voter's name, address, date of birth, and signature.

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 10 was tabled by the following vote: Yeas 18, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

(President in Chair)

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 11

Amend **SB 14** as follows:

(1) In SECTION 7 of the bill, in the introductory language (page 3, line 23), strike "(g) and (h)" and substitute "(g), (h), and (i)".

(2) In SECTION 7 of the bill, following added Section 63.001(h), Election Code (page 5, between lines 10 and 11), insert the following:

(i) A voter whose name as listed on the identification prescribed by Subsection (b) does not match the name on the precinct list of registered voters shall still be accepted for voting if the voter is a woman and:

(1) presents a marriage license or divorce decree that lists a name that matches the name on the precinct list of registered voters; or

(2) executes an affidavit stating the voter's name is the name on the precinct list of registered voters but has been changed due to marriage or divorce.

DAVIS

ELLIS

The amendment to **SB 14** was read.

Senator Fraser moved to table Floor Amendment No. 11.

Senator Fraser withdrew the motion to table Floor Amendment No. 11.

Senator Davis temporarily withdrew Floor Amendment No. 11.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 12

Amend **SB 14** as follows:

(1) In SECTION 9 of the bill, adding Section 63.0012(a), Election Code (page 6, lines 1 and 2), strike "Section 521.422, Transportation Code," and substitute "Section 63.010".

(2) Strike SECTION 18 of the bill, amending Section 521.422, Transportation Code (page 11, lines 2 through 19).

(3) Add the following appropriately numbered SECTION to the bill, and renumber the remaining SECTIONS of the bill accordingly:

SECTION ____ . Chapter 63, Election Code, is amended by adding Section 63.010 to read as follows:

Sec. 63.010. FEES PROHIBITED FOR CERTAIN FORMS OF IDENTIFICATION DOCUMENTATION. Notwithstanding any other law, an agency, institution, or political subdivision of this state may not charge any fee for the issuance of any document that may be used:

(1) as proof of identification under this chapter; or

(2) to obtain a document that may be used as proof of identification under this chapter.

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 12 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 13

Amend **SB 14** as follows:

(1) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 9), strike "that has not" and substitute ", regardless of whether it has".

(2) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 13), strike "that has not" and substitute ", regardless of whether it has".

(3) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 22), strike "that has not" and substitute ", regardless of whether it has".

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 13 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 14

Amend **SB 14** in SECTION 12 of the bill by striking amended Section 63.0101, Election Code (page 8, line 5, through page 9, line 2), and substituting the following:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The [following] documentation [is] acceptable as proof of identification under this chapter is the same as the documentation required by the Department of Public Safety under Section 521.142, Transportation Code, for an application for the issuance of a driver's license, including the thumbprints, photograph, and signature of the voter[~~;~~]

~~[(1) a driver's license or personal identification card issued to the person by the Department of Public Safety or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;~~

~~[(2) a form of identification containing the person's photograph that establishes the person's identity;~~

~~[(3) a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;~~

~~[(4) United States citizenship papers issued to the person;~~

~~[(5) a United States passport issued to the person;~~

~~[(6) official mail addressed to the person by name from a governmental entity;~~

~~[(7) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or~~

~~[(8) any other form of identification prescribed by the secretary of state].~~

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 14 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 15

Amend **SB 14** by striking SECTION 12 of the bill and substitute with new SECTION 12 as follows:

SECTION 12. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The following documentation is an acceptable form [~~as proof~~] of photo identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety that has not [~~or a similar document issued to the person by an agency of another state, regardless of whether the license or card has~~] expired or has expired after the date of the most recent general election;

(2) a United States military identification card that contains the person's photograph that has not expired or has expired after the date of the most recent general election[~~form of identification containing the person's photograph that establishes the person's identity~~];

(3) a [~~birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity~~];

[(4)] United States citizenship certificate [~~papers~~] issued to the person that contains the person's photograph; or

(4) [(5)] a United States passport issued to the person that has not expired or has expired after the date of the most recent general election;

[(6)] official mail addressed to the person by name from a governmental entity;

[(7)] a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

[(8)] any other form of identification prescribed by the secretary of state].

The amendment to **SB 14** was read.

Senator Davis temporarily withdrew Floor Amendment No. 15.

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

Floor Amendment No. 16

Amend **SB 14** as follows:

(1) In SECTION 7 of the bill, strike amended Section 63.001(b), Election Code (page 3, line 24, through page 4, line 1), and substitute the following:

(b) Except as provided by Subsection (h), on [On] offering to vote, a voter must present to an election officer at the polling place either:

(1) one form of identification listed in Section 63.0101(a); or

(2) two different forms of identification listed in Section 63.0101(b) [the voter's voter registration certificate to an election officer at the polling place].

(2) In SECTION 12 of the bill, strike amended Section 63.0101, Election Code (page 8, line 5, through page 9, line 2), and substitute the following:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. (a) The following documentation is an acceptable form [as proof] of photo identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety that has not expired or that expired no earlier than two years before the date of presentation [or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired];

(2) a United States military identification card that contains the person's photograph [form of identification containing the person's photograph that establishes the person's identity];

(3) a [birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;

[(4)] United States citizenship certificate [papers] issued to the person that contains the person's photograph;

(4) [(5)] a United States passport issued to the person;

(5) a license to carry a concealed handgun issued to the person by the Department of Public Safety; or

(6) [official mail addressed to the person by name from a governmental entity;

[(7)] a valid identification card that contains the person's photograph and is issued by:

(A) an agency or institution of the federal government; or

(B) an agency, institution, or political subdivision of this state.

(b) The following documentation is acceptable as proof of identification under this chapter:

(1) the voter's voter registration certificate or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;

(2) official mail addressed to the person by name from a governmental entity;

(3) a certified copy of a birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;

(4) United States citizenship papers issued to the person;

- (5) an original or certified copy of the person's marriage license or divorce decree;
- (6) court records of the person's adoption, name change, or sex change;
- (7) an identification card issued to the person by a governmental entity of this state or the United States for the purpose of obtaining public benefits, including veteran's benefits, Medicaid, or Medicare;
- (8) a temporary driving permit issued to the person by the Department of Public Safety;
- (9) a pilot's license issued to the person by the Federal Aviation Administration or another authorized agency of the United States;
- (10) a library card that contains the person's name issued to the person by a public library located in this state; or
- (11) a hunting or fishing license issued to a person by the Parks and Wildlife Department ~~or~~
- ~~[(8) any other form of identification prescribed by the secretary of state].~~

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 16 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 17

Amend **SB 14** as follows:

(1) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 7), strike "photo".

(2) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 11), between "expired" and the semicolon, insert ", including a temporary driving permit issued under Section 524.011, Transportation Code".

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 17 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 18

Amend **SB 14** as follows:

(1) In SECTION 12 of the bill, in amended Section 63.0101, Election Code, strike "or".

(2) In SECTION 12 of the bill, in amended Section 63.0101, Election Code, following "expired", insert the following:

; or

(5) a license to carry a concealed handgun issued to the person by the Department of Public Safety of the State of Texas

HINOJOSA
PATRICK

The amendment to **SB 14** was read and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Uresti.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 19

Amend **SB 14** as follows:

(1) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 20), strike "or".

(2) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 22), following "expired", insert the following:

; or

(5) for a person who is a student at an accredited public university located in the state of Texas, a student identification card that contains the person's photograph that has not expired issued to the person by the institution of higher education

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 19 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator West offered the following amendment to the bill:

Floor Amendment No. 20

Amend **SB 14** as follows:

(1) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 7), strike "photo".

(2) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 20), strike "or".

(3) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 22), following "expired", insert the following:

; or

(5) a Medicare identification card issued to the person by the United States Social Security Administration accompanied by a voter registration certificate issued to the person

WEST
RODRIGUEZ

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 20 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 21

Amend **SB 14** as follows:

(1) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 20), strike "or".

(2) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 22), following "expired", insert the following:

; or

(5) a valid identification card, including an employee identification card, that contains the person's photograph and is issued by:

(A) an agency or institution of the federal government;

(B) an agency, institution, or political subdivision of this state; or

(C) an institution of higher education in this state

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 21 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 22

Amend **SB 14** as follows:

(1) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 7), strike "photo".

(2) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 11), between "expired" and the semicolon, insert "or that expired no earlier than 60 days before the date of presentation".

(3) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 13), following "expired" add "or that expired no earlier than 60 days before the date of presentation".

(4) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 20), strike "or".

(5) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 22), following "expired", add "or that expired no earlier than 60 days before the date of presentation; or

(5) if the person is 65 years of age or older, an expired driver's license or personal identification card issued to the person by the Department of Public Safety or a similar document issued to the person by an agency of another state".

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 22 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 23

Amend **SB 14** as follows:

(1) In SECTION 12 of the bill, in amended Section 63.0101, Election code (page 8, line 11), between "expired" and the semicolon, insert "or that expired no earlier than 60 days before the date of presentation".

(2) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 13), following "expired" add "or that expired no earlier than 60 days before the date of presentation".

(3) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 22), following "expired", add "or that expired no earlier than 60 days before the date of presentation".

The amendment to **SB 14** was read and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Uresti.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 24

Amend **SB 14** as follows:

(1) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 7), strike "photo".

(2) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 20), strike "or".

(3) In SECTION 12 of the bill, in amended Section 63.0101, Election Code (page 8, line 22), following "expired", insert the following:

; or

(5) a voter's voter registration certificate containing the voter's photograph

(4) Add the following appropriately numbered SECTION to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 15, Election Code, is amended by adding Section 15.0025 to read as follows:

Sec. 15.0025. PHOTOGRAPH ON CERTIFICATE. The commissioners court of a county may authorize the county elections administrator or the county clerk, as applicable, to issue voter registration certificates that include a photograph of the voter and that may be used as proof of a voter's identification under Chapter 63.

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 24 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffrini.

Absent-excused: Uresti.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 25

Amend **SB 14** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0086 to read as follows:

Sec. 411.0086. LOCATION OF DRIVER'S LICENSE FACILITIES. (a) The department must ensure that one driver's license facility is established for every 50 voting precincts in an area.

(b) Driver's license facilities must be located by an equal distribution throughout an area based on voting age population.

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 25 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 26

Amend **SB 14** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0086 to read as follows:

Sec. 411.0086. DRIVER'S LICENSE FACILITIES IN CERTAIN COUNTIES. The department must locate a driver's license facility established after January 1, 2012, not further than five miles from a location accessible by public transportation, if the facility is located in a county where public transportation is available.

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 26 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 27

Amend **SB 14** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2.009(c), Family Code, is amended to read as follows:

(c) On the proper execution of the application, the clerk shall:

(1) prepare the license;

(2) enter on the license the names of the licensees, the date that the license is issued, and, if applicable, the name of the person appointed to act as proxy for an absent applicant, if any;

(3) record the time at which the license was issued;

(4) distribute to each applicant printed materials about acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) and note on the license that the distribution was made; ~~and~~

(5) distribute to each applicant a premarital education handbook provided by the attorney general under Section 2.014; and

(6) distribute to each applicant a notice stating that if an applicant changes the applicant's name after marriage, the applicant must update the applicant's voter registration information and applicable government-issued personal identification documents, including any driver's license, or risk being denied the opportunity to cast a ballot.

LUCIO
ELLIS

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 27 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 28

Amend **SB 14** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 62, Election Code, is amended by adding Section 62.0015 to read as follows:

Sec. 62.0015. VOTER REGISTRARS MUST BE PRESENT. Two voter registrars must be present at each polling place while the polls are open.

SECTION _____. Chapter 63, Election Code, is amended by adding Section 63.010 to read as follows:

Sec. 63.010. REGISTRATION AT POLLING PLACE; VOTING PROCEDURES. (a) Other applicable provisions of this code apply to the conduct of voting and to the registration of voters under this section to the extent those provisions do not conflict with this section.

(b) A person who would be eligible to vote in an election under Section 11.001, but for the requirement to be a registered voter, shall be accepted for voting in the precinct of the person's residence if, on the day the person offers to vote, the person:

(1) submits a voter registration application that complies with Section 13.002 to a voter registrar at the polling place; and

(2) presents as proof of identification and residence a document described by Section 63.0101 that contains the voter's current name and address.

(c) Persons voting under this section shall be processed separately at the polling place from persons who are voting under regular procedures.

(d) The secretary of state shall adopt rules to ensure the accountability of election officers and to fairly implement this section.

SECTION _____. The secretary of state shall adopt rules as required by Section 63.010, Election Code, as added by this Act, not later than February 1, 2012.

ELLIS
LUCIO
RODRIGUEZ

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 28 was tabled by the following vote: Yeas 20, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire.

Absent-excused: Uresti.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 29

Amend **SB 14** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 521, Transportation Code, is amended by adding Section 521.007 to read as follows:

Sec. 521.007. DEPARTMENT OPERATING HOURS. To ensure access by the public to identification required under Section 63.001, Election Code, the department shall maintain fully staffed operating hours in each office authorized to issue driver's licenses or personal identification certificates:

- (1) until 7 p.m. or later on at least one weekday each week; and
- (2) during four or more hours on at least two Saturdays each month.

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 29 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 30

Amend **SB 14** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 63, Election Code, is amended by adding Section 63.014 to read as follows:

Sec. 63.014. SECRETARY OF STATE REPORT. (a) The secretary of state shall produce an annual report showing:

(1) the number of residents eligible to vote in this state who have the documentation required under Section 63.0101, and the percentage of all state residents eligible to vote represented by that number;

(2) the number of residents eligible to vote in this state who do not have the documentation required under Section 63.0101, and the percentage of all state residents eligible to vote represented by that number;

(3) the number of residents eligible to vote in this state who have the documentation required under Section 63.0101 but who fail to comply with statutory requirements only because the address on the documentation is not current, the last name on the documentation does not match the current voter list because of a legal name change, or the documentation presented is expired, and the percentage of all state residents eligible to vote represented by that number;

(4) the average time, by voting precinct, that a person must wait to obtain a document described by Section 63.0101(1) at the nearest Department of Public Safety licensing facilities that provide those documents;

(5) the number of eligible voters who were prevented from voting as a result of the enhanced identification requirements for being accepted to vote adopted by the 82nd Legislature;

(6) the number of eligible voters who were required to file provisional ballots as a result of the enhanced identification requirements for being accepted to vote; and

(7) an analysis, by subgroup, of whether the enhanced identification requirements for being accepted to vote produce a disparate impact on women, the elderly, persons with disabilities, students, or racial and ethnic minorities.

(b) The report produced under this section is a public record.

(c) The secretary of state may adopt rules to implement this section, including rules requiring other state agencies and authorities holding elections to record information relevant to the report required by this section.

ELLIS
RODRIGUEZ
URESTI

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 30 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

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

Floor Amendment No. 31

Amend **SB 14** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The changes in law made by this Act do not take effect unless:

(1) the comptroller determines that the legislature has appropriated the amount of money to the appropriate entities that is necessary to fully fund the implementation of this Act; and

(2) the secretary of state certifies that the secretary of state and each county have complied with the changes in law made by this Act or have developed the training and information required by this Act and have prepared to implement the changes in law made by this Act, as applicable.

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 31 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 32

Amend **SB 14** by adding the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS accordingly:

SECTION _____. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 82nd Legislature.

WATSON
RODRIGUEZ

The amendment to **SB 14** was read and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Uresti.

Senator West offered the following amendment to the bill:

Floor Amendment No. 33

Amend **SB 14** as follows:

(1) In SECTION 23 of the bill, page 12, line 18, strike "Subsection (b)" and substitute "Subsections (b) and (c)".

(2) In SECTION 23 of the bill, page 12, add Subsection (c), to read as follows:

"(c) If after the passage of the General Appropriation Act, 82nd Legislature, the funding provided to school districts through the Foundation School Program or direct distribution to the districts is not sufficient to maintain the current pay distribution per teacher and to maintain an equal number of teachers in the districts, this bill has no effect."

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 33 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator West offered the following amendment to the bill:

Floor Amendment No. 34

Amend **SB 14** (filed version) as follows:

(1) In SECTION 23 of the bill, page 12, line 18, strike "Subsection (b)" and substitute "Subsections (b) and (c)".

(2) In SECTION 23 of the bill, page 12, add Subsection (c), to read as follows:

"(c) This Act takes effect only if the legislature appropriates or otherwise provides sufficient funds to defray the costs associated with the duties and activities imposed on counties under the Act. No county funds derived from local revenue may be expended to implement this Act."

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 34 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 35

Amend **SB 14** (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 13.002, Election Code, is amended by adding Subsection (i) to read as follows:

(i) An applicant who wishes to receive an exemption on the basis of disability from the requirements of Section 63.001(b) must include a certification from a physician that the person has a disability as defined by Section 21.002, Labor Code, with the person's application.

SECTION _____. Section 15.001, Election Code, is amended by adding Subsection (c) to read as follows:

(c) A certificate issued to a voter who meets the certification requirements of Section 13.002(i) must contain an indication that the voter is exempt from the requirement to present identification other than the registration certificate before being accepted for voting.

(2) In SECTION 7 of the bill, strike added Section 63.001(h) (page 2, lines 51 through 57) and substitute the following:

(h) The requirements for identification prescribed by Subsection (b) do not apply to a voter who presents the voter's voter registration certificate on offering to vote and:

(1) was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the voter's voter registration certificate; or

(2) is disabled and the voter's voter registration certificate contains the indication described by Section 15.001(c).

The amendment to **SB 14** was read and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Uresti.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 36

Amend **SB 14** as follows:

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

SECTION _____. Effective September 1, 2011, Chapter 82, Election Code, is amended by adding Section 82.006 to read as follows:

Sec. 82.006. PERMANENT MAIL VOTER STATUS. (a) A qualified voter is eligible for permanent mail voter status if:

(1) the voter is disabled, as defined by secretary of state rule under Subsection (c); and

(2) the voter's name is not on the suspense list.

(b) A voter having permanent mail voter status is entitled to receive a ballot to be voted by mail for every election other than a primary election.

(c) The secretary of state shall by rule define "disabled" for purposes of determining eligibility for permanent mail voter status.

SECTION ____. Effective September 1, 2011, Chapter 84, Election Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. APPLICATION FOR PERMANENT MAIL VOTER STATUS

Sec. 84.101. METHOD OF APPLICATION. (a) A qualified voter seeking permanent mail voter status may apply for the status at the time the voter registers to vote or at a polling place on election day or during early voting by personal appearance.

(b) The secretary of state shall adopt rules and forms to implement this section.

Sec. 84.102. SUBMITTING APPLICATION. An application indicating that the voter seeks to acquire permanent mail voter status is considered submitted for the first election following the date the application is submitted. A voter may not attain permanent mail voter status for that election unless the voter timely submits the application to a voter registrar within the time provided by Subchapter A.

Sec. 84.103. ACTION BY VOTER REGISTRAR. (a) If a qualified voter eligible for permanent mail voter status submits an application under Section 84.101 stating a valid ground of eligibility, the voter registrar receiving the application shall:

(1) place the voter's name on a list of permanent mail voters; and

(2) notify the early voting clerks serving every authority that orders elections in the registrar's jurisdiction of the voter's permanent mail voter status.

(b) If the early voting clerk serving an authority receives notice under Subsection (a)(2), the early voting clerk and the clerk's successors shall provide a ballot to be voted by mail to the voter as required by this code for each general and special election ordered by the authority.

(c) An early voting clerk may not provide a ballot under Subsection (b) to a voter whose name appears on the suspense list.

Sec. 84.104. CANCELLATION. (a) A voter having permanent mail voter status may cancel an application for a ballot to be voted by mail at any time. The cancellation is effective for an election for which the voter timely cancels the application as provided by Section 84.032 and all subsequent elections. A voter who has canceled the voter's application under this subsection may apply for permanent mail voter status for a subsequent election.

(b) Following cancellation under Subsection (a), the applicable early voting clerk shall notify the early voting clerks serving every authority that orders elections in the clerk's jurisdiction of the cancellation.

Sec. 84.105. ADDITIONAL PROCEDURES. The secretary of state shall:

(1) prescribe any additional procedures necessary to implement this subchapter; and

(2) develop a system of notifying voters who are likely to be eligible for permanent mail voter status of the availability of that status for certain voters and the application procedure for acquiring that status.

SECTION ____. (a) Effective September 1, 2011, the secretary of state shall prescribe any procedures and develop a notification system under Section 84.105, Election Code, as added by this Act, but not later than January 1, 2012.

(b) The changes in law made by Section 82.006 and Subchapter C, Chapter 84, Election Code, as added by this Act, apply only to an election for which an application for a ballot to be voted by mail may not be submitted before January 1, 2012.

(2) In SECTION 23(a) of the bill (page 12, line 19), between "section" and the comma, insert "or as otherwise provided by this Act".

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 36 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 37

Amend **SB 14** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.015 to read as follows:

Sec. 31.015. UNIFORM STATEWIDE VOTER REGISTRATION SYSTEM. The secretary of state shall establish a uniform statewide voter registration system to improve voter participation. The system must:

- (1) include expanded voter registration outreach;
- (2) establish more voter registration offices, especially in areas where the distance between offices is determined to be prohibitive;
- (3) include statewide outreach to inform the voting age population of registration status, registration locations, and locations of precinct polling places;
- (4) allow voters to verify and make corrections to their voter registration not less than 30 days before the date of an election;
- (5) use voter assistance hotlines and websites that are operational at least 30 days before the date of an election; and
- (6) establish ombudsmen at the state level to address cases of voter suppression, voter discrimination, or other abuse against voters.

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 37 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 38

Amend **SB 14** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 16.036(a), Election Code, is amended to read as follows:

(a) Immediately after, but not later than the 30th day after the date a voter's registration is canceled under Section 16.031 [~~16.031(a)(3)~~], 16.032, 16.033, 16.0331, or 16.0332, the registrar shall deliver written notice of the cancellation to the voter.

The amendment to **SB 14** was read.

On motion of Senator Fraser, Floor Amendment No. 38 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 39

Amend **SB 14** as follows:

(1) In SECTION 7 of the bill, add following language to the end of Section 63.001(h)(2), Election Code:

or;

(2) In SECTION 7 of the bill, add new subsection (3) to Section 63.001(h), Election Code to read as follows:

(3) who is indigent and is unable to obtain proof of identification without the payment of a fee.

(a) "indigent" in this subsection has the meaning assigned by Section 51.941(e), Government Code.

(b) the voter in this subsection shall be provided a provision ballot as provided under Section 63.011.

(3) Strike SECTION 16 of the bill and add new SECTION 16 as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election,

(1) present proof of identification to the voter registrar for examination by the early voting ballot board; or,

(2) per Section 63.001(h)(3), Election Code execute an affidavit before the voter registrar affirming under penalties of perjury that the voter is indigent

(b) The secretary of state shall prescribe procedures as necessary to implement this section.

The amendment to **SB 14** was read.

Senator Davis withdrew Floor Amendment No. 39.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 40

Amend **SB 14** by striking SECTIONS 15 and 16 of the bill (filed version, page 9, line 26, through page 10, line 17) and substituting the following:

SECTION 15. Section 65.054, Election Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A provisional ballot shall ~~may~~ be accepted ~~only~~ if the board determines that:

(1) [s] from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election; and

(2) the person:

(A) meets the identification requirements of Section 63.001(b) in the period prescribed under Section 65.0541; or

(B) executes an affidavit under penalty of perjury stating that:

(i) the voter:

(1) is indigent and is unable to obtain proof of identification without the payment of a fee; or

(2) has a religious objection to being photographed; and

(ii) has not been challenged or required to vote a provisional ballot for any other reason.

(e) In this section, "indigent" has the meaning assigned by Section 51.941(e), Government Code.

SECTION 16. Subchapter B, Chapter 65, Election Code, is amended by adding Section 65.0541 to read as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election:

(1) present proof of identification described by Section 63.0101 to the voter registrar for examination; or

(2) execute an affidavit described by Section 65.054(b)(2)(B) in the presence of the voter registrar.

(b) The secretary of state shall prescribe procedures as necessary to implement this section.

DUNCAN
DAVIS
OGDEN
PATRICK

The amendment to **SB 14** was read and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Uresti.

Senator Davis again offered the following amendment to the bill:

Floor Amendment No. 11

Amend **SB 14** as follows:

(1) In SECTION 7 of the bill, in the introductory language (page 3, line 23), strike "(g) and (h)" and substitute "(g), (h), and (i)".

(2) In SECTION 7 of the bill, following added Section 63.001(h), Election Code (page 5, between lines 10 and 11), insert the following:

(i) A voter whose name as listed on the identification prescribed by Subsection (b) does not match the name on the precinct list of registered voters shall still be accepted for voting if the voter is a woman and:

(1) presents a marriage license or divorce decree that lists a name that matches the name on the precinct list of registered voters; or

(2) executes an affidavit stating the voter's name is the name on the precinct list of registered voters but has been changed due to marriage or divorce.

DAVIS

ELLIS

The amendment to **SB 14** was again read.

On motion of Senator Fraser, Floor Amendment No. 11 was tabled by the following vote: Yeas 18, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Davis again offered the following amendment to the bill:

Floor Amendment No. 15

Amend **SB 14** by striking SECTION 12 of the bill and substitute with new SECTION 12 as follows:

SECTION 12. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The following documentation is an acceptable form [~~as proof~~] of photo identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety that has not [~~or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired or has expired after the date of the most recent general election;~~]

(2) a United States military identification card that contains the person's photograph that has not expired or has expired after the date of the most recent general election [~~form of identification containing the person's photograph that establishes the person's identity~~];

(3) a [~~birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity~~;

~~[(4)] United States citizenship certificate [papers] issued to the person that contains the person's photograph; or~~

(4) ~~[(5)]~~ a United States passport issued to the person that has not expired or has expired after the date of the most recent general election[;]

~~[(6)] official mail addressed to the person by name from a governmental entity;~~

~~[(7)] a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or~~

~~[(8)] any other form of identification prescribed by the secretary of state].~~

The amendment to **SB 14** was again read.

On motion of Senator Fraser, Floor Amendment No. 15 was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 41

Amend **SB 14** in SECTION 7 of the bill, in amended Section 63.001(c), Election Code (page 4, line 6), by adding after the period "If in determining whether a voter's name is on the list of registered voters the election officer determines that the voter's name on the documentation is substantially similar but does not match exactly the name on the list, the voter shall be accepted for voting as otherwise required by this section if the voter submits an affidavit stating that the voter is the person on the list of registered voters."

The amendment to **SB 14** was read and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Uresti.

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

Question — Shall **SB 14** as amended be passed to engrossment?

AT EASE

The President at 7:28 p.m. announced the Senate would stand At Ease until 7:45 p.m.

IN LEGISLATIVE SESSION

The President at 7:57 p.m. called the Senate to order as In Legislative Session.

Question — Shall **SB 14** as amended be passed to engrossment?

SB 14 as amended was passed to engrossment by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

CO-AUTHOR OF SENATE BILL 272

On motion of Senator Zaffirini, Senator Hinojosa will be shown as Co-author of **SB 272**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

- SR 93** by Watson, In memory of Spencer Lloyd Reid.
- SR 103** by Ellis, In memory of Howard Daniel Boone of Austin.
- SR 112** by Lucio, In memory of Luis Romero of Los Fresnos.
- SR 113** by Lucio, In memory of David Saenz of Brownsville.
- SR 114** by Rodriguez, In memory of John Baylor Van Vranken McKinney.
- SR 115** by Rodriguez, In memory of Artemisa "Arte" Salinas of El Paso.
- SR 120** by Wentworth, In memory of Dorothy Paula Levy Katz.
- SR 121** by Wentworth, In memory of Geraldine "Jerry" Traugott of San Antonio.
- SR 122** by Wentworth, In memory of Carol Baier Jansen of San Antonio.
- SR 123** by Wentworth, In memory of Ladimer Gene Herold of San Antonio.
- SR 124** by Wentworth, In memory of Marvin Selig of Seguin and San Antonio.

Congratulatory Resolutions

- SR 92** by Watson, Recognizing Nancy McClintock on the occasion of her retirement from the City of Austin.
- SR 94** by Watson, Recognizing Joe Gieselman on the occasion of his retirement from the Travis County Transportation and Natural Resources department.

SR 95 by Watson, Recognizing Ira Iscoe of Austin on the occasion of his 90th birthday.

SR 96 by Watson, Recognizing Pat Murphy on the occasion of his retirement from the City of Austin.

SR 97 by Watson, Recognizing Forrest Nikorak on the occasion of his retirement from the City of Austin.

SR 98 by Birdwell, Recognizing Timothy Karcher for his contributions to his country.

SR 100 by West, Recognizing James Lawson for his work in the pursuit of peace and equal rights for all people.

SR 101 by West, Recognizing the Ingram family on the occasion of their 30th annual family reunion.

SR 102 by Deuell, Congratulating Celeste Prather-Young on receiving the 2010 Executive Director of the Year Award by Texas Court Appointed Special Advocates.

SR 107 by Whitmire, Recognizing Green Chapel African Methodist Episcopal Church on the occasion of its 100th anniversary.

SR 108 by Whitmire, Recognizing the Greenspoint Area Chapter of the International Association of Administrative Professionals on the occasion of their 59th annual meeting of the Texas-Louisiana Division.

SR 109 by Van de Putte, Recognizing Harmony Science Academy on the occasion of its 10th anniversary.

SR 116 by Rodriguez, Recognizing Jose F. Cardenas for his contributions to the profession of engineering.

Official Designation Resolutions

SR 104 by Birdwell, Harris, and Watson, Celebrating February 1, 2011, as Baylor University Day at the State Capitol.

SR 117 by Estes, Celebrating February 15, 2011, as Grayson County Day at the State Capitol.

SR 118 by Hinojosa and Lucio, Celebrating January 27, 2011, as The University of Texas–Pan American Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 8:44 p.m. adjourned, in memory of Joe Limon Avila, John Paul Duncan, and Wesley J. Rice, until 8:45 p.m. today.

APPENDIX

COMMITTEE REPORT

The following committee report was received by the Secretary of the Senate:

January 25, 2011

COMMITTEE OF THE WHOLE SENATE — **SB 14**

RESOLUTIONS ENROLLED

January 25, 2011

**SR 34, SR 48, SR 52, SR 55, SR 60, SR 72, SR 81, SR 82, SR 83, SR 84, SR 85,
SR 86, SR 87, SR 88, SR 89, SR 91**

In Memory
of
James Paul Duncan
Senate Resolution 56

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Dr. James Paul Duncan, who died June 9, 2009, at the age of 72; and

WHEREAS, James Paul Duncan was born January 19, 1937; he attended the University of Indiana, where he earned bachelor's and master's degrees in sociology and a doctorate in higher education administration; following his service as an officer in the United States Army, he began a long and distinguished career as an educator, counselor, and administrator; and

WHEREAS, Dr. Duncan joined the faculty of The University of Texas at Austin in 1970 as dean of students and associate professor in the Department of Educational Administration; he held numerous positions of leadership at the university, including vice president for student affairs and executive vice chancellor for academic affairs, a position he held for 14 years; and

WHEREAS, After retiring from administrative duties in 1997, he returned to teaching and was designated the Ashbel Smith Professor of Educational Administration; Dr. Duncan was noted for his ability to touch the lives of his students, often going out of his way to work with them and help them complete their degrees; and

WHEREAS, He also played a vital role in the creation of one of the nation's first comprehensive counseling centers for students at a major university; he was also part of a group that worked to expand The University of Texas System to South Texas with The University of Texas at Brownsville; he helped to guide the university through a turbulent political environment, and university leaders regularly sought his advice and counsel; and

WHEREAS, A man of vision, strength, and courage, he gave generously to others, and his dedication both to his students and to the betterment of the educational system of our state set an enduring example for all; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the family and friends of Dr. James Paul Duncan; and, be it further

RESOLVED, That a copy of this Resolution be prepared for 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 Dr. James Paul Duncan.

WATSON

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTH DAY

(Wednesday, January 26, 2011)

The Senate met at 8:45 p.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Uresti.

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

Senator Estes offered the invocation as follows:

Almighty God, please look kindly upon those who exercise governing power over Your people, especially those of us here in the Texas Senate. I pray that we might always be people of honesty and integrity. May we be kept in good health with the support and cooperation of those we serve. Give us, the men and women who help govern this state, wisdom so we might always know right from wrong, good from evil, and the difference between service to others and service to ourselves. May we always exercise our authority with complete fairness and for the common good of all. May we always have the ability to see a vision of a better, more just, and a more equitable tomorrow. May all those who govern this state be men and women of deep faith, enduring hope, and abiding love. Almighty God, when the human family is confronted with a serious difficulty or an unexpected crisis, please raise from our midst leaders who can solve our problems and help deliver us from all those elements which rob peoples of their peace of mind and inner sense of security. In Your holy name. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Uresti was granted leave of absence for today on account of important business.

CONCLUSION OF MORNING CALL

The President at 8:51 p.m. announced the conclusion of morning call.

SENATE BILL 14 ON THIRD READING

The President laid before the Senate **SB 14** by Senator Fraser at this time on its third reading and final passage (Set as special order) (Submitted by Governor as an emergency matter):

SB 14, Relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 11.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Uresti.

**LETTER FROM THE OFFICE OF
THE SECRETARY OF STATE**

Senator Gallegos submitted the following letter relating to **SB 14**:

Ann McGeehan
Director of Elections
State of Texas

January 26, 2011

The Honorable Mario Gallegos, Jr.
Texas Senate
P.O. Box 12068 – Capitol Station
Austin, Texas 78711

Dear Senator Gallegos:

This letter is to follow up on the question you asked about the voter education funding during the meeting of the Committee of the Whole yesterday. Specifically, you asked about the state funding for the Missouri voter identification law and why the State of Missouri funded the voter identification law for \$6 million dollars for the first year of implementation and for \$4 million dollars for the second year of implementation.

This morning, I spoke to Waylene Hiles, Interim Deputy Secretary of State for Elections in Missouri. Ms. Hiles explained that the voter identification law enacted by the Missouri was struck down by a state supreme court case several years ago. She stated that several bills are currently pending before their state legislature, but nothing has passed so far. Ms. Hiles did not have immediate access to the fiscal note on the bill that was enacted several years ago and struck down, but she recalled that the funding included two components. One component was for voter education and the

other component was for providing free identification cards to voters. Ms. Hiles is researching the issue and promised to get back to our office with details. As soon as I obtain additional information, I will forward it to your office.

I hope this information is helpful, and please let me know if you have any additional questions.

Sincerely,

/s/Ann McGeehan

Director of Elections

**LETTERS FROM THE OFFICE OF
THE SECRETARY OF STATE**

Senator Davis submitted the following letters relating to **SB 14**:

Ann McGeehan
Director of Elections
State of Texas

January 26, 2011

The Honorable Wendy Davis
Texas Senate
P.O. Box 12068 – Capitol Station
Austin, Texas 78711

Dear Senator Davis:

This letter is to follow up on several questions that you asked during my testimony before the Committee of Whole as the Committee took up Senate Bill 14.

First, you asked about the number of voters who provided drivers license/personal identification card numbers, social security numbers or who stated that they had neither number when they applied to register to vote. Here is the break down of those numbers since an identification number first became required in January 2006:

Total number of new voters from 1/01/2006 through 12/31/2010: 3,975,567

2,334,281 provided TDL/ID (59%)

294,142 provided SSN (7%)

1,312,638 provided both identification numbers (33%)

34,506 provided neither (1.0%)

Second, you asked about the federal Help America Vote Act Funds. Specifically, you asked about how the HAVA funds are budgeted and requested documentation of the budget. Enclosed are the Texas State Plan and subsequent HAVA funding certifications approved by the federal Election Assistance Commission. Lastly, you asked how much of the HAVA funds had been spent on the online poll worker training program and that amount is \$845,723.

I hope this information is helpful, and please let me know if you have any additional questions.

Sincerely,

/s/Ann McGeehan

Director of Elections

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
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Phone: 512-463-5650
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Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Hope Andrade
Secretary of State

October 23, 2009

Gineen Bresso Beach, Chair
US Election Assistance Commission
1225 New York Avenue, Suite 1100
Washington, DC 20005

Dear Chairman Beach:

Texas respectfully requests the disbursement to the Texas Comptroller the fiscal year 2008 and 2009 requirements payments for which Texas is eligible pursuant to the Help America Vote Act (HAVA) of 2002. As such, I would like provide the following information regarding our HAVA state plan followed by the necessary certifications to access the funds.

Addendum to the 2005 Texas State Plan

In accordance with Section 254(12) of the Help America Vote Act, the Texas Secretary of State proposes the following clarifications to the Texas State Plan filed in 2005. The state has made no material changes but will modify the budget described in Element 6 of the 2005 State Plan to take into consideration additional Congressional appropriations authorized in federal fiscal years 2008 and 2009 as well as future appropriations. Because no material changes are being proposed, the state is not required to publish a public notice as required in Section 256 of HAVA nor does it need to be published in the Federal Register. However, the state plan, including the information provided in this correspondence, will be made available to the public on the Texas Secretary of State's website.

Element 6: Proposed Budget - HAVA Sec. 254(a)(6)

The state will update the existing state plan budget to accommodate the following:

- Consolidate the state plan purpose areas (budget categories) into the following four main categories:
 1. State Plan Administration: Overall administration of HAVA-funded activities, including staffing costs, technical support, training, and other costs associated with overseeing HAVA implementation.
 2. TEAM (statewide VR system): Activities pertaining to the ongoing development, maintenance, and operation of the HAVA-compliant voter registration

system, TEAM, developed in response to HAVA. Costs may also cover activities associated with county compatibility with TEAM.

3. Grant to Counties:

Includes sub-grants to counties to continue compliance with Title III of HAVA, including ongoing maintenance and upgrades to HAVA-compliant voting systems. Other sub-grants to counties allow election officials and their staffs to attend election-related conferences, seminars, and training events.

4. Election Worker Training and Voter Education:

Covers election official and election worker training programs – both printed material and online training tools. Voter education is intended to inform all Texas voters of their voting rights under the law, including the mandates imposed by HAVA. Methods to reach the voters include media spots, printed materials, and online tools.

- Maintain funding percentage ranges rather than fixed budget amounts, which allows for the allocation of future appropriations and earned interest.
- Increase funding for TEAM, county compliance with HAVA, Election Worker Training and Voter Education and decrease funding for State Plan Administration as described below.

The revised budget listed below maintains the same allocations as the Texas State Plan of 2005, but accounts for the increased funding made available by Congress in 2008 and 2009. In addition, the revised budget accounts for approximately \$15.2MM in interest accrued on existing funds and include all Title I funding. Although the state proposes to consolidate the Texas State Plan into four main categories, the Secretary of State's accounting system and financial controls track each source of funding separately as well as the details on specific expenditures.

<u>Purpose Area</u>	<u>Proposed Allocation Percentage Range</u>	<u>Proposed Allocation Ranges (in millions)</u>	<u>Suggested Allocations (approx.)</u>
SOS Administrative Expenses	2% - 5%	\$2.2 - \$11.1	\$8,000,000
TEAM (statewide VR system)	10% - 20%	\$22.2 - \$44.5	\$34,000,000
Grants to Counties	65% - 75%	\$144.7 - \$167	\$164,500,000
Voter Ed., Election Official and Poll Worker Training	5% - 10%	\$11.1 - \$22.2	\$16,000,000

<u>Purpose Area</u>	<u>Allocation Percentage Current State Plan</u>	<u>Allocation Percentage Proposed Amended State Plan</u>
SOS Administrative Expenses	4.40%	3.60%
TEAM (statewide VR system)	15.50%	15.30%

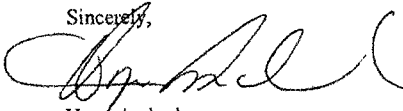
Grants to Counties	73.80%	73.90%
Voter Ed., Election Official and Poll Worker Training	6.40%	7.20%

Certifications

Texas hereby certifies to the following and is eligible to receive payments under Title II, Section 251 of the Help American Vote Act (HAVA):

- Complied with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.
- Filed and implemented a plan for uniform, nondiscriminatory administrative complaint procedures required by HAVA Section 402.
- Appropriated matching funds equal to five percent of the total amount of the HAVA requirements payment budget.
- Complied with the six laws listed in Section 906 of HAVA.
- Filed a state plan that complies with the requirements listed in Sections 254, 255, and 256 of HAVA.
- Certifies under Section 251 (b)(2) of HAVA that it has implemented the requirements of HAVA Title III and may use requirements payments for other activities to improve the administration of elections for federal office.

Sincerely,



Hope Andrade
Texas Secretary of State

The State of Texas



Elections Division
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 Austin, Texas 78711-2060
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 (800) 252-VOTE (8683)

Hope Andrade
 Secretary of State

August, 2010

Donetta Davidson, Chair
 US Election Assistance Commission
 1225 New York Avenue, Suite 1100
 Washington, DC 20005

Dear Chairman Davidson:

Texas respectfully requests the disbursement to the Texas Comptroller the fiscal year 2010 Requirements Payments for which Texas is eligible pursuant to the Help America Vote Act (HAVA) of 2002. The Texas Secretary of State does not propose material changes to the Texas State Plan filed in 2005. As outlined in the Texas certification to drawdown the 2008 and 2009 Requirements Payments, the state will continue to allocate the funding in four main categories based on percentages:

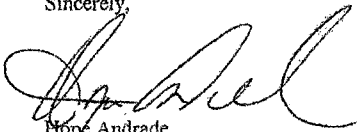
<u>Purpose Area</u>	<u>Description</u>	<u>% of Funding</u>
1. State Plan Administration:	Overall administration of HAVA-funded activities, including staffing costs, technical support, training, and other costs associated with overseeing HAVA implementation.	2% - 5%
2. TEAM (statewide VR system):	Activities pertaining to the ongoing development, maintenance, and operation of the HAVA-compliant voter registration system, TEAM, developed in response to HAVA. Costs may also cover activities associated with county compatibility with TEAM.	10% - 20%
3. Grant to Counties:	Includes sub-grants to counties to continue compliance with Title III of HAVA, including ongoing maintenance and upgrades to HAVA-compliant voting systems. Other sub-grants to counties allow election officials and their staffs to attend election-related conferences, seminars, and training events.	65% - 75%
4. Election Worker Training and Voter Education:	Covers election official and election worker training programs - both printed material and online training tools. Voter education is intended to inform all Texas voters of their voting rights under the law, including the mandates imposed by HAVA. Methods to reach the voters include media spots, printed materials, and online tools.	5% - 10%

Certifications

Texas hereby certifies to the following and is eligible to receive payments under Title II, Section 251 of the Help American Vote Act (HAVA):

- Complied with the requirements referred to in section 253(b) of the Help America Vote Act of 2002.
- Filed and implemented a plan for uniform, nondiscriminatory administrative complaint procedures required by HAVA Section 402.
- Appropriated matching funds equal to five percent of the total amount of the HAVA requirements payment budget.
- Complied with the six laws listed in Section 906 of HAVA.
- Filed a state plan that complies with the requirements listed in Sections 254, 255, and 256 of HAVA.
- Certifies under Section 251 (b)(2) of HAVA that it has implemented the requirements of HAVA Title III and may use requirements payments for other activities to improve the administration of elections for federal office.

Sincerely,



Hope Andrade
Texas Secretary of State

Amended Texas State Plan
Pursuant to the Help America Vote Act of 2002
(HAVA)
January, 2005

Geoffrey S. Connor
Secretary of State
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us
(800) 252-VOTE(8683)

**Help America Vote Act 2002
Texas State Plan**

Amended Texas State Plan**1. How the requirements payments (i.e., Title II funds) will be used to meet the mandates in Title III (new federal requirements)****Brief Overview of State Elections Structure**

The Secretary of State ("SOS") is the chief election officer of the state and is required to maintain uniformity in elections held in the state and to advise and assist local officials who actually conduct elections. The Secretary of State also has authority to adopt administrative rules to gain uniformity in interpretation of state election laws and procedures.

The conduct of elections in Texas is decentralized. The statutory requirements for elections are set out in the Texas Election Code. The county clerk or county election administrator, in those counties that have created the office, is generally the official charged with conducting county elections. County voter registrars maintain the official list of registered voters; the voter registrar is generally either the county tax assessor-collector, or again the election administrator. The county political parties conduct primary elections in Texas, with the county chair as the chief elections official. Early voting in the primary is conducted by the county elections official.

Other elections are conducted by the political subdivision. City elections are held by the city, school district elections by the school, and so on. These political subdivisions often contract with the county to conduct their election or hold joint elections with one another, but they are not required to do so. They utilize the county list of registered voters appropriate for their locality.

The Secretary of State maintains an unofficial state list of registered voters. The Secretary of State's office houses and maintains a state master file of all registered voters. The Secretary of State also maintains the Texas Voter Registration Online System ("TVRS"), which is a voluntary online voter registration system currently used by 164 of 254 counties. For those counties utilizing the TVRS system, the state database reflects their "official" voter file. The master file has approximately 12.1 million active voters and also stores approximately 2.5 million cancelled voters at any given time. The state master file maintains two separate tables defined for either "offline" or "online" counties. An offline county updates the masterfile through a web browser application, on a weekly basis in a pre-specified standard record layout. TVRS counties update in real time with all transactions validated and updated per session. At present, voter registration systems are reviewed by the Secretary of State's office to ensure that they are capable of submitting reports in a standard format as required by the state.

Texas is a state covered under Section 5 of the federal Voting Rights Act, which requires changes in election processes to be submitted to the Voting Section of the U.S. Department of Justice ("DOJ") for review prior to enforcing the change. At the state level, the Secretary of State submits changes in state election procedures. At the local level, each county must submit its changes to DOJ. These include polling place changes, change in the method of election, and adoption of new voting systems, among others.

**Help America Vote Act 2002
Texas State Plan**

According to the 2000 decennial census, the voting age population of Texas was 14,965,061. The state had 12,365,235 registered voters for the 2000 general election. In the 2002 November general election, the number of registered voters was 12,563,459.

Turnout in the 2000 November general election for state and county officers was 6,407,637, which constituted 51.8% of the registered voters and 42.8% of the voting age population. Turnout in the 2002 general election for state and county officers was 4,553,979, which constituted 36.2% of registered voters and 30.4% of the voting age population, using the 2000 census numbers.

In November 2000, the breakdown of election systems used by counties was:

Paper Ballot:	90
Optical Scan:	150
Punch Card:	14
Lever Machine:	3
DRE:	4

Attached as Table 2 (page 22) is a list of the county by county breakdown of voting systems. The Secretary of State is the authority charged with certifying voting systems for use in the state.

How the state will meet the Title III requirements is described in Table 1 below. The charts have been updated to reflect the current status and action planned as of January 2005.

Table 1

Voting System Standards	Sec. 301	
HAVA Requirement	State of Texas Current Status	Action Planned
All voting systems shall permit a voter to verify/review selections before casting the vote.	Meets the requirement. Texas Election Code (TEC) Sections 64.007 and 129.001(b).	No action needed.
Allow voter to change or correct any error on the ballot before casting the vote.	Meets the requirement. TEC Section 64.007.	No action needed.
Prevent or alert voter if he/she overvotes on the ballot.	Partially meets the requirement. DRE systems and precinct count optical scan systems alert the voter of an overvote. Manually counted paper ballots, centrally counted optical scan ballots, and punch card ballots do not alert the voter of overvotes. Current process on mail-in paper absentee ballots would not meet the requirement.	A voter education campaign will be implemented in all centrally counted optical scan and paper ballot precincts no later than January 1, 2006, to educate voters on the effect of an overvote on these systems.

**Help America Vote Act 2002
Texas State Plan**

Voting System Standards		
HAVA Requirement	State of Texas Current Status	Action Planned
All voting systems must be able to produce a paper audit trail of all votes cast.	Meets the requirement; state law currently requires real time audit of all election activity. TEC Section 122.001(a)	No action needed.
Voting systems must be accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for privacy and independence as other voters. This requirement may be met by having at least one DRE or other system equipped for individuals with disabilities at each polling site.	Partially meets the requirement. 13 counties have adopted an accessible DRE voting system. Most counties do not meet this requirement.	Upgrade existing voting systems or purchase new systems. All polling places will be required to be equipped with at least one DRE no later than January 1, 2006 pursuant to House Bill 1549.
Voting systems shall provide alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965.	All certified voting systems meet this requirement for Spanish language, and one voting system has been certified for the Vietnamese language.	No action needed.
All voting systems shall have error rates (machine errors only) that do not exceed the Federal Election Commission standards.	Meets the requirement. This requirement was added to state law in HB 1549.	No action needed.
A uniform definition of what constitutes a vote for each voting system in use in the state.	Meets this requirement. State law was passed to provide a uniform definition for what constitutes a vote. House Bill 1549 (2003)	No further action required.

Provisional Voting and Voting Information Requirements		
HAVA Requirement	State of Texas Current Status	Action Planned
A provisional voter is to be allowed to vote a paper ballot or an electronic ballot upon the completion of an affidavit. The ballot will be sealed in an envelope or electronically stored separately from the regular votes. The provisional ballot is to be transported to the appropriate election officials for determination of eligibility and counted if voter	State law was amended to provide procedures to meet this requirement effective January 1, 2004 pursuant to House Bill 1549. The Secretary of State has adopted administrative rules to provide specific procedures and has adopted forms to assist in the implementation of this new process.	No further action needed.

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Provisional Voting and Voting Information Requirements	Sec. 302	
HAVA Requirement	State of Texas Current Status	Action Planned
is deemed eligible.		
Each voter who casts a provisional vote shall be given written information on how he or she can ascertain whether his or her vote was counted, and if not why.	State has developed administrative rules and has adopted forms to implement this requirement.	No further action needed.
Establish a free access system, such as toll-free phone number or Internet website, allowing provisional voters to ascertain whether their vote was counted, and if not why.	State rules require the provisional voter to be notified via mail whether the voter's ballot was counted, and if the ballot was not counted, the reason why it was not counted.	No further action needed.
Post in each polling place a sample version of the ballot that will be used on election day.	State law passed to make it mandatory to post a sample ballot at each polling location.	No further action needed.
Post information regarding the day of the election and polling hours.	State law passed to require this posting.	No further action needed.
Post general information on state and federal voting rights and the right to a provisional vote if the requirements to vote are met.	State has prescribed language on the voter information poster required to be posted at each polling place beginning January 1, 2004.	No further action needed.
Post general information on federal and state laws prohibiting acts of fraud and misrepresentation.	State has prescribed language on the voter information poster required to be posted at each polling place beginning January 1, 2004.	No further action needed.
Any voter who casts a vote as the result of a federal or state court order extending polling hours, shall do so on a provisional ballot, and it shall be kept separate from other provisional ballots.	State law amended to provide for this occurrence and law became effective January 1, 2004. Precinct election forms were designed to accommodate this occurrence.	No further action needed.

Computerized Statewide Voter Registration System	Sec. 303	
HAVA Requirement	State of Texas Current Status	Action Planned
State shall implement a uniform, official, centralized, interactive computerized statewide voter registration list.	Does not meet the requirement. Currently, 164 counties use the Secretary of State voter registration program to register and maintain their lists of voters. The data is held at the Secretary of State's Office.	State law was amended to require a statewide official list maintained at the Secretary of State's office. The state

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Computerized Statewide Voter Registration System	Sec. 303	
HAVA Requirement	State of Texas Current Status	Action Planned
	<p>State law requires the state to maintain a copy of the list of registered voters, and counties have to update to the state database once a week. The state database is not considered the official list of voters.</p>	<p>completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway.</p>
<p>Perform list maintenance to ensure only qualified voters appear on the list, including felons and deaths of registrants.</p> <p>Ensure that only voters who are not registered or who are not eligible are removed from the computerized list.</p>	<p>State meets this requirement. State receives information from other state agencies regarding deaths and felons and provides this information to county voter registrars on a weekly basis.</p> <p>State meets this requirement. State law prescribes narrow guidelines regarding canceling a voter's registration. Only with a positive name and identification number match can a voter be canceled. The local county voter registrar, not the state, cancels voters. Voter registrars may not cancel based on information provided by a vendor unless that information is verified by the voter registrar by a public record. TEC, Chapter 16 and Section 18.0121.</p>	<p>No action needed.</p> <p>No action needed.</p>
<p>Ensure that voter registration records are accurate and updated regularly.</p>	<p>Does not meet the requirement.</p>	<p>State law was amended to require a statewide official list maintained at the Secretary of State's office. The state completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway.</p>
<p>State to verify applicant's driver's license or social security number prior to approval of applicant.</p>	<p>Does not meet the requirement.</p>	<p>State law was amended to require a statewide official list maintained at the Secretary of State's</p>

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Computerized Statewide Voter Registration System	Sec. 303	
HAVA Requirement	State of Texas Current Status	Action Planned
		office. The state completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway.
State to assign unique identifier if applicant does not have driver's license or social security number.	Does not meet this requirement.	State law was amended to require a statewide official list maintained at the Secretary of State's office. The state completed the procurement process and signed a contract for the development of a complaint statewide system on November 8, 2004. Development of the system is underway.
Require appropriate identification for first time voters if a computerized list has not been implemented.	State law was amended to require identification at time of registration for first time voters registering to vote by mail effective January 1, 2004.	No further action required.
Voter registration application is required to have additional information printed on it.	State has prescribed new form, and has distributed to all counties.	No further action required.

2. How Title II requirement payments will be monitored and distributed for the purpose of meeting the mandates in Title III, including determining the eligibility for receipt of payments and our methods for monitoring the performance of the local entities' continued eligibility.

The SOS has developed an online grant application and management system. This system is essential for the SOS to establish an infrastructure and the necessary controls to effectively manage the HAVA funds and to accurately report the necessary programmatic and financial information to the federal government. Figure 1 (page 15) outlines the currently approved

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requirements payments budget for the 2003 fiscal year appropriation and the proposed budget for the 2004 fiscal year appropriation. The following is a description of how the funding has and will be distributed to funding recipients as well as a description of the funding allotments to each county.

Grant Award Process

In September 2004, an award agreement was sent to each Texas county judge. As the chief executive officer of the county, the judge is required to sign the award agreement. To secure the funding, there are three basic steps:

1. The award agreement must be signed and returned to the Office of the Secretary of State.
2. A resolution from the county's governing body (i.e., county commissioners court) must be submitted as well. Required language for the resolution is included in the award agreement.
3. The online forms located on the Texas HAVA online grant system must be satisfactorily completed. The forms require information such as the official county address as well as the county's Employer Identification Number, State Vendor ID (VIN), and 3-digit Mail Code. The State Vendor ID is assigned by the State Comptrollers Office when an entity receives funds from the state and is comprised of the federal ID number plus a few other digits. The mail code determines which account the funds will be direct deposited into or whether a state warrant will be mailed. The county financial officer (i.e., county auditor or treasurer) will have this information. The county is also required to enter a detailed budget for each funding allocation. Guidelines regarding eligible uses for each funding allocation are included in the award agreement as well as the online forms. Grant activities must also be entered into the grant system where applicable.

DEADLINE TO APPLY FOR FUNDING - The FY 2003 funds will be available through August 31, 2006. Because not all counties will develop their funding priorities at the same rate, there are no deadlines currently imposed by the SOS for the counties to complete the online forms. However, all counties are encouraged to submit the signed grant award agreement that was sent to the county judge along with the required resolution from the commissioners court as soon as possible. The SOS may impose deadlines if an excessive amount of time elapses and the county has taken no action to secure the funding.

RESOLUTION - In addition to the parties that typically sign a resolution for the county (e.g., the county judge and the commissioners), the county election official(s) and the county financial officer must also sign the resolution.

GRANT AWARD APPROVAL AND REQUESTING REIMBURSEMENT - After the SOS has received the signed agreement that was sent to the county judge, the required resolution from the commissioners court as outlined in the award agreement, and the online forms have been submitted via this system, the SOS will review the documents and online forms for accuracy and completeness. Upon SOS approval, an email notification will be sent to the county judge, the election official(s), and the financial officer (Note: an email notification will only be sent if the

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user provides one when entering his or her contact information). At that time, the county financial officer will have access to submit reimbursement requests via the grant system.

Funding Allocations - Fiscal Year 2003 AppropriationAccessible Voting System in Each Polling Place

These funds are to be used for reimbursement of county costs incurred as a result of obtaining a HAVA-compliant accessible voting system in each polling location. This requirement may be met by having at least one accessible direct recording electronic voting system ("DRE") or other system equipped for individuals with disabilities at each polling site. The reimbursable amount each county is eligible for is calculated based on the number of precincts (polling places) used during the 2000 federal election multiplied by \$3,000.

General HAVA Compliance

These funds may be used by the county for voter education, election worker education, upgrading voting systems to comply with new federal standards – including compatibility with the new statewide voter registration system, and acquiring an accessible voting system in each polling place. Priority will be given to acquiring an accessible voting system in each polling place because of the January 1, 2006 compliance mandate.

The reimbursable amount each county is eligible for is calculated based on the county's voting age population during the 2000 federal election as a percentage of the state's total voting age population and the total budgeted amount for general HAVA compliance. However, each county that would receive less than \$5,000 based on the formula will receive \$5,000.

Funding Allocations - Fiscal Year 2004 Appropriation

Because the FY 2003 allotment of funding will not cover all of the county costs to purchase an accessible voting system in each polling location, Texas has proposed to increase the Requirements Payments to the counties by 200 percent. By fully funding the costs associated with acquiring at least one accessible voting system for each polling location, counties will be less likely to object to the HAVA mandate. Additionally, the counties may seize the opportunity afforded by the available federal dollars to fully update their outdated voting systems, rather than simply purchasing the HAVA-required minimum of one accessible system per polling location. The SOS will likely amend the current award agreement between the state and the counties or draft a new agreement to accommodate the additional funding.

Grant Regulations and Grant Oversight

The Secretary of State will develop a monitoring plan in 2005. The monitoring function may be outsourced or may be handled internally or a combination of the two may be employed. This grant program falls under the general requirements of the Uniform Grant Management Standards ("UGMS") prescribed by the Texas Office of the Governor. UGMS prescribes a standard set of

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financial management procedures and definitions and ensures accountability for expenditure of public funds. UGMS also incorporates the following federal regulations:

- OMB Circular A-87
- OMB Circular A-102
- "Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988
- OMB Circular A-133

Per the terms and conditions of the award agreement, any funding received by the county, regardless of the purpose, is contingent on each polling place within the county must have a voting system that is SOS-certified as accessible for individuals with disabilities, including non-visual accessibility for the blind and visually-impaired, in a manner that provides the same opportunity for privacy and independence as other voters no later than January 1, 2006.

3. Voter Education, Election Official Education and Training, and Poll Worker Training

a. Voter Education Plan Goal

The state will develop a comprehensive voter education plan to educate voters on certified voting systems and the proper use of those voting systems, with special emphasis on accessibility issues as it relates to the use of voting systems. Components of the education plan will include the statewide voter registration system, and how to vote a provisional ballot. The state has a responsibility to ensure that the voting process and our systems of voting are accurate, secure, and accountable. Our voter outreach efforts will need to be designed to reflect and incorporate the diverse populations of Texas through a well-executed, adaptable program, delivered in an easy-to-use format, and in alternative formats for individuals with disabilities. The mediums for delivery of this voter education program will need to be equally diverse.

b. Educating the Voter

- The state surveyed the 254 counties, compiled a list of best practices, and developed resources to supplement existing training materials for the voter. The Secretary of State will release an RFP in 2005 for the HAVA Education piece that will be consistent with applicable state and federal laws and regulations, including the Texas Government Code and the Texas Building and Procurement Commission. HAVA funding will be used for education as it relates to Title III of HAVA, which includes educating the voter on: 1) How to verify/review selections before casting the vote. 2) How to change or correct any error on the ballot before casting the vote. 3) How to avoid over voting. 4) How individuals with disabilities, including non-visual accessibility for the blind and visually impaired, can access the voting system in a manner that provides the same opportunity for privacy and independence as other voters. 5) How the county's voting system provides alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965. 6) What constitutes the uniform definition of the voting

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system(s) in use in the county? And 7) How to vote a provisional ballot, including written information on how the voter can ascertain whether his or her vote was counted, and if not, why.

Although HAVA funds were not spent on education prior to the 2004 elections we, at the state level:

- Revised all of our brochures, including Services Available to Voters with Special Needs, Texas Voting, Early Voting in Texas, and Volunteer Deputy Registrar Guide. Those brochures are on our web site and also available in hard copy.
- The following brochures have been developed, and are available via our web: Young Texas Voters; When Your Home is Your Polling Place; and Conducting a Successful Voter Registration Campaign.
- The following new items/brochures were developed and disseminated statewide to election officials and upon request to voters: What Every Texan Needs to Know About Elections in Texas (targeting First Time Voters); Voter Rights Poster and Overvote/Undervote Poster.
- We developed and disseminated the Project V.O.T.E. (Voters of Tomorrow through Education) Student Mock Election Curriculum for teachers regarding the conduct of a mock election, for Texas students, kindergarten through 12th grades. Over a half million students participated in the 2004 Texas Student mock election.
- A PowerPoint Presentation was developed titled "Voter Education-A General Overview." This presentation was/is designed for civic groups, charitable and non-profit organizations for conducting voter registration drives.
- The Secretary of State appointed a virtual voter education advisory committee composed of voter advocacy groups and other interested stakeholders to advise the Secretary of State on HAVA-related voter education materials and programs.

c. Election Officials Education and Training

- The state developed a comprehensive training component for Election Officials that included videos; pamphlets; updated handbooks; and an election-based training module prior to January 2004. The new training program and educational resources explain all the components of HAVA, including: overvote and undervote; provisional voting; DRE's; voters rights; the administrative hearing process; new voting system requirements; statewide voter registration system requirements; methods of poll worker training; accessibility for people with disabilities; and alternative language requirements.
- The state will look into the possibility of developing an outreach program working with the Department of Public Safety (DPS) to provide resources and materials to improve the voter registration process no later than July 2006.

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- The state will continue to work proactively with election officials to assist and advise in the recruitment of college and university students as poll workers.
- The state will investigate the possible creation of an on-line training module for election officials, with a possible certification component no later than January 2006.

d. Training of Poll Workers

- The State has developed and disseminated statewide a new curriculum for Election Judges and Clerks, complete with a training video for preparing the polling place, qualifying voters, closing the polling place and discussing new law and HAVA. The curriculum for Election Judges and Clerks also has a testing component. We were successful in training over 49,000 poll workers before our 2004 Primary Elections.
- Regional schools for the training of election judges and clerks for the 2004 Election were conducted prior to the Primary and General Elections. Secretary of State staff traveled the state, educating election officials about Texas law, HAVA, and in some locations, we partnered with the Coalition of Texans with Disabilities, who presented a unit on voters with disabilities and educating election officials on the rights of disabled voters.

4. How the state will adopt voting system guidelines consistent with Sec. 301 (Sec. 254, a, 4).

Voting System Standards

The state of Texas' voting systems standards contained at Section 122.001 of the Texas Election Code are already in substantial compliance with the requirements set out in Section 301(a)(1) of HAVA. Pursuant to an administrative rule adopted by the Secretary of State, Rule 81.61, before any voting system may be certified for use in a Texas election, the voting system must meet the voluntary voting systems standards promulgated by the Federal Election Commission. Texas Administrative Code § 81.61 (Tex. Sec. of State).

Overvote and Opportunity to Correct Ballot

All systems used in Texas allow a voter to change his or her vote. In a paper or optical scan ballot system, a voter may receive up to two replacement ballots if he or she makes an error marking the original ballot. Texas currently posts voting instructions that inform the voter of his or her right to replace a spoiled ballot.

Precinct-level optical scan voting systems inform the voter of an overvote in a particular race and give the voter an opportunity to correct the ballot. Texas Administrative Code § 81.52 (Tex. Sec. of State). Direct Recording Electronic voting systems ("DRE's") currently certified for use in Texas and mechanical lever machines do not allow for overvoting. In those entities using hand-counted paper ballot, central count optical scan, mechanical lever machines or punch card voting systems, the voter is not informed when he or she overvotes in a race. However, language will be added to voter instructions to inform voters of the

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definition and consequences of an overvote, and Texas will establish a voter education program to explain the effect of overvoting. Punch card and lever voting systems will be phased out of use. The Texas Legislature passed legislation this year to prohibit their use after January 1, 2006.

All of the systems used in Texas allow voters to view their choices before they cast their ballot. DRE voting systems are already required under current state law to present voters with a summary screen of the entire ballot to allow voters to review and change their choices prior to the final cast of the ballot.

Manual Audit

Electronic voting systems are required under state law to provide records from which the operation of the voting system may be audited. In addition, the Secretary of State has adopted an administrative rule, Section 81.61, which requires a real time audit log that records all significant election events and records the date and time of each event. Also, due to the fundamental inability of lever machines to produce a manual audit of its records, Texas has recently passed a law that prohibits the use of these systems in elections after January 1, 2006.

Accessibility

Under HAVA, the voting system must be accessible to individuals with disabilities in a manner that provides the same opportunity for access and participation as for other voters. HAVA provides that this requirement may be met by placing a DRE or other accessible voting unit in each polling place.

Texas law currently requires voting systems acquired on or after September 1, 1999 to comply with Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments and Title II of the federal Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments; and to provide a practical and effective means for voters with physical disabilities to cast a secret ballot. Detailed guidelines as to what constitutes an accessible voting system have been adopted by administrative rule which is enclosed. In all the remaining polling places throughout the state which use voting systems that do not meet the accessibility guidelines, counties will purchase at least 1 DRE per polling place in order to satisfy the requirements.

The state legislation implementing HAVA repeals the current voting system accessibility law and replaces it with language which tracks the federal law for accessibility. Until the Election Assistance Commission issues HAVA-compliant accessibility standards, Texas will continue to evaluate accessibility based on the state rule and FEC accessibility standards.

Language Accessibility

Because Texas is a state covered by Section 1973aa-1a and Section 1973b(f)(4) of the federal Voting Rights Act, voting systems are already required to provide alternative language

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accessibility to the ballot. Statewide, Spanish has been required since 1975 and ballots have been required to be in English and Spanish since that time. As a result of the 2000 census, in some areas of the state, Vietnamese, Kickapoo, and Pueblo languages are required. Review of whether a voting system provides alternative languages is already an element of voting system certification in Texas.

Error rates

HAVA requires that the counting error rate of voting systems must comply with the standards established under the Federal Election Commission. Secretary of State Administrative Rule 81.61 requires that before a voting system may be certified for use in Texas, the voting system must meet the voluntary voting system standards promulgated by the Federal Election Commission. In addition, the state legislation adopted to implement HAVA amends the Texas Election Code to require that all voting systems comply with the error rate standards adopted by the Federal Election Commission.

Definition of "Vote"

Current state law contains a detailed definition of a punch card vote. Texas has recently passed legislation that fully defines what constitutes a vote cast under hand-counted paper ballot, optical scan, and lever machine systems. See Exhibit D.

5. How the Election Fund will be established and managed (Sec. 254, a, 5).

The Texas Legislature created an "Election Improvement Fund" as a dedicated account in the general revenue fund and consists of federal funds designated for election improvement, matching funds from the state or a political subdivision, and depository interest earned on the assets of the fund. The state has appropriated funds to satisfy the five percent match requirement of Section 253 of HAVA in House Bill 1549, 78th Regular Session, 2003. The fund will be managed according to the Uniform Grant Management Standards prescribed by the Texas Office of the Governor and the terms and conditions of the federal grant award(s). The SOS has also hired a grant manager as well as an accountant to oversee and administer the grant program.

6. The state's proposed budget for activities under this part, based on the state's best estimates of the costs of such activities and the amount of funds to be made available.

The budget below is based on the state's best estimate. The SOS anticipates some adjustments will be necessary; however, the Secretary of State will reconvene the HAVA Advisory Committee for advice on how to reallocate the funds if the change is substantive. It should be noted that the "free access system for provisional voters has been adjusted to \$0 because the state is already in compliance with that requirement.

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Figure 1

	FY03 Approp.		FY04 Approp.
	\$23,476,116		\$0
Title I Federal Award:	Estimated Amount	Actual Budget	Proposed Budget
Punch Card and Lever Replacement	\$6,269,521	\$6,269,521	N/A
Preliminary Planning For Statewide Voter Registration System	\$500,000	\$465,836	N/A
State Plan Administration	\$ 2 – 4 million	\$3,726,690	N/A
Voter Education	\$ 2 – 3 million	\$2,795,017	N/A
Election Official and Poll Worker Training	\$ 2 – 3 million	\$2,795,017	N/A
County Compatibility with New Statewide Voter Registration System	\$ 6 million	\$5,590,035	N/A
County Education Fund	\$1 – 2 million	\$1,834,000	N/A
Total:	\$ 19.77 – 24.77 million	\$23,476,116	N/A
Title II Federal Award:	\$57,504,778		\$103,187,171
Required State Match:	\$3,026,567		\$5,430,904
Total Available:	\$60,531,345		\$108,618,075
	Estimated Amount	Actual Budget	Proposed Budget
SOS Admin (State Plan Administration)	N/A	N/A	\$5,000,000
Free Access System for Provisional Voters	\$ 1 million	\$0	\$0
Statewide Voter Registration System	\$ 10 – 15 million	\$14,773,345	\$5,000,000
Accessible Voting System in Every Polling Place	\$ 25.5 million	\$25,758,000	\$91,618,075
Grant Funding to Counties for HAVA (Title III) Compliance	\$ 20 million	\$20,000,000	\$5,000,000
County Compatibility with New Statewide Voter Registration System	N/A	N/A	\$2,000,000
Voter Education, Election Official and Poll Worker Training	N/A	N/A	\$2,000,000
Total:	\$ 56.5 – 61.5 million	\$60,531,345	\$108,618,075

7. Statement that the state will, in using the requirements payments, provide for maintaining the funding for activities funded by the payments at a level not less than the fiscal year ending before November 2000 (Sec. 254, a, 7).

The Secretary of State has determined that the activities funded by the requirements payments as outlined in this state plan will not reduce the level of expenditures maintained by the state for the fiscal year ending prior to November 2000. Additionally, since the initial state plan was filed, the SOS has determined that the requirements payments activities as outlined in this plan have never been funded by the state to the counties prior to the fiscal year ending before November 2000. Consequently, the counties need not certify they are in compliance with the maintenance of effort requirement as originally proposed as it is not applicable.

8. How the state will adopt performance goals and measures to determine success in carrying out the plan (Sec. 254, a, 8).

The Secretary of State and county election officials are responsible for ensuring the success in meeting each performance goal. Each county’s voter registration and elections office also have a substantial responsibility in meeting performance goals in that the counties will monitor performance measures and will report to the state on a regular basis.

The performance goals include:

ELIMINATION OF PUNCH CARD VOTING AND LEVER EQUIPMENT

- a. Timetable: January 1, 2006
- b. Criteria: Replacement of punch card voting equipment and lever machines in 17 counties that used voting equipment in 2000.

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- c. How criteria is measured: Assess 17 counties after January 1, 2006 to determine if any punch card or lever machines are being used in federal elections.
- d. The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

VOTING SYSTEM STANDARDS

- a. **VOTING SYSTEMS**
 - (1) Timetable: January 1, 2006
 - (2) Criteria: All voting precincts in the state will have a voting system that provides voters an opportunity to check for and correct ballot errors in a private and independent manner, notifies the voter of any overvotes cast and the effect of casting an overvote, allows the voter to correct the overvote before the ballot is cast, has a manual audit capacity, and an error rate that does not exceed the existing rate established by the FEC or Office of Election Administration. For the precincts that do not have such a system in place, an extensive voter education program will be developed and used in each county. A program will be developed for each type of voting system and paper ballot to educate the voter on what constitutes a legal vote for each type of voting machine and how to correctly cast a ballot for each type of voting system.
 - (3) How the criteria is judged: Assess all counties to ensure 100% participation in using voting systems that meet the HAVA requirements or using the education program developed by the Secretary of State.
 - (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.
- b. **ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES**
 - (1) Timetable: January 1, 2006
 - (2) Criteria: Provide at least one direct recording voting device in each polling place in the state that will allow voters with disabilities the opportunity to cast a ballot without assistance.
 - (3) How criteria is judged: Assess each county to ensure 100% of the polling places have implemented a direct recording voting device that allows voters with disabilities the opportunity to cast a ballot without assistance.
 - (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.
- c. **ALTERNATE LANGUAGE ACCESSIBILITY**
 - (1) Timetable: Currently
 - (2) Criteria: Provide alternative language accessibility pursuant to the federal Voting Rights Act.

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- (3) How criteria are judged: Texas has provided alternative language for all voting systems, voting materials and forms used in the polling place since 1975. Before a voting system is certified by the Secretary of State, the voting system must demonstrate alternate language accessibility.
- (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.

PROVISIONAL VOTING

- a. **PROVISIONAL BALLOTS PROVIDED**
 - (1) Timetable: January 1, 2004
 - (2) Criteria: Provide provisional ballots to ensure no individual is turned away at the polls.
 - (3) How criteria is judged: Assess all counties to ensure the new procedures for provisional voting are in place and that all election workers have been trained on the new procedures.
 - (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.
- b. **FREE ACCESS SYSTEM**
 - (1) Timetable: January 1, 2004
 - (2) Criteria: Implement a free access system in each county so that the voters can determine if their provisional ballot was counted.
 - (3) How criteria is judged: Success of meeting this performance goal is based on the establishment of a free access system in each county so that voters can determine if their provisional ballot was counted.
 - (4) The county election officials are responsible for meeting this measure with the advice and assistance of the Secretary of State.
- c. **INFORMATIONAL VOTING POSTER**
 - (1) Timetable: January 1, 2004
 - (2) Criteria: Voter information must be posted at each polling place, to include: sample ballots; dates and hours of voting; instructions for voters registering by mail and for first time voters; voter rights (including the right to vote a provisional ballot); and legal notice prohibiting voter fraud and misrepresentation.
 - (3) How criteria is judged: Survey all counties to ensure that the voting poster is included with election supplies and that all election workers have been instructed to post such information in the polling place.
 - (4) The Secretary of State will prescribe and distribute informational posters to all counties prior to January 1, 2004. The county election officials are responsible for ensuring the poster is properly posted in each precinct.

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STATEWIDE VOTER REGISTRATION SYSTEM

- a. **COMPUTERIZED STATEWIDE VOTER LIST**
 - (1) Timetable: January 1, 2006
 - (2) Criteria: Implementation of a single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the state level.
 - (3) How criteria is judged: Success of meeting this performance goal is based on the implementation of a statewide voter registration system that meets the requirements of HAVA.
 - (4) The Secretary of State in conjunction with the county election officials is responsible for meeting this measure.

- b. **NEW VOTER REGISTRATION APPLICATION**
 - (1) Timetable: January 1, 2004
 - (2) Criteria: Prescribe, print and distribute new voter registration applications that meet the requirements of HAVA.
 - (3) How criteria is judged: The Secretary of State will prescribe, print and distribute a new voter registration application to all counties prior to January 1, 2004.
 - (4) The Secretary of State in conjunction with the county election officials is responsible for meeting this measure.

The Secretary of State will collect specific data to identify the successes of each county as it relates to the implementation of the Help America Vote Act of 2002 (HAVA). The Secretary of State will compile the data in report(s) for tracking purposes and to share with interested parties such as the EAC. The report will include an indication of whether each county met the performance goals. If the Election Assistance Commission or any other federal agency should prescribe such a report or survey, the state will use the federal form in lieu of the state form.

9. Description of state based administrative complaint procedures (Sec. 254, a, 9):

The Secretary of State has adopted an administrative complaint procedure through its rulemaking authority. Complaints are limited to those arising from violations of Title III of HAVA. As required under Section 402(2) of HAVA, complaints shall be required to be in writing, signed by the complainant, and notarized. The Secretary of State will have authority to consolidate complaints for efficiency and to resolve any complaints through an informal process, if warranted.

Review of the complaint will be held pursuant to the right of notice, hearing, and adjudication as set out in the administrative rule.

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10. A description of how payments for punch card replacement and early out money affects the activities under the plan, including the amount of funds available (Sec. 254, a, 10).

Punch card and lever voting system replacement award agreements were sent to all eligible counties in April 2004. The Title I funds will be distributed, administered, and monitored using the same standards as the requirements payments that are distributed to the counties.

11. Description of how the state will conduct ongoing management of the plan (Sec. 254, a, 11):

The Secretary of State has hired a HAVA grant manager, a HAVA grant accountant, a project manager to oversee the development and implementation of the HAVA-compliant statewide voter registration system, and will hire monitoring staff or outsource that function. All procurement with HAVA funds will be consistent with applicable state and federal laws and regulations, including the Texas Government Code and the Texas Building and Procurement Commission. All sub-awarded grants will include an award agreement with the terms and conditions governing the use of the funds and will adopt by reference the State of Texas Uniform Grant Management Standards, OMB Circular A-87, OMB Circular A-102, "Common Rule", Administrative Requirements, 53 FR 8087, March 11, 1988, and OMB Circular A-133.

If material changes to the state plan are necessary, the Secretary of State will propose the change in the Texas Administrative Register. In addition, the Secretary of State intends to continue working with the HAVA Advisory Committee as the plan is implemented. The State Plan provides a general framework of HAVA implementation in Texas, but the Secretary of State will continue, as needed, to adopt administrative rules to define specific procedures for provisional voting and other HAVA-related issues as well as modify and design forms as the implementation of HAVA continues to evolve. As rules are proposed and as new voter forms are drafted, the Secretary of State will distribute the drafts to the HAVA Advisory Committee for comments and suggestions.

12. Description of how the plan reflects changes from the state plan for the previous fiscal year.

Each section has been updated accordingly and reflects the current state plan.

13. A description of the committee that participated in the development of the plan (Sec. 254, a, 13).

An advisory committee was appointed by the Secretary of State to help develop the State Plan. We enlisted professional associations, voter advocacy groups and other relevant associations, and requested that each association appoint a representative to serve on the advisory committee. The Committee conducted public meetings on the following dates: April 3, 2003, May 1, 2003, June 27, 2003, February 20, 2004, and November 12, 2004. Minutes of all Committee meetings are posted on the Secretary of State website at <http://www.sos.state.tx.us/elections/hava/index.shtml>. The Preliminary Texas State Plan was

**Help America Vote Act 2002
Texas State Plan**

posted on the web on July 25, 2003 and also published in the Texas Register on August 1, 2003. Public comment was accepted through September 2, 2003.

The proposed amended budget was posted on the Secretary of State agency website on November 5, 2004 and was discussed at the November 12, 2004 meeting of the HAVA Advisory Committee. In addition, notice of the proposed amended budget was published in the Texas Register on November 5, 2004.

**Help America Vote Act 2002
Texas State Plan**

Advisory Committee Members:

Teresa Aguirre
Texas Association of
Counties

Phil Barrett
Texas Department of
Information Resources

Paul Bettencourt
Harris County Tax Assessor-
Collector

Paulette Burke
Texas County & District
Clerks Association
Rockwall County Clerk

Brett Carr
Senate State Affairs

The Honorable Mary Denny
Texas State Representative
Chair, House Elections
Committee

Judge Robert Eckels
County Judges and
Commissioners Association

Frank Elder
Assistant Chief
Texas Department of Public
Safety

Claude Foster
ACLU of Texas, Inc.

Barbara Hankins
Texas League of Women
Voters

David Hanna
Texas Legislative Council

Beverly Kaufman
Harris County Clerk

Bob Lydia
President
NAACP

Molly Beth Malcolm
Chairwoman
Texas Democratic Party

Germaine Martinez
Program Specialist
Texas Department of Public
Safety

The Honorable Jane Nelson
Texas State Senator

Jodi Park
Coalition of Texans with
Disabilities

Nina Perales
MALDEF

Sharon Rowe
President Texas Association
of Elections Administrators
Collin County Elections
Administrator

Rudy Sandoval
Chief of Staff
LULAC

Michael Scholfield
Assistant General Counsel
Governor's Policy
Office of the Governor

Jonas Schwartz
Program Services Manager
Advocacy, Inc.

Bruce Sherbet
Dallas County Elections
Administrator

Sandra Vice
State Auditor's Office

Bea Westbrook
President
Texas Association of Tax
Assessor-Collectors
Newton County Tax Assessor
Collector

Chad Wilbanks
Texas Republican Party

Don Willett
Deputy Attorney General,
General Counsel
Office of the Texas Attorney
General

FUNDING ALLOCATIONS TO TEXAS COUNTIES

Table 2

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
ANDERSON	Optical Scan	25	43,678	\$7,000	\$75,000.00	\$58,022	\$266,341
ANDREWS	Paper	5	8,903	\$7,000	\$15,000.00	\$11,827	\$53,714
ANGELINA	Optical Scan	40	57,974	\$7,000	\$120,000.00	\$77,013	\$394,466
ARANSAS	Optical Scan	7	17,151	\$7,000	\$21,000.00	\$22,784	\$87,665
ARCHER	Optical Scan	14	6,358	\$7,000	\$42,000.00	\$8,446	\$101,005
ARMSTRONG	Paper	9	1,589	\$7,000	\$27,000.00	\$5,000	\$64,071
ATASCOSA	Optical Scan	25	26,373	\$7,000	\$75,000.00	\$35,034	\$220,314
AUSTIN	Optical Scan	19	17,215	\$7,000	\$57,000.00	\$22,869	\$159,915
BAILEY	Paper	8	4,597	\$7,000	\$24,000.00	\$6,107	\$60,281
BANDERA	Optical Scan	12	13,292	\$7,000	\$36,000.00	\$17,657	\$107,434
BASTROP	Optical Scan	22	41,589	\$7,000	\$66,000.00	\$55,247	\$242,765
BAYLOR	Paper	6	3,135	\$7,000	\$18,000.00	\$5,000	\$46,051
BEE	Optical Scan	18	24,794	\$7,000	\$54,000.00	\$32,937	\$174,067
BELL	AVM	43	169,236	\$9,000	\$129,000.00	\$224,815	\$708,419
BEXAR	Optical Scan	626	996,458	\$11,000	\$1,678,000.00	\$1,323,705	\$6,410,551
BLANCO	Paper	9	6,368	\$7,000	\$27,000.00	\$8,459	\$70,998
BORDEN	Paper	8	550	\$7,000	\$24,000.00	\$5,000	\$58,065
BOSQUE	Optical Scan	18	13,003	\$7,000	\$54,000.00	\$17,273	\$142,706
BOWIE	Optical Scan	37	67,135	\$7,000	\$111,000.00	\$89,183	\$400,812
BRAZORIA	Punch Card	68	172,664	\$9,000	\$204,000.00	\$229,369	\$867,704
BRAZOS	Punch Card	109	119,680	\$9,000	\$327,000.00	\$158,984	\$973,052
BREWSTER	Paper	8	6,902	\$7,000	\$24,000.00	\$9,169	\$66,411
BRISCOE	Paper	7	1,305	\$7,000	\$21,000.00	\$5,000	\$52,058
BROOKS	Optical Scan	10	5,459	\$7,000	\$30,000.00	\$7,252	\$74,587
BROWN	Optical Scan	18	27,943	\$7,000	\$54,000.00	\$37,120	\$182,443
BURLESON	Optical Scan	16	12,047	\$7,000	\$48,000.00	\$18,003	\$128,149
BURNET	Optical Scan	24	25,779	\$7,000	\$72,000.00	\$34,245	\$212,727
CALDWELL	Optical Scan	20	23,068	\$7,000	\$60,000.00	\$30,644	\$181,490
CALHOUN	Optical Scan	30	14,767	\$7,000	\$90,000.00	\$19,617	\$219,478
CALLAHAN	Optical Scan	8	9,527	\$7,000	\$24,000.00	\$12,656	\$73,393
CAMERON	Optical Scan	84	221,932	\$9,000	\$252,000.00	\$294,817	\$1,094,853
CAMP	Paper	13	8,447	\$7,000	\$39,000.00	\$11,221	\$100,554
CARSON	Paper	10	4,700	\$7,000	\$30,000.00	\$6,244	\$72,568

FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
CASS	Optical Scan	26	22,869	\$7,000	\$78,000.00	\$30,379	\$217,001
CASTRO	Paper	9	5,541	\$7,000	\$27,000.00	\$7,361	\$68,798
CHAMBERS	Punch Card	14	18,507	\$7,000	\$42,000.00	\$24,585	\$133,318
CHEROKEE	Optical Scan	29	34,383	\$7,000	\$87,000.00	\$45,675	\$265,645
CHILDRESS	Paper	5	5,989	\$7,000	\$15,000.00	\$7,956	\$45,963
CLAY	Paper	17	8,271	\$7,000	\$51,000.00	\$10,987	\$124,113
COCHRAN	Paper	8	2,554	\$7,000	\$24,000.00	\$5,000	\$58,065
COKE	Paper	8	2,922	\$7,000	\$24,000.00	\$5,000	\$58,065
COLEMAN	Paper	15	7,053	\$7,000	\$45,000.00	\$9,369	\$108,860
COLLIN	Punch Card	127	350,368	\$9,000	\$381,000.00	\$465,432	\$1,694,753
COLLINGSWORTH	Paper	8	2,360	\$7,000	\$24,000.00	\$5,000	\$58,065
COLORADO	Optical Scan	19	15,171	\$7,000	\$57,000.00	\$20,153	\$154,479
COMAL	Optical Scan	31	58,107	\$7,000	\$93,000.00	\$77,190	\$340,759
COMANCHE	Paper	17	10,475	\$7,000	\$51,000.00	\$13,915	\$129,975
CONCHO	Paper	9	3,328	\$7,000	\$27,000.00	\$5,000	\$64,071
COOKE	Optical Scan	26	26,421	\$7,000	\$78,000.00	\$35,098	\$226,448
CORYELL	Optical Scan	21	55,305	\$7,000	\$63,000.00	\$73,468	\$273,240
COTTLE	Paper	6	1,448	\$7,000	\$18,000.00	\$5,000	\$46,051
CRANE	Paper	5	2,722	\$7,000	\$15,000.00	\$5,000	\$40,045
CROCKETT	Optical Scan	5	2,914	\$7,000	\$15,000.00	\$5,000	\$40,045
CROSBY	Paper	11	4,898	\$7,000	\$33,000.00	\$6,507	\$79,101
CULBERSON	Paper	7	2,018	\$7,000	\$21,000.00	\$5,000	\$52,058
DALLAM	Paper	10	4,244	\$7,000	\$30,000.00	\$5,638	\$71,355
DALLAS	Optical Scan/DRE	791	1,599,868	\$11,000	\$2,373,000.00	\$2,125,280	\$9,006,595
DAWSON	Paper	12	11,148	\$7,000	\$36,000.00	\$14,809	\$101,732
DEAF SMITH	Optical Scan	9	12,380	\$7,000	\$27,000.00	\$16,446	\$86,988
DELTA	Paper	11	3,964	\$7,000	\$33,000.00	\$5,266	\$76,617
DENTON	Optical Scan	126	312,866	\$9,000	\$378,000.00	\$415,614	\$1,588,999
DEWITT	Paper	17	15,253	\$7,000	\$51,000.00	\$20,262	\$142,683
DICKENS	Paper	7	2,250	\$7,000	\$21,000.00	\$5,000	\$52,058
DIMMIT	Optical Scan	8	6,847	\$7,000	\$24,000.00	\$9,096	\$66,265
DONLEY	Paper	10	2,972	\$7,000	\$30,000.00	\$5,000	\$70,078
DUVAL	Optical Scan	12	9,252	\$7,000	\$36,000.00	\$12,290	\$96,689
EASTLAND	Optical Scan	10	14,050	\$7,000	\$30,000.00	\$18,664	\$97,437

FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compt. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
ECTOR	Punch Card	42	84,303	\$7,000	\$126,000.00	\$111,989	\$476,509
EDWARDS	Paper	6	1,546	\$7,000	\$18,000.00	\$5,000	\$46,051
ELLIS	Optical Scan	60	77,716	\$7,000	\$180,000.00	\$103,239	\$567,109
EL PASO	Punch Card/DRE	156	462,199	\$9,000	\$468,000.00	\$613,990	\$2,166,393
ERATH	Optical Scan	27	24,889	\$7,000	\$81,000.00	\$33,063	\$228,380
FALLS	Paper	13	13,440	\$7,000	\$39,000.00	\$17,854	\$113,834
FANNIN	Optical Scan	20	23,992	\$7,000	\$60,000.00	\$31,871	\$183,947
FAYETTE	Optical Scan	28	16,747	\$7,000	\$84,000.00	\$22,247	\$212,731
FISHER	Paper	11	3,304	\$7,000	\$33,000.00	\$5,000	\$76,085
FLOYD	Paper	12	5,332	\$7,000	\$36,000.00	\$7,083	\$86,262
FOARD	Paper	5	1,203	\$7,000	\$15,000.00	\$5,000	\$40,045
FORT BEND	Optical Scan	104	240,980	\$9,000	\$312,000.00	\$320,120	\$1,265,650
FRANKLIN	Paper	10	7,159	\$7,000	\$30,000.00	\$9,510	\$79,108
FREESTONE	Optical Scan	16	13,645	\$7,000	\$48,000.00	\$18,126	\$132,400
FRIO	Optical Scan	11	11,592	\$7,000	\$33,000.00	\$15,399	\$96,906
GAINES	Optical Scan	9	9,402	\$7,000	\$27,000.00	\$12,490	\$79,068
GALVESTON	Optical Scan	77	183,289	\$9,000	\$231,000.00	\$243,483	\$950,024
GARZA	Paper	10	3,506	\$7,000	\$30,000.00	\$5,000	\$70,078
GILLESPIE	Optical Scan	16	16,327	\$7,000	\$48,000.00	\$21,689	\$139,533
GLASSCOCK	Paper	5	935	\$7,000	\$15,000.00	\$5,000	\$40,045
GOLIAD	Optical Scan	11	5,135	\$7,000	\$33,000.00	\$6,821	\$79,732
GONZALES	Optical Scan	16	13,421	\$7,000	\$48,000.00	\$17,829	\$131,804
GRAY	Optical Scan	15	17,282	\$7,000	\$45,000.00	\$22,958	\$136,067
GRAYSON	Optical Scan	54	82,620	\$7,000	\$162,000.00	\$109,753	\$544,113
GREGG	Optical Scan	23	81,588	\$7,000	\$69,000.00	\$108,382	\$355,160
GRIMES	Optical Scan	21	17,715	\$7,000	\$63,000.00	\$23,533	\$173,259
GUADALUPE	Optical Scan/DRE	83	63,693	\$7,000	\$249,000.00	\$84,610	\$667,965
HALE	Paper	19	25,532	\$7,000	\$57,000.00	\$33,917	\$182,037
HALL	Paper	8	2,753	\$7,000	\$24,000.00	\$5,000	\$58,065
HAMILTON	Optical Scan	15	6,270	\$7,000	\$45,000.00	\$8,329	\$106,777
HANSFORD	Paper	9	3,795	\$7,000	\$27,000.00	\$5,041	\$64,154
HARDEMAN	Paper	6	3,526	\$7,000	\$18,000.00	\$5,000	\$46,051
HARDIN	Optical Scan	18	34,715	\$7,000	\$54,000.00	\$46,116	\$200,455
HARRIS	Punch Card	935	2,416,022	\$11,000	\$2,805,000.00	\$3,209,467	\$12,042,351

FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
HARRISON	Optical Scan	29	45,441	\$7,000	\$87,000.00	\$60,364	\$295,057
HARTLEY	Paper	7	4,385	\$7,000	\$21,000.00	\$5,825	\$53,710
HASKELL	Paper	11	4,646	\$7,000	\$33,000.00	\$6,172	\$78,431
HAYS	Punch Card	35	73,683	\$7,000	\$105,000.00	\$97,881	\$406,215
HEMPHILL	Paper	9	2,412	\$7,000	\$27,000.00	\$5,000	\$64,071
HENDERSON	Optical Scan	31	55,426	\$7,000	\$93,000.00	\$73,628	\$333,629
HIDALGO	Optical Scan	95	368,461	\$9,000	\$285,000.00	\$489,467	\$1,550,662
HILL	Optical Scan	28	23,961	\$7,000	\$84,000.00	\$31,830	\$231,918
HOCKLEY	Optical Scan	16	16,098	\$7,000	\$48,000.00	\$21,385	\$138,924
HOOD	Votronic II	16	31,407	\$7,000	\$48,000.00	\$41,721	\$179,643
HOPKINS	Optical Scan	22	23,605	\$7,000	\$66,000.00	\$31,357	\$194,931
HOUSTON	Optical Scan	22	17,807	\$7,000	\$66,000.00	\$23,655	\$179,510
HOWARD	Punch Card	21	25,488	\$7,000	\$63,000.00	\$33,859	\$193,933
HUDSPETH	Paper	12	2,203	\$7,000	\$36,000.00	\$5,000	\$82,091
HUNT	Optical Scan	36	56,268	\$7,000	\$108,000.00	\$74,747	\$365,902
HUTCHINSON	Optical Scan	15	17,310	\$7,000	\$45,000.00	\$22,995	\$136,141
IRION	Paper	6	1,298	\$7,000	\$18,000.00	\$5,000	\$46,051
JACK	Paper	11	6,712	\$7,000	\$33,000.00	\$8,916	\$83,926
JACKSON	Paper	13	10,448	\$7,000	\$39,000.00	\$13,879	\$105,876
JASPER	Optical Scan	20	26,165	\$7,000	\$60,000.00	\$34,758	\$189,727
JEFF DAVIS	Paper	6	1,668	\$7,000	\$18,000.00	\$5,000	\$46,051
JEFFERSON	Punch Card	106	186,727	\$9,000	\$318,000.00	\$248,050	\$1,133,363
JIM HOGG	Optical Scan	5	3,613	\$7,000	\$15,000.00	\$5,000	\$40,045
JIM WELLS	Optical Scan	22	26,975	\$7,000	\$66,000.00	\$35,834	\$203,895
JOHNSON	Optical Scan	35	90,294	\$7,000	\$105,000.00	\$119,947	\$450,397
JONES	Optical Scan	16	16,111	\$7,000	\$48,000.00	\$21,402	\$138,959
KARNES	Optical Scan	22	12,081	\$7,000	\$66,000.00	\$16,049	\$164,280
KAUFMAN	Optical Scan	35	50,486	\$7,000	\$105,000.00	\$67,066	\$344,516
KENDALL	Optical Scan	12	17,277	\$7,000	\$36,000.00	\$22,951	\$118,033
KENEDY	Optical Scan	7	293	\$7,000	\$21,000.00	\$5,000	\$52,058
KENT	Paper	7	682	\$7,000	\$21,000.00	\$5,000	\$52,058
KERR	Optical Scan	17	33,760	\$7,000	\$51,000.00	\$44,847	\$191,908
KIMBLE	Paper	8	3,412	\$7,000	\$24,000.00	\$5,000	\$58,065
KING	Paper	5	236	\$7,000	\$15,000.00	\$5,000	\$40,045

FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
KINNEY	Paper	5	2,511	\$7,000	\$15,000.00	\$5,000	\$40,045
KLEBERG	Optical Scan	31	22,949	\$7,000	\$93,000.00	\$30,486	\$247,247
KNOX	Paper	11	3,073	\$7,000	\$33,000.00	\$5,000	\$76,085
LAMAR	Optical Scan	33	35,831	\$7,000	\$99,000.00	\$47,598	\$293,524
LAMB	Paper	13	10,353	\$7,000	\$39,000.00	\$13,753	\$105,624
LAMPASAS	Optical Scan	10	12,864	\$7,000	\$30,000.00	\$17,089	\$94,282
LASALLE	Optical Scan	7	4,143	\$7,000	\$21,000.00	\$5,504	\$53,086
LAVACA	Optical Scan	20	14,562	\$7,000	\$60,000.00	\$19,344	\$158,866
LEE	Paper	13	11,148	\$7,000	\$39,000.00	\$14,809	\$107,738
LEON	Optical Scan	15	11,610	\$7,000	\$45,000.00	\$15,423	\$120,980
LIBERTY	Optical Scan	30	50,777	\$7,000	\$90,000.00	\$67,453	\$315,257
LIMESTONE	Optical Scan	21	16,451	\$7,000	\$63,000.00	\$21,854	\$169,897
LIPSCOMB	Paper	10	2,214	\$7,000	\$30,000.00	\$5,000	\$70,078
LIVE OAK	Paper	15	9,570	\$7,000	\$45,000.00	\$12,713	\$115,555
LLANO	Optical Scan	13	14,333	\$7,000	\$39,000.00	\$19,040	\$116,210
LOVING	Paper	5	54	\$7,000	\$15,000.00	\$5,000	\$40,045
LUBBOCK	Optical Scan	94	180,367	\$9,000	\$282,000.00	\$239,601	\$1,044,366
LYNN	Paper	15	4,506	\$7,000	\$45,000.00	\$5,986	\$102,085
MADISON	Optical Scan	9	10,207	\$7,000	\$27,000.00	\$13,559	\$81,209
MARION	Paper	16	8,496	\$7,000	\$48,000.00	\$11,286	\$118,705
MARTIN	Paper	10	3,136	\$7,000	\$30,000.00	\$5,000	\$70,078
MASON	Optical Scan	9	2,902	\$7,000	\$27,000.00	\$5,000	\$64,071
MATAGORDA	Optical Scan	19	26,575	\$7,000	\$57,000.00	\$35,302	\$164,811
MAVERICK	Optical Scan	15	29,838	\$7,000	\$45,000.00	\$39,637	\$169,463
MCCULLOCH	Paper	11	6,019	\$7,000	\$33,000.00	\$7,996	\$82,083
MCLENNAN	Optical Scan	98	156,687	\$9,000	\$294,000.00	\$208,145	\$1,005,409
MCMULLEN	Paper	6	652	\$7,000	\$18,000.00	\$5,000	\$46,051
MEDINA	Optical Scan	24	27,925	\$7,000	\$72,000.00	\$37,096	\$218,435
MENARD	Paper	7	1,788	\$7,000	\$21,000.00	\$5,000	\$52,058
MIDLAND	Optical Scan	54	80,975	\$7,000	\$162,000.00	\$107,568	\$539,737
MILAM	Optical Scan	22	17,582	\$7,000	\$66,000.00	\$23,356	\$178,912
MILLS	Paper	11	3,835	\$7,000	\$33,000.00	\$5,094	\$76,274
MITCHELL	Paper	7	7,777	\$7,000	\$21,000.00	\$10,331	\$62,732
MONTAGUE	Optical Scan	15	14,528	\$7,000	\$45,000.00	\$19,299	\$128,742

FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
MONTGOMERY	Optical Scan	73	207,036	\$9,000	\$219,000.00	\$275,029	\$989,159
MOORE	Optical Scan	9	13,368	\$7,000	\$27,000.00	\$17,758	\$89,616
MORRIS	Optical Scan	11	9,759	\$7,000	\$33,000.00	\$12,964	\$92,030
MOTLEY	Paper	7	1,084	\$7,000	\$21,000.00	\$5,000	\$52,058
NACOGDOCHES	Optical Scan	29	44,995	\$7,000	\$87,000.00	\$59,772	\$293,871
NAVARRO	Optical Scan	35	32,830	\$7,000	\$105,000.00	\$43,612	\$297,555
NEWTON	Optical Scan	22	11,127	\$7,000	\$66,000.00	\$14,781	\$161,743
NOLAN	Optical Scan	10	11,521	\$7,000	\$30,000.00	\$15,305	\$90,710
NUECES	Optical Scan	123	224,528	\$9,000	\$369,000.00	\$298,265	\$1,336,019
OCHILTREE	Paper	5	6,254	\$7,000	\$15,000.00	\$8,308	\$46,668
OLDHAM	Paper	8	1,420	\$7,000	\$24,000.00	\$5,000	\$58,065
ORANGE	Optical Scan	30	61,783	\$7,000	\$90,000.00	\$82,073	\$344,530
PALO PINTO	Optical Scan	20	20,004	\$7,000	\$60,000.00	\$26,574	\$173,340
PANOLA	Optical Scan	22	17,015	\$7,000	\$66,000.00	\$22,603	\$177,403
PARKER	Optical Scan	34	64,139	\$7,000	\$102,000.00	\$85,203	\$374,823
PARMER	Optical Scan	10	6,721	\$7,000	\$30,000.00	\$8,928	\$77,943
PECOS	Optical Scan	10	12,160	\$7,000	\$30,000.00	\$16,153	\$92,410
POLK	Optical Scan	21	31,698	\$7,000	\$63,000.00	\$42,108	\$210,450
POTTER	Optical Scan	32	81,747	\$7,000	\$96,000.00	\$108,594	\$409,643
PRESIDIO	Paper	8	4,915	\$7,000	\$24,000.00	\$6,529	\$61,126
RAINS	Paper	8	6,968	\$7,000	\$24,000.00	\$9,256	\$66,587
RANDALL	Optical Scan	32	77,100	\$7,000	\$96,000.00	\$102,420	\$397,283
REAGAN	Paper	7	2,189	\$7,000	\$21,000.00	\$5,000	\$52,058
REAL	Paper	7	2,333	\$7,000	\$21,000.00	\$5,000	\$52,058
RED RIVER	Paper	26	10,900	\$7,000	\$78,000.00	\$14,480	\$185,166
REEVES	Punch Card	13	9,214	\$7,000	\$39,000.00	\$12,240	\$102,594
REFUGIO	Optical Scan	11	5,784	\$7,000	\$33,000.00	\$7,684	\$61,458
ROBERTS	Paper	6	665	\$7,000	\$18,000.00	\$5,000	\$46,051
ROBERTSON	Optical Scan	17	11,485	\$7,000	\$51,000.00	\$15,257	\$132,661
ROCKWALL	Optical Scan	14	30,127	\$7,000	\$42,000.00	\$40,021	\$164,225
RUNNELS	Paper	10	8,398	\$7,000	\$30,000.00	\$11,156	\$82,404
RUSK	Optical Scan	38	35,581	\$7,000	\$114,000.00	\$47,266	\$322,892
SABINE	Optical Scan	11	8,258	\$7,000	\$33,000.00	\$10,970	\$88,038
SAN AUGUSTINE	Optical Scan	12	6,822	\$7,000	\$36,000.00	\$9,062	\$90,225

FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
SAN JACINTO	Optical Scan	12	16,647	\$7,000	\$36,000.00	\$22,114	\$116,358
SAN PATRICIO	Optical Scan	34	46,260	\$7,000	\$102,000.00	\$61,452	\$327,269
SAN SABA	Optical Scan	8	4,460	\$7,000	\$24,000.00	\$5,925	\$59,916
SCHLEICHER	Paper	5	2,115	\$7,000	\$15,000.00	\$5,000	\$40,045
SCURRY	Optical Scan	12	12,245	\$7,000	\$36,000.00	\$16,266	\$104,649
SHACKELFORD	Paper	8	2,421	\$7,000	\$24,000.00	\$5,000	\$58,065
SHELBY	Optical Scan	15	18,518	\$7,000	\$45,000.00	\$24,599	\$139,354
SHERMAN	Paper	8	2,186	\$7,000	\$24,000.00	\$5,000	\$58,065
SMITH	Punch Card	72	128,208	\$9,000	\$216,000.00	\$170,313	\$773,487
SOMERVELL	Paper	7	4,874	\$7,000	\$21,000.00	\$6,475	\$55,011
STARR	Optical Scan	11	33,555	\$7,000	\$33,000.00	\$44,575	\$155,323
STEPHENS	Optical Scan	11	7,313	\$7,000	\$33,000.00	\$9,715	\$85,525
STERLING	Paper	5	993	\$7,000	\$15,000.00	\$5,000	\$40,045
STONEWALL	Paper	10	1,307	\$7,000	\$30,000.00	\$5,000	\$70,078
SUTTON	Paper	6	2,904	\$7,000	\$18,000.00	\$5,000	\$46,051
SWISHER	Paper	11	6,040	\$7,000	\$33,000.00	\$8,024	\$82,139
TARRANT	Optical Scan	535	1,039,747	\$11,000	\$1,605,000.00	\$1,381,210	\$5,979,082
TAYLOR	Punch Card	39	92,895	\$7,000	\$117,000.00	\$123,403	\$481,342
TERRELL	Paper	5	794	\$7,000	\$15,000.00	\$5,000	\$40,045
TERRY	Optical Scan	9	9,143	\$7,000	\$27,000.00	\$12,146	\$78,379
THROCKMORTON	Paper	6	1,384	\$7,000	\$18,000.00	\$5,000	\$46,051
TITUS	Optical Scan	20	19,600	\$7,000	\$60,000.00	\$26,037	\$172,266
TOM GREEN	Optical Scan	60	76,879	\$7,000	\$180,000.00	\$102,127	\$564,883
TRAVIS	Optical Scan	230	619,336	\$11,000	\$690,000.00	\$822,732	\$3,028,838
TRINITY	Optical Scan	20	10,625	\$7,000	\$60,000.00	\$14,114	\$148,394
TYLER	Optical Scan	18	16,034	\$7,000	\$54,000.00	\$21,300	\$150,767
UPSHUR	Optical Scan	21	25,771	\$7,000	\$63,000.00	\$34,234	\$194,686
UPTON	DRE	7	2,406	\$7,000	\$21,000.00	\$5,000	\$52,058
UVALDE	Optical Scan	16	17,795	\$7,000	\$48,000.00	\$23,639	\$143,438
VAL VERDE	Optical Scan	21	30,474	\$7,000	\$63,000.00	\$40,482	\$207,195
VAN ZANDT	Optical Scan	29	35,841	\$7,000	\$87,000.00	\$47,612	\$269,523
VICTORIA	AVM	36	59,586	\$7,000	\$108,000.00	\$79,155	\$374,727
WALKER	Optical Scan	19	50,642	\$7,000	\$57,000.00	\$67,273	\$248,824
WALLER	Optical Scan	20	24,277	\$7,000	\$60,000.00	\$32,250	\$184,705

FUNDING ALLOCATIONS TO TEXAS COUNTIES

COUNTY	VOTING SYSTEM	PRECINCTS	VOTING AGE POP.	FY03 Approp.			FY04 Approp.
				County Education Fund	Accessible Voting System	General HAVA Compl. w/ \$5,000 Minimum	200% FY03 Accessibility and Gen. HAVA Comp. Funding
WARD	Optical Scan	9	7,573	\$7,000	\$27,000.00	\$10,060	\$74,203
WASHINGTON	Optical Scan	22	22,868	\$7,000	\$66,000.00	\$30,378	\$192,971
WEBB	Optical Scan	42	123,255	\$9,000	\$126,000.00	\$163,733	\$580,113
WHARTON	Optical Scan	23	29,351	\$7,000	\$69,000.00	\$38,990	\$216,221
WHEELER	Paper	11	3,969	\$7,000	\$33,000.00	\$5,272	\$76,630
WICHITA	Punch Card	53	98,544	\$7,000	\$159,000.00	\$130,907	\$580,460
WILBARGER	Paper	13	10,582	\$7,000	\$39,000.00	\$14,057	\$106,233
WILLACY	Optical Scan	13	13,730	\$7,000	\$39,000.00	\$18,239	\$114,606
WILLIAMSON	Optical Scan	85	175,065	\$9,000	\$255,000.00	\$232,558	\$976,204
WILSON	Optical Scan	17	22,956	\$7,000	\$51,000.00	\$30,495	\$163,172
WINKLER	Optical Scan	6	5,033	\$7,000	\$18,000.00	\$6,686	\$49,427
WISE	Optical Scan	23	34,990	\$7,000	\$69,000.00	\$46,481	\$231,220
WOOD	Optical Scan	12	28,725	\$7,000	\$36,000.00	\$38,159	\$148,483
YOAKUM	Optical Scan	7	4,972	\$7,000	\$21,000.00	\$6,605	\$55,271
YOUNG	Paper	13	13,458	\$7,000	\$39,000.00	\$17,878	\$113,882
ZAPATA	Optical Scan	8	8,157	\$7,000	\$24,000.00	\$10,836	\$69,749
ZAVALA	Optical Scan	7	7,644	\$7,000	\$21,000.00	\$10,154	\$62,378
		8,586	14,965,061	\$1,834,000	\$25,758,000	\$20,000,000	\$91,618,074

Chart D-Definitions of "Vote"	
Punch Card	<p>Current law-Section 127.130(d) of the Texas Election Code:</p> <p>(d) Subject to Subsection (e), in any manual count conducted under this code, a vote on a ballot on which a voter indicates a vote by punching a hole in the ballot may not be counted unless:</p> <ol style="list-style-type: none"> (1) at least two corners of the chad are detached; (2) light is visible through the hole; (3) an indentation on the chad from the stylus or other object is present and indicates a clearly ascertainable intent of the voter to vote; or (4) the chad reflects by other means a clearly ascertainable intent of the voter to vote. <p>(e) Subsection (d) does not supersede any clearly ascertainable intent of the voter.</p>
Optical Scan, Direct Recording, Electronic, and Paper Ballot Systems	<p>Effective January 1, 2004, Section 65.009(d) of the Texas Election Code will provide:</p> <p>The intent of the voter in marking a ballot may be determined by: (1) a distinguishing mark adjacent to the name of a candidate or political party or a voting choice associated with a proposition; (2) an oval, box, or similar marking clearly drawn around the name of a candidate or political party or a voting choice associated with a proposition; (3) a line drawn through: (A) the names of all candidates in a manner that indicates a preference for the candidates not marked if the names of the candidates not marked do not exceed the number of persons that may be elected to that office; (B) the name of each political party except one in a manner that clearly indicates a preference for the political party not marked; or (C) a voting choice associated with a proposition in a manner that clearly indicates a preference for the other voting choice associated with the proposition; or (4) any other evidence that clearly indicates the intent of the voter in choosing a candidate or political party or deciding on a proposition.</p>

**LETTER FROM TEXAS DEPARTMENT
OF PUBLIC SAFETY**

Senator Van de Putte submitted the following letter relating to **SB 14**:

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001
512/424-2000

www.txdps.state.tx.us



STEVEN C. McCRAW
DIRECTOR
LAMAR BECKWORTH
CHERYL McBRIDE
DEPUTY DIRECTORS



COMMISSION
ALLAN B. POLLINSKY, CHAIR
ADA BROWN
JOHN STEEN
CARIN MARCY BARTH
A. CYNTHIA LEON

January 26, 2011

Dear Texas State Senators,

Please find attached the responses to Senate questions regarding the Department of Public Safety's administration of the Texas Driver License and Identification Card programs.

Thank you for the opportunity to serve as a resource witness to the Senate Committee of the Whole on January 25, 2011. The Department currently has 307 driver license offices that serve the over 15 million Texas driver license holders and over 750,000 identification card holders in Texas.

If you have any additional questions, please contact Rebecca Davio, Assistant Director for Driver Licenses at 512-424-5232 or Rebecca.davio@txdps.state.tx.us

Sincerely,

Steven C. McCraw
Director
Texas Department of Public Safety

Response to Questions from Senate Committee of the Whole

Please validate the map provided by Legislative Council.

The Driver License Division has reviewed the map and determined that it is correct.

Please comment on the Department's 5% reduction and 10% proposed reduction in the Legislative Appropriations Request.

The Department lost \$14.6 million due to the 5% cut in General Revenue that we faced. This includes five Department offices that might have to close. These are not necessarily Driver License offices. The Department's 10% proposed reduction schedule identified that 11 DPS offices might have to close. These are not necessarily Driver License offices. They are offices with various Department services. The Business Intelligence Analysis project will identify the optimum placement of Driver License offices throughout the state. The Department also is not able to determine at this time how a reduction in funds will affect operating hours of Driver License offices.

Are there any anticipated closures of Driver License offices?

The Driver License Division is conducting a Business Intelligence Analysis to determine the most efficient ways to allocate scarce resources and to best serve Texas residents, statewide. At present, there are no anticipated closures. In the event there is an equipment failure in the future, we may consider temporarily closing a mobile office in the near term.

Does the Department have a comment on the Criminal Justice Impact statement for SB 14?

The Department has no comment on the criminal justice impact statement as we are not the appropriate entity to comment on the potential overcrowding of jails.

Are there Driver License offices within the 610 loop?

No. The closest office to 610 is Dacoma. It is at 290 @ 610 North.

Driver License Offices and Hours in the Houston area

- Dacoma – 8-5 except Tuesday 8-7
- Gessner – 8-6 Tuesday and Thursday, 8-5 M, W, F
- Grant Road – 8-5 except Wednesday 8-7
- Townhurst – 8-5 except Thursday 8-7
- Winkler – 8-5 except Thursday 8-7
- Tidwell – 8-5 except Thursday 8-7
- Vantage Parkway – 8-5 except Tuesday 8-7
- We also have offices in Baytown, Humble, Pasadena, and Webster – all within Harris County

Driver License Offices and Hours in the DFW metro area

Dallas

- Downtown – 8-5 – no exams, duplicates and renewals only (this office is in a City of Dallas building)
- East (Northwest Highway) – 8-5 except Wednesday 8-7

- Dallas Southwest (Red Bird Center Drive) – 8-5 except Wednesday 8-7
- We also have offices in Carrollton, Garland, Grand Prairie, Irving, and Cedar Hill – all within Dallas County

Fort Worth

- Woodway Drive – 7:30-5 except Monday 7:30-6
- We also have offices in Arlington, Hurst, and Lake Worth – all within Tarrant County

What is the protocol for confiscated licenses?

Texas Transportation Code §§ 524.011(b)(2) and (3), and 724.032(2) and (3) provide the requirements for a peace officer to confiscate a driver license where a driver is arrested for an alcohol related offense under the Administrative License Revocation program(ALR) in accordance to Section 49.04, 49.045, or 49.06, Penal Code, or an offense under Section 49.07 or 49.08 of that code involving the operation of a motor vehicle or watercraft. These statutes provide that the peace officer shall take possession of any driver license issued by this state and held by the person arrested, and issue a temporary driving permit to the person unless department records show or the officer otherwise determines that the person does not hold a driver's license to operate a motor vehicle in this state.

This permit (form DIC-25), handwritten by the peace officer, is part of the arrest documentation provided to the driver and contains the driver's name, driver license number, date of birth, address, physician description including race, sex, height, weight, eyes, and hair color. This temporary driving permit does not contain a photograph of the driver. A temporary driving provision issued under these sections of the Transportation Code expires on the 41st day after the date of issuance, which coincides with the effective date of the driver license suspension. Commercial drivers are issued a similar temporary permit (form DIC-57) however, the permit becomes effective beginning 24 hours from the time of arrest. The peace officer is required to forward the appropriate ALR paperwork with the confiscated license to the Department for processing. Upon completion of the suspension period, the driver license is returned to the driver. During the suspension period, the driver is eligible to make application for an identification card with a photograph during this suspension period.

How does the temporary driving permit that you receive when your license is confiscated differ from a "temporary driving permit" that you get when you apply for a Driver License?

A temporary driving permit issued by the Texas Highway Patrol is issued to drivers arrested for an alcohol related offense. This permit (form DIC-25) is part of the arrest documentation provided to the driver and contains the driver's name, driver license number, date of birth, address, physician description including race, sex, height, weight, eyes, and hair color. This temporary driving permit does not contain a photograph of the driver. This permit allows the driver to operate a motor vehicle in the interim period before the driver license suspension takes effect on the 41st day. This is in accordance to Texas Transportation Code Chapters 524 and 724.

A temporary driving permit issued by driver license personnel at a driver license office contains the same information that appears on a driver license including the driver license photograph of the applicant. This temporary driving permit is computer generated from the driver license system and expires within 45 days of issuance.

What will the DPS' policy be when a person enters a Driver License office seeking an ID for the purpose of voting, but they have outstanding Driver Responsibility surcharges on their Driver License?

A person's driver license status or surcharge status does not prohibit the ability of the person to obtain a Texas identification card, provided the person presents the appropriate identification documentation for the issuance of an identification card.

What is the current policy when a person with Driver Responsibility surcharges enters a Driver License office for a different transaction?

Each driver license office has an information desk which allows the customer to request specific services at that location. If a customer requests surcharge information while applying for a Texas identification card, the customer will be provided with contact information to customer service for additional assistance. The customer will be issued a Texas identification card provided the customer presents the appropriate identification documentation for the issuance of an identification card. Surcharges and request of an ID are two separate issues and will be treated as such.

What types of birth certificates does Driver License office recognize for the purpose of identification?

Every original applicant must present one piece of primary identification, or one piece of secondary identification plus two pieces of support identification; or two pieces of secondary identification. 37 Texas Administrative Code § 15.24 provides that the Department may accept secondary identification in the form of an original or certified original or certified copy of a birth certificate issued by the appropriate State Bureau of Vital Statistics or equivalent agency; an original or certified copy of United States Department of State Certification of Birth (issued to United States citizens born abroad); or an original or certified copy of court order with name and date of birth (DOB) indicating an official change of name and/or gender.

How many homebound IDs do we issue?

0.15% of ID applicants receive homebound service.

Only ID cards are issued through this process and we screen very closely to ensure there is not a practical way to serve the customer in the office as it requires taking an employee away from their regular duties serving customers in the driver license offices.

The need for a homebound visit is determined by the supervisor of the local driver license office. The Driver License Division has digital cameras that can capture the required image for the identification card. The applicant fills out a form LI-50, which includes a signature block along with the appropriate application for an original or renewed ID. Any necessary identification documents such as birth certificates are copied and returned to the applicant. All materials – photo, signature, and applications – are sent to the DL headquarters in Austin for processing.

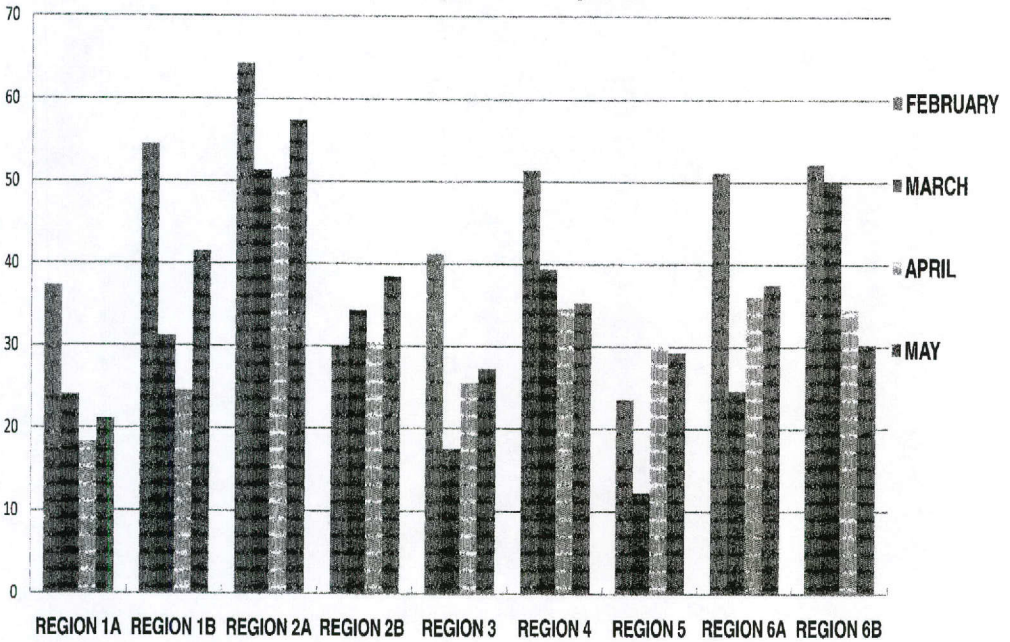
Provide an analysis on wait time in all Driver License offices:

Prior to November 2010, the Driver License Division conducted a study of all of its Driver License offices to determine wait time, process time and the average amount of time customers spend in Driver License offices. Please see the attachment "DL Wait Times".

Since November 2010, automated queuing systems are being installed our 50 busiest Driver License offices across the state. It is a priority for the Department to reduce wait time to no more than 40 minutes. The queuing system and its report function are important tools we will use to measure performance.



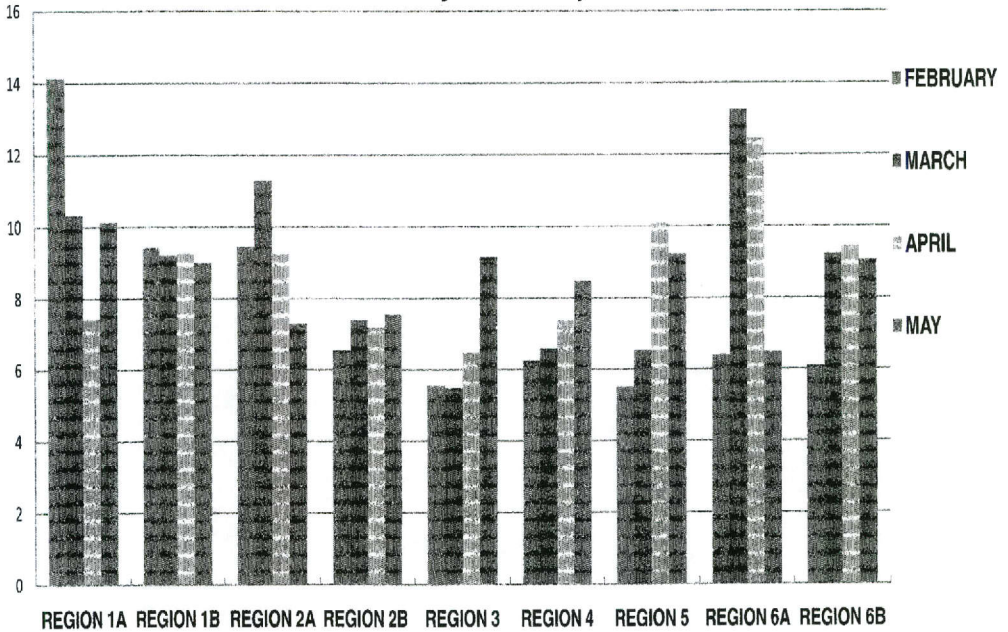
Wait Time Survey (in minutes) February 2010 - May 2010



Wait time begins when a customer enters a DL facility and ends when the customer reaches the counter.



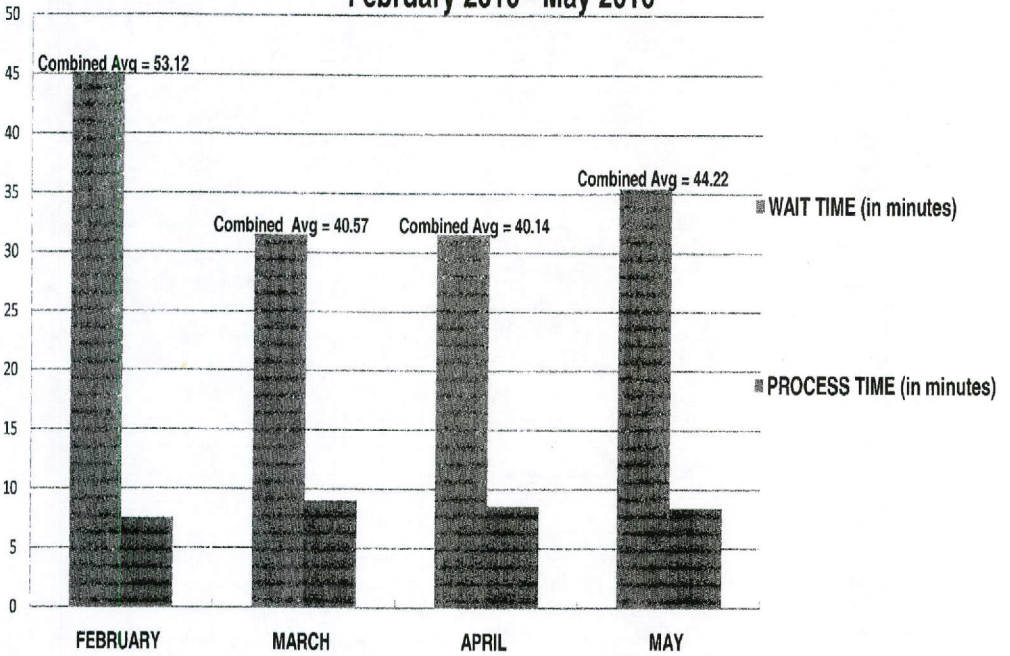
Process Time Survey (in minutes) February 2010 - May 2010



Process time begins when a customer reaches the counter and ends when the transaction is complete.



Statewide Wait Time & Process Time Survey February 2010 - May 2010



County	Site Name	Office Closed	Date Office Closed	ADA Compliance
Anderson	Palestine	N	N/A	Y
Andrews	Andrews	N	N/A	Y
Angelina	Lufkin	N	N/A	Y
Archer	Archer City	Y	Apr-10	Y
Armstrong	Claude	Y	Oct-10	Y
Atascosa	Jourdanton	N	N/A	N
Austin	Bellville	Y	Dec-10	Y
Austin	Sealy	Y	Jan-11	Y
Bailey	Muleshoe	N	N/A	Y
Bandera	Bandera	Y	Jun-08	Y
Bastrop	Bastrop	N	N/A	Y
Bastrop	Elgin	Y	Oct-10	Y
Baylor	Seymour	N	N/A	Y
Bee	Beeville	N	N/A	Y
Bell	Fort Hood	N	N/A	Y
Bell	Killeen	N	N/A	N
Bell	Temple	N	N/A	Y
Bexar	S.A. - General McMullen	N	N/A	Y
Bexar	San Antonio - Babcock	N	N/A	Y
Bexar	San Antonio - District	N	N/A	Y
Bexar	San Antonio Pat Booker Rd	N	N/A	Y
Blanco	Johnson City	N	N/A	Y
Borden	Gail	Y	Jun-10	Y
Bosque	Meridian	N	N/A	Y
Bowie	New Boston	N	N/A	Y
Bowie	Texarkana	N	N/A	Y
Brazoria	Alvin	N	N/A	Y
Brazoria	Angleton	N	N/A	Y
Brazos	Bryan	N	N/A	Y
Brewster	Alpine	N	N/A	Y
Briscoe	Silverton	Y	Unk	Y
Brooks	Falfurrias	N	N/A	Y
Brown	Brownwood	N	N/A	Y
Burleson	Caldwell	Y	N/A	Y
Burnet	Burnet	N	N/A	Y
Burnet	Marble Falls	N	N/A	Y
Caldwell	Lockhart	Y	Oct-10	Y
Calhoun	Port Lavaca	N	N/A	Y
Callahan	Baird	N	N/A	Y
Callahan	Cross Plains	Y	Apr-05	Y
Cameron	Brownsville	N	N/A	Y
Cameron	Harlingen	N	N/A	Y
Cameron	Port Isabel	Y	Jan-11	Y
Camp	Pittsburg	Y	Jun-10	Y
Carson	Panhandle	N	N/A	Y
Cass	Atlanta	N	N/A	Y
Castro	Dimmitt	N	N/A	Y
Chambers	Wallisville	N	N/A	Y

County	Site Name	Office Closed	Date Office Closed	ADA Compliance
Cherokee	Jacksonville	N	N/A	Y
Cherokee	Rusk	N	N/A	Y
Childress	Childress	N	N/A	Y
Clay	Henrietta	Y	Feb-07	Y
Cochran	Morton	Y	Nov-10	Y
Coke	Robert Lee	Y	May-10	Y
Coleman	Coleman	N	N/A	Y
Collin	McKinney	N	N/A	Y
Collin	Plano	N	N/A	Y
Collingsworth	Wellington	Y	Jun-07	Y
Colorado	Columbus	N	N/A	N
Comal	New Braunfels	N	N/A	Y
Commanche	Comanche	N	N/A	Y
Concho	Eden	Y	Dec-10	Y
Cooke	Gainesville	N	N/A	Y
Coryell	Copperas Cove	N	N/A	Y
Coryell	Gatesville	N	N/A	Y
Cottle	Paducah	Y	Jun-07	Y
Crane	Crane	N	N/A	Y
Crockett	Ozona	Y	Dec-10	Y
Crosby	Crosbyton	N	N/A	Y
Culberson	Van Horn	N	N/A	Y
Dallam	Dalhart	N	N/A	Y
Dallas	Carrollton	N	N/A	Y
Dallas	Cedar Hill	N	N/A	Y
Dallas	Dallas - Downtown	N	N/A	Y
Dallas	Dallas - East	N	N/A	Y
Dallas	Dallas - Southwest	N	N/A	Y
Dallas	Garland	N	N/A	Y
Dallas	Grand Prairie	N	N/A	Y
Dallas	Irving	N	N/A	Y
Dawson	Lamesa	N	N/A	Y
Deaf Smith	Hereford	N	N/A	Y
Delta	Cooper	Y	Dec-09	Y
Denton	Denton	N	N/A	Y
Denton	Lewisville	N	N/A	Y
Dewitt	Cuero	N	N/A	Y
Dickens	Spur	Y	Unk	Y
Donley	Clarendon	N	N/A	Y
Duval	Freer	Y	Jan-06	Y
Eastland	Eastland	N	N/A	Y
Ector	Odessa	N	N/A	Y
Edwards	Rocksprings	N	N/A	Y
El Paso	El Paso - Gateway	N	N/A	Y
El Paso	El Paso - Hondo Pass	N	N/A	Y
El Paso	El Paso - Northwest	N	N/A	Y
El Paso	El Paso - Scott Simpson	N	N/A	Y
El Paso	Fort Bliss	N	N/A	N

County	Site Name	Office Closed	Date Office Closed	ADA Compliance
Ellis	Waxahachie	N	N/A	Y
Erath	Stephenville	N	N/A	Y
Fannin	Bonham	N	N/A	Y
Fayette	La Grange	Y	Jan-09	Y
Fayette	Schulenburg	Y	Jan-09	Y
Fisher	Roby	N	N/A	Y
Floyd	Floydada	N	N/A	Y
Foard	Crowell	Y	Jun-07	Y
Fort Bend	Rosenberg	N	N/A	Y
Franklin	Mount Vernon	Y	Jun-05	Y
Freestone	Fairfield	N	N/A	Y
Frio	Pearsall	Y	Oct-10	Y
Gaines	Seminole	N	N/A	Y
Galveston	Galveston	N	N/A	Y
Galveston	Texas City	N	N/A	Y
Garza	Post	Y	Nov-10	Y
Gillespie	Fredericksburg	N	N/A	Y
Glasscock	Garden City	Y	Jun-10	Y
Goliad	Goliad	Y	Dec-10	Y
Gonzales	Gonzales	N	N/A	Y
Gray	Pampa	N	N/A	Y
Grayson	Sherman	N	N/A	Y
Gregg	Longview	N	N/A	Y
Grimes	Navasota	Y	Jan-11	Y
Guadalupe	Seguin	N	N/A	Y
Hale	Plainview	N	N/A	Y
Hall	Memphis	Y	Jun-07	Y
Hamilton	Hamilton	N	N/A	Y
Hansford	Spearman	Y	Apr-10	Y
Hardeman	Quanah	N	N/A	Y
Hardin	Kountze	N	N/A	Y
Harris	Houston - Dacoma	N	N/A	Y
Harris	Houston - Gessner	N	N/A	Y
Harris	Houston - Grant Road	N	N/A	Y
Harris	Houston - Townhurst	N	N/A	Y
Harris	Houston - Vantage Pkwy	N	N/A	Y
Harris	Katy	Y	Unk	Y
Harris	Baytown	N	N/A	Y
Harris	Clear Lake	N	N/A	Y
Harris	Houston - Tidwell	N	N/A	Y
Harris	Houston - Winkler	N	N/A	Y
Harris	Humble	N	N/A	Y
Harris	Pasadena	N	N/A	Y
Harrison	Marshall	N	N/A	Y
Hartley	Channing	Y	Oct-10	Y
Haskell	Haskell	N	N/A	Y
Hays	San Marcos	N	N/A	Y

County	Site Name	Office Closed	Date Office Closed	ADA Compliance
Hemphill	Canadian	N	N/A	Y
Henderson	Athens	N	N/A	Y
Hidalgo	McAllen	N	N/A	Y
Hildago	Edinburg	N	N/A	Y
Hildago	Mission	N	N/A	Y
Hildago	Weslaco	N	N/A	N
Hill	Hillsboro	N	N/A	Y
Hockley	Levelland	N	N/A	N
Hood	Granbury	N	N/A	Y
Hopkins	Sulphur Springs	N	N/A	Y
Houston	Crockett	N	N/A	Y
Howard	Big Spring	N	N/A	Y
Hudspeth	Dell City	Y	Nov-10	Y
Hudspeth	Sierra Blanca	Y	Nov-10	Y
Hunt	Greenville	N	N/A	Y
Hutchinson	Borger	N	N/A	Y
Irion	Mertzon	Y	Dec-10	Y
Jack	Jacksboro	Y	Sep-09	Y
Jackson	Edna	N	N/A	Y
Jasper	Jasper	N	N/A	Y
Jeff Davis	Fort Davis	Y	Sep-10	Y
Jefferson	Beaumont	N	N/A	Y
Jefferson	Port Arthur	N	N/A	Y
Jim Hogg	Hebbronville	Y	Jul-10	Y
Jim Wells	Alice	N	N/A	Y
Johnson	Cleburne	N	N/A	Y
Jones	Anson	N	N/A	Y
Karnes	Karnes City	Y	Apr-10	Y
Kaufman	Terrell	N	N/A	Y
Kendall	Boerne	N	N/A	Y
Kent	Jayton	Y	Sep-09	Y
Kerr	Kerrville	N	N/A	Y
Kimble	Junction	Y	Dec-10	Y
Kinney	Bracketville	Y	Dec-09	Y
Kleberg	Kingsville	N	N/A	Y
Knox	Munday	N	N/A	Y
La Salle	Cotulla	Y	Oct-09	Y
Lamar	Paris	N	N/A	Y
Lamb	Littlefield	N	N/A	Y
Lampasas	Lampasas	N	N/A	Y
Lavaca	Hallettsville	N	N/A	Y
Lee	Giddings	Y	Oct-10	Y
Leon	Centerville	N	N/A	Y
Liberty	Cleveland	N	N/A	Y
Liberty	Liberty	N	N/A	Y
Limestone	Groesbeck	N	N/A	Y

County	Site Name	Office Closed	Date Offic e Closed	ADA Compliance
Lipscomb	Follett	Y	Apr-10	N
Lipscomb	Higgins	Y	Apr-10	Y
Live Oak	George West	N	N/A	Y
Llano	Llano	N	N/A	Y
Lubbock	Lubbock	N	N/A	Y
Lubbock	Slaton	Y	Nov-10	N
Lynn	Tahoka	Y	Nov-10	Y
Madison	Madisonville	Y	N/A	Y
Martin	Stanton	N	N/A	Y
Mason	Mason	Y	Oct-10	Y
Matagorda	Bay City	N	N/A	Y
Matagorda	Palacios	Y	Jan-11	Y
Maverick	Eagle Pass	N	N/A	Y
McCulloch	Brady	N	N/A	Y
McLennan	Waco	N	N/A	Y
McMullen	Tilden	Y	Jan-11	Y
Medina	Hondo	N	N/A	Y
Menard	Menard	Y	Dec-10	N
Midland	Midland	N	N/A	Y
Milam	Cameron	N	N/A	Y
Mills	Goldthwaite	N	N/A	Y
Mitchell	Colorado City	N	N/A	Y
Montague	Bowie	N	N/A	Y
Montague	Nocona	Y	Feb-07	Y
Montgomery	Conroe	N	N/A	Y
Moore	Dumas	N	N/A	Y
Morris	Daingerfield	N	N/A	Y
Motley	Matador	Y	Jan-10	Y
Nacogdoches	Nacogdoches	N	N/A	Y
Navarro	Corsicana	N	N/A	Y
Nolan	Sweetwater	N	N/A	Y
Nueces	Corpus Christi	N	N/A	Y
Ochiltree	Perryton	N	N/A	Y
Oldham	Vega	Y	Feb-10	Y
Orange	Orange	N	N/A	Y
Palo Pinto	Mineral Wells	N	N/A	Y
Panola	Carthage	N	N/A	Y
Parker	Weatherford	N	N/A	Y
Parmer	Friona	N	N/A	Y
Pecos	Fort Stockton	N	N/A	Y
Pecos	Iraan	Y	Dec-10	Y
Polk	Livingston	N	N/A	Y
Presidio	Marfa	N	N/A	Y
Presidio	Presidio	N	N/A	Y
Raines	Emory	Y	Oct-10	Y
Randall	Amarillo	N	N/A	Y
Reagan	Big Lake	N	N/A	Y

County	Site Name	Office Closed	Date Office Closed	ADA Compliance
Real	Leakey	Y	May-10	Y
Red River	Clarksville	N	N/A	Y
Reeves	Pecos	N	N/A	Y
Refugio	Refugio	Y	Sep-10	Y
Roberts	Miami	Y	Mar-07	Y
Robertson	Hearne	Y	Unk	Y
Rockwall	Rockwall	N	N/A	Y
Runnels	Ballinger	N	N/A	Y
Rusk	Henderson	N	N/A	Y
Sabine	Hemphill	Y	Jun-05	Y
San Jacinto	Coldspring	Y	Jun-05	Y
San Patricio	Aransas Pass	N	N/A	Y
San Patricio	Sinton	N	N/A	Y
San Saba	San Saba	Y	Oct-10	Y
Schleicher	Eldorado	Y	Dec-10	Y
Scurry	Snyder	N	N/A	Y
Shackelford	Albany	Y	Jun-05	Y
Shelby	Center	N	N/A	Y
Sherman	Stratford	Y	Oct-10	Y
Smith	Tyler	N	N/A	Y
Starr	Rio Grande City	N	N/A	Y
Stephens	Breckenridge	N	N/A	Y
Sterling	Sterling City	Y	Jun-10	Y
Stonewall	Aspermont	Y	Sep-09	Y
Sutton	Sonora	N	N/A	Y
Swisher	Tulia	N	N/A	Y
Tarrant	Arlington	N	N/A	Y
Tarrant	Fort Worth	N	N/A	Y
Tarrant	Hurst	N	N/A	Y
Tarrant	Lake Worth	N	N/A	Y
Taylor	Abilene	N	N/A	Y
Terrell	Sanderson	Y	Nov-10	Y
Terry	Brownfield	N	N/A	Y
Throckmorton	Throckmorton	Y	Aug-09	Y
Titus	Mount Pleasant	N	N/A	Y
Tom Green	San Angelo	N	N/A	Y
Travis	Austin - Capitol	N	N/A	Y
Travis	Austin - Denson	N	N/A	Y
Travis	Austin - North	N	N/A	Y
Travis	Austin - South Congress	N	N/A	Y
Trinity	Trinity	Y	Jun-05	Y
Tyler	Woodville	N	N/A	Y
Upshur	Gilmer	N	N/A	Y
Upton	McCamey	Y	Dec-10	Y
Upton	Rankin	Y	Dec-10	Y
Uvalde	Uvalde	N	N/A	Y
Val Verde	Del Rio	N	N/A	Y
Van Zandt	Canton	N	N/A	Y

County	Site Name	Office Closed	Date Office Closed	ADA Compliance
Victoria	Victoria	N	N/A	Y
Walker	Huntsville	N	N/A	Y
Waller	Hempstead	N	N/A	Y
Ward	Monahans	N	N/A	Y
Washington	Brenham	N	N/A	Y
Webb	Laredo	N	N/A	Y
Wharton	Pierce	N	N/A	Y
Wheeler	Shamrock	N	N/A	Y
Wheeler	Wheeler	Y	Mar-07	Y
Wichita	Wichita Falls	N	N/A	Y
Wilbarger	Vernon	N	N/A	Y
Williamson	Austin - Northwest	N	N/A	Y
Williamson	Georgetown	N	N/A	Y
Williamson	Taylor	N	N/A	Y
Wilson	Floresville	N	N/A	Y
Winkler	Kermit	N	N/A	Y
Wise	Decatur	N	N/A	Y
Wood	Quitman	N	N/A	N
Yoakum	Denver City	N	N/A	N
Young	Graham	N	N/A	Y
Young	Olney	Y	Aug-09	Y
Zapata	Zapata	N	N/A	Y
Zavala	Crystal City	N	N/A	Y

DL Offices Closed

Region	Site Name	County	Type of Office_FT_PT_M	Office_Closed	Date Office_Closed
5	Archer City	Archer	M	Y	Apr-10
5	Claude	Armstrong	M	Y	Oct-10
2A	Bellville	Austin	M	Y	Dec-10
2A	Sealy	Austin	M	Y	Jan-11
6A	Bandera	Bandera	M	Y	Jun-08
6A	Elgin	Bastrop	M	Y	Oct-10
4	Gail	Borden	M	Y	Jun-10
5	Silverton	Briscoe	M	Y	Unk
2A	Caldwell	Burleson	M	Y	Unk
6A	Lockhart	Caldwell	M	Y	Oct-10
5	Cross Plains	Callahan	M	Y	Apr-05
3	Port Isabel	Cameron	M	Y	Jan-11
1A	Pittsburg	Camp	M	Y	Jun-10
5	Henrietta	Clay	M	Y	Feb-07
5	Morton	Cochran	M	Y	Nov-10
4	Robert Lee	Coke	M	Y	May-10
5	Wellington	Collingsworth	M	Y	Jun-07
4	Eden	Concho	M	Y	Dec-10
5	Paducah	Cottle	M	Y	Jun-07
4	Ozona	Crockett	M	Y	Dec-10
1A	Cooper	Delta	M	Y	Dec-09
5	Spur	Dickens	M	Y	Unk
3	Freer	Duval	M	Y	Jan-06
6A	La Grange	Fayette	M	Y	Jan-09
6A	Schulenburg	Fayette	M	Y	Jan-09
5	Crowell	Foard	M	Y	Jun-07
1A	Mt Vernon	Franklin	M	Y	Jun-05
6A	Pearsall	Frio	M	Y	Oct-10
5	Post	Garza	M	Y	Nov-10
4	Garden City	Glasscock	M	Y	Jun-10
6A	Goliad	Goliad	M	Y	Dec-10
2A	Navasota	Grimes	M	Y	Jan-11
5	Memphis	Hall	M	Y	Jun-07
5	Spearman	Hansford	M	Y	Apr-10

DL Offices Closed

2A	Katy	Harris	FT	Y	Unk
5	Channing	Hartley	M	Y	Oct-10
4	Dell City	Hudspeth	M	Y	Nov-10
4	Sierra Blanca	Hudspeth	M	Y	Nov-10
4	Mertzton	Irion	M	Y	Dec-10
5	Jacksboro	Jack	M	Y	Sep-09
4	Fort Davis	Jeff Davis	M	Y	Sep-10
3	Hebbronville	Jim Hogg	M	Y	Jul-10
6A	Karnes City	Karnes	M	Y	Apr-10
5	Jayton	Kent	M	Y	Sep-09
4	Junction	Kimble	M	Y	Dec-10
3	Bracketville	Kinney	M	Y	Dec-09
3	Cotulla	La Salle	M	Y	Oct-09
6A	Giddings	Lee	M	Y	Oct-10
5	Follett	Lipscomb	M	Y	Apr-10
5	Higgins	Lipscomb	M	Y	Apr-10
5	Slaton	Lubbock	M	Y	Nov-10
5	Tahoka	Lynn	M	Y	Nov-10
2A	Madisonville	Madison	PT	Y	Unk
4	Mason	Mason	M	Y	Oct-10
2A	Palacios	Matagorda	M	Y	Jan-11
3	Tilden	McMullen	M	Y	Jan-11
4	Menard	Menard	M	Y	Dec-10
5	Nocona	Montague	M	Y	Feb-07
5	Matador	Motley	M	Y	Jan-10
5	Vega	Oldham	M	Y	Feb-10
4	Iraan	Pecos	M	Y	Dec-10
1A	Emory	Raines	PT	Y	Oct-10
3	Leakey	Real	M	Y	May-10
3	Refugio	Refugio	M	Y	Sep-10
5	Miami	Roberts	M	Y	Mar-07
2A	Hearne	Robertson	M	Y	Unk
2B	Hemphill	Sabine	M	Y	Jun-05
2B	Coldspring	San Jacinto	M	Y	Jun-05
6B	San Saba	San Saba	M	Y	Oct-10

DL Offices Closed

4	Eldorado	Schleicher	M	Y	Dec-10
5	Albany	Shackelford	M	Y	Jun-05
5	Stratford	Sherman	M	Y	Oct-10
4	Sterling City	Sterling	M	Y	Jun-10
5	Aspermont	Stonewall	M	Y	Sep-09
4	Sanderson	Terrell	M	Y	Nov-10
5	Throckmorton	Throckmorton	M	Y	Aug-09
2B	Trinity	Trinity	M	Y	Jun-05
4	McCamey	Upton	M	Y	Dec-10
4	Rankin	Upton	M	Y	Dec-10
5	Wheeler	Wheeler	M	Y	Mar-07
5	Olney	Young	M	Y	Aug-09

Counties with no DL offices.

Region	County
3	Aransas
3	Dimmit
6B	Falls
3	Kenedy
5	King
4	Loving
1A	Marion
2B	Newton
5	Potter
2B	San Augustine
1B	Somervell
3	Willacy

Total Offices	307
Full Time Office Open	174
Part Time Office Open	34
Mobile Office Open	18
Full Time Office Closed	1
Part Time Office Closed	2
Mobile Office Closed	78
Counties w/ No Offices	65 +12=77

DL office closed but the Counties still have DL offices in those counties.

Counties with no DL offices

Duplicates

SENATE CONCURRENT RESOLUTION 8

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, January 26, 2011, and ending on Monday, January 31, 2011.

WHITMIRE

SCR 8 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Uresti.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 8:53 p.m. adjourned until 1:30 p.m. Monday, January 31, 2011.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SEVENTH DAY

(Monday, January 31, 2011)

The Senate met at 1:36 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Carona, Uresti.

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

The Reverend John B. "Jack" Knox, Jr., First Christian Church, San Marcos, offered the invocation as follows:

Almighty creator of all that surrounds us, giver of life, we ask for Your presence with us here today. Grant these leaders whom the people have selected the wisdom, courage, and guidance to make the decisions that best benefit those whom they serve. Give them comfort as they work diligently to lead the people of this state in making this state, this nation, and this world a better place for all people to live. We thank You for the willingness and determination that they show in all that they do, and we ask for Your continued blessing upon them. Amen.

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

The motion prevailed without objection.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Uresti was granted leave of absence for today on account of important business.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, January 31, 2011 - 1

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 41 Orr
Recognizing January 31, 2011, as Bosque County Day at the State Capitol.

HCR 43 Geren
Inviting the chief justice of the Supreme Court of Texas to address a joint session of the legislature on February 23, 2011.

HCR 44 Geren
Inviting the governor to address a joint session of the legislature on February 8, 2011.

SCR 7 Whitmire Sponsor: Taylor, Larry
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 19, 2011, and ending on Monday, January 24, 2011.

SCR 8 Whitmire Sponsor: Cain
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 26, 2011, and ending on Monday, January 31, 2011.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate Bosque County patrons of the arts: George Larson, Ollie Evinger, Michelle Slaughter, Phyllis Gamble, and Judy and Charlie Blue. Also in attendance were the following elected officials: Cole Word, Bosque County Judge; Fred Volcansek, Mayor of Clifton; and Bosque County Republican Party Chair, Tom Bratcher.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Jackson was recognized and presented Dr. Gregory Johnson of Manvel as the Physician of the Day.

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

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate members of the Texas Municipal Police Association.

The Senate welcomed its guests.

STANDING AND SPECIAL COMMITTEES APPOINTED

The President announced the appointment of the following committees for the 82nd Legislature:

ADMINISTRATION

Eltife, Chair; Uresti, Vice-chair; Ogden, Shapiro, Wentworth, Whitmire, Zaffirini.

AGRICULTURE AND RURAL AFFAIRS

Estes, Chair; Uresti, Vice-chair; Hegar, Hinojosa, Jackson.

BUSINESS AND COMMERCE

Carona, Chair; Harris, Vice-chair; Eltife, Estes, Jackson, Lucio, Van de Putte, Watson, Whitmire.

CRIMINAL JUSTICE

Whitmire, Chair; Huffman, Vice-chair; Carona, Ellis, Hegar, Hinojosa, Patrick.

ECONOMIC DEVELOPMENT

Jackson, Chair; Fraser, Vice-chair; Birdwell, Eltife, Harris, Watson, Zaffirini.

EDUCATION

Shapiro, Chair; Patrick, Vice-chair; Carona, Davis, Gallegos, Ogden, Seliger, Van de Putte, West.

FINANCE

Ogden, Chair; Hinojosa, Vice-chair; Deuell, Duncan, Eltife, Estes, Lucio, Nelson, Patrick, Seliger, Shapiro, West, Whitmire, Williams, Zaffirini.

GOVERNMENT ORGANIZATION

Ellis, Chair; Hegar, Vice-chair; Birdwell, Lucio, Nelson, Ogden, Whitmire.

HEALTH AND HUMAN SERVICES

Nelson, Chair; Deuell, Vice-chair; Huffman, Nichols, Patrick, Rodriguez, Uresti, West, Zaffirini.

HIGHER EDUCATION

Zaffirini, Chair; Birdwell, Vice-chair; Duncan, Huffman, Watson, Wentworth, West.

INTERGOVERNMENTAL RELATIONS

West, Chair; Nichols, Vice-chair; Gallegos, Patrick, Wentworth.

SUBCOMMITTEE ON FLOODING AND EVACUATIONS

Gallegos, Chair; Nichols, Patrick.

INTERNATIONAL RELATIONS AND TRADE

Lucio, Chair; Davis, Vice-chair; Fraser, Gallegos, Rodriguez, Seliger, Williams.

JURISPRUDENCE

Harris, Chair; Rodriguez, Vice-chair; Carona, Duncan, Gallegos, Huffman, Uresti.

NATURAL RESOURCES

Fraser, Chair; Estes, Vice-chair; Deuell, Duncan, Eltife, Hegar, Hinojosa, Jackson, Nichols, Seliger, Uresti.

NOMINATIONS

Deuell, Chair; Hegar, Vice-chair; Fraser, Nelson, Nichols, Rodriguez, Watson.

SELECT COMMITTEE ON REDISTRICTING

Seliger, Chair; Gallegos, Vice-chair; Carona, Eltife, Estes, Fraser, Hinojosa, Huffman, Lucio, Patrick, Uresti, Wentworth, West, Williams, Zaffirini.

STATE AFFAIRS

Duncan, Chair; Deuell, Vice-chair; Ellis, Fraser, Huffman, Jackson, Lucio, Van de Putte, Williams.

TRANSPORTATION AND HOMELAND SECURITY

Williams, Chair; Watson, Vice-chair; Davis, Ellis, Harris, Hinojosa, Nichols, Shapiro, Wentworth.

VETERAN AFFAIRS AND MILITARY INSTALLATIONS

Van de Putte, Chair; Wentworth, Vice-chair; Birdwell, Davis, Estes, Rodriguez.

SENATE RESOLUTION 105

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize January 31, 2011, as Texas Capitol Schoolhouse Day and welcome the representatives of the Texas Capitol Schoolhouse and the Capitol Schoolhouse Foundation to the State Capitol; and

WHEREAS, Since 1995, a Texas Capitol Schoolhouse event has been held at the start of each legislative session to demonstrate how educational technology funding is being used to improve public schools in our state; the theme for the event this year is Texas Exceptionalism in Educational Technology; and

WHEREAS, The Texas Capitol Schoolhouse participants this year are from the Amarillo, Carrollton-Farmers Branch, Coleman, Floydada, Irving, Klein, Manor, Pasadena, San Saba, and Ysleta Independent School Districts; the Texas School for the Deaf; and the remote virtual learning sites in the Alief, Panhandle, Stockdale, and Valley Mills Independent School Districts; and

WHEREAS, Classrooms are set up in the Capitol Rotunda basement, where teachers and students conduct classes as they do every day in their home districts; students use computers to work with video and sound editing, robotics, iPods, iPads, online virtual learning environments, one-to-one laptop computing, online interactive learning, and other educational technologies; and

WHEREAS, The Texas Capitol Schoolhouse project provides the opportunity for legislators and other state leaders to observe firsthand how state funding for educational technology is preparing the young people in school today with the tools they will need to succeed in the future; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the participants in the Texas Capitol Schoolhouse project and extend to all best wishes for a successful Texas Capitol Schoolhouse Day; and, be it further

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

SR 105 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate participants in Texas Capitol Schoolhouse Day: Christian Escamilla from the Texas School for the Deaf, Tanner Weyerts from the San Saba ISD, Elias Baez from the Irving ISD, Karina Monticone from the Ysleta ISD, Shalae Harris from the Klein ISD, and a delegation of other participants.

The Senate welcomed its guests.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:59 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 16 by Patrick

Relating to informed consent to an abortion.

To Committee on State Affairs.

SB 18 by Estes, Duncan

Relating to the use of eminent domain authority.

To Committee on State Affairs.

SB 26 by Zaffirini

Relating to the use of person first respectful language in reference to individuals with disabilities.

To Committee on Health and Human Services.

SB 27 by Zaffirini

Relating to school district policies for the care of students at risk for anaphylaxis.

To Committee on Education.

SB 28 by Zaffirini

Relating to eligibility for a TEXAS grant and to administration of the TEXAS grant program.

To Committee on Higher Education.

SB 29 by Zaffirini

Relating to the eligibility of certain postdoctoral fellows and graduate students to participate in health benefit programs at public institutions of higher education.

To Committee on State Affairs.

SB 30 by Zaffirini

Relating to a pilot project to establish a comprehensive single point of entry for long-term services and supports provided to the aged and physically disabled individuals.

To Committee on Health and Human Services.

SB 31 by Seliger

Relating to the composition of the districts for the election of members of the Texas Senate.

To Committee on Redistricting.

SB 32 by Zaffirini

Relating to the consolidation of related higher education programs governing tuition, fee exemptions, and waivers respective to specific target populations.

To Committee on Higher Education.

SB 33 by Zaffirini

Relating to the period of continuous eligibility for the medical assistance program.

To Committee on Health and Human Services.

SB 34 by Zaffirini, Davis, Huffman, Nelson, Shapiro, Van de Putte

Relating to the establishment and operation of the Texas Women Veterans Program.

To Committee on Veteran Affairs and Military Installations.

SB 35 by Zaffirini

Relating to transition and employment services for public school students enrolled in special education programs.

To Committee on Education.

SB 36 by Zaffirini

Relating to methods for increasing student success and degree completion at public institutions of higher education.

To Committee on Higher Education.

SB 37 by Zaffirini

Relating to the duration of the interagency task force on ensuring appropriate care settings for persons with disabilities.

To Committee on Health and Human Services.

SB 38 by Zaffirini

Relating to the inclusion of certain private postsecondary educational institutions and career schools and colleges in the higher education accountability system of the Texas Higher Education Coordinating Board.

To Committee on Higher Education.

SB 39 by Zaffirini

Relating to improving application and eligibility determination processes and efficiencies for certain benefits programs.

To Committee on Health and Human Services.

SB 40 by Zaffirini

Relating to the functions of the Texas Guaranteed Student Loan Corporation.

To Committee on Higher Education.

SB 41 by Zaffirini

Relating to the use of restraints in state supported living centers.

To Committee on Health and Human Services.

SB 42 by Zaffirini

Relating to bullying through electronic means in public schools.

To Committee on Education.

SB 43 by Zaffirini

Relating to the civil liability of an employer or former employer of a mental health services provider who engages in sexual exploitation of a patient or former patient.

To Committee on State Affairs.

SB 44 by Zaffirini

Relating to the detention and transportation of a person with a mental illness.

To Committee on Health and Human Services.

SB 45 by Zaffirini

Relating to a Medicaid hospital level of care waiver program for certain medically fragile individuals.

To Committee on Health and Human Services.

SB 46 by Zaffirini

Relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

To Committee on Transportation and Homeland Security.

SB 47 by Zaffirini

Relating to the pro re nata administration of psychoactive medications in certain residential health care facilities.

To Committee on Health and Human Services.

SB 48 by Zaffirini

Relating to consideration of school district disciplinary placement information.

To Committee on Education.

SB 49 by Zaffirini

Relating to school district requirements regarding parental notification and documentation in connection with disciplinary alternative education programs.

To Committee on Education.

SB 50 by Zaffirini

Relating to regulatory authority for courses taken by public high school students for both high school and college credit.

To Committee on Education.

SB 51 by Zaffirini

Relating to a pilot program to expand access to career and technical education partnerships in rural areas.

To Committee on Agriculture and Rural Affairs.

SB 52 by Zaffirini

Relating to exempting books purchased by university and college students from the sales tax for a limited period.

To Committee on Finance.

SB 53 by Zaffirini

Relating to public school accountability for bilingual education and English as a second language and other special language programs.

To Committee on Education.

SB 54 by Zaffirini

Relating to certification to teach public school students who have visual impairments.

To Committee on Education.

SB 55 by Zaffirini

Relating to the administration of psychoactive medications to persons receiving services in certain facilities.

To Committee on Health and Human Services.

SB 56 by Zaffirini

Relating to the inclusion and exclusion of certain information as part of the immunization registry.

To Committee on Health and Human Services.

SB 57 by Zaffirini

Relating to the licensing and regulation of post-acute care acquired brain injury rehabilitation facilities; providing penalties.

To Committee on Health and Human Services.

SB 58 by Zaffirini

Relating to the designation of segments of State Highways 359, 16, and 285 as the Veterans of the Korean War Memorial Highway.

To Committee on Veteran Affairs and Military Installations.

SB 59 by Zaffirini

Relating to the provision of assistance by the Texas Ethics Commission in the reporting of political contributions and expenditures made in connection with offices of and measures proposed by local governmental entities.

To Committee on State Affairs.

SB 60 by Zaffirini

Relating to disposition of proceeds from the development or sale of the rights to natural resources or minerals in land held by Webb County for the county permanent school fund.

To Committee on Intergovernmental Relations.

SB 61 by Zaffirini

Relating to minimum standards for juvenile case managers.

To Committee on Jurisprudence.

SB 62 by Zaffirini

Relating to an oral statement regarding the impact of an offense in certain cases involving a violent crime.

To Committee on Criminal Justice.

SB 63 by Zaffirini

Relating to the creation of the individual development account program to provide savings incentives and opportunities for eligible persons to pursue home ownership, postsecondary education, and business development.

To Committee on Business and Commerce.

SB 64 by Zaffirini

Relating to the right of an employee who is a victim of a crime to time off from work to attend court proceedings related to that crime.

To Committee on Business and Commerce.

SB 65 by Zaffirini

Relating to additional compensation for certain state employees.

To Committee on Administration.

SB 66 by Zaffirini

Relating to the transfer of a student from the school district of the student's residence to another district.

To Committee on Education.

SB 67 by Zaffirini

Relating to leave for junior college district or university system employees who are physically assaulted while on duty.

To Committee on Higher Education.

SB 68 by Zaffirini

Relating to contracting issues of state agencies, including ethics issues related to state contracting.

To Committee on Government Organization.

SB 69 by Zaffirini

Relating to reconstituting the system benefit fund as a trust fund and to uses of the fund.

To Committee on Finance.

SB 70 by Zaffirini

Relating to determination of state contributions for participation by certain junior college employees in the state employees group benefits program.

To Committee on Finance.

SB 71 by Nelson

Relating to certain reports submitted by health and human services agencies.

To Committee on Health and Human Services.

SB 72 by Nelson

Relating to streamlining of and utilization management in Medicaid long-term care waiver programs.

To Committee on Health and Human Services.

SB 73 by Nelson

Relating to the removal of certain limitations on the debt issuance of the Cancer Prevention and Research Institute of Texas.

To Committee on Finance.

SB 74 by Nelson

Relating to the disposition of surplus or salvage data processing equipment of a university system or an institution or agency of higher education.

To Committee on Higher Education.

SB 75 by Nelson

Relating to the imposition of background and criminal history check requirements for operators and employees of, and certain other persons at, facilities and agencies licensed by the Department of Aging and Disability Services; providing criminal penalties.

To Committee on Health and Human Services.

SB 76 by Nelson

Relating to certain providers of subsidized child care.

To Committee on Health and Human Services.

SB 77 by Nelson

Relating to certain requirements for sponsoring organizations and other institutions participating in the Child and Adult Care Food Program.

To Committee on Health and Human Services.

SB 78 by Nelson

Relating to adverse licensing, listing, or registration decisions by certain health and human services agencies.

To Committee on Health and Human Services.

SB 79 by Nelson

Relating to the contents and applicability of a school district's grading policy.

To Committee on Education.

SB 80 by Nelson

Relating to public health laboratories administered by the Department of State Health Services.

To Committee on Health and Human Services.

SB 81 by Nelson

Relating to food manufacturers, food wholesalers, and warehouse operators required to hold a license.

To Committee on Health and Human Services.

SB 82 by Nelson

Relating to the prosecution of the offense of stalking.

To Committee on Criminal Justice.

SB 83 by Nelson

Relating to the statute of limitations on prosecution of the offense of bigamy.

To Committee on Criminal Justice.

SB 84 by Nelson

Relating to requiring governmental entities and contractors with governmental entities to participate in the federal electronic verification of work authorization program, or E-verify.

To Committee on Transportation and Homeland Security.

SB 85 by Nelson

Relating to the duties of the county tax assessor-collector and voter registrar regarding exemptions from jury service.

To Committee on State Affairs.

SB 86 by Nelson

Relating to municipal contracts for enforcement of outstanding traffic violation arrest warrants.

To Committee on Intergovernmental Relations.

SB 87 by Lucio

Relating to professional development institutes regarding education of students with disabilities to serve as a resource for public school teachers and paraprofessionals.

To Committee on Education.

SB 88 by Lucio

Relating to free breakfast for certain public school students.

To Committee on Education.

SB 89 by Lucio

Relating to summer nutrition programs provided for by school districts.

To Committee on Education.

SB 90 by Lucio, Davis

Relating to the financing of school district facilities and tax relief for facilities debt.

To Committee on Education.

SB 91 by Lucio

Relating to an interim study to determine public school facility needs.
To Committee on Education.

SB 92 by Lucio

Relating to the adoption of an alternative base period for computation of unemployment compensation benefits.
To Committee on Economic Development.

SB 93 by Lucio

Relating to the appointment of an attorney for a workers' compensation claimant in certain proceedings initiated by a workers' compensation insurance carrier.
To Committee on State Affairs.

SB 94 by Lucio

Relating to the sale of electric energy produced by distributed renewable generation owners.
To Committee on Business and Commerce.

SB 95 by Lucio

Relating to required use by insurers of certain standard insurance policy forms for residential property insurance.
To Committee on Business and Commerce.

SB 96 by Lucio

Relating to withdrawal and restriction plans for certain insurers.
To Committee on Business and Commerce.

SB 97 by Lucio

Relating to rates charged for residential property and personal automobile insurance in certain rating territories.
To Committee on Business and Commerce.

SB 98 by Van de Putte

Relating to the trafficking of persons.
To Committee on Criminal Justice.

SB 99 by Van de Putte, Birdwell

Relating to persons authorized to control the disposition of the remains of certain members of the United States armed forces.
To Committee on Veteran Affairs and Military Installations.

SB 100 by Van de Putte

Relating to the adoption of voting procedures necessary to implement the federal Military and Overseas Voter Empowerment Act.
To Committee on State Affairs.

SB 101 by Van de Putte

Relating to prohibiting nonjudicial foreclosure by a property owners' association on residences owned by certain members of the military.
To Committee on Intergovernmental Relations.

SB 102 by Davis

Relating to allocation of certain money in the Texas emissions reduction plan fund to air quality monitoring activities.

To Committee on Natural Resources.

SB 103 by Davis

Relating to the installation, maintenance, operation, and relocation of wastewater pipeline facilities.

To Committee on Natural Resources.

SB 104 by Davis

Relating to restrictions on the release into the air of natural gas and associated vapors from a gas well.

To Committee on Natural Resources.

SB 105 by Davis

Relating to a restriction on the formation in which certain commercial disposal wells permitted by the Railroad Commission of Texas may inject oil and gas waste.

To Committee on Natural Resources.

SB 106 by Davis

Relating to condemnation of municipal property for, and municipal regulation of, pipeline operations.

To Committee on Natural Resources.

SB 107 by Davis

Relating to the detection and repair of natural gas pipeline leakages.

To Committee on Natural Resources.

SB 108 by Davis

Relating to a customer's right to choose a retail electric provider in the deregulated electric market.

To Committee on Business and Commerce.

SB 109 by Davis

Relating to benefits and protections for residential electric customers.

To Committee on Business and Commerce.

SB 110 by Davis

Relating to ethics and accountability of certain public employees, public officers, political contributors, state contractors, and grant recipients; providing penalties.

To Committee on State Affairs.

SB 111 by Davis

Relating to regulation of property and casualty insurance rates.

To Committee on Business and Commerce.

SB 112 by Davis

Relating to public school finance and certain limitations on the ad valorem tax rate of a school district.

To Committee on Education.

SB 113 by Davis

Relating to the effect of a delay by the State Board for Educator Certification in renewing an educator's certification.

To Committee on Education.

SB 114 by Davis

Relating to the expansion of the financial literacy pilot program in public schools.

To Committee on Education.

SB 115 by Uresti

Relating to limiting the liability of space flight entities.

To Committee on State Affairs.

SB 116 by Uresti

Relating to protective orders against dating violence.

To Committee on Criminal Justice.

SB 117 by Uresti

Relating to allowing municipally owned utility systems in certain cities to fund a program to aid low-income residents in paying their bills.

To Committee on Intergovernmental Relations.

SB 118 by Uresti

Relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.

To Committee on Jurisprudence.

SB 119 by Uresti

Relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

To Committee on Transportation and Homeland Security.

SB 120 by Uresti

Relating to requiring dental support for a child subject to a child support order.

To Committee on Jurisprudence.

SB 121 by Ellis

Relating to photograph and live lineup identification procedures in criminal cases.

To Committee on Criminal Justice.

SB 122 by Ellis

Relating to postconviction forensic DNA analysis.

To Committee on Criminal Justice.

SB 123 by Ellis

Relating to the electronic recording and admissibility of certain custodial interrogations.

To Committee on Criminal Justice.

SB 124 by Patrick

Relating to the enforcement of state and federal laws governing immigration by certain governmental entities; providing a civil penalty.

To Committee on Transportation and Homeland Security.

SB 125 by Patrick

Relating to the retention of the \$1 million total revenue exemption for the franchise tax.

To Committee on Finance.

SB 126 by Patrick

Relating to the duty of a peace officer to inquire into the lawful presence of certain persons.

To Committee on Transportation and Homeland Security.

SB 127 by Patrick

Relating to the establishment, operation, and funding of open-enrollment charter schools.

To Committee on Education.

SB 128 by Patrick

Relating to lobbying by former members of the legislature; creating an offense.

To Committee on State Affairs.

SB 129 by Patrick

Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Committee on Finance.

SB 130 by Patrick

Relating to informed consent to an abortion.

To Committee on State Affairs.

SB 131 by Wentworth

Relating to cemeteries in certain municipalities.

To Committee on Intergovernmental Relations.

SB 132 by Wentworth

Relating to registration with the Selective Service System of certain applicants for a driver's license or personal identification certificate.

To Committee on Transportation and Homeland Security.

SB 133 by Wentworth

Relating to the regulation and certification of medical examiners and the conduct of autopsy and inquest investigations by justices of the peace and medical examiners; providing penalties.

To Committee on Jurisprudence.

SB 134 by Wentworth

Relating to the regulation of fireworks by counties; providing a criminal penalty.

To Committee on Intergovernmental Relations.

SB 135 by Wentworth

Relating to the permissible uses of the state highway fund.

To Committee on Finance.

SB 136 by Wentworth

Relating to granting counties authority to regulate certain land use; providing penalties.

To Committee on Intergovernmental Relations.

SB 137 by Wentworth

Relating to the authority of a county to regulate land development after a local option election.

To Committee on Intergovernmental Relations.

SB 138 by Wentworth

Relating to prohibitions on the use of a wireless communication device while operating a motor vehicle.

To Committee on Transportation and Homeland Security.

SB 139 by Wentworth

Relating to the elimination of straight-party voting.

To Committee on State Affairs.

SB 140 by Shapiro

Relating to minimum public school attendance for class credit or a grade.

To Committee on Education.

SB 141 by Eltife

Relating to the regulation of debt management services providers; providing a penalty.

To Committee on Business and Commerce.

SB 142 by West

Relating to the operation of property owners' associations.

To Committee on Intergovernmental Relations.

SB 143 by West

Relating to the regulation of a credit services organization.

To Committee on Business and Commerce.

SB 144 by West

Relating to allowing a person who successfully completes a term of deferred adjudication community supervision to be eligible for a pardon.

To Committee on Criminal Justice.

SB 145 by Hinojosa

Relating to student loan repayment assistance for nurses employed as faculty members at certain institutions of higher education.

To Committee on Higher Education.

SB 146 by Hinojosa

Relating to the creation of the offense of unlawful transport of an undocumented person.

To Committee on Criminal Justice.

SB 147 by Hinojosa

Relating to prior approval of residential property insurance rates of certain insurers.

To Committee on Business and Commerce.

SB 148 by West

Relating to a limitation on the use of the power of eminent domain by certain water districts.

To Committee on State Affairs.

SB 149 by West

Relating to rules adopted and reporting required under the school district college credit program.

To Committee on Education.

SB 150 by West

Relating to granting limited state law enforcement authority to special agents of the Office of Inspector General of the United States Department of Veterans Affairs and to updating certain references related to the grant of that authority to other federal law enforcement personnel.

To Committee on Transportation and Homeland Security.

SB 151 by Huffman

Relating to the eligibility of certain persons to receive a sentence of community supervision, including deferred adjudication community supervision.

To Committee on Criminal Justice.

SB 152 by Huffman

Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

To Committee on Criminal Justice.

SB 153 by Huffman

Relating to the authority of a judge to suspend the imposition of a sentence and place a defendant on community supervision.

To Committee on Criminal Justice.

SB 154 by Huffman

Relating to the imposition of consecutive fines in sentencing a defendant for offenses arising out of the same criminal episode.

To Committee on Criminal Justice.

SB 155 by Huffman

Relating to the eligibility of certain school district employees to participate or be enrolled in certain group health benefit programs.

To Committee on Education.

SB 156 by Huffman

Relating to health care data collected by the Department of State Health Services and access to certain confidential patient information within the department.

To Committee on Health and Human Services.

SB 157 by Williams

Relating to a school choice program for certain students with disabilities.

To Committee on Education.

SB 158 by Williams

Relating to the fraudulent obtaining of a controlled substance from a practitioner; providing a penalty.

To Committee on Criminal Justice.

SB 159 by Williams

Relating to the diversion of a controlled substance by certain persons who have access to the substance by virtue of the persons' profession or employment; providing penalties.

To Committee on Criminal Justice.

SB 160 by Williams

Relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; providing penalties.

To Committee on Natural Resources.

SB 161 by Shapiro

Relating to highway funding formulas of and project selection by the Texas Department of Transportation.

To Committee on Transportation and Homeland Security.

SB 162 by Shapiro

Relating to developing a developmental education plan for students entering public institutions of higher education.

To Committee on Higher Education.

SB 163 by Shapiro

Relating to agreements between a regional tollway authority and a local governmental entity governing the ownership, construction, maintenance, and operation of toll projects.

To Committee on Transportation and Homeland Security.

SB 164 by Shapiro

Relating to a fixed academic cost option for resident undergraduate students at general academic teaching institutions.

To Committee on Higher Education.

SB 165 by Shapiro

Relating to zero-based budgeting for state agencies as a part of the sunset review process.

To Committee on Finance.

SB 166 by Shapiro

Relating to the sex offender civil commitment program and to the creation of a state agency to perform the functions relating to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment.

To Committee on Criminal Justice.

SB 167 by West

Relating to the automatic expunction of arrest records and files after an individual receives a pardon or a grant of certain other relief with respect to the offense for which the individual was arrested.

To Committee on Criminal Justice.

SB 168 by West

Relating to the use of proceeds from criminal asset forfeiture to provide college scholarships to children of peace officers killed in the line of duty and to an annual report regarding the total value of forfeited property in this state.

To Committee on Criminal Justice.

SB 169 by Lucio

Relating to coverage for autism spectrum disorder under certain health benefit plans offered to state employees.

To Committee on State Affairs.

SB 170 by Ellis

Relating to the reorganization of powers and duties among agencies in this state that provide representation to indigent defendants in criminal cases and to the reorganization of funding sources for indigent defense.

To Committee on Criminal Justice.

SB 171 by Hinojosa

Relating to disclosure of calorie content and nutrition information by certain food establishments; providing an administrative penalty.

To Committee on Business and Commerce.

SB 172 by West

Relating to the requirement by a municipality of a license or permit to occupy or lease a dwelling unit.

To Committee on Intergovernmental Relations.

SB 173 by West

Relating to civil remedy of violations of certain municipal health and safety ordinances.

To Committee on Intergovernmental Relations.

SB 174 by Nichols

Relating to prohibiting the use of eminent domain to take private property for recreational purposes.

To Committee on State Affairs.

SB 175 by Nichols

Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Committee on Finance.

SB 176 by Huffman

Relating to student eligibility for tuition rebates offered by general academic teaching institutions.

To Committee on Higher Education.

SB 177 by Huffman

Relating to the licensing and regulation of physicians.
To Committee on Health and Human Services.

SB 179 by Estes

Relating to the service area of the North Central Texas College District.
To Committee on Higher Education.

SB 180 by Estes

Relating to the use of eminent domain authority.
To Committee on State Affairs.

SB 181 by Shapiro, Seliger, Watson

Relating to the reporting of water conservation measures by municipalities and water utilities.
To Committee on Natural Resources.

SB 182 by Wentworth

Relating to the penalty for the offense of reckless driving.
To Committee on Transportation and Homeland Security.

SB 183 by Wentworth

Relating to placement of a student in a disciplinary alternative education program for certain harassing behavior directed at an educator.
To Committee on Education.

SB 184 by Nelson

Relating to the use of certain state property for community food gardens.
To Committee on Natural Resources.

SB 185 by Nelson

Relating to physical activity requirements for students in public schools.
To Committee on Education.

SB 186 by Nelson

Relating to health and physical education credits required for high school graduation.
To Committee on Education.

SB 187 by Nelson

Relating to human body and anatomical specimen donation.
To Committee on Health and Human Services.

SB 188 by Nelson

Relating to the licensing and regulation of genetic counselors; providing penalties.
To Committee on Health and Human Services.

SB 189 by Nelson

Relating to the eligibility of certain aliens for a license to practice medicine in this state.
To Committee on Health and Human Services.

SB 190 by Nelson

Relating to the licensing and regulation of physicians, physician assistants, acupuncturists, and surgical assistants.

To Committee on Health and Human Services.

SB 191 by Nelson

Relating to disposition of a contested case by the Texas Medical Board.

To Committee on Health and Human Services.

SB 192 by Nelson

Relating to patient advocacy activities by nurses and certain other persons; providing an administrative penalty.

To Committee on Health and Human Services.

SB 193 by Nelson

Relating to the regulation of the practice of nursing.

To Committee on Health and Human Services.

SB 194 by Nelson

Relating to the punishment for the offense of employment harmful to children.

To Committee on Criminal Justice.

SB 195 by Nelson

Relating to activity that constitutes maintaining a common nuisance.

To Committee on Criminal Justice.

SB 196 by Wentworth

Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

To Committee on Redistricting.

SB 197 by West

Relating to the compulsory inspection of motor vehicles; providing penalties.

To Committee on Transportation and Homeland Security.

SB 198 by West

Relating to exempting persons who are convicted of certain sexual offenses from registering as a sex offender in this state.

To Committee on Criminal Justice.

SB 199 by West

Relating to the eligibility of nonprofit organizations that partner with certain schools to receive grants for agricultural projects.

To Committee on Agriculture and Rural Affairs.

SB 200 by Zaffirini

Relating to an evaluation by the Texas Higher Education Coordinating Board of reports required of institutions of higher education.

To Committee on Higher Education.

SB 201 by Uresti

Relating to the calculation of ad valorem taxes on the residence homestead of a 100 percent or totally disabled veteran for the tax year in which the veteran qualifies or ceases to qualify for an exemption from taxation of the homestead.

To Committee on Finance.

SB 202 by Shapiro

Relating to achievement benchmarks in fiscal notes and to legislative review of those benchmarks.

To Committee on Administration.

SB 203 by Huffman

Relating to the punishment prescribed for burglary of a vehicle and to grants of community supervision to persons who commit that offense.

To Committee on Criminal Justice.

SB 204 by Zaffirini

Relating to insurance coverage for certain devices used in the treatment of diabetes.

To Committee on State Affairs.

SB 205 by Whitmire

Relating to school district policies to prohibit bullying, cyberbullying, harassment, and intimidation.

To Committee on Education.

SB 206 by Van de Putte

Relating to extending a local behavioral health intervention pilot project.

To Committee on Health and Human Services.

SB 207 by Gallegos

Relating to requiring certain students leaving public school to provide documentation necessary to ensure an accurate calculation of dropout rates.

To Committee on Education.

SB 208 by Gallegos

Relating to public notice and forums concerning finalists for the position of superintendent of a school district.

To Committee on Education.

SB 209 by Zaffirini

Relating to the supervision of certain juvenile case managers.

To Committee on Jurisprudence.

SB 210 by Ellis

Relating to the designation of certain election days as state holidays.

To Committee on State Affairs.

SB 211 by Ellis

Relating to the registration of voters at a polling place during early voting by personal appearance and related procedures.

To Committee on State Affairs.

SB 212 by Ellis

Relating to prohibited deceptive or disenfranchising practices regarding an election; providing criminal penalties.

To Committee on State Affairs.

SB 213 by Ellis

Relating to the registration of voters at a polling place and related procedures.

To Committee on State Affairs.

SB 214 by Ellis

Relating to early voting by mail by any qualified voter.

To Committee on State Affairs.

SB 215 by Ellis

Relating to the date on which certain voters may be removed from a county's voter registration list and related requirements.

To Committee on State Affairs.

SB 216 by Ellis

Relating to procedures related to the placement of a voter on the suspense list.

To Committee on State Affairs.

SB 217 by Huffman

Relating to expulsion of a public school student who commits certain criminal acts involving a computer, computer network, or computer system owned by or operated on behalf of a school district.

To Committee on Education.

SB 218 by Nelson

Relating to procedures in certain suits affecting the parent-child relationship and the operation of the child protective services and foster care systems.

To Committee on Jurisprudence.

SB 219 by Nelson

Relating to health and mental health services for children in foster care and kinship care.

To Committee on Health and Human Services.

SB 220 by Nelson

Relating to guardianships, including the assessment of prospective wards for, and the provision of, guardianship services by the Department of Aging and Disability Services.

To Committee on Jurisprudence.

SB 221 by Nelson

Relating to the Department of Family and Protective Services, including protective services and investigations of alleged abuse, neglect, or exploitation for certain adults who are elderly or disabled; providing a criminal penalty.

To Committee on Health and Human Services.

SB 222 by Nelson

Relating to access to certain long-term care services and supports under the medical assistance program.

To Committee on Health and Human Services.

SB 223 by Nelson

Relating to the licensing and regulation of home and community support services agencies and of the administrators of those agencies; providing penalties.

To Committee on Health and Human Services.

SB 224 by Nelson

Relating to a program to recognize public schools with successful student health and fitness programs.

To Committee on Education.

SB 225 by Nelson

Relating to including in public school campus improvement plans and in local school health advisory council reports to school district boards of trustees certain goals and objectives or information in order to promote improved student health.

To Committee on Education.

SB 226 by Nelson

Relating to reporting individual student performance on a physical fitness assessment instrument to the Texas Education Agency.

To Committee on Education.

SB 227 by Nelson

Relating to the nondisciplinary resolution of certain complaints filed against physicians.

To Committee on Health and Human Services.

SB 228 by Nelson

Relating to reporting requirements for institutions of higher education conducting human stem cell research.

To Committee on Health and Human Services.

SB 229 by Nelson

Relating to birthing facilities required to offer newborn hearing screenings.

To Committee on Health and Human Services.

SB 230 by Nelson, Shapiro

Relating to the venue for the filing of certain applications by a pregnant minor with respect to an abortion.

To Committee on State Affairs.

SB 231 by Nelson

Relating to the permanent revocation of a person's driver's license or permit on conviction of a second offense relating to the operating of a motor vehicle while intoxicated.

To Committee on Criminal Justice.

SB 232 by Nelson

Relating to wearing a secure alcohol monitoring device as a required condition of community supervision for certain intoxication offenses.

To Committee on Criminal Justice.

SB 233 by Deuell

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

To Committee on Intergovernmental Relations.

SB 234 by Deuell

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

To Committee on Intergovernmental Relations.

SB 235 by Deuell

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

To Committee on Intergovernmental Relations.

SB 236 by Deuell

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

To Committee on Intergovernmental Relations.

SB 237 by Deuell

Relating to the regulation of raw milk and raw milk products.

To Committee on Agriculture and Rural Affairs.

SB 238 by West

Relating to the regulation of solar energy devices by a property owners' association.

To Committee on Intergovernmental Relations.

SB 239 by Huffman

Relating to the conduct that constitutes an offense for the delivery of drug paraphernalia to a person younger than 18 years of age.

To Committee on Criminal Justice.

SB 240 by Huffman

Relating to examination requirements for certain applicants for a license to practice medicine.

To Committee on Health and Human Services.

SB 241 by Ellis

Relating to HIV and AIDS tests and to health benefit plan coverage of HIV and AIDS tests.

To Committee on Health and Human Services.

SB 242 by Davis

Relating to bullying, including cyberbullying, in public schools.

To Committee on Education.

SB 243 by Patrick

Relating to the reestablishment of the Texas Bleeding Disorders Advisory Council.
To Committee on Health and Human Services.

SB 244 by Patrick

Relating to the continuing education requirements for certain peace officers.
To Committee on Criminal Justice.

SB 245 by Davis

Relating to bullying, including cyberbullying, in public schools.
To Committee on Education.

SB 246 by Shapiro

Relating to financial security required of regional tollway authorities in connection with the provision of toll collection services.
To Committee on Transportation and Homeland Security.

SB 247 by Shapiro

Relating to the authority of the Texas Holocaust and Genocide Commission to participate in the establishment and operation of an affiliated nonprofit organization and provide grants.
To Committee on State Affairs.

SB 248 by Estes

Relating to the regulation of public grain warehouse operators.
To Committee on Agriculture and Rural Affairs.

SB 249 by Estes

Relating to the composition of the Finance Commission of Texas.
To Committee on Business and Commerce.

SB 250 by Zaffirini

Relating to protective orders for stalking victims.
To Committee on Criminal Justice.

SB 251 by West

Relating to the regulation of activities with respect to certain extensions of consumer credit.
To Committee on Business and Commerce.

SB 252 by Jackson

Relating to the review, notice, and hearing requirements associated with certain deer permits.
To Committee on Agriculture and Rural Affairs.

SB 253 by Davis

Relating to the regulation of activities with respect to certain extensions of consumer credit.
To Committee on Business and Commerce.

SB 254 by Davis

Relating to the extension of consumer credit to certain members of the Texas National Guard and armed forces of the United States and their dependents; providing a penalty.

To Committee on Business and Commerce.

SB 255 by Nelson

Relating to the jurisdiction of constitutional county courts over truancy cases and the appointment of magistrates to hear truancy cases in certain counties.

To Committee on Jurisprudence.

SB 256 by Nelson

Relating to requiring a private autopsy facility to post a notice for filing a complaint against a physician; providing a penalty.

To Committee on Health and Human Services.

SB 257 by Carona

Relating to the issuance of "Choose Life" license plates and the creation of the Choose Life account in the general revenue fund.

To Committee on Transportation and Homeland Security.

SB 258 by Hegar

Relating to the pledge of allegiance to the state flag during a state flag retirement ceremony.

To Committee on State Affairs.

SB 259 by Harris, Estes

Relating to the duty of a peace officer to inquire into the immigration status of persons arrested on other grounds.

To Committee on Transportation and Homeland Security.

SB 260 by West

Relating to minimum training standards for employees of certain child-care facilities.

To Committee on Health and Human Services.

SB 261 by Carona

Relating to the rule against perpetuities.

To Committee on Jurisprudence.

SB 262 by Carona

Relating to health benefit plan coverage for orally administered anticancer medications.

To Committee on State Affairs.

SB 263 by Carona

Relating to the revocation or suspension of the license of a physician placed on deferred adjudication community supervision or arrested for certain offenses.

To Committee on Health and Human Services.

SB 264 by Zaffirini

Relating to certain information provided by local workforce development boards regarding certain child-care providers.

To Committee on Economic Development.

SB 265 by Zaffirini

Relating to training for employees and operators of certain child-care facilities.

To Committee on Health and Human Services.

SB 266 by Williams

Relating to notice required in connection with possessory liens on motor vehicles.

To Committee on Transportation and Homeland Security.

SB 267 by Williams

Relating to a joint statement regarding the transfer of a motor vehicle as the result of a gift.

To Committee on Finance.

SB 268 by Uresti

Relating to the distribution, possession, purchase, consumption, receipt, and taxation of tobacco products; providing penalties.

To Committee on Finance.

SB 269 by Uresti

Relating to a foster children's bill of rights.

To Committee on Health and Human Services.

SB 270 by Uresti

Relating to newborn hearing screenings.

To Committee on Health and Human Services.

SB 272 by Zaffirini

Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

To Committee on Finance.

SB 274 by Uresti

Relating to the regulation by groundwater conservation districts of certain wells.

To Committee on Natural Resources.

SB 275 by Uresti

Relating to certain exceptions to the prohibition on hunting from a public road or right-of-way.

To Committee on Agriculture and Rural Affairs.

SB 276 by Davis

Relating to a rescission period for annuity contracts.

To Committee on State Affairs.

SB 277 by Davis

Relating to the preparation of case records of children discharged from foster care.

To Committee on Health and Human Services.

SB 278 by Davis

Relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.

To Committee on Health and Human Services.

SB 279 by Davis

Relating to inclusion of pets and other companion animals in protective orders; providing a penalty.

To Committee on Criminal Justice.

SB 280 by Davis

Relating to unlawful employment practices regarding discrimination in payment of compensation.

To Committee on Business and Commerce.

SB 281 by Nichols

Relating to authorizing the issuance of revenue bonds for a molecular science building at Stephen F. Austin State University.

To Committee on Finance.

SB 282 by Zaffirini

Relating to eliminating certain reporting, planning, student developmental, and other requirements imposed on the Texas Higher Education Coordinating Board or public institutions of higher education.

To Committee on Higher Education.

SB 283 by Harris

Relating to the appointment of associate judges in child protective services cases.

To Committee on Jurisprudence.

SB 284 by Harris

Relating to certain hearings in a suit affecting the parent-child relationship.

To Committee on Jurisprudence.

SB 285 by Harris

Relating to exempting certain judicial officers from certain requirements for obtaining or renewing a concealed handgun license and to the authority of certain judicial officers to carry certain weapons.

To Committee on Jurisprudence.

SB 286 by Harris

Relating to attorney's fees and other amounts taxed as costs in guardianship proceedings.

To Committee on Jurisprudence.

SB 287 by Lucio

Relating to birth records of adopted children.

To Committee on Jurisprudence.

SB 288 by Lucio

Relating to authorizing the Department of Public Safety of the State of Texas to investigate the feasibility of and cooperate in the establishment of southbound checkpoints along the international border of this state.

To Committee on Transportation and Homeland Security.

SB 289 by Lucio

Relating to the creation of the offense of possession, manufacture, transportation, repair, or sale of a tire deflation device; providing criminal penalties.

To Committee on Criminal Justice.

SB 290 by Watson

Relating to including a personal financial literacy component in certain public school mathematics courses.

To Committee on Education.

SB 291 by Watson

Relating to an alcohol awareness component of the science curriculum used in public schools.

To Committee on Education.

SB 293 by Watson

Relating to telemedicine medical services, telehealth services, and home telemonitoring services provided to certain Medicaid recipients.

To Committee on Health and Human Services.

SB 294 by Hinojosa

Relating to authorizing the Department of Public Safety of the State of Texas and the Texas Alcoholic Beverage Commission to investigate the feasibility of and cooperate in the establishment of southbound checkpoints along the international border of this state.

To Committee on Transportation and Homeland Security.

SB 295 by Watson

Relating to the definition of emergency services personnel for purposes of the enhanced penalty prescribed for an assault committed against a person providing services in that capacity.

To Committee on Transportation and Homeland Security.

SB 296 by Wentworth

Relating to the mitigation of the impact of residential development in public school districts.

To Committee on Education.

SB 297 by Wentworth

Relating to juror questions and juror note-taking during civil trials.

To Committee on Jurisprudence.

SB 298 by Wentworth

Relating to eliminating the set-aside of a portion of designated tuition for student financial assistance at public institutions of higher education.

To Committee on Higher Education.

SB 299 by Wentworth

Relating to mandatory sales price disclosure in real property sales; providing a civil penalty.

To Committee on Intergovernmental Relations.

SB 300 by Wentworth

Relating to changing the name of the Railroad Commission of Texas to the Texas Energy Commission.

To Committee on Government Organization.

SB 445 by Eltife

Relating to the creation, purpose, implementation, and funding of the County Park Beautification and Improvement Program.

To Committee on Administration.

SJR 1 by Ogden, Shapiro

Applying to the Congress of the United States, in accordance with Article V of the United States Constitution, to call a convention to propose an amendment to the Constitution of the United States to provide for a federal balanced budget and requesting that the legislatures of each of the several states that compose the United States apply to Congress for a convention to propose such an amendment to the United States Constitution.

To Committee on State Affairs.

SJR 10 by Shapiro

Applying to the Congress of the United States to call a convention to propose an amendment to the United States Constitution to require a balanced federal budget.

To Committee on State Affairs.

SJR 15 by Wentworth

Applying to the Congress of the United States to call a convention to propose amendments to the United States Constitution to provide for congressional term limits, the line-item veto, a balanced federal budget, a limit on federal debt, and the repeal of federal law by two-thirds of the several states.

To Committee on State Affairs.

SJR 18 by Eltife

Proposing a constitutional amendment relating to appropriations for the preservation and perpetuation of certain items of historical value; allowing the legislature and state agencies to accept on behalf of the state gifts of items of historical value and contributions to purchase such items.

To Committee on Administration.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 129 by West, In memory of Louise Hilma Ballerstedt Raggio.

SR 159 by West, In memory of the life of Jack Walker of Dallas.

Welcome and Congratulatory Resolutions

SR 125 by Lucio, Recognizing Brush Country Court Appointed Special Advocates on the occasion of its 10th anniversary.

SR 126 by Estes, Recognizing Paul Miller for his service to his country.

SR 127 by Estes, Recognizing Paul VanLinder for his service to his country.

SR 128 by Estes, Recognizing Joel Jimenez for his service to his country.

SR 130 by West, Commending Paul Leslie Francis for achieving the rank of Eagle Scout.

SR 134 by Whitmire, Commending Dylan Bullard of Dayton for achieving the rank of Eagle Scout.

SR 135 by West, Congratulating Roniqua and Bradie Gene James III on the birth of their son, Bradie Landon James IV.

SR 136 by West, Congratulating LaToy F. and Thomas Joyner, Jr., on the birth of their son, Thomas Elliott Joyner III.

SR 137 by Watson, Recognizing Willie Mae Kirk on the occasion of her 90th birthday.

SR 138 by Zaffrini, Recognizing Nina Speer on the occasion of her 100th birthday.

SR 139 by Nelson, Recognizing Haltom City on the occasion of its 50th anniversary.

SR 140 by Nelson, Recognizing the participants in the Teens in the Driver Seat program for their commitment to improving roadway safety for all drivers and passengers.

SR 142 by Nelson, Welcoming the participants in the First Tuesdays at the Capitol program and commending the Texas Medical Association for its work in behalf of the citizens of this state.

SR 143 by Seliger, Congratulating the Garden City High School Bearkats six-man football team on winning its second consecutive state championship.

SR 147 by Wentworth, Recognizing Shannon McClendon for her contributions to the State of Texas.

SR 149 by Watson, Welcoming to Texas the teachers participating in the Fulbright American Studies Institute for Korean Secondary School Teachers of English.

SR 150 by Watson, Recognizing Tura Stephens Hobbs on the occasion of her 100th birthday.

SR 154 by Ellis, Recognizing Jack Yates High School in Houston on the occasion of its 85th anniversary.

SR 156 by Nelson, Recognizing the Cancer Prevention and Research Institute of Texas on the occasion of World Cancer Day.

SR 158 by West, Recognizing H. Ron White on the occasion of his 70th birthday.

Official Designation Resolutions

SR 131 by Birdwell, Recognizing January 31, 2011, as Bosque County Day at the State Capitol.

SR 141 by Nelson, Recognizing February 1, 2011, as CASA Day at the State Capitol.

SR 148 by Van de Putte, Celebrating Senior Day at the State Capitol on February 8, 2011.

SR 152 by Duncan, Recognizing the Wild Hog Cook-off in Crowell as a Texas State Barbecue Championship competition.

SR 163 by Eltife, Celebrating East Texas Coalition Day at the State Capitol.

HCR 41 (Birdwell), Recognizing January 31, 2011, as Bosque County Day at the State Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 5:29 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

BILL ENGROSSED

January 26, 2011

SB 14

RESOLUTIONS ENROLLED

January 26, 2011

SR 2, SR 56, SR 90, SR 92, SR 93, SR 94, SR 95, SR 96, SR 97, SR 98, SR 100, SR 101, SR 102, SR 103, SR 104, SR 107, SR 108, SR 109, SR 112, SR 113, SR 114, SR 115, SR 116, SR 117, SR 118, SR 119, SR 120, SR 121, SR 122, SR 123, SR 124

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

EIGHTH DAY

(Tuesday, February 1, 2011)

The Senate met at 11:05 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Carona, Van de Putte.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend Don Long, former Senate Doorkeeper, offered the invocation as follows:

Our Father, which art in heaven, whose wisdom and goodness manifest themselves in all the works of creation, we ask Your blessing upon Lieutenant Governor David Dewhurst, these Senators, and all Senate staff personnel during this legislative session. May they remember the words from the prophet Ezekiel: Thus saith the Lord God: Let it suffice you, O rulers: remove violence and spoil, and execute judgment and justice, and stop dispossessing my people, saith the Lord God. (Ezekiel 45:9) As this august body honors the memory of Foy Watson today, we thank You so much for this man who served his country during World War II, and we thank You for saving his life during the battle at Okinawa. We are grateful to You for his service to the U.S. government in his over 35 years with the IRS. We appreciate his dedication to his family. How blessed has been the Crestview Baptist Church here in Austin for his many years of service as a deacon and treasurer of that church. Lastly, we thank You for the many years of service to the Texas State Senate as one of the doorkeepers and as "The Elevator Man." Let Your grace descend in abundance upon his family and upon those of us who knew and loved him. Let us remember the words of the poet, E. Margaret Clarkson: Through faith we understand the things we cannot know, the hidden pattern God has planned, and why each thread is so; we trace life's vast design and lose His golden strand, but when our wills with His entwine through faith we understand. Amen.

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

The motion prevailed without objection.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for today on account of inclement weather.

On motion of Senator Whitmire, Senator Van de Putte was granted leave of absence for today on account of a death in the family.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 1, 2011

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 35, Recognizing February 1, 2011, as Texas Tech University System Day.

HCR 36, Commemorating the 25th anniversary of the establishment of the Texas Silver-Haired Legislature.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Deuell was recognized and presented Dr. Paul Guttuso of Mabank as the Physician of the Day.

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

MESSAGES FROM THE GOVERNOR

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

February 1, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be a member of the Texas Workforce Commission for a term to expire February 1, 2017:

Ronald Congleton

Austin, Texas

Mr. Congleton is being reappointed.

To be the Executive Commissioner of Health and Human Services for a term to expire February 1, 2013:

Thomas M. Suehs

Austin, Texas

Commissioner Suehs is being reappointed.

To be the Commissioner of Workers' Compensation for a term to expire February 1, 2013:

Roderick Bordelon, Jr.

Austin, Texas

Mr. Bordelon is being reappointed.

To the Office of Public Utility Counsel for a term to expire February 1, 2013:

Sheri Sanders Givens

Round Rock, Texas

Ms. Givens is being reappointed.

To be the Public Counsel for the Office of Public Insurance Counsel for a term to expire February 1, 2013:

Deeia Beck

Austin, Texas

Ms. Beck is being reappointed.

To be members of the Stephen F. Austin State University Board of Regents for terms to expire January 31, 2017:

Brigettee Henderson

Lufkin, Texas

(replacing Melvin White of Pflugerville whose term expired)

Kenton E. Schaefer

Brownsville, Texas

(replacing James Thompson of Sugar Land whose term expired)

Ralph C. Todd

Carthage, Texas

(replacing Richard Boyer of The Colony whose term expired)

To be a member of the Texas Facilities Commission for a term to expire January 31, 2017:

Betty Reinbeck

Sealy, Texas

Ms. Reinbeck is being reappointed.

To be members of the Texas Tech University System Board of Regents for terms to expire January 31, 2017:

Larry K. Anders

Plano, Texas

(Mr. Anders is being reappointed)

Debra Montford

San Antonio, Texas

(Ms. Montford is being reappointed)

John D. Steinmetz

Lubbock, Texas

(replacing Daniel Serna of Arlington whose term expired)

To be presiding officer of the Central Texas Regional Mobility Authority for a term to expire February 1, 2013:

Ray A. Wilkerson

Austin, Texas

Mr. Wilkerson is being reappointed.

To be the State Commissioner of Education for a term commensurate with the term of the Governor:

Robert P. Scott

Austin, Texas

Commissioner Scott is being reappointed.

To be members of the University of Texas System Board of Regents for terms to expire February 1, 2017:

Alexis "Alex" Cranberg

Austin, Texas

(replacing Janiece Longoria of Houston whose term expired)

Wallace L. Hall, Jr.

Dallas, Texas

(replacing Colleen McHugh of Corpus Christi whose term expired)

Brenda Pejovich

Dallas, Texas

(Ms. Pejovich is being reappointed)

To be the Adjutant General of Texas for a term to expire February 1, 2013:

John F. Nichols

Spring Branch, Texas

General Nichols is replacing General Jose Mayorga, Jr., of Round Rock whose term expired.

To be members of the Parks and Wildlife Commission for terms to expire February 1, 2017:

T. Dan Friedkin

Houston, Texas

(Mr. Friedkin is being reappointed)

Richard "Dick" Scott

Wimberley, Texas

(replacing Mark Bivins of Amarillo whose term expired)

To be the Texas State Board of Education Chair for a term to expire February 1, 2013:

Gail Lowe

Lampasas, Texas

Ms. Lowe is being reappointed.

To be the Texas Youth Commission Independent Ombudsman for a term to expire February 1, 2013:

Debbie Unruh

Austin, Texas

Captain Unruh is being reappointed.

Respectfully submitted,

/s/Rick Perry

Governor

February 1, 2011

Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

On January 19, 2011, I submitted the name of Wallace L. Hall, Jr., for appointment to the Texas Higher Education Coordinating Board for a term to expire August 31, 2015.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Rick Perry

Governor

SENATE RESOLUTION 102

Senator Deuell offered the following resolution:

SR 102, Congratulating Celeste Prather-Young on receiving the 2010 Executive Director of the Year Award by Texas Court Appointed Special Advocates.

The resolution was again read.

The resolution was previously adopted on Wednesday, January 26, 2011.

GUEST PRESENTED

Senator Deuell was recognized and introduced to the Senate Celeste Prather-Young of CASA.

The Senate welcomed its guest.

SENATE RESOLUTION 144

Senator Seliger offered the following resolution:

SR 144, Recognizing February 1, 2011, as Andrews County Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate Lynn Fisher, Andrews City Councilmember; Adrian Gonzalez, Andrews Economic Development Corporation; Russell Shannon, Andrews Independent School District Board of Trustees; Julia Wallace, Andrews Chamber of Commerce; Richard H. Dolgener, Andrews County Judge; and a delegation of citizens from Andrews County.

The Senate welcomed its guests.

SENATE RESOLUTION 141

Senator Nelson offered the following resolution:

SR 141, Recognizing February 1, 2011, as CASA Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, January 31, 2011.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation of the CASA membership.

The Senate welcomed its guests.

SENATE RESOLUTION 133

Senator Ogden offered the following resolution:

SR 133, Honoring the Texas A&M University College of Veterinary Medicine and Biomedical Sciences and the Texas Veterinary Medical Association.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate Dr. Eleanor Green, Dean of the College of Veterinary Medicine and Biomedical Sciences, Texas A&M University; Joseph Pluhar and Sarah Kline, Texas A&M veterinary medicine students; Dr. Larry Kornegay, President of the American Veterinary Medical Association; Dr. Lori Teller, President of the Texas Veterinary Medical Association; and Dr. Leon Russell, Past President of the World Veterinary Association.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 35

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Distinguished representatives of the Texas Tech University System are gathering at the State Capitol on February 1, 2011, to celebrate the system's vital role in the Lone Star State; and

WHEREAS, The TTU System, governed by a nine-member board of regents and chancellor Kent Hance, consists of Texas Tech University, Texas Tech University Health Sciences Center, and Angelo State University; the system currently enrolls more than 42,000 students, employs some 18,000 faculty and staff members, and counts over 250,000 alumni; and

WHEREAS, Looking to the future, the system has developed five strategic priorities, including improving access to education and promoting learning, strengthening the academic excellence of member institutions, expanding knowledge through research, serving its communities, and effectively managing its resources; and

WHEREAS, Each component of the system provides unique educational opportunities; Texas Tech University is a major comprehensive research university, led by Dr. Guy Bailey; enrolling more than 31,600 students in 12 colleges and schools, TTU offers more than 150 undergraduate programs, 100 master's programs, and 60 doctoral programs, and it is among a select group of institutions to shelter a chapter of Phi Beta Kappa; and

WHEREAS, Texas Tech University Health Sciences Center is composed of the TTUHSC School of Medicine, the School of Allied Health Sciences, the Graduate School of Biomedical Sciences, the Anita Thigpen Perry School of Nursing, the School of Pharmacy, and the new Paul L. Foster School of Medicine in El Paso, which seated its first class in July 2009; overseen by Dr. Tedd L. Mitchell, TTUHSC enrolls nearly 3,700 students and boasts more than 11,000 alumni; and

WHEREAS, Founded in 1928, Angelo State University enrolls more than 6,800 students in six colleges and is directed by Dr. Joseph C. Rallo; ASU was the first university in the state to offer a degree in computer science and the institution's physics department has been designated by *Physics Today* as one of the top undergraduate programs in the nation; and

WHEREAS, The Texas Tech University System has provided countless students with an outstanding education and a strong foundation for the future, and in so doing, it has contributed to the remarkable achievements of the state as a whole; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby recognize February 1, 2011, as Texas Tech University System Day at the State Capitol and extend a warm welcome to all those from the TTU System who are visiting here today.

DUNCAN

HCR 35 was read.

On motion of Senator Duncan, 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: Carona, Van de Putte.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate representatives of Texas Tech University: Stephen Souter, Chancellor Kent Hance, Guy Bailey, and Tedd Mitchell, as well as Joseph Rallo, Angelo State University.

The Senate welcomed its guests.

SENATE RESOLUTION 111

Senator Hinojosa offered the following resolution:

SR 111, Recognizing February 1, 2011, as McAllen Day at the State Capitol.

HINOJOSA
LUCIO

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate McAllen City Commissioners Marcus Barrera and John Ingram; Bob McCreery and Steve Ahlenius, McAllen Chamber of Commerce; and Don King, McAllen Economic Development Corporation.

The Senate welcomed its guests.

(President in Chair)

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate members of the Texas Association of Mexican-American Chambers of Commerce.

The Senate welcomed its guests.

SENATE RESOLUTION 104

Senator Birdwell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join Texans across the state in celebrating February 1, 2011, as Baylor University Day at the State Capitol; and

WHEREAS, Established February 1, 1845, by an act of the Congress of the Republic of Texas, Baylor University is the oldest continually operating university in the state; it traces its roots to an 1841 meeting of the Union Baptist Association at which the Reverend William Milton Tryon and State District Judge R. E. B. Baylor offered a proposal to create a Baptist university in Texas; and

WHEREAS, Baylor University has grown to become a nationally ranked liberal arts institution with more than 14,000 students; it offers degrees in 151 areas of study, preprofessional tracks, and specialized academic opportunities; students are able to interact with full-time faculty from their first days on campus; and

WHEREAS, In addition to its rigorous curriculum, the university offers a dynamic and invigorating campus life; from concerts to Big 12 athletics to an active community of faith, students have a wide array of options to complement their academic careers; its students, faculty, and staff annually provide more than 150,000 hours of local community service; and

WHEREAS, For more than 150 years, Baylor University has played a vital role in providing Texans with a firm foundation for future success; it is truly deserving of recognition for its commitment to educational excellence; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the students, faculty, staff, and alumni of Baylor University for their many contributions to the progress of our state and extend to the university's delegation a sincere welcome to the State Capitol for Baylor University Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared as a memento of this special occasion.

BIRDWELL
HARRIS
WATSON

SR 104 was again read.

The resolution was previously adopted on Wednesday, January 26, 2011.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate Baylor University President Kenneth Starr, Harold Riley, Rick Riley, Gale Galloway, and Tommye Lou Davis.

The Senate welcomed its guests.

SENATE RESOLUTION 142

Senator Nelson offered the following resolution:

SR 142, Welcoming the participants in the First Tuesdays at the Capitol program and commending the Texas Medical Association for its work in behalf of the citizens of this state.

The resolution was again read.

The resolution was previously adopted on Monday, January 31, 2011.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate members of the Texas Medical Association and the Texas Medical Association Alliance.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate members of the Texas A&M Chancellor's Student Advisory Board.

The Senate welcomed its guests.

SENATE RESOLUTION 161

Senator Eltife offered the following resolution:

SR 161, In memory of Foy Wallace Watson, Jr., of Austin.

The resolution was read.

On motion of Senator Shapiro and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Eltife, **SR 161** was adopted by a rising vote of the Senate.

In honor of the memory of Foy Wallace Watson, Jr., the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate family members of Foy Wallace Watson, Jr.: Bernadine Watson, wife; Cynthia Constantine, daughter; Foy Watson III, son; Richard Watson, son; Tom Watson, brother; and a host of relatives and friends.

The Senate welcomed its guests and extended its sympathy.

REMARKS ORDERED PRINTED

On motion of Senator Estes and by unanimous consent, the remarks regarding **SR 161** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Eltife: Thank you, Mr. President. Mr. President and Members, Senate Resolution 161 commemorates the life and passing of Foy Watson, Jr., our long-time assistant doorkeeper who passed away on October 30th of last year. I know all of us, Governor Dewhurst, Senators, and staff, appreciated Foy for his kindness, good nature, and positive outlook. When Foy operated the Senate elevator, he often made exceptions for staff who were needed by their Senators on the elevator. Every time I hitched a ride with Foy on his elevator, I always got off the elevator in a better mood and uplifted. In his own way, Foy reminded me of the many blessings the good Lord has bestowed upon me. We talked about church, Foy being a devout Baptist, me a proud Catholic. We talked about the rose bushes in Tyler. How he knew about the rose bushes in Tyler or that I was from Tyler, the first day I got in the elevator, I'll never know. We even talked politics. Foy was a shining example of the dedicated staff we have that run the Texas Senate. We are grateful for his service, not only to the Texas Senate but to our country. Members, in addition to the resolution, there will be a plaque placed in the elevator bearing Foy's name. On the floor with us today are Foy's wife, Bernadine Watson; Cynthia Constantine, his daughter; two sons, Foy Watson III and Richard Watson; and Tom Watson, Foy's brother. I also understand there are many more friends and family in the gallery, including two daughters-in-law, one sister-in-law, three grandchildren, and eight great-grandchildren. And I would ask them to stand at this time and be recognized. Thank all of you for sharing Foy with us. May God bless you.

Senator Duncan: Thank you, Mr. President. I get on the, every time I get on that elevator I think of Foy Watson. He was a, Senator Eltife, just as you said, you didn't leave the elevator without feeling better about the day. We, it's very fitting that we

have a plaque there. But, again, I, even without the plaque, I get on that elevator and I think of Foy. He had a unique knowledge of things of the world and of the things that we did, and I think he understood the stresses and the tensions. He even had a code with Senator Harris, I think. Senator Harris had a knock on the basement floor or a kick of three times, and I think he knew to go get Senator Harris whenever that would occur. But, I miss Foy. And I think, I, see, we see this resolution speaks for all of us here about how we cherished and appreciated his friendship. And you should be very proud of your husband and your father and your brother. And thank you, Senator Eltife, for bringing this resolution.

Senator Lucio: Thank you, Mr. President. Members, I too rise. I used to describe Foy every day when I would run into him, as all-American. He certainly defined those two words, all-American. He was a member of the greatest generation, and I could relate to that with, you know, with my father who is part of that greatest generation that we're a product of. Foy knew the issues, you're right. And we discussed those issues many times. Man of great compassion, he just didn't forget anyone going into that elevator. As a matter of fact, he knew our staffs pretty darn good over the years. And he made a difference, he was always courteous, very polite, and I would describe him as a public servant. He served the public that came through that elevator. And I'm so happy that you're putting that plaque in that elevator. It will remind us all of a great man that all of us came in contact with, that made a difference in our lives. He brought us to work, and he took us back down as we left the Capitol, for many years. And I'm pleased to join with you, Senator Eltife, and the Members of this body, in acknowledging a great American, a man that made a difference in our lives. Thank you very much.

Senator Whitmire: Thank you, Mr. President, Members. Senator Eltife, I want to thank you for honoring our friend; he literally watched me grow up down here. But I've got a public confession, Mrs. Watson. I just found out why it took him so long some days. I used to fuss at him. In fact, now I find out it was Senator Eltife having him deliver his employees and dealing with the staff for an elevator that was reserved for Senators. I used to fuss at him and say, I can actually walk these stairs faster than you can run this thing. So, we had an ongoing good time talking because, as you know, I'd be wanting to go down to one, and he'd be going to three, and I'd try to get him to reverse. And I just, no, that's okay, I'll just walk. So, if anyone sees him before I do, I want you to tell him I really apologize, it wasn't that he wasn't running the elevator properly. He was doing a great job, but he was taking care of our staff instead of Senators, because he wouldn't say no to the people that needed to get up to the top floor, so, it's great that you would recognize him today. And let me just tell you, I've been here a hundred years, I've never seen them put a plaque in this building or on an elevator or in one of our meeting rooms, and that shows the love and respect we had for him. He's having an honor that I can't recognize for anyone else. He's getting a plaque in this historical building that will be here for the rest of time. So, it's really special, Mrs. Watson and family.

President: Thank you, Dean. Mrs. Watson, I never talk from the podium, but I've got to say, you know every one of the 32 of us loved your husband, absolutely a sweetheart of a man. We all had different subjects that we talked to him about. I used to talk to him about World War II, and my dad was in World War II. And Foy was just a very special person. There were days, you know, he'd say, Governor, you look a little stressed, and I said, well, it's a little stressful out there today, and he said, well, just take, you know, take a day at a time, the Lord will take care of you. So, thank you for sharing him with us.

HOUSE CONCURRENT RESOLUTION 43

The President laid before the Senate the following resolution:

WHEREAS, Section 21.004(a), Government Code, provides: "At a convenient time at the commencement of each regular session of the legislature, the chief justice of the supreme court shall deliver a written or oral state of the judiciary message evaluating the accessibility of the courts to the citizens of the state and the future directions and needs of the courts of the state."; now, therefore, be it

RESOLVED by the 82nd Texas Legislature, Regular Session, That the Senate and House of Representatives of the State of Texas meet in Joint Session in the Hall of the House of Representatives for that purpose on Wednesday, February 23, 2011, at 11:30 a.m.; and, be it further

RESOLVED, That the Honorable Wallace B. Jefferson, Chief Justice of the Supreme Court of Texas, be, and is hereby, invited to address the Regular Session of the 82nd Legislature in Joint Session at that time.

HARRIS

HCR 43 was read.

On motion of Senator Harris, 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: Carona, Van de Putte.

HOUSE CONCURRENT RESOLUTION 44

The President laid before the Senate the following resolution:

BE IT RESOLVED by the 82nd Legislature, Regular Session, That the Senate and House of Representatives of the State of Texas meet in Joint Session in the Hall of the House of Representatives on Tuesday, February 8, 2011, at 11:00 a.m.; and, be it further

RESOLVED, That the Honorable Rick Perry, Governor of the State of Texas, be, and is hereby, invited to address the Regular Session of the 82nd Legislature in Joint Session at that time.

ELTIFE

HCR 44 was read.

On motion of Senator Eltife, 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: Carona, Van de Putte.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 7, SCR 8.**

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet and consider the following bill and resolution today: **SB 445, SJR 18.**

CO-AUTHORS OF SENATE BILL 16

On motion of Senator Patrick, Senators Estes and Nelson will be shown as Co-authors of **SB 16.**

CO-AUTHOR OF SENATE BILL 18

On motion of Senator Estes, Senator Nichols will be shown as Co-author of **SB 18.**

CO-AUTHOR OF SENATE BILL 253

On motion of Senator Davis, Senator West will be shown as Co-author of **SB 253.**

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolution

SR 106 by Shapiro and Nelson, Recognizing the Texas Parent Teacher Association for its contributions to the children of Texas.

Official Designation Resolutions

SR 153 by Duncan, Celebrating February 1, 2011, as Texas Tech University System Day at the Texas Capitol.

SR 160 by Deuell, Recognizing February 1, 2011, as Texas Organization of Residential Care Homes Day in Texas.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:25 p.m. adjourned, in memory of Foy Wallace Watson, Jr., until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLEDJanuary 31, 2011

**SCR 7, SCR 8, SR 105, SR 125, SR 126, SR 127, SR 128, SR 129, SR 130,
SR 131, SR 134, SR 135, SR 136, SR 137, SR 138, SR 139, SR 140, SR 141,
SR 142, SR 143, SR 147, SR 148, SR 149, SR 150, SR 152, SR 154, SR 156,
SR 158, SR 159, SR 163**

In Memory
of
Foy Wallace Watson, Jr.
Senate Resolution 161

WHEREAS, The Senate of the State of Texas joins the citizens of Austin in mourning the loss of one of our most beloved legislative employees, Foy Wallace Watson, Jr., who died October 30, 2010, at the age of 84; and

WHEREAS, Born October 7, 1926, in Waco, Foy Watson was a member of "The Greatest Generation" and was a true military hero who served during World War II and received a Purple Heart and two battle stars; and

WHEREAS, After the war, he married his longtime sweetheart, Bernadine, and embarked on a successful career as a revenue officer with the Internal Revenue Service; following his retirement, he went on to earn the designation of Texas Master Florist; and

WHEREAS, Foy Watson joined the Texas Senate in 1997 and served with distinction as an Assistant Senate Doorkeeper over the course of seven regular legislative sessions and numerous special sessions; as the operator of the elevator behind the Senate Chamber, he was treasured by senators and their staff for the individual attention he gave to all who passed his way, as well as for his obvious good nature and his positive outlook on life; and

WHEREAS, During Mr. Watson's longtime Senate service, his affable personality endeared him to all who walked the Capitol halls, and his dedication, generosity, and exemplary work ethic will long be remembered; and

WHEREAS, Mr. Watson was a life member of the Veterans of Foreign Wars and the American Legion; he was a 32nd-degree Scottish Rite Mason, an active member of Hill City Lodge 456, and a noble of the Ben Hur Shrine Temple; he was a devout Christian and a member of Crestview Baptist Church, where he served as a deacon and was treasurer for more than 35 years; and

WHEREAS, An exemplary gentleman in every way, Foy Watson loved his work, his state, and his country; he was a devoted husband, father, and grandfather, and he leaves behind memories that will be treasured forever by all who worked with him and by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family of Foy Wallace Watson, Jr.: his loving and devoted wife of 63 years, Bernadine Gummelt Watson; his children and their spouses, Foy Watson III and his wife, Gloria,

Richard Watson and his wife, Debbie, and Cindy Constantine and her husband, Kim; his brother, Tom Watson; his sister, Rose Summers; and his nine grandchildren and 12 great-grandchildren; and, be it further

RESOLVED, That a plaque bearing the name of Foy Wallace Watson, Jr., be placed in the Senate elevator in honor and in memory of this exceptional legislative employee and patriotic citizen; 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 Foy Wallace Watson, Jr.

ELTIFE

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

NINTH DAY

(Wednesday, February 2, 2011)

The Senate met at 11:09 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Carona.

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

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

Dear heavenly Father, You have given all the men and women gathered in this Chamber the willingness and courage to serve on behalf of the residents of our state. I offer thanksgiving for them and their service. Bless them always with Your presence, give them compassion, and strengthen and enable them to work together, through debate and compromise, for the benefit of all Texans. In these challenging times, help us all, elected officials and residents alike, to approach each challenge with a positive attitude and to work together to seek opportunities for growth and advancement for our neighborhoods, cities, state, and country. I offer this prayer in Your most holy name. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for today on account of important business.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

February 2, 2011

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 40, Designating the Sunday through Saturday surrounding World Suicide Prevention Day, September 10, each year as Texas Suicide Prevention Week.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Hegar was recognized and presented Dr. Russell Thomas of Eagle Lake as the Physician of the Day.

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

SENATE RESOLUTION 157

Senator Nelson offered the following resolution:

SR 157, Recognizing February 4, 2011, as National Wear Red Day in Texas.

NELSON
SHAPIRO

The resolution was read.

On motion of Senator Lucio and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Nelson, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate members of the American Heart Association.

The Senate welcomed its guests.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 41**.

SENATE RESOLUTION 88

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Dr. John Wesley Boldt for his many outstanding contributions to the field of medicine; and

WHEREAS, A 1954 graduate of the Vanderbilt University School of Medicine, Dr. Boldt joined the staff at Robert B. Green Hospital in San Antonio in 1961, where he taught gynecologic surgery and provided patient care to local citizens; and

WHEREAS, Dr. Boldt supervised the formation of the United States Air Force obstetrics and gynecology residency program at Wilford Hall Hospital and served as a civilian consultant and instructor for nearly a decade; in 1968, he was appointed Clinical Professor of Obstetrics and Gynecology at the medical school now known as The University of Texas Health Science Center at San Antonio; and

WHEREAS, A founding member of the Society for Gynecologic Surgeons, Dr. Boldt is a member of the Bexar County Medical Society and the Felix Rutledge Society; in 2009, a permanent endowment was established in his name at The University of Texas Health Science Center at San Antonio to honor his excellence in patient care, education, and research in his field; and

WHEREAS, Dr. Boldt continues to provide his patients with exceptional care and to serve as a mentor and guide to medical students; he is truly deserving of recognition for his legacy of compassion, professionalism, and dedication; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend Dr. John Wesley Boldt on his many achievements and extend to him best wishes for continued success in all his 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 88 was again read.

The resolution was previously adopted on Tuesday, January 25, 2011.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Dr. John Wesley Boldt; his wife, Veronica Boldt; Dr. Robert Schenken, The University of Texas Health Science Center at San Antonio; Dr. Francisco Gonzalez-Scarano, The University of Texas Health Science Center at San Antonio; Dr. Francisco Cigarroa, The University of Texas System Chancellor; and Senator Van de Putte's daughter, Dr. Nichole Van de Putte. Also recognized were Bill Boldt; Robert and Cheryl Stocker; Norman and Jan Boldt Saathoff; Dr. Boldt's grandchildren: Elizabeth, Caroline, Susannah, Margaret, James, and Jordan; and Drs. Elly Xenakis, Mark Funk, Karen Diaz, Kevin Hall, Blake Berryhill, Emma Rodriguez, Omoteotl Acosta, Torri Janecek, and Yadira Anca.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate students from Panola College and Kilgore College.

The Senate welcomed its guests.

SENATE RESOLUTION 145

Senator Seliger offered the following resolution:

SR 145, Recognizing February 2, 2011, as Texas Food Bank Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate representatives of the Texas Food Bank Network.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate representatives of Laredo Community College, Northeast Texas Community College, and South Texas College.

The Senate welcomed its guests.

SENATE RESOLUTION 164

Senator Hinojosa offered the following resolution:

SR 164, Commending the Texas 4-H and Youth Development Program on its many contributions to the young people of Texas.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Preston Sturdivant, Allison Lochte, Kelley Ullrich, Bonnie McGee, and a delegation of Texas 4-H and Youth Development Program students.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate students from Texas State Technical College, Hill College, McLennan Community College, and Navarro College.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 12

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 2, 2011, and ending on Monday, February 7, 2011.

WHITMIRE

SCR 12 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

CO-AUTHOR OF SENATE BILL 16

On motion of Senator Patrick, Senator Hegar will be shown as Co-author of **SB 16**.

CO-AUTHORS OF SENATE BILL 18

On motion of Senator Estes, Senators Davis, Deuell, Eltife, Fraser, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Seliger, Shapiro, Uresti, Watson, Wentworth, and Williams will be shown as Co-authors of **SB 18**.

CO-AUTHORS OF SENATE BILL 321

On motion of Senator Hegar, Senators Patrick, Watson, and Wentworth will be shown as Co-authors of **SB 321**.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:50 a.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 1:30 p.m. Monday, February 7, 2011.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 301 by Wentworth

Relating to filing a complaint against a person licensed to engage in a business, occupation, or profession; providing civil and criminal penalties.

To Committee on Business and Commerce.

SB 302 by Wentworth

Relating to the regulation of solar energy devices by a property owners' association.

To Committee on Intergovernmental Relations.

SB 303 by Nichols

Relating to health care services provided or paid by a hospital district or public hospital.

To Committee on State Affairs.

SB 304 by Nichols

Relating to employment services programs for certain residents receiving services from public hospitals or hospital districts.

To Committee on Health and Human Services.

SB 305 by Huffman

Relating to the punishment prescribed for burglary of a vehicle and to grants of community supervision to persons who commit that offense.

To Committee on Criminal Justice.

SB 306 by Huffman

Relating to the filing of an affidavit to perfect a restitution lien in a criminal case.

To Committee on Criminal Justice.

SB 307 by Seliger

Relating to the composition of the districts for the election of members of the State Board of Education.

To Committee on Redistricting.

SB 308 by Seliger

Relating to the composition of the congressional districts for the State of Texas.

To Committee on Redistricting.

SB 309 by Harris

Relating to the events eligible to receive funding through a major events trust fund.

To Committee on Economic Development.

SB 310 by Seliger

Relating to the Dallam-Hartley Counties Hospital District.

To Committee on Intergovernmental Relations.

SB 311 by Seliger

Relating to the authority of the board of directors of the Ochiltree County Hospital District to employ health care providers.

To Committee on Intergovernmental Relations.

SB 312 by Seliger

Relating to the exemption of certain electric cooperatives from certain regulations.

To Committee on Natural Resources.

SB 313 by Seliger

Relating to priority groundwater management areas.

To Committee on Natural Resources.

SB 314 by Zaffirini

Relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims or whose immediate family members are victims of sexual assault.

To Committee on Economic Development.

SB 315 by Carona

Relating to the agencies and entities responsible for compiling and maintaining information pertaining to criminal combinations and criminal street gangs.

To Committee on Transportation and Homeland Security.

SB 316 by Whitmire

Relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

To Committee on Criminal Justice.

SB 317 by Whitmire

Relating to procedures for applications for writs of habeas corpus based on relevant scientific evidence.

To Committee on Criminal Justice.

SB 318 by Van de Putte

Relating to the provision of pharmaceutical services through informal and voluntary networks in the workers' compensation system; providing an administrative violation.

To Committee on State Affairs.

SB 319 by Carona

Relating to financing programs for low-income electric customers and certain other electric customers.

To Committee on Finance.

SB 320 by Carona

Relating to the practice of psychological associates.

To Committee on Health and Human Services.

SB 321 by Hegar, Birdwell

Relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

To Committee on Criminal Justice.

SB 322 by Carona

Relating to the requirements for reinsurance contracts covering title insurance policies issued in this state.

To Committee on Business and Commerce.

SB 323 by Carona

Relating to the applicability of certain laws governing corporations to limited liability companies.

To Committee on Business and Commerce.

SB 324 by Jackson

Relating to the course levels offered by the University of Houston–Clear Lake.
To Committee on Higher Education.

SB 325 by Van de Putte

Relating to the automatic enrollment of certain women in the demonstration project for women's health care services.
To Committee on Health and Human Services.

SB 326 by Duncan

Relating to the exemption from ad valorem taxation of certain tangible personal property stored temporarily at a location in this state.
To Committee on Finance.

SB 327 by Van de Putte, Davis

Relating to including certain veterans service organizations as small businesses for the purpose of state contracting.
To Committee on Government Organization.

SB 328 by Carona

Relating to notice of a hospital lien.
To Committee on State Affairs.

SB 329 by Watson

Relating to the sale, recovery, and recycling of certain television equipment; providing administrative penalties.
To Committee on Natural Resources.

SB 330 by Watson

Relating to renewable energy capacity, jobs, and trading credits.
To Committee on Natural Resources.

SB 332 by Fraser

Relating to the vested ownership interest in groundwater beneath the surface and the right to produce that groundwater.
To Committee on Natural Resources.

SB 333 by Fraser

Relating to election procedures and qualifications of members of boards of directors for water supply or sewer service corporations.
To Committee on Natural Resources.

SB 335 by Fraser

Relating to an exemption from regulation as health spas for certain governmental hospitals and clinics.
To Committee on Health and Human Services.

SB 336 by Gallegos

Relating to the composition of certain regional planning commissions.
To Committee on Intergovernmental Relations.

SB 337 by Gallegos

Relating to the authority of certain counties to enact noise regulations; providing a criminal penalty.

To Committee on Intergovernmental Relations.

SB 338 by Gallegos

Relating to penalty assessment for violations of the Texas Clean Air Act committed by major sources.

To Committee on Natural Resources.

SB 339 by Gallegos

Relating to disclosure by the Texas Commission on Environmental Quality of information related to emissions events.

To Committee on Natural Resources.

SB 340 by Gallegos

Relating to the reporting of emissions events under the Clean Air Act.

To Committee on Natural Resources.

SB 342 by Carona

Relating to the power of the office of the attorney general to make certain examinations and inquiries.

To Committee on Business and Commerce.

SB 343 by Davis

Relating to the administrative fee charged for the collection of an unpaid toll.

To Committee on Transportation and Homeland Security.

SB 344 by Gallegos

Relating to municipal civil service for firefighters and police officers.

To Committee on State Affairs.

SB 345 by Gallegos

Relating to staff development training for certain public school administrators regarding student discipline management.

To Committee on Education.

SB 346 by Gallegos

Relating to the curriculum that must be provided by a disciplinary alternative education program.

To Committee on Education.

SB 347 by Watson

Relating to the creation of the Texas Center for Sustainable Business.

To Committee on Natural Resources.

SB 348 by Estes

Relating to the sale or delivery of salvia divinorum or Salvinorin A to a child; providing a penalty.

To Committee on Criminal Justice.

SB 349 by Eltife

Relating to the hotel occupancy tax rate in certain municipalities.

To Committee on Finance.

SB 350 by Williams

Relating to the restructuring of fund obligations and accounts of the Texas Municipal Retirement System and related actuarial and accounting procedures.

To Committee on State Affairs.

SB 351 by Williams

Relating to the maximum capacity of a container of wine sold to a retail dealer.

To Committee on Business and Commerce.

SB 352 by Williams

Relating to the creation of the Harris County Municipal Utility District No. 528; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 354 by Wentworth, Birdwell, Carona, Deuell, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Nelson, Patrick, Seliger, Williams

Relating to the carrying of concealed handguns on the campuses of institutions of higher education.

To Committee on Criminal Justice.

SB 355 by Ellis

Relating to the elimination of smoking in certain workplaces and public places; providing penalties.

To Committee on Health and Human Services.

SB 356 by Watson

Relating to awards for certain members of the state military forces inducted into federal service in support of Operations Iraqi Freedom, New Dawn, and Enduring Freedom.

To Committee on Veteran Affairs and Military Installations.

SB 357 by Van de Putte, Davis, Deuell, Ellis, Hinojosa, Lucio, Rodriguez, Uresti, Watson, Zaffirini

Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran or the principal residence of the surviving minor children of such a disabled veteran.

To Committee on Finance.

SB 358 by Wentworth

Relating to the waiver of sovereign and governmental immunity in this state.

To Committee on State Affairs.

SB 359 by Wentworth

Relating to the powers and duties of certain emergency services districts.

To Committee on Intergovernmental Relations.

SB 360 by Fraser

Relating to the composition and use of money in the rural water assistance fund.
To Committee on Natural Resources.

SB 361 by Duncan

Relating to indemnification provisions in construction contracts.
To Committee on State Affairs.

SB 362 by Carona

Relating to the presumed abandonment date for stored value cards.
To Committee on Business and Commerce.

SB 363 by Ogden

Relating to the cessation of tolls by toll project entities in certain circumstances.
To Committee on Transportation and Homeland Security.

SB 364 by Ogden

Relating to statistical information on the prosecution of certain offenses relating to the operating of a motor vehicle while intoxicated.
To Committee on Criminal Justice.

SB 365 by Ogden

Relating to distributed generation of electric power.
To Committee on Business and Commerce.

SB 366 by Ogden

Relating to the repeal of information disclosure exemptions for public power utilities.
To Committee on Business and Commerce.

SB 367 by Ogden

Relating to the review by the attorney general of invoices related to legal services provided to state agencies by outside counsel.
To Committee on State Affairs.

SB 368 by Seliger

Relating to limits on the purpose of a fresh water supply district and on a district's exercise of the power of eminent domain.
To Committee on Natural Resources.

SB 369 by Seliger

Relating to the issuance of specialty license plates for women veterans.
To Committee on Transportation and Homeland Security.

SB 370 by Seliger

Relating to the authority of the Texas Water Development Board to provide financial assistance for certain projects if the applicant has failed to complete a request for information relevant to the project.
To Committee on Natural Resources.

SB 371 by Seliger

Relating to the eligibility for service retirement annuities of certain elected officials convicted of certain crimes.
To Committee on State Affairs.

SB 372 by Seliger

Relating to certain reports, communications, and publications involving the attorney general.

To Committee on State Affairs.

SB 373 by Duncan

Relating to the offices of county treasurer and county auditor.

To Committee on Intergovernmental Relations.

SB 374 by Wentworth

Relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, capias, or capias pro fine.

To Committee on Criminal Justice.

SB 376 by Wentworth

Relating to a fee collected for a jury trial in a civil case.

To Committee on Jurisprudence.

SB 377 by Huffman, Patrick

Relating to the murder of a child as a capital offense.

To Committee on Criminal Justice.

SB 378 by Hegar

Relating to the date by which a pest management zone may request an extension of the cotton stalk destruction deadline.

To Committee on Agriculture and Rural Affairs.

SB 379 by Nichols

Relating to the issuance and renewal of a real estate inspector license.

To Committee on Business and Commerce.

SB 380 by Wentworth

Relating to the election of the governing body of certain municipalities.

To Committee on State Affairs.

SB 381 by Wentworth

Relating to partial surrender of or withdrawals from annuity contracts, life insurance policies, and endowment contracts.

To Committee on State Affairs.

SB 382 by Harris

Relating to an administrative fee for defendants required by a court to perform community service in lieu of serving a term of confinement in county jail.

To Committee on Criminal Justice.

SB 383 by Harris

Relating to the imposition and use of certain court costs for breath alcohol testing programs.

To Committee on Criminal Justice.

SB 384 by Harris

Relating to the cancellation of the voter registrations of persons who are not United States citizens.

To Committee on State Affairs.

SB 385 by Williams

Relating to the creation of an alternative fuel program to be funded by the Texas emissions reduction plan fund.

To Committee on Natural Resources.

SB 386 by Williams

Relating to the Lone Star College System District service area.

To Committee on Higher Education.

SB 387 by Williams

Relating to the sale and consumption in this state of raw oysters harvested from Texas waters.

To Committee on Agriculture and Rural Affairs.

SB 388 by Williams

Relating to the offense of organized retail theft.

To Committee on Criminal Justice.

SB 389 by Williams

Relating to emergency preparedness during an extended power outage of a water service provider with at least 250 connections.

To Committee on Transportation and Homeland Security.

SB 390 by Hegar

Relating to the continuing issuance of freshwater fishing stamps by the Parks and Wildlife Department.

To Committee on Agriculture and Rural Affairs.

SB 391 by Patrick

Relating to the provision of electronic sample copies of a textbook adopted by the State Board of Education.

To Committee on Education.

SB 392 by Patrick

Relating to the classification of certain entities as primarily engaged in retail trade for purposes of the franchise tax.

To Committee on Finance.

SB 393 by Patrick

Relating to amended sales tax reports and the reallocation of sales tax revenue.

To Committee on Finance.

SB 394 by Patrick

Relating to the creation of the offense of unlawful transport of an undocumented person.

To Committee on Transportation and Homeland Security.

SB 395 by Patrick

Relating to the punishment for certain intoxication offenses.

To Committee on Criminal Justice.

SB 396 by Deuell

Relating to the state fire marshal's investigation of the death of a firefighter who dies in the line of duty or in connection with an on-duty incident.

To Committee on Intergovernmental Relations.

SB 397 by Williams

Relating to the East Montgomery County Improvement District; imposing a tax.

To Committee on Intergovernmental Relations.

SB 398 by Duncan

Relating to the board of hospital managers of the Lubbock County Hospital District.

To Committee on Intergovernmental Relations.

SB 399 by Carona

Relating to a diesel vehicle emissions inspection and maintenance program and low-income vehicle repair assistance for diesel vehicles.

To Committee on Natural Resources.

SB 400 by Shapiro

Relating to the entities eligible to make purchases using the cooperative purchasing program administered by the comptroller.

To Committee on Government Organization.

SB 401 by Shapiro

Relating to the licensing and regulation of diagnostic imaging facilities and fluoroscopy-guided pain management procedure centers; providing penalties.

To Committee on Health and Human Services.

SB 402 by West

Relating to community land trusts.

To Committee on Intergovernmental Relations.

SB 403 by Eltife

Relating to the consideration of pension and other postemployment benefits in establishing the rates of a gas utility.

To Committee on Natural Resources.

SB 404 by Hegar

Relating to health plan and health benefit plan coverage for abortions.

To Committee on State Affairs.

SB 405 by Lucio

Relating to a notification requirement if a counselor is not assigned to a public school campus.

To Committee on Education.

SB 406 by Lucio

Relating to a notification requirement if a counselor is not assigned to a public school campus.

To Committee on Education.

SB 407 by Watson

Relating to the creation of the offense of electronic transmission of certain visual material depicting a minor and to certain educational programs concerning the prevention and awareness of that offense.

To Committee on Criminal Justice.

SB 408 by Estes

Relating to inspection of the John Graves Scenic Riverway.

To Committee on Natural Resources.

SB 409 by Estes

Relating to the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

To Committee on Finance.

SB 410 by Eltife

Relating to the name and powers of the Red River Redevelopment Authority.

To Committee on Intergovernmental Relations.

SB 411 by Estes

Relating to the amount of wine certain wineries may sell directly to consumers.

To Committee on Business and Commerce.

SB 412 by West

Relating to payment of costs of improvements of a public improvement district designated by a municipality or county.

To Committee on Intergovernmental Relations.

SB 413 by West

Relating to the purchasing and contracting authority of counties.

To Committee on Intergovernmental Relations.

SB 414 by West

Relating to the liability of county officers.

To Committee on Intergovernmental Relations.

SB 415 by Zaffirini

Relating to individuals with intellectual disabilities committed to state supported living centers.

To Committee on Health and Human Services.

SB 416 by Deuell

Relating to the amount of outstanding total liability of a mortgage guaranty insurer.

To Committee on Business and Commerce.

SB 417 by West

Relating to the disclosure by a court of criminal history record information that is the subject of an order of nondisclosure.

To Committee on Criminal Justice.

SB 418 by Williams

Relating to the carrying of concealed handguns by certain persons attending a school board meeting.

To Committee on Criminal Justice.

SB 419 by West

Relating to prohibiting state funding to public junior colleges for physical education courses offered for joint high school and junior college credit.

To Committee on Higher Education.

SB 420 by Deuell

Relating to determining eligibility for indigent health care.

To Committee on Health and Human Services.

SB 421 by West

Relating to the computation of the state debt limit.

To Committee on Finance.

SB 422 by Duncan

Relating to the authority of a municipality or county to contract with another entity to collect certain assessments levied by the municipality or county.

To Committee on Intergovernmental Relations.

SB 423 by Lucio

Relating to health insurance coverage for eligible survivors of certain public servants killed in the line of duty.

To Committee on State Affairs.

SB 424 by Ellis

Relating to the development of a climate adaptation plan by certain entities.

To Committee on Natural Resources.

SB 425 by Carona

Relating to property and casualty certificates of insurance and approval of property and casualty certificate of insurance forms by the Texas Department of Insurance; providing penalties.

To Committee on Business and Commerce.

SB 426 by Duncan

Relating to the liability of and payment of legal fees for court-appointed trustees of certain facilities.

To Committee on State Affairs.

SB 427 by Huffman

Relating to exempting United States attorneys and assistant United States attorneys from certain requirements for obtaining or renewing a concealed handgun license.

To Committee on Criminal Justice.

SB 428 by Huffman

Relating to notice to a judgment debtor of the filing of a foreign judgment.
To Committee on State Affairs.

SB 429 by Nichols

Relating to notification of applications for permits for certain injection wells.
To Committee on Natural Resources.

SB 430 by Nichols

Relating to written notice to a groundwater conservation district of groundwater contamination.
To Committee on Natural Resources.

SB 431 by Jackson

Relating to the use of fraudulent or fictitious military records; creating an offense.
To Committee on Veteran Affairs and Military Installations.

SB 432 by Jackson

Relating to the penalty for failure to make a timely installment payment of ad valorem taxes on property in a disaster area.
To Committee on Finance.

SB 434 by Nelson

Relating to the relationship between domestic violence and child abuse and neglect.
To Committee on Health and Human Services.

SB 435 by Nelson

Relating to the consolidation of the regional poison control centers into the Texas Poison Control Center.
To Committee on Health and Human Services.

SB 436 by Nelson

Relating to the authority of a county to inspect day-care centers and group day-care homes.
To Committee on Health and Human Services.

SB 437 by Nelson

Relating to residency requirements for voting in certain municipal utility district elections.
To Committee on Intergovernmental Relations.

SB 438 by Nelson

Relating to the number of days a winery may sell wine under a winery festival permit.
To Committee on Business and Commerce.

SB 439 by Van de Putte

Relating to an exclusion from unemployment compensation chargebacks for certain employers of uniformed service members.
To Committee on Economic Development.

SB 440 by Lucio, Davis

Relating to health benefit plan coverage for autism spectrum disorder under certain health benefit plans.

To Committee on State Affairs.

SB 441 by Lucio, Davis

Relating to coverage for autism spectrum disorder under certain health benefit plans.

To Committee on State Affairs.

SB 443 by Patrick

Relating to measures intended to provide flexibility and cost savings to school districts.

To Committee on Education.

SB 444 by Patrick

Relating to eliminating the set-aside of a portion of designated tuition for student financial assistance at public institutions of higher education.

To Committee on Higher Education.

SB 446 by Jackson

Relating to encumbrances that may be fixed on homestead property.

To Committee on Intergovernmental Relations.

SB 447 by Jackson

Relating to the regulation of solar energy devices by a property owners' association.

To Committee on Intergovernmental Relations.

SB 448 by Hegar

Relating to the amount of the permit fee for an on-site sewage disposal system.

To Committee on Natural Resources.

SB 449 by Watson, Estes

Relating to the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

To Committee on Finance.

SB 450 by Duncan

Relating to the time for bringing an action on a consumer debt.

To Committee on State Affairs.

SCR 1 by Hegar, Nelson

Claiming sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution, serving notice to the federal government to cease and desist certain mandates, affirming that the right to keep and bear arms was reserved to the states, and providing that all compulsory federal legislation be prohibited or repealed.

To Committee on State Affairs.

SCR 2 by Uresti

Urging Congress to reauthorize the Water Resources Development Act of 2007, Section 5056, and to appropriate sufficient funds so that efforts to solve the salt problem in the Amistad International Reservoir can continue.

To Committee on Natural Resources.

SCR 5 by Hinojosa

Requesting the lieutenant governor and the speaker of the house of representatives to provide for a joint interim legislative study regarding the development and potential economic impact of a cruise industry on the Texas coast between Calhoun and Cameron Counties.

To Committee on International Relations and Trade.

SJR 6 by Zaffirini

Proposing a constitutional amendment relating to the disposition of proceeds from the development or sale of the rights to natural resources or minerals in land held by Webb County for the county permanent school fund.

To Committee on Intergovernmental Relations.

SJR 7 by Patrick

Proposing a constitutional amendment to authorize the legislature to set a lower limit on the maximum appraised value of a residence homestead for ad valorem taxation.

To Committee on Finance.

SJR 8 by Wentworth

Proposing a constitutional amendment to limit the purposes for which revenues from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenues received from the federal government may be used.

To Committee on Finance.

SJR 9 by West

Proposing a constitutional amendment authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision.

To Committee on Criminal Justice.

SJR 11 by Nichols

Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of a residence homestead for ad valorem tax purposes to 105 percent or less of the appraised value of the property for the preceding tax year and to permit the voters of a county to establish a higher limitation not to exceed 110 percent on the maximum appraised value of a residence homestead in the county.

To Committee on Finance.

SJR 12 by Patrick

Proposing a constitutional amendment requiring certain tax bills to be approved by two-thirds of all the members elected to each house of the legislature.

To Committee on Finance.

SJR 13 by Harris, Davis, Shapiro

Proposing a constitutional amendment requiring certain revenue collected by a public entity from the use of a tolled highway project in this state to be used only for transportation projects.

To Committee on Transportation and Homeland Security.

SJR 14 by Van de Putte, Davis, Deuell, Ellis, Hinojosa, Lucio, Rodriguez, Uresti, Watson, Zaffirini

Proposing a constitutional amendment authorizing an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a totally disabled veteran or the principal residence of the surviving minor children of such a disabled veteran.

To Committee on Finance.

SJR 16 by Estes

Proposing a constitutional amendment providing for the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

To Committee on Finance.

SJR 17 by Carona

Proposing a constitutional amendment to restrict the power of the legislature to mandate requirements upon certain local governments.

To Committee on State Affairs.

SJR 19 by Jackson

Proposing a constitutional amendment permitting an encumbrance to be fixed on homestead property for an obligation to pay certain property owners' association fees and fines without permitting the forced sale of the homestead.

To Committee on Intergovernmental Relations.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 165 by Van de Putte, In memory of Nicolas O. Estrada of San Antonio.

Congratulatory Resolution

HCR 36 (Lucio), Commemorating the 25th anniversary of the establishment of the Texas Silver-Haired Legislature.

Official Designation Resolutions

SR 155 by Nelson, Recognizing February 2, 2011, as LIVESTRONG Texas Advocacy Day at the Capitol.

SR 166 by Birdwell, Celebrating February 23, 2011, as Hill County Day at the State Capitol.

SR 167 by Deuell, Recognizing February 16, 2011, as Dyslexia Awareness Day at the Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:21 p.m. adjourned until 1:30 p.m. Monday, February 7, 2011.

APPENDIX

COMMITTEE REPORTS

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

February 2, 2011

ADMINISTRATION — **SB 445, SJR 18**

RESOLUTIONS ENROLLED

February 1, 2011

SR 106, SR 111, SR 133, SR 144, SR 153, SR 160, SR 161

SENT TO SECRETARY OF STATE

February 2, 2011

SCR 7, SCR 8

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TENTH DAY

(Monday, February 7, 2011)

The Senate met at 1:37 p.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend G. V. Clark, Mount Zion Baptist Church, Austin, offered the invocation as follows:

Most gracious God, we beseech Thee, as for the people of the State of Texas generally, especially for this legislative body, the Senate, that You, O God, would be pleased to direct and prosper all their consultations to the advancement of the good and well-being of all citizens and others in our state. May genuineness be put forth by this legislative body that will result in truth, happiness, and prosperity for now and generations to come. Bless these Senators with wisdom and understanding that truth may be discerned and that they may impartially be about the matters and concerns of the citizens of our state. Thank You that we are given the privilege to serve and bless us in this day, in His name. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 7, 2011

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:

SCR 12, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 2, 2011, and ending on Monday, February 7, 2011.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGES FROM THE GOVERNOR

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

February 7, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be a member of the Prepaid Higher Education Tuition Board for a term to expire February 1, 2017:

Joseph Colonna, Jr.
Dallas, Texas

Mr. Colonna is being reappointed.

To be members of the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments for terms to expire as indicated:

To Expire February 1, 2013:

Martin DeLeon, Jr.
Corpus Christi, Texas
(replacing John Moore of Denison who resigned)

To Expire February 1, 2017:

Mary D. Ford
Stephenville, Texas
(replacing Kevin Haynes of Ovilla whose term expired)

Christopher Kirk
College Station, Texas
(Sheriff Kirk is being reappointed)

Robert D. Morgan

Lubbock, Texas

(replacing Gabriel Holguin of San Antonio whose term expired)

To be members of the Texas A&M University System Board of Regents for terms to expire February 1, 2017:

Elaine Mendoza

San Antonio, Texas

(replacing Gene Stallings of Powderly whose term expired)

Judy Morgan

Texarkana, Texas

(replacing Ida Louise Steen of San Antonio whose term expired)

Clifton L. Thomas, Jr.

Victoria, Texas

(replacing Lupe Fraga of Sugar Land whose term expired)

To be members of the Council on Sex Offender Treatment for terms to expire February 1, 2017:

Ronnie Fanning

Waco, Texas

Aaron P. Pierce

Temple, Texas

The individuals listed above are being reappointed.

To be a member of the Advisory Board of Athletic Trainers for a term to expire January 31, 2017:

David J. Weir

College Station, Texas

Mr. Weir is being reappointed.

To be members of the Texas Funeral Service Commission for terms to expire February 1, 2017:

Joyce McCown Odom

San Antonio, Texas

(Ms. Odom is being reappointed)

Patrick Wayne Robertson

Clarendon, Texas

(replacing Doug Carmichael of Pampa whose term expired)

To be members of the Texas Guaranteed Student Loan Corporation for terms to expire January 31, 2017:

E. Yvonne Batts
Tuscola, Texas

Steven V. Tays
San Antonio, Texas

Frank H. Landis
College Station, Texas

Michael J. Savoie
Northlake, Texas

The individuals listed above are being reappointed.

To be members of the Texas Municipal Retirement System for terms to expire February 1, 2017:

Jimmy Parrish
McKinney, Texas
(replacing Patricia Hernandez of Plainview whose term expired)

Roel Rodriguez
McAllen, Texas
(Mr. Rodriguez is being reappointed)

To be a member of the Correctional Managed Health Care Committee for a term to expire February 1, 2017:

Margarita de la Garza-Graham
Tyler, Texas

Dr. de la Garza-Graham is replacing Desmar Walkes of Bastrop whose term expired.

To be a member of the Veterans' Land Board for a term to expire December 29, 2014:

Alan K. Sandersen
Missouri City, Texas
Mr. Sandersen is being reappointed.

To be presiding officer of the Sulphur River Regional Mobility Authority for a term to expire February 1, 2013:

E. Delbert Horton, III
Cooper, Texas

Dr. Horton is replacing Donald Wall of Paris whose term expired.

Respectfully submitted,

/s/ Rick Perry
Governor

February 7, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

On January 19, 2011, I submitted the name of Jason Kevin Patteson for appointment to the State Employee Charitable Campaign Policy Committee for a term to expire January 1, 2012.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,
/s/ Rick Perry
Governor

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Larry Kravitz of Austin as the Physician of the Day.

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

SENATE RESOLUTION 15

Senator Nelson offered the following resolution:

SR 15, Recognizing the senior citizens of this state on the occasion of Senior Day at the State Capitol in 2011.

The resolution was again read.

The resolution was previously adopted on Tuesday, January 18, 2011.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation of Texas senior citizens.

The Senate welcomed its guests.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 35, HCR 36, HCR 43, HCR 44.**

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Hahn Tran of Houston.

The Senate welcomed its guest.

NOMINATION RETURNED

Senator Deuell moved that the Senate grant the request of the Governor to return the following nomination:

Member, Texas Higher Education Coordinating Board: Wallace L. Hall, Jr., Dallas County.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CO-AUTHOR OF SENATE BILL 16

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SB 16**.

CO-AUTHORS OF SENATE BILL 18

On motion of Senator Estes, Senators Ellis, Harris, and Van de Putte will be shown as Co-authors of **SB 18**.

CO-AUTHOR OF SENATE BILL 101

On motion of Senator Van de Putte, Senator Nelson will be shown as Co-author of **SB 101**.

CO-AUTHOR OF SENATE BILL 152

On motion of Senator Huffman, Senator Carona will be shown as Co-author of **SB 152**.

CO-AUTHOR OF SENATE BILL 321

On motion of Senator Hegar, Senator Carona will be shown as Co-author of **SB 321**.

CO-AUTHOR OF SENATE BILL 325

On motion of Senator Van de Putte, Senator Wentworth will be shown as Co-author of **SB 325**.

CO-AUTHOR OF SENATE BILL 329

On motion of Senator Watson, Senator Hinojosa will be shown as Co-author of **SB 329**.

CO-AUTHOR OF SENATE BILL 371

On motion of Senator Seliger, Senator Nichols will be shown as Co-author of **SB 371**.

CO-AUTHOR OF SENATE BILL 404

On motion of Senator Hegar, Senator Patrick will be shown as Co-author of **SB 404**.

CO-AUTHOR OF SENATE BILL 425

On motion of Senator Carona, Senator Hegar will be shown as Co-author of **SB 425**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 1

On motion of Senator Hegar, Senators Nichols and Patrick will be shown as Co-authors of **SCR 1**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 16

On motion of Senator Estes, Senator Watson will be shown as Co-author of **SJR 16**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 177 by Fraser, In memory of William Barton Harris.

SR 184 by Nelson, In memory of Richard Reese Wenneker.

Congratulatory Resolutions

SCR 13 by Fraser, Congratulating the Hardin-Simmons University women's soccer team on winning a national championship title.

SR 179 by Shapiro, Recognizing Shannon Schambeau Patterson of McKinney for being chosen Mrs. Texas America 2010.

SR 180 by Davis, Recognizing Ryan Place Addition of Fort Worth on the occasion of the neighborhood's 100th anniversary.

SR 182 by Ellis, Recognizing Hanh Tran of Houston on the occasion of her current art installation.

SR 185 by West, Recognizing the members and clergy of the African Methodist Episcopal Church for their contributions to our society.

SR 186 by West, Recognizing Bobbie Moore for her 28 years of service to Trinity Valley Church of God in Christ and the West Dallas community.

SR 187 by Harris, Congratulating the Marcus High School marching band on winning its third consecutive University Interscholastic League Class 5A marching band championship.

SR 188 by Harris and Davis, Recognizing The University of Texas at Arlington on the occasion of the dedication of the new Engineering Research Building.

Official Designation Resolutions

SR 170 by Deuell, Recognizing February 28, 2011, as Hunt County Day at the State Capitol.

SR 171 by Deuell, Recognizing February 28, 2011, as Rockwall County Day at the State Capitol.

SR 172 by Deuell, Celebrating March 23, 2011, as Sunnyvale Day at the Capitol.

SR 173 by Deuell, Celebrating March 7, 2011, as Kaufman County Day at the State Capitol.

SR 174 by Deuell, Recognizing February 15, 2011, as Van Zandt County Day at the State Capitol.

SR 175 by Deuell, Celebrating March 8, 2011, as Fannin County Day at the State Capitol.

SR 176 by Deuell, Recognizing February 22, 2011, as Rains County Day at the State Capitol.

SR 181 by Birdwell, Celebrating February 9, 2011, as Waco Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:50 p.m. adjourned, in memory of Ryan A. Gartner, until 10:30 a.m. tomorrow.

APPENDIX

COMMITTEE REPORT

The following committee report was received by the Secretary of the Senate:

February 7, 2011

STATE AFFAIRS — **SB 18**

RESOLUTIONS ENROLLED

February 2, 2011

SR 145, SR 155, SR 157, SR 164, SR 165, SR 166, SR 167

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

ELEVENTH DAY

(Tuesday, February 8, 2011)

The Senate met at 10:35 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

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

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

Rabbi Arnold Scheinberg, Congregation Rodfei Sholom, San Antonio, was introduced by Senator Van de Putte and offered the invocation as follows:

Our Father in heaven, Thou who controlllest the destinies of all men, and in whose hands lies the fate of all nations, cast Thy divine favor on America and her leaders. May this blessed land always remain a citadel of freedom, a watchtower of light and hope, "one nation, under G-d, with liberty and justice for all." We ask Thy blessings upon our beloved men and women who in this hour stand guard on battlefields throughout the world, dedicated to the defense, security, and freedom of the American people. Father of all, Thou hast implanted within humanity the qualities of love and courage and commanded us to pursue justice. We seek Thy guidance and inspiration for Thy faithful servants who are charged with the great responsibility of directing the affairs of our State of Texas. May Thy spirit dwell richly within them as they work for freedom, justice, and peace. May the biblical ideals of freedom and fraternity, of justice and equality, enshrined in the American Constitution, become the heritage of all peoples of the Earth. We ask in Thy name, our Father in heaven. Amen.

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

The motion prevailed without objection.

PHYSICIANS OF THE DAY

Senator Watson was recognized and presented Dr. Emilie Becker and Dr. Julie Graves Moy of Austin as the Physicians of the Day.

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

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Texas Police Chiefs Association delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate representatives of the Texas Senior Advocacy Coalition from Senate District 21.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate Wise County Commissioners: Danny White, Kevin Burns, Harry Lamance, and Terry Ross, accompanied by a delegation of community leaders of Wise County.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Estes was recognized and introduced to the Senate Caroline Shivers, a senior at Trinity Valley School, Fort Worth.

The Senate welcomed its guest.

MOTION IN WRITING

Senator Whitmire offered the following Motion In Writing:

Mr. President:

I move that a committee of five Members of the Senate be appointed by the President to escort the Governor and First Lady of Texas to the Joint Session for the State of the State Address today.

WHITMIRE

The Motion In Writing was read and was adopted without objection.

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of **HCR 44**, the President Pro Tempore announced the appointment of the following as a Committee to Escort the Governor and First Lady to the Joint Session: Senators Ogden, Chair; Davis, Estes, Patrick, and Uresti.

GUEST PRESENTED

Senator Davis was recognized and introduced to the Senate Laura Dean-Mooney, MADD National President.

The Senate welcomed its guest.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Chief Administrative Law Judge, State Office of Administrative Hearings: Cathleen Parsley, Travis County.

Presiding Judge, Eighth Administrative Judicial Region: Roger Jeffrey Walker, Tarrant County.

Presiding Judge, Fifth Administrative Judicial Region: J. Rolando Olvera, Cameron County.

Presiding Judge, Seventh Administrative Judicial Region: Morton Valdean Rucker, Midland County.

Presiding Judge, Third Administrative Judicial Region: Billy Ray Stubblefield, Williamson County.

Members, Board of Directors, State Bar of Texas: Timothy D. Belton, Harris County; Virginia Milam Campbell, Tarrant County; Becky Baskin Ferguson, Midland County; Annette P. Raggette, Williamson County.

Justice, Court of Appeals, First Court of Appeals District: Harvey Brown, Harris County.

Justice, Court of Appeals, Third Court of Appeals District: Jeffrey Lee Rose, Travis County.

Executive Commissioner, Health and Human Services Commission: Thomas Michael Suehs, Travis County.

Members, State Commission on Judicial Conduct: Joel P. Baker, Smith County; Martha Morales Hernandez, Angelina County; M. Sue Kurita, El Paso County; Steven L. Seider, Dallas County; Edward J. Spillane, Brazos County; Diane De La Torre Threadgill, Ellis County.

Members, Texas Judicial Council: Richard Vernon Battle, Travis County; Henry Nuss, Nueces County.

Judge, 243rd Judicial District Court, El Paso County: Bill D. Hicks, El Paso County.

Judge, 378th Judicial District Court, Ellis County: Joe Franklin Grubbs, Ellis County.

Judge, 431st Judicial District Court, Denton County: Jonathan Mark Bailey, Denton County.

Judge, 438th Judicial District Court, Bexar County: Victor Hugo Negron, Bexar County.

Judge, 439th Judicial District Court, Rockwall County: David Edgar Rakow, Rockwall County.

Judge, 43rd Judicial District Court, Parker County: Trey Edward Loftin, Parker County.

Judge, 96th Judicial District Court, Tarrant County: Reuben Houston Wallace, Tarrant County.

Member, Board for Lease of Texas Department of Criminal Justice Lands: Wesley D. Lloyd, McLennan County.

Member, Board for Lease of Texas Parks and Wildlife Lands: Wesley D. Lloyd, McLennan County.

Members, On-site Wastewater Treatment Research Council: Scott Ralph Adams, Jeff Davis County; Elaine Anne Boatright, Bastrop County; Brian Johnson Christian, Williamson County; Jaime Ariel Garza, Cameron County; Richard Dwain Gerard, Polk County; Sockalingam Kannappan, Harris County; Janet D. Meyers, Denton County; Brian Lawrence Padden, Travis County; Carl M. Russell, Lubbock County; William F. Smith, Hays County; Ronald J. Suchecki, McLennan County.

Members, State Board of Veterinary Medical Examiners: Bud E. Alldredge, Nolan County; John Todd Henry, Hays County; Paul Martinez, Sutton County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE RESOLUTION 191

Senator West offered the following resolution:

SR 191, Recognizing Paula Lee on being named Ms. Texas Senior America 2010.

(President in Chair)

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Paula Lee, Ms. Texas Senior America 2010.

The Senate welcomed its guest.

CO-AUTHORS OF SENATE BILL 1

On motion of Senator Ogden, Senators Deuell, Duncan, Estes, and Patrick will be shown as Co-authors of **SB 1**.

CO-AUTHORS OF SENATE BILL 18

On motion of Senator Estes, Senators Carona, West, and Zaffirini will be shown as Co-authors of **SB 18**.

CO-AUTHOR OF SENATE BILL 174

On motion of Senator Nichols, Senator Van de Putte will be shown as Co-author of **SB 174**.

CO-AUTHOR OF SENATE BILL 321

On motion of Senator Hegar, Senator Estes will be shown as Co-author of **SB 321**.

CO-AUTHOR OF SENATE BILL 325

On motion of Senator Van de Putte, Senator Huffman will be shown as Co-author of **SB 325**.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 10:59 a.m. agreed to adjourn, upon conclusion of the Joint Session, until 11:00 a.m. tomorrow.

JOINT SESSION

(To hear the State of the State Address by the Honorable Rick Perry, Governor of the State of Texas)

The President announced the time had arrived for the Joint Session pursuant to the provisions of **HCR 44**.

The President of the Senate and the Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 11:00 a.m.

The President was announced and, on invitation of the Speaker, occupied a seat at the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The President announced the Senate would stand At Ease pending the arrival of the Governor.

The Speaker announced the House would stand At Ease pending the arrival of the Governor.

The Honorable Rick Perry, Governor of the State of Texas, was announced by the Doorkeeper of the House of Representatives.

The Governor and his party were escorted to the Speaker's Rostrum by Senators Ogden, Davis, Estes, Patrick, and Uresti on the part of the Senate, and Representatives Elkins, Aliseda, Scott, Reynolds, and Torres on the part of the House.

The Honorable David Dewhurst, President of the Senate, called the Senate to order and announced a quorum of the Senate present.

The Honorable Joe Straus, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present, and stated the purpose of the Joint Session.

Speaker Straus introduced First Lady Anita Perry.

The President introduced His Excellency Rick Perry, Governor of the State of Texas, who addressed the Joint Session as follows:

Thank you, Speaker Straus and thank you, Governor Dewhurst for your leadership and service to our state. The three of us are bound together by shared duties, shared responsibilities, and, most importantly, shared outcomes. When the final gavel sounds on this legislative session, we won't get points for our speeches or extra credit for our process. Instead, we'll be judged on our results, by the outcomes we achieve for the people of Texas. I'm confident our efforts will be found wise, prudent and effective. So let me begin by greeting my fellow statewide officials, members of the judiciary and the Legislature, distinguished guests, friends and fellow Texans. I am honored to uphold our constitutional tradition, and speak to you today on the state of our state. As you know, I owe everything I am to Texas, for raising me, blessing me with opportunity, and teaching me the value of good, old fashioned hard work. The shaping process that began under the watchful eye of my loving parents, Ray and Amelia Perry, continues to this day through the greatest gift of my life, Anita Thigpen Perry. She represents all that is good about Texas women, with her grace, strength and compassion and wonderful smile. She also shares in my greatest joy: our children, Sydney, Griffin and his wife, Meredith. I also credit the Boy Scouts for molding my character and shaping my values. I want to recognize the Scouts from the Capitol Area Council who are with us today, and congratulate the Boy Scouts of America at the conclusion of their Centennial Celebration. Throughout my life and service to this state, my optimism about Texas and its people has never wavered, and, by any meaningful measure, the state of our state is strong. As I look out over this chamber and see the familiar faces of so many friends and colleagues, I'm reminded of those who are no longer with us, especially my old roommate and mentor, Edmund Kuempel. His passing was a reminder to all of us that life is fleeting, that friendship matters and that we only have a short time to make a difference. As legislators, you get 140 days to make that difference, and the clock is ticking. As this session gets rolling, some folks are painting a pretty grim picture of our situation, so we need to balance their pessimism with the good news that continues to flow from our comparatively strong economy. Have the doomsayers forgotten that Texas added more jobs in 2010 than any other state? Last year, the growth rate of Texas jobs was nearly double that of any other top ten state. Some partisan commentators have tried to downplay our economic success by giving sole credit to our energy industry. Now, let me tell you, I'm mighty proud of what our energy industry has done and still does for our state, but our economic strength is built on a much broader base. Our job growth occurred across a wide variety of sectors, including business services, healthcare, construction, manufacturing, hospitality, and, of course, our substantial energy industry. According to the Brookings Institute, Texas had six of the nation's 20 Strongest-Performing Metros. Those figures paint a much more

encouraging picture, don't you think? Our economic strength is no accident. It's a testimony to our people, our entrepreneurs and, yes, to the decisions made in this building. Employers from across the country and around the world understand that the opportunity they crave can be found in Texas, and they're headed our way, with jobs in tow. People are seeking opportunity as well, and newcomers arrive every day, ready to pursue their dreams. For the sixth year running, research from Allied Van Lines showed that Texas was the top destination for relocations. Need I go on? Well, don't mind if I do. *Newsweek* magazine had four Texas cities on their list of "Top 10 American Cities Best Situated for Recovery," and *Forbes* considers our growth prospects best in the nation, based on projected increases in jobs, income, and gross state product. In a category that really affects the bottom line for Texas families, our state leads the nation in strong home values. According to one industry analyst, the strongest appreciation in home values over the next seven months, will take place in the Houston area, the Metroplex and Amarillo. According to our meticulous, hardworking Comptroller, Susan Combs, Texas has ten consecutive months of sales tax growth. I could keep listing accolades, but I don't want to give the other states a complex, and we've got a lot of ground to cover this morning. So let me boil it down to these simple truths: the core elements of our economy are strong, and Texas is still the envy of our nation. We have a strong advantage over those states that care more about the expansion and extension of government than the freedom and prosperity of their citizens. As Exhibit A, I submit the Illinois legislature's recent decision to raise taxes as much as 66 percent. That may have seemed like an easy fix from Springfield, Illinois, but it takes on a completely different meaning, for families on a budget or employers on tight margins. Some experts have predicted that other states will follow their lead, including our key competitors like California and New York. When those states dig deeper into their citizens' wallets, Texas looks even better by comparison. I can assure you that we will compete and win jobs from those states, or should I say more jobs, since we've already won thousands. It might be time to send a few more letters to their employers, inviting them to move to Texas. I'd include stories about business leaders like some that are here in this historic chamber today. About ten years ago, a small group of entrepreneurs in Los Angeles created a company called LegalZoom, that grew rapidly. When it came time to expand, they looked to Texas, where they found the right mix of factors including our workforce, our quality of life, and investments from the Texas Enterprise Fund and the city of Austin. We are proud to welcome them and their 600 jobs to Texas, and thank them for their contribution to our economy. Those jobs are among the tens of thousands of jobs that the Enterprise Fund has brought to Texas, along with nearly \$15 billion in capital investment. As the nation struggles to recover from the ongoing economic crisis, and states go head-to-head for new jobs, now is not the time for Texas to roll up our tents and go home. Instead, it's time to keep attracting good Texas jobs by funding our premiere economic development tools like the Enterprise Fund, and the Emerging Technology

Fund. If we pulled the plug on our economic development efforts, no one would be happier than my fellow governors, in states like Oklahoma and New Jersey, who are creating their own versions of the TEF, to compete for the jobs we've been landing. We owe it to our citizens to maintain our competitive edge, especially because our economy's relative prosperity does not extend into every single Texas home. I am deeply concerned about those Texas families that are dealing with joblessness and the fear and uncertainty that it cultivates. These are friends who live in our neighborhoods, worship in our churches, then wonder how long they'll have a roof over their heads. An unemployment level that has hovered about a full point below the national average is a good indicator of our comparative strength, but it also tells a tough story for more Texans than any of us can or should accept. When it comes to our vision for this state, our work will not be done until every Texan who wants a job has a job. Research and experience tell us that the only way to create those jobs is to knock down the senseless obstacles to economic growth. For more than a decade, those of us elected to serve in this building have been working diligently to remove those obstacles, and create a level playing field, following a few simple rules. For example, setting aside resources for a rainy day has given us a resource that other states would love to have, and some in our state would love for us to spend dry. Emptying the savings account to pay for recurring expenses is a bad idea, whether it happens at home, the workplace or in our state budget. That approach would not only postpone tough, necessary decisions, but also leave us ill-equipped to handle bigger emergencies in the future. Therefore, we must protect the Rainy Day Fund. Second, we've created a predictable regulatory environment, so that employers know what to expect from one quarter to the next. I'm talking about programs like our flexible permitting program that has contributed to cleaner air and economic development in Texas. Between 2000 and 2009, this program helped Texas achieve a 27% reduction of statewide ozone levels, more than any other state. NOx has fallen by 53-percent and almost every metropolitan area is meeting the current air standard. For those of you keeping track, Dallas is within just one part per billion of meeting the standard as well. In true Texas style, we made those air quality improvements, while Texas employers were creating more private sector jobs, than any other big state in the nation. Third, we've reformed our legal system to cut down on frivolous lawsuits, so employers and doctors don't spend all their time in court. Since tort reform took effect, more than 26,000 medical license applications have been received, and 33 counties got their first emergency room physician. Since the passage of reforms, Senator Lucio, the Rio Grande Valley has added 220 physicians to care for its growing population. Joining us today is Dr. Javier Cardenas, an OB/GYN who returned to his hometown of McAllen to practice medicine, thanks to tort reform. He represents all those doctors who are able to practice medicine in our state without the ever-present threat of a frivolous lawsuit. Those doctors represent better access to care, a higher quality of life, and, more importantly, lives saved. Fourth, thanks to leaders like

Representative Rob Eissler and Senator Florence Shapiro, we've increased accountability in our public schools. We've engaged legislators, local districts, teachers and parents in the process and genuinely reformed education in our state. Over the past decade, the state's share of public education spending increased from \$11 billion per year, to \$20 billion in 2009. That's an 82% increase. Part of our push for accountability has included a sharper focus on the basics like math, science, English & social studies. Those efforts are paying off in the lives of our young people. For example, Texas has been recognized as one of only four states closing the achievement gap in math. On the latest National Assessment of Educational Progress, Texas children scored significantly higher than their peers. The quality of education in our state is getting better and better preparing hardworking Texans to apply their legendary work ethic and provide for their families. Those families sent a pretty clear message with their November votes. They want government to be even leaner and more efficient, and they want us to balance the budget without raising taxes on families and employers. Fortunately, the leaders in this room, led by Chairman Ogden and Chairman Pitts, have balanced the budget before and they'll do it again. We just can't forget that dollars do far more to create jobs and prosperity in the people's hands, than they can in the government's. Taking more money away from Texas families and employers is not the answer to our challenges because they've already sacrificed plenty. Balancing our budget without raising taxes will certainly set a nice example for the rest of the nation, but we have a bigger motivation. Balancing our budget without raising taxes will keep us moving forward out of these tough economic times, creating more jobs and opportunity and leaving Texas more competitive than ever. Now, the mainstream media and big government interest groups are doing their best to convince us that we're facing a budget Armageddon. Texans don't believe it and they shouldn't because it's not true. Are we facing some tough choices? Of course, but we can overcome them by setting priorities, cutting bureaucracy, reducing spending and focusing on what really matters to Texas families. Fortunately, we saw this challenge coming. That's why we didn't touch the Rainy Day Fund during the last legislative session. That's why Lt. Governor Dewhurst, Speaker Straus and I called on state agencies to get involved in the process. Starting in January 2010, we asked them to identify 5 percent savings in the 2010-2011 biennium and 10 percent for the '12-'13 biennium. Those agency leaders responded with a concerted effort, taking stock of their organizations and coming up with proactive cuts, that will keep Texas moving in the right direction. To keep that momentum going, the three of us recently asked agencies to identify an additional 2.5 percent savings for the 2011 fiscal year. My office is an agency as well, and we cut \$34.6 million in this cycle, which equates to almost 11 percent of our budget. As all Texans tighten their belts, we need to do more than just shave off a dollar here and there. If ever there was a time to truly reform our approach to governance and streamline our

organization, it is now. Frank discussions about the true purpose of state government, must be followed by a willingness to act on our convictions. There should be no sacred cows in this business and that reality is reflected in the budget that I submitted this morning. To eliminate duplication, let's consolidate functions, like moving the Department of Rural Affairs into the Department of Agriculture. Let's suspend non-mission-critical entities like the Historical Commission or the Commission on the Arts until the economy improves. Let's take an even closer look at the way we deliver essential services, to make sure we're taking the most efficient, cost-effective approach. We should follow the lead of HHSC, whose inspector general has saved the state more than \$5.3 billion dollars since its creation in 2004. Applied across all state agencies and departments, these practices could significantly reduce wasteful spending, and save taxpayers' money. A state Inspector General would work directly with the agencies, enhancing the state auditor's efforts and improving efficiencies. While we're at it, let's be sure we're not burdening local authorities with unfunded mandates, because they're facing their own budget challenges. In the end, our decisions should always reflect a fundamental truth: we work for the people, not the other way around. With a balanced budget as our foundation, I encourage you to move quickly on the emergency items I've submitted. Most Texans, regardless of party, believe the integrity of elections would be improved, by requiring participants to show a valid photo identification before voting. I wholeheartedly agree and thank Senator Fraser for carrying that bill. We also need to protect property ownership with tougher eminent domain laws using the approach taken by Senator Estes & Representative Geren in their bill. We need to protect the unborn by fast-tracking the sonogram bill, so that women are fully, medically informed before they make the life-changing decision to terminate a pregnancy. We also need to hold Washington more accountable, with a bill calling for a balanced budget amendment to the U.S. Constitution. As those bills come to my desk for signature, I hope they'll be closely followed by others aimed at improving our public education system, especially efforts to reduce our dropout rate. So let's expand our Virtual School Network, with a Virtual High School that will not only enable students who have dropped out to earn a diploma online, but also give students across the state access to classes their own schools may not offer. To encourage students to stay in high school, let's require them to either be enrolled or working towards a GED, if they want to get and/or keep their Texas driver's license. Let's also create an incentive program for employers who encourage their employees to continue their high school education. Let's offer employers a \$1,500 tax incentive for every employee who earns their diploma or GED after receiving two hours off per week with pay to study or go to class. Let's expand our STEM academies, those innovative schools that teach young Texans the science, technology, engineering and math skills they need, to compete for high tech jobs and college scholarships. We also need to help school districts reduce their expenses in

these tight budgetary times, made worse by a certain Texas Congressman who singled out our state for punishment in pursuit of his own agenda. One approach is to encourage districts to enter into shared service arrangements with other entities in their area. On the higher education front, we've experienced enrollment growth over the last two years higher than any time in Texas history. Our public institutions had 200,000 more students enrolled in 2010 than they did in 2008, so let's be sure those students and their families are getting the best value for their time and money. Change does not come easily or naturally to these big institutions, but it is critical to educational effectiveness and efficiency. Back in September of '09, I ordered a review of cost efficiencies at our universities as a way to make education more affordable. One idea that emerged from that process is called "Outcomes-Based Funding" in which a significant percent of undergraduate funding, would be based on the number of degrees awarded. Texans deserve college graduation for their hard-earned tax dollars, not just college enrollment. As families continue to struggle with the cost of higher education, I am renewing my call for a four-year tuition freeze, locking in tuition rates at or below the freshman level for four years. As leaders like Senator Zaffirini search for more low-cost pathways to a degree, it's time for a bold, Texas-style solution to this challenge, that I'm sure the brightest minds in our universities can devise. Today, I'm challenging our institutions of higher education to develop bachelor's degrees that cost no more than \$10,000, including textbooks. Let's leverage web-based instruction, innovative teaching techniques and aggressive efficiency measures to reach that goal. Imagine the potential impact on affordability and graduation rates, and the number of skilled workers it would send into our economy. Speaking of skilled workers, we have a ready source of technical skills living among us that too often goes untapped. Countless Texas veterans receive top-level training in the military, but have a hard time getting credit for their knowledge and skills when they return to civilian life. We should support what one school calls "College Credit 4 Heroes." With the support of Senator Van de Putte, the Texas Workforce Commission is working with Higher Education Coordinating Board and our community colleges on a plan to offer veterans credit for their skills & experience. The goal is to accelerate them into the Allied Health Occupations, which are critically needed across our state, and offer immense opportunity to these brave men and women. As we increase the opportunity inherent in our economy, let's increase the accountability, transparency and efficiency of our legal system as well. Let's take the next step in our fight against lawsuit abuse by sparing our citizens and our job creators the financial burden of defending themselves from frivolous lawsuits. Texas needs a "loser pays" component in our legal system, in which those who sue and lose are required to pay the court costs and legal expenses of those they sued. Texas is one of a very few states who don't have an "early dismissal" option for obviously frivolous lawsuits . . . but we should. We need to make our system more accessible to the little guy, by

setting up expedited trials and limited discovery, for lawsuits with claims between \$10,000 and \$100,000 dollars. These reforms would further improve the legal climate in our state, and impart even more energy, stability and security to our economy. The pursuit of true stability and security also requires us to maintain law and order and keep our citizens safe. Last fall, I proposed legislation targeting sex offenders, to better protect our citizens. We should empower prosecutors to seek life without parole for certain repeat sex offenders, and requiring active GPS monitoring of high risk offenders for three years after they've done their time and been released by TDCJ. On a broader scale, we should also continue our investment in border security because the threat of cross-border violence has only grown, as the drug wars escalate. I don't raise the issue of border security as a criticism of our neighbors to the south, but to show our resolve and unity in the struggle, as they deal with a wave of violence unlike anything outside of the world's war zones. Our relationship with Mexico predates our establishment as a state, and our proud Hispanic citizens are friends, neighbors, partners and family. Our desire is to strengthen our trade and cultural ties with Mexico through a climate of law and order, that brings peace and security to our border region. The vicious criminals who murdered American missionary Nancy Davis just two weeks ago, are, no doubt, inflicting the same violence and intimidation on the people of Mexico, and they must be brought to justice. I must admit that news of Mrs. Davis' death brought the events of this last fall rushing back, as we grieved with Tiffany Hartley over the loss of her husband, David, at the hands of narco-terrorists on Falcon Lake. Tiffany is with us here today. Tiffany, know that we continue to pray for you as we demand the perpetrators of this brutal crime be brought to justice. Tiffany's presence reminds us that border security is not just a hot button issue for the talk shows, but a matter of life and death for American citizens, in the border region and in communities across our state. We must keep taking the fight to vicious Mexican drug cartels, and the gangs that operate in our state on their behalf, as we support the men and women of law enforcement who remain on the front lines of this struggle. I also want to thank Senator Williams and Representative Solomons for supporting my efforts to abolish sanctuary city policies, restrictions that handcuff our police officers as they work to uphold the law and protect our communities. Joining us today is Officer Joslyn Johnson from Houston, whose husband, Rodney, was killed by an undocumented alien, who had previously been in police custody multiple times. Texas law enforcement professionals must have the discretion to use their judgment; judgment honed by years of training and experience, when it comes to inquiring about immigration status during lawful detentions and apprehensions. Thank you, Sgt. Johnson for being here and for your grace and courage in these difficult times. It is also time to seriously address the demand side of illegal immigration. We must establish criminal penalties for employers who knowingly hire workers who are here in violation of immigration law. At the same time, we need to increase the

heat on the parasites who repeatedly exploit those seeking a better life in our state. I want to commend Representatives Senfronia Thompson and Randy Weber for their unrelenting focus on Human Trafficking, which impacts far too many in our state. It's time to target the worst offenders with a 25-year minimum sentence for a first conviction for Continuous Human Trafficking, and life without parole for repeat offenders. I'll tell you, it's frustrating that we're still having these border security conversations, but Washington remains an abject failure in this area. It is part of that frustrating paradox where Washington neglects their responsibility for areas clearly within their purview, while interfering in other areas in which they're neither welcome nor authorized. Despite our frequent requests, Washington has yet to dedicate sufficient resources to secure our international border. We still need 1,000 National Guard troops to support current law enforcement operations on our border until they can provide those 3,000 more border patrol agents. We also need Predator drones flying along the Texas-Mexico border, providing real time intel to our state and local operation centers. It's time for our delegation in Washington, on both sides of the aisle, to step up and speak out in support of our state's needs. If it seems that their interest in this legislative session is higher than usual, that's to be expected in a redistricting year. When you do hear from our Congressmen, try guiding the conversation away from redistricting, and suggest that they should be asking "How can I help Texas by ending federal mandates or easing the growth of Medicaid costs?" Then ask them about their progress on repealing the Doggett amendment that is taking more than \$830 million from Texas schoolchildren and teachers right now. Enlist them in our ongoing battle with an activist EPA, intent on derailing our Texas air quality program, which is cleaning our air as we create jobs. Tell them it's time to repeal Obamacare, with its mandates that will cripple our healthcare system, and a price tag that will bust our budget. Our Medicaid population and accompanying financial burden are growing as we speak, and, in 2014, ObamaCare will cause them to explode. This Washington-centric healthcare plan puts many states on a collision course with bankruptcy. Instead of oppressive mandates, we need solutions like block grants, and the freedom to improve health care delivery, with innovation, flexibility and local input from leaders like Senator Jane Nelson. We most definitely do not need Washington encroaching even further on our individual liberties. I hope you'll support Representative Creighton's legislation stating the simple truth - upheld by at least two federal courts, that it's unconstitutional and wrong for the government to force someone to buy health insurance. In this and other areas of overreach, we must be united in sending one clear and simple message to Washington: "Enough." The differences between Texas values and Washington's self-serving games have never been more stark than they are right now. The federal government's efforts to accumulate more power, by bribing us with our own tax dollars are simply unacceptable. We must continue to call attention to the essential truth of the 10th Amendment and commit these 28 words to memory: The powers not

delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. Our founders knew that a federal government powerful enough to run our lives would be powerful enough to rob us of our liberties. In this chamber, where so many great Texas leaders have served, we affirm the principle of state sovereignty, and proclaim without reservation that Texans can run Texas better than bureaucrats in Washington, D.C. Where Washington encroaches upon the rights of states, this state will push back with resolve and the full force of the law. In that regard, we are blessed to have a leader with the wisdom and courage of Attorney General Greg Abbott, who is using every resource at his disposal and working with Texas lawmakers to protect the best interests of our state. Some will say we're just spoiling for a fight, and I'll admit that Texans rarely walk away from a tussle, but we'll also never walk away from our freedom. Our state was built on that that freedom and its unlimited opportunity. The spirit of discovery and adventure that drove the earliest settlers still beats in the hearts of Texans everywhere, as they push past the known into the unknown, in the laboratory, in the marketplace and in our universities. Long known for our bountiful natural resources, Texas is now esteemed for its greatest resource, the intellect and character of our people. Our culture of sturdy pragmatism, forged through centuries of exploration, exertion and endurance strengthens our resolve, and equips us to overcome the challenges we now face together. As other states flounder about, oppressing their citizens with more taxes and driving away jobs with bad policy, Texas will make the right decisions, and emerge stronger. As I've said before, I believe this will someday be regarded as the Texas century, as our resolve, our discipline and our commitment to one another carry us to brighter days, and blazes a path for other states and even for our federal government to follow. Our charge is to lead and, together, we will blaze this path. May God bless you all and, through you, may He continue to bless the great state of Texas.

(Note: Prepared text)

INTERPRETERS FOR THE DEAF

Speaker Straus acknowledged Billy Collins and Mark Seeger, who provided the interpretation of the proceedings of the Joint Session.

CONCLUSION OF JOINT SESSION

The Speaker of the House of Representatives at 12:02 p.m. announced that the purpose for which the Joint Session was called having been completed, the House would stand At Ease pending the departure of its guests.

The President at 12:02 p.m. stated the purpose for which the Joint Session was held had been completed.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 192 by Uresti, In memory of Sylvia Anita Perez.

SR 194 by Van de Putte, Uresti, Wentworth, and Zaffirini, In memory of Omar Soltero of San Antonio.

Welcome and Congratulatory Resolutions

SR 193 by Zaffirini, Recognizing the Boys and Girls Clubs of Laredo for their contributions to their community.

SR 195 by Gallegos, Recognizing Bobbie L. Miller on the occasion of his retirement from the Houston Police Department.

SR 199 by Birdwell, Welcoming Leadership Midlothian to the State Capitol.

Official Designation Resolutions

SR 151 by Shapiro and Harris, Celebrating February 8, 2011, as Irving Day at the State Capitol.

SR 178 by Shapiro, Celebrating February 8, 2011, as KIPP Day at the State Capitol.

SR 189 by Harris and Davis, Celebrating February 8, 2011, as Mansfield Day at the State Capitol.

SR 196 by Deuell, Recognizing March 10, 2011, as Seagoville Day at the State Capitol.

SR 197 by Hinojosa, Declaring February 10, 2011, Jim Wells County Day at the State Capitol.

SR 198 by Birdwell, Recognizing February 10, 2011, as West Day at the State Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:02 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

February 7, 2011

SCR 12, SR 170, SR 171, SR 172, SR 173, SR 174, SR 175, SR 176, SR 177, SR 179, SR 180, SR 181, SR 182, SR 184, SR 185, SR 186, SR 187, SR 188

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWELFTH DAY

(Wednesday, February 9, 2011)

The Senate met at 11:05 a.m. pursuant to adjournment and was called to order by the President.

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

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

Pastor Mark Forrest, Lakeside Baptist Church, Granbury, was introduced by Senator Birdwell and offered the invocation as follows:

We pray, almighty and eternal God, to preserve the works of Your mercy. We pray to You, Lord, who alone are good and holy, to endow those who serve here in our state's Capitol with heavenly knowledge, sincere zeal, wisdom, and justice as laws are enacted. We ask that You assist with Thy holy spirit, counsel, and fortitude, that their service may be conducted in righteousness and be eminently useful to Your people in the State of Texas, that their service would show respect for virtue and reflect a faithful execution of the laws in justice and mercy. Let the light of Your divine wisdom direct the deliberations of these men and women and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace and may perpetuate to us the blessing of equal liberty. We ask also for Your unbounded mercy on all of our fellow citizens throughout our state and country, that they may be blessed in the knowledge of Your most holy law, that they may be preserved in union, and in that peace which the world cannot give, and after enjoying the blessings of this life, be admitted to those which are eternal. In Your name I pray. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
February 9, 2011

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 51, Commending Heart Hospital of Austin and St. David's HealthCare for providing exceptional cardiovascular care.

HCR 53, Honoring Viola Vasquez Milan of Midland for her 40 years of service as a schoolteacher in Texas.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 12**.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Kimball W. Bockmon of Austin as the Physician of the Day.

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

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

SENATE RESOLUTION 110

Senator Hinojosa offered the following resolution:

SR 110, Recognizing February 9, 2011, as Port Aransas Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Keith McMullin, Port Aransas Mayor; Robert Bradshaw, Port Aransas City Manager; Ann Vaughan, Port Aransas Chamber of Commerce Executive Director; and Suzette Freeman, President, Port Aransas Chamber of Commerce Board of Directors.

The Senate welcomed its guests.

SENATE RESOLUTION 146

Senator Seliger offered the following resolution:

SR 146, Recognizing February 9, 2011, as Howard County Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate a delegation from Howard County: Tommy Duncan, Mayor of Big Spring; Terri Johansen, Big Spring Area Chamber of Commerce Board of Directors; and Jerry Worthy, businessman.

The Senate welcomed its guests.

SENATE RESOLUTION 207

Senator Wentworth offered the following resolution:

SR 207, Recognizing the members of the Leadership Boerne Class of 2011.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate members of the Leadership Boerne Class of 2011.

The Senate welcomed its guests.

SENATE RESOLUTION 205

Senator Lucio offered the following resolution:

SR 205, Recognizing February 9, 2011, as Kingsville Day at the Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a delegation of citizens from Kleberg County: Dr. Steven Tallant, President, Texas A&M University-Kingsville; Leo Alarcon, County Clerk, Kleberg County; Stanley Laskowski, City Commissioner, Kingsville; Karen Griffith, Chief Administrative Officer, Kingsville Independent School District; and Alice Byers, Executive Director, Kingsville Chamber of Commerce.

The Senate welcomed its guests.

SENATE RESOLUTION 25

Senator Whitmire offered the following resolution:

SR 25, Recognizing the West Gulf Maritime Association.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Whitmire was recognized and introduced to the Senate West Gulf Maritime Association members: Jurgen Schroder, owner, Schroder Marine Services; Steve Hale, CEO, Gulf Copper; George Pontikos, Vice-president, Odfjell USA; Morris Albright, Port Commissioner, Port Arthur International Public Port; and Nathan Weseley, President, West Gulf Maritime Association.

The Senate welcomed its guests.

SENATE RESOLUTION 183

Senator Watson offered the following resolution:

SR 183, Recognizing Leon Schmidt on the occasion of his 95th birthday.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Watson was recognized and introduced to the Senate Leon Schmidt.

The Senate welcomed its guest.

SENATE RESOLUTION 162

Senator Lucio offered the following resolution:

SR 162, Recognizing February 9, 2011, as Harlingen Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a delegation of citizens from the City of Harlingen: Chris Boswell, Mayor; Joey Trevino, City Commissioner; Dean La Fever, Chairman, Harlingen Area Chamber of Commerce Board of Directors; and Crisanne Zamponi, Executive Director, Harlingen Area Chamber of Commerce.

The Senate welcomed its guests.

SENATE RESOLUTION 184

Senator Nelson offered the following resolution:

SR 184, In memory of Richard Reese Wenneker.

The resolution was again read.

The resolution was previously adopted on Monday, February 7, 2011.

In honor of the memory of Richard Reese Wenneker, the text of **SR 184** is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate family members of Richard Reese Wenneker: his wife, Sonja, and sons, Adam and Corey.

The Senate welcomed its guests and extended its sympathy.

CONCLUSION OF MORNING CALL

The President at 11:42 a.m. announced the conclusion of morning call.

SENATE BILL 18 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 18** at this time (Submitted by Governor as an emergency matter):

SB 18, Relating to the use of eminent domain authority.

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

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

SENATE BILL 18 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 18** 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 18**, 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 18** 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.

REMARKS ORDERED PRINTED

On motion of Senator Hegar and by unanimous consent, the exchange between Senators Estes and Hegar regarding **SB 18** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Hegar: Can you explain the effect of the new standard for recovery of access damages found in Property Code 21.042(d), as found in Section 10 of the bill (page 6, lines 40-53)?

Senator Estes: In certain circumstances, we would want more landowners who are currently not recovering for loss of access under the "material and substantial" test as that test is currently interpreted by the courts to recover for loss of access. We are acting here to change the current state of the law on that issue. We want the words in 21.042(d) to be interpreted such that if a property owner suffers a loss of access that is material—not trivial, nominal, imaginary, or speculative—and that loss affects the market value of the property, then the court must allow the factfinder to consider evidence on that loss when the factfinder determines what damages are due to the landowner. It's a lower standard than "material and substantial" and a higher standard than "any diminished access" proposed in the filed version of this bill.

Senator Hegar: Thank you.

(Senator Nelson 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 Deuell.

Senator Deuell 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 31, Nays 0.

Chief Administrative Law Judge, State Office of Administrative Hearings: Cathleen Parsley, Travis County.

Presiding Judge, Eighth Administrative Judicial Region: Roger Jeffrey Walker, Tarrant County.

Presiding Judge, Fifth Administrative Judicial Region: J. Rolando Olvera, Cameron County.

Presiding Judge, Seventh Administrative Judicial Region: Morton Valdean Rucker, Midland County.

Presiding Judge, Third Administrative Judicial Region: Billy Ray Stubblefield, Williamson County.

Members, Board of Directors, State Bar of Texas: Timothy D. Belton, Harris County; Virginia Milam Campbell, Tarrant County; Becky Baskin Ferguson, Midland County; Annette P. Ragette, Williamson County.

Justice, Court of Appeals, First Court of Appeals District: Harvey Brown, Harris County.

Justice, Court of Appeals, Third Court of Appeals District: Jeffrey Lee Rose, Travis County.

Executive Commissioner, Health and Human Services Commission: Thomas Michael Suehs, Travis County.

Members, State Commission on Judicial Conduct: Joel P. Baker, Smith County; Martha Morales Hernandez, Angelina County; M. Sue Kurita, El Paso County; Steven L. Seider, Dallas County; Edward J. Spillane, Brazos County; Diane De La Torre Threadgill, Ellis County.

Members, Texas Judicial Council: Richard Vernon Battle, Travis County; Henry Nuss, Nueces County.

Judge, 243rd Judicial District Court, El Paso County: Bill D. Hicks, El Paso County.

Judge, 378th Judicial District Court, Ellis County: Joe Franklin Grubbs, Ellis County.

Judge, 431st Judicial District Court, Denton County: Jonathan Mark Bailey, Denton County.

Judge, 438th Judicial District Court, Bexar County: Victor Hugo Negron, Bexar County.

Judge, 439th Judicial District Court, Rockwall County: David Edgar Rakow, Rockwall County.

Judge, 43rd Judicial District Court, Parker County: Trey Edward Loftin, Parker County.

Judge, 96th Judicial District Court, Tarrant County: Reuben Houston Wallace, Tarrant County.

Member, Board for Lease of Texas Department of Criminal Justice Lands: Wesley D. Lloyd, McLennan County.

Member, Board for Lease of Texas Parks and Wildlife Lands: Wesley D. Lloyd, McLennan County.

Members, On-site Wastewater Treatment Research Council: Scott Ralph Adams, Jeff Davis County; Elaine Anne Boatright, Bastrop County; Brian Johnson Christian, Williamson County; Jaime Ariel Garza, Cameron County; Richard Dwain Gerard, Polk County; Sockalingam Kannappan, Harris County; Janet D. Meyers, Denton County; Brian Lawrence Padden, Travis County; Carl M. Russell, Lubbock County; William F. Smith, Hays County; Ronald J. Suchecki, McLennan County.

Members, State Board of Veterinary Medical Examiners: Bud E. Alldredge, Nolan County; John Todd Henry, Hays County; Paul Martinez, Sutton County.

SENATE BILL 257 REREFERRED

Senator Carona submitted a Motion In Writing requesting that **SB 257** be withdrawn from the Committee on Transportation and Homeland Security and referred to the Committee on Health and Human Services.

The Motion In Writing prevailed without objection.

SENATE CONCURRENT RESOLUTION 15

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 9, 2011, and ending on Monday, February 14, 2011.

WHITMIRE

SCR 15 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

SENATE BILL 237 REREFERRED

Senator Deuell submitted a Motion In Writing requesting that **SB 237** be withdrawn from the Committee on Agriculture and Rural Affairs and rereferred to the Committee on Health and Human Services.

The Motion In Writing prevailed without objection.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:28 p.m. agreed to adjourn, in memory of Richard Reese Wenneker, upon completion of the introduction of bills and resolutions on first reading, until 1:30 p.m. Monday, February 14, 2011.

SENATE BILLS ON FIRST READING

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

SB 23 by Nelson

Relating to efficiencies and cost-savings in the health and human services and other related regulatory agencies, including the state medical assistance and child health plan programs.

To Committee on Finance.

SB 353 by Birdwell

Relating to the territory and dissolution requirements of the Southern Trinity Groundwater Conservation District.

To Committee on Natural Resources.

SB 433 by Hegar

Relating to the de-annexation of land in Bastrop County by the Barton Springs-Edwards Aquifer Conservation District.

To Committee on Natural Resources.

SB 571 by Nelson

Relating to efficiencies and cost-savings in the health and human services agencies and other related regulatory agencies.

To Committee on Finance.

CO-AUTHOR OF SENATE BILL 18

On motion of Senator Estes, Senator Rodriguez will be shown as Co-author of **SB 18**.

CO-AUTHOR OF SENATE BILL 240

On motion of Senator Huffman, Senator Rodriguez will be shown as Co-author of **SB 240**.

CO-AUTHOR OF SENATE BILL 262

On motion of Senator Carona, Senator Van de Putte will be shown as Co-author of **SB 262**.

CO-AUTHOR OF SENATE BILL 272

On motion of Senator Zaffirini, Senator Rodriguez will be shown as Co-author of **SB 272**.

CO-AUTHOR OF SENATE BILL 325

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 325**.

CO-AUTHOR OF SENATE BILL 374

On motion of Senator Wentworth, Senator Rodriguez will be shown as Co-author of **SB 374**.

CO-AUTHOR OF SENATE BILL 423

On motion of Senator Lucio, Senator Van de Putte will be shown as Co-author of **SB 423**.

CO-AUTHOR OF SENATE BILL 521

On motion of Senator Carona, Senator Deuell will be shown as Co-author of **SB 521**.

CO-AUTHOR OF SENATE BILL 530

On motion of Senator Huffman, Senator Carona will be shown as Co-author of **SB 530**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 1

On motion of Senator Ogden, Senator Nichols will be shown as Co-author of **SJR 1**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 211 by Hinojosa, In memory of Philip Dale Reich of Bishop.

Welcome and Congratulatory Resolutions

SR 201 by Williams, Welcoming members of the Texas Aggregates and Concrete Association to the State Capitol on their legislative day, February 9, 2011.

SR 202 by Jackson, Recognizing the Texas Economic Development Council on the occasion of its 50th anniversary.

SR 203 by Jackson, Recognizing the Pasadena Volunteer Fire Department for 80 years of service to its community.

SR 204 by Birdwell, Welcoming the 2011 Leadership Ennis class to the State Capitol.

SR 208 by Harris, Recognizing Stan Jaworski on the occasion of his retirement from the Federal Aviation Administration.

SR 209 by Ellis, Recognizing LAMIK Beauty in Houston for its support of National Women and Girls HIV-AIDS Awareness Day.

HCR 53 (Seliger), Honoring Viola Vasquez Milan of Midland for her 40 years of service as a schoolteacher in Texas.

Official Designation Resolutions

SR 200 by Birdwell, Recognizing March 2, 2011, as Hood County Day at the State Capitol.

SR 206 by Deuell, Recognizing March 1, 2011, as Multiple Sclerosis Day at the State Capitol.

SR 210 by Hinojosa, Recognizing the "No Excuses!" BBQ Challenge and Music Festival as a Texas State Barbecue Championship competition.

SR 212 by Nichols, Recognizing February 10, 2011, as Lufkin-Angelina County Day at the Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:39 p.m. adjourned, in memory of Richard Reese Wenneker, until 1:30 p.m. Monday, February 14, 2011.

APPENDIX

RESOLUTIONS ENROLLED

February 8, 2011

**SR 151, SR 178, SR 189, SR 191, SR 192, SR 193, SR 194, SR 195, SR 196,
SR 197, SR 198, SR 199**

SENT TO SECRETARY OF STATE

February 9, 2011

SCR 12

In Memory
of
Richard Reese Wenneker
Senate Resolution 184

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Boy Scout leader Richard Reese Wenneker, who died in August of 2010 at the age of 54; and

WHEREAS, Richard Wenneker was born August 2, 1956, in Tulsa, Oklahoma; he joined the Cub Scouts when he was eight years old and earned his Eagle Badge when he was 17; he was admitted to the Order of the Arrow and was awarded the Vigil Honor for his exemplary service to his community and to Scouting; and

WHEREAS, Highly experienced in rugged backpack camping, he attended five high adventure wilderness camps and served for five years as a youth summer camp counselor in Oklahoma; and

WHEREAS, Rich was a dedicated adult Scout leader who lived his life faithful to the Scout oath; he loved life and learning and cared deeply about preserving natural resources and the environment; he was an inspirational leader and had a positive influence on the lives of many young men, including his three sons, who were actively involved in the Scouting program; and

WHEREAS, Rich Wenneker was devoted to his wife of 26 years, Sonja; his sons, Adam, Corey, and Jacob; his mother, Shirley Reese Wenneker; and his brother and sister, Phil Wenneker and Lori Thompson; he was a faithful member of the First United Methodist Church of Grapevine; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the life of Richard Reese Wenneker and extend sincere condolences to his family; and, be it further

RESOLVED, That a copy of this Resolution be prepared for 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 Richard Reese Wenneker.

NELSON

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTEENTH DAY

(Monday, February 14, 2011)

The Senate met at 1:34 p.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

The roll was called and the following Senators were present: Birdwell, Davis, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Carona, Deuell, Uresti.

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

The Reverend Leon C. McCowan, Saint James Missionary Baptist Church, Austin, offered the invocation as follows:

Lord God, thank You for this 14th day of February, 2011. Thank You for the 82nd Texas Legislature. Lord, this invocation is just a moment not only to thank You for being God but for asking that Your blessings be showered upon all of today's proceedings. Thank You for those who serve our country, especially this great State of Texas. Thank You for those who represent the Senate and the House. Lord, be with every deliberation and every decision on this day. Help us never to forget that we serve You, by serving Your people. Thank You for those men and women who are protecting us, both near and far. Thank You for the freedoms and liberties that we have in this country. Thank You for the elected officials, the staff workers, the clerks, and the volunteers, these great individuals who make up our government. Lord, I praise You for the diversity that is in this room. Thank You for the various faiths which are present in this room. Thank You, dear God, for making Your love available to all of us. I conclude this invocation in the name of the one I put all my trust and faith in, Jesus the Christ. Amen.

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

The motion prevailed without objection.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Deuell was granted leave of absence for today on account of an illness in the family.

On motion of Senator Whitmire, Senator Uresti was granted leave of absence for today on account of important business.

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.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 271 by Uresti

Relating to the board of directors of the Bexar Metropolitan Water District.
To Committee on Natural Resources.

SB 331 by Shapiro, Estes, Fraser, Harris, Huffman, Nelson, Williams

Relating to adding certain synthetic cannabinoids to Penalty Group 2 of the Texas Controlled Substances Act.
To Committee on Criminal Justice.

SB 334 by Fraser

Relating to the applicability of the constitutional limit on state debt payable from the general revenues of the state to bonds issued by the Texas Water Development Board.
To Committee on Finance.

SB 341 by Uresti

Relating to the appointment of a conservator for and authorizing the dissolution of the Bexar Metropolitan Water District.
To Committee on Natural Resources.

SB 451 by Ellis

Relating to death benefits for eligible survivors of certain Texas National Guard members.
To Committee on Veteran Affairs and Military Installations.

SB 452 by Ellis

Relating to placing the State Board of Education under periodic review by the Sunset Advisory Commission.
To Committee on Education.

SB 453 by Ellis

Relating to dedicating money in the system benefit fund to certain purposes.
To Committee on Finance.

SB 455 by Ellis

Relating to restrictions on the location and operation of concrete crushing facilities.
To Committee on Natural Resources.

SB 456 by Ellis

Relating to state purchasing of certain environmentally friendly items.
To Committee on Government Organization.

SB 458 by Seliger

Relating to initial claims under the unemployment compensation system.
To Committee on Economic Development.

SB 460 by Seliger

Relating to regulation of the import, export, and management of mule deer; providing penalties.

To Committee on Agriculture and Rural Affairs.

SB 461 by Williams

Relating to the design and issuance of license plates for United States paratroopers.
To Committee on Transportation and Homeland Security.

SB 462 by West

Relating to the right to an expunction of records and files relating to a person's arrest.
To Committee on Criminal Justice.

SB 463 by Lucio

Relating to providing parents with notice of a school district's promotion and retention policies.

To Committee on Education.

SB 464 by Lucio

Relating to tracking peace officer membership in the Teacher Retirement System of Texas.

To Committee on State Affairs.

SB 465 by Lucio

Relating to retirement benefits of school district or institution of higher education peace officers under the Teacher Retirement System of Texas.

To Committee on State Affairs.

SB 466 by Lucio

Relating to a requirement that public school counselors demonstrate knowledge of counseling regarding higher education to obtain a school counselor certificate.

To Committee on Education.

SB 467 by Wentworth

Relating to the power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.

To Committee on Natural Resources.

SB 468 by Shapiro

Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district.

To Committee on Education.

SB 469 by Nelson

Relating to the collection of unpaid tolls by a regional tollway authority.

To Committee on Transportation and Homeland Security.

SB 471 by West

Relating to public school and child-care facility policies addressing sexual abuse and other maltreatment of children.

To Committee on Health and Human Services.

SB 472 by West

Relating to voting practices and elections of property owners' associations.

To Committee on Intergovernmental Relations.

SB 474 by Patrick

Relating to a limitation on increases in the appraised value for ad valorem tax purposes of commercial or industrial real property.

To Committee on Finance.

SB 475 by Patrick

Relating to the creation of the Harris County Municipal Utility District No. 524; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 476 by Patrick

Relating to the classification of automotive repair shops as primarily engaged in retail trade for purposes of the franchise tax.

To Committee on Finance.

SB 477 by Patrick

Relating to the allocation to a school district of the expenses of a joint election.

To Committee on State Affairs.

SB 478 by Estes

Relating to the protection of stray bison.

To Committee on Agriculture and Rural Affairs.

SB 479 by Estes

Relating to limiting the liability of certain persons for farm animal activities.

To Committee on Agriculture and Rural Affairs.

SB 480 by Hegar

Relating to certain appeals from judgments of municipal courts of record.

To Committee on Jurisprudence.

SB 481 by Harris

Relating to the removal of a guardian of an incapacitated person ordered by a court.

To Committee on Jurisprudence.

SB 482 by Harris

Relating to the requirements for an authorization agreement for a nonparent relative of a child.

To Committee on Jurisprudence.

SB 483 by Harris

Relating to the powers and duties of criminal law magistrates in Tarrant County.

To Committee on Jurisprudence.

SB 484 by Huffman

Relating to the release of a photograph of a police officer and access to records maintained by internal investigative divisions in certain municipalities.

To Committee on Intergovernmental Relations.

SB 485 by Huffman

Relating to proper venue for certain criminal prosecutions of mortgage fraud.

To Committee on Jurisprudence.

SB 486 by Huffman

Relating to creating the offense of sexual voyeurism; providing a penalty and other civil consequences.

To Committee on Criminal Justice.

SB 487 by Huffman

Relating to increasing the penalty for the offense of leaving the scene of an accident that involves personal injury or death.

To Committee on Criminal Justice.

SB 488 by Van de Putte

Relating to criminal background checks on users of online dating services and to disclosures of online dating safety measures; providing a civil penalty.

To Committee on Business and Commerce.

SB 489 by Fraser, Duncan, Estes

Relating to the Texas State Technical College System.

To Committee on Higher Education.

SB 490 by Fraser

Relating to the Hamilton County Hospital District.

To Committee on Intergovernmental Relations.

SB 491 by Fraser

Relating to the composition of the 198th Judicial District, the creation of a judicial district composed of Kimble, McCulloch, Mason, and Menard Counties, and the creation of the office of district attorney for the 440th Judicial District.

To Committee on Jurisprudence.

SB 493 by Fraser

Relating to the idling of motor vehicles.

To Committee on Natural Resources.

SB 494 by Fraser

Relating to the authority of certain local governmental entities to borrow money for a public hospital.

To Committee on Intergovernmental Relations.

SB 495 by Fraser

Relating to an exemption from the motor vehicle use tax for motor vehicles brought into this state by certain military personnel or retired military personnel.

To Committee on Finance.

SB 496 by Fraser

Relating to the punishment for the offense of evading arrest or detention.

To Committee on Criminal Justice.

SB 497 by Jackson

Relating to notice of the construction or expansion of a wind-powered electric generation facility located near a federally owned or operated radar installation or military installation.

To Committee on Natural Resources.

SB 498 by Jackson

Relating to the trapping and transport of surplus white-tailed deer.

To Committee on Agriculture and Rural Affairs.

SB 499 by Jackson

Relating to the identification of breeder deer by microchips.

To Committee on Agriculture and Rural Affairs.

SB 500 by Jackson

Relating to the authority of the governing body of a local authority to impose a civil penalty for certain violations recorded by an automated traffic control system or a photographic traffic signal enforcement system.

To Committee on Transportation and Homeland Security.

SCR 9 by Lucio

Urging the United States Congress to amend the list of allowable foods under the Supplemental Nutrition Assistance Program to eliminate sweetened drinks and snack foods of minimal nutritional value.

To Committee on Health and Human Services.

SCR 10 by Ellis

Designating February 21 through 27 of each year from 2011 through 2020 as Barbara Jordan Freedom Week.

To Committee on Administration.

SCR 11 by Hegar

Designating May 22 of each year from 2011 through 2020 as William Elmo Merrem Day in honor of the first Eagle Scout from Texas.

To Committee on Administration.

SCR 14 by Patrick, Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogdan, Seliger, Shapiro, Wentworth, Williams

Affirming the pride of all Texans in both our one and indivisible national union and our one and indivisible state, claiming sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to cease and desist from certain mandates, and providing that certain federal legislation be prohibited or repealed.

To Committee on State Affairs.

SJR 20 by Patrick

Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of commercial or industrial real property for ad valorem tax purposes to 110 percent or more of the appraised value of the property for the preceding tax year.

To Committee on Finance.

SJR 21 by Patrick

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran in an amount equal to the amount of the residence homestead exemption to which the disabled veteran was entitled.

To Committee on Finance.

SENATE RESOLUTION 226

Senator Nelson offered the following resolution:

SR 226, Commending the Texas Council on Family Violence for its service on behalf of the victims of domestic violence.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate representatives of the Texas Council on Family Violence.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 14, 2011

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 48, Honoring the Fannie Marchman Garden Club in Mineola on the 75th anniversary of its founding.

HCR 58, Granting the legislature permission to adjourn for more than three days.

SCR 15, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 9, 2011, and ending on Monday, February 14, 2011.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 51

The President Pro Tempore laid before the Senate the following resolution:

HCR 51, Commending Heart Hospital of Austin and St. David's HealthCare for providing exceptional cardiovascular care.

WATSON

The resolution was read.

On motion of Senator Watson, 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: Carona, Deuell, Uresti.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Jon Foster, President and CEO, Saint David's HealthCare; David Laird, CEO, Heart Hospital of Austin; Matthew Selmon, M.D.; and Marsha Pohorelsky, Director of CCU, Heart Hospital of Austin.

The Senate welcomed its guests.

SENATE RESOLUTION 228

Senator Nelson offered the following resolution:

SR 228, Recognizing February 14, 2011, as Association of Texas Professional Educators Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson, joined by Senators Hinojosa, Lucio, Patrick, Shapiro, and Zaffrini, was recognized and introduced to the Senate representatives from the Association of Texas Professional Educators.

The Senate welcomed its guests.

SENATE RESOLUTION 168

Senator Hegar offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Saint Mary's University for its legacy of outstanding service to the City of San Antonio and our state; and

WHEREAS, A close-knit academic and spiritual community, Saint Mary's University offers a 13-to-one student-to-faculty ratio with numerous Fulbright scholars, Piper professors, and other engaged faculty members coming together to create an exceptional educational experience; and

WHEREAS, Saint Mary's University has produced more than 300 elected officials, who have served both this state and this nation with distinction; and

WHEREAS, The Carnegie Foundation has granted Saint Mary's University its prestigious Community Engagement Classification in recognition of the university's mission-driven focus on academic excellence, community service, and civic engagement; and

WHEREAS, Saint Mary's University was named first in the nation by *Washington Monthly* magazine for promoting an ethic of service to country, fostering scientific and humanistic research, and performing as an engine of social mobility; and

WHEREAS, More than 70 percent of the university's students participate in community service activities, and Saint Mary's University is listed as a College that Builds Character by the John Templeton Foundation and as one of the nation's top Colleges with a Conscience by the Princeton Review and Campus Compact; and

WHEREAS, Saint Mary's University has been home to 167 All-American Scholar athletes, and it has won five national championships in athletic competition; and

WHEREAS, Saint Mary's University graduates have historically been accepted to medical and dental schools at rates far exceeding the national average; the combination of academic, athletic, and community excellence has truly established Saint Mary's University as a leader in the field of higher education; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the students, faculty, and staff of Saint Mary's University for their many outstanding contributions to our state and nation; and, be it further

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

VAN DE PUTTE WENTWORTH
HEGAR ZAFFIRINI
URESTI

SB 168 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate the Saint Mary's University delegation: Charles L. Cotrell, Ph.D., President; Robert L. Elizondo, Chairman, Board of Trustees; Alfred "Freddie" Valenzuela, Secretary, Board of Trustees; and Alexandra "Alex" McCoy, President, Student Government Association.

The Senate welcomed its guests.

SENATE BILL 267 REREFERRED (Motion In Writing)

Senator Williams submitted a Motion In Writing requesting that **SB 267** be withdrawn from the Committee on Finance and rereferred to the Committee on Transportation and Homeland Security.

The Motion In Writing prevailed without objection.

NOMINATION RETURNED

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

Member, State Employee Charitable Campaign Policy Committee: Jason Kevin Patteson, Travis County.

CO-AUTHOR OF SENATE BILL 16

On motion of Senator Patrick, Senator Birdwell will be shown as Co-author of **SB 16**.

CO-AUTHOR OF SENATE BILL 161

On motion of Senator Shapiro, Senator Davis will be shown as Co-author of **SB 161**.

CO-AUTHORS OF SENATE BILL 513

On motion of Senator Ellis, Senators Davis and Rodriguez will be shown as Co-authors of **SB 513**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 222 by Wentworth, In memory of William Henry Borchers of New Braunfels.

SR 231 by Lucio, In memory of Romeo Ramirez Esparza.

SR 232 by Lucio, In memory of Castula "Tati" Ozuna Guerra of Weslaco and Edcouch.

SR 233 by Lucio, In memory of Leon Bence of Harlingen.

SR 235 by Lucio, In memory of Aida De Leon Uribe of Brownsville.

SR 236 by Lucio, In memory of Bertha Champion Garza of Brownsville.

SR 237 by Lucio, In memory of Hector Farias, Sr., of Weslaco.

SR 242 by Wentworth, In memory of Rudolph Taylor Monsalvo of Bexar and Atascosa counties.

Welcome and Congratulatory Resolutions

SR 215 by Hinojosa, Recognizing Richard Lee Drewry on the occasion of his retirement from the Edinburg Volunteer Fire Department.

SR 216 by Hinojosa, Commending Matthew Franke on achieving the rank of Eagle Scout.

SR 217 by Ellis, Recognizing the Harris County Hospital District on the occasion of the expansion of its Lyndon Baines Johnson Emergency Center.

SR 218 by West, Congratulating Sejena Elvera and Juan Javier Ramirez on the birth of their daughter, Gianna Elvera Ramirez.

SR 223 by Davis, Congratulating Sarah Fullenwider on being named city attorney for the City of Fort Worth.

SR 224 by Whitmire, Recognizing the Houston Northwest Chapter of National Women of Achievement, Incorporated, for its contributions to its community.

SR 227 by Nelson, Welcoming members of Leadership Keller to Austin and the State Capitol on February 17 and 18, 2011.

SR 229 by Harris, Recognizing Lou Spiegel on the occasion of her retirement from the Mansfield Independent School District.

SR 234 by Lucio, Recognizing the official naming of the Judge Pete De La Garza Courthouse Annex in Kleberg County.

SR 238 by Lucio, Commending Sherry Lynn Stout on receiving the 2010 H-E-B Excellence in Education Award for outstanding elementary school principal.

SR 239 by Lucio, Congratulating Alma Cardenas-Rubio on receiving the 2010 H-E-B Excellence in Education Award for outstanding secondary school principal.

SR 240 by West, Recognizing S. V. Teague for his contributions to the Church of God in Christ.

SR 241 by West, Recognizing the Dallas Area Regional History Day 2011 competition on February 19, 2011.

SR 245 by Rodriguez, Recognizing Sylvia, Tim, and Matthew Collins for their participation in the Arc of Texas' Getting to the Heart of the Matter program.

SR 246 by Rodriguez, Recognizing Apolonia Alvarez-Lozano for her participation in the Arc of Texas' Getting to the Heart of the Matter program.

SR 247 by Rodriguez, Recognizing Jane Jones for her participation in the Arc of Texas' Getting to the Heart of the Matter program.

SR 252 by Nelson, Welcoming the students and faculty of Lake Country Christian School of Fort Worth to the Capitol.

HCR 48 (Eltime), Honoring the Fannie Marchman Garden Club in Mineola on the 75th anniversary of its founding.

Official Designation Resolutions

SR 220 by Birdwell, Recognizing February 17, 2011, as Falls County and Marlin Day at the Capitol.

SR 221 by Wentworth, Declaring March 6 through March 12, 2011, as Women in Construction Week in Texas.

SR 251 by Nelson, Recognizing February 16, 2011, as Texans Support Libraries Day.

SR 253 by Nelson, Lucio, and Shapiro, Recognizing February 16, 2011, as Susan G. Komen for the Cure Advocacy Day in Texas.

SR 254 by Nelson, Proclaiming February 16, 2011, Substance Abuse Prevention and Treatment Advocacy Day at the Capitol.

SR 256 by Nichols, Recognizing February 16 and 17, 2011, as Nacogdoches-SFA Days at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:10 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORT

The following committee report was received by the Secretary of the Senate:

February 14, 2011

STATE AFFAIRS — **CSSB 16**

BILL ENGROSSED

February 9, 2011

SB 18

RESOLUTIONS ENROLLED

February 9, 2011

SR 25, SR 110, SR 146, SR 162, SR 183, SR 200, SR 201, SR 202, SR 203, SR 204, SR 205, SR 206, SR 207, SR 208, SR 209, SR 210, SR 211, SR 212

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTEENTH DAY

(Tuesday, February 15, 2011)

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: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Absent-excused: Wentworth.

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

The Reverend Charles Ruehl, Houston, offered the invocation as follows:

Gracious and eternal God, we humbly bow before You expressing our sincere thanks for the gift of life. Grant us the wisdom to fully comprehend the responsibility we have as stewards of Your creation. Remind us that we are here to serve with honor and integrity. Remind us we are to be faithful to the task to which we have been called. Remind us we are to constantly seek Your guidance in all decisions we consider. Enable us to know of Your presence each and every day in our hearts and minds as we seek to do Your will. These things we ask in Your holy name. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Wentworth was granted leave of absence for today on account of important business.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 15, 2011

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 52, Designating February 15, 2011, as Texas Manufacturers Day.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGES FROM THE GOVERNOR

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

February 14, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be members of the Automobile Burglary and Theft Prevention Authority for terms to expire February 1, 2017:

Carlos L. Garcia
Brownsville, Texas

Kenneth R. Ross
Houston, Texas

The individuals listed above are being reappointed.

To be members of the Judicial Compensation Commission for terms to expire February 1, 2017:

Romulo Chavez
Spring, Texas
(replacing Wanda Rohm of San Antonio whose term expired)

Harold Jenkins
Irving, Texas
(Mr. Jenkins is being reappointed)

Michael L. Slack
Austin, Texas
(Mr. Slack is being reappointed)

Respectfully submitted,

/s/Rick Perry
Governor

PHYSICIAN OF THE DAY

Senator Uresti was recognized and presented Dr. Francisco Barrera of Boerne as the Physician of the Day.

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

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 15, HCR 53.**

SENATE RESOLUTION 169

Senator West offered the following resolution:

WHEREAS, Members of the Dallas Assembly are visiting the State Capitol on February 15, 2011; and

WHEREAS, Founded in 1962, the Dallas Assembly is made up of a diverse group of leaders from the greater Dallas area; membership is limited to 150 individuals who have demonstrated exceptional leadership in the arenas of civic life, business, education, government, law, medicine, religion, science, or the arts; and

WHEREAS, This exceptional organization, led by president Brent Christopher, inspires a spirit of community activism, provides networking opportunities, and encourages an interchange of ideas about a variety of issues and community needs; and

WHEREAS, Endeavoring to foster a more informed and involved citizenry, the Dallas Assembly is helping to build a brighter and more promising future for the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the 82nd Texas Legislature hereby recognize February 15, 2011, as Dallas Assembly Day at the State Capitol and extend to all participants sincere best wishes for a memorable visit; and, be it further

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

SR 169 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Dallas Assembly representatives and officers, Brent Christopher, President, and David McAtee, Vice-president of Programs.

The Senate welcomed its guests.

SENATE RESOLUTION 17

Senator Van de Putte offered the following resolution:

WHEREAS, The Texas Senate is pleased to recognize February 15, 2011, as Viva San Antonio Day at the State Capitol and welcome the visiting delegation from the Alamo City; and

WHEREAS, The history of San Antonio can be traced back to 1691, when a group of Spanish explorers and missionaries came upon a river and named it San Antonio, in honor of Saint Anthony, whose feast day was being celebrated; and

WHEREAS, The city was founded in 1718 by Father Antonio Olivares; he established Mission San Antonio de Valero, which would become etched in the annals of history in 1836 as the Alamo, the site where 189 brave individuals held the mission for 13 days against an army of some 4,000 Mexican soldiers; and

WHEREAS, The cry "Remember the Alamo" became the rallying point of the Texas Revolution; today, the Alamo is a shrine and museum and is widely recognized as the cradle of Texas liberty; and

WHEREAS, San Antonio became formally incorporated in 1837, when the fledgling Republic of Texas granted the city a charter; the city has since retained its sense of history and tradition while carefully blending in cosmopolitan progress; it has served and continues to serve as a crossroads and a meeting place, where the rich sounds and cultural influences of Native Americans, Old Mexico, Germans, the Wild West, African Americans, and the Deep South mingle and merge; and

WHEREAS, The city has a proud military heritage; great military figures like Pershing, Stilwell, Krueger, LeMay, Chennault, and Eisenhower served at San Antonio military institutions, including Fort Sam Houston, the headquarters for the Fifth United States Army and the home of the United States Army Medical Command and the Brooke Army Medical Center; in addition, San Antonio is the site of Lackland Air Force Base, the largest training wing in the United States Air Force, and Brooks City-Base, an innovative master-planned research and technology center; and

WHEREAS, Recent years have brought remarkable economic development to San Antonio as its skilled workforce, excellent institutions of public and higher education, and quality of life have attracted some important corporate business and industry to the city; and

WHEREAS, Millions of visitors a year delight in the discovery of San Antonio; in addition to the Alamo, highlights include La Villita, San Fernando Cathedral, San Antonio Missions Trail, and the famed Paseo del Rio, better known as "The Riverwalk"; among the other attractions that make San Antonio one of the top tourist destinations in the country are SeaWorld San Antonio and the Six Flags Fiesta Texas theme park as well as the PGA Tour Valero Texas Open, the Alamo Bowl, and the four-time world champion San Antonio Spurs; and

WHEREAS, In April 2011, the city will once again celebrate Fiesta San Antonio, the biggest 11-day party in the state; first held 120 years ago, the event was founded by a group of ladies who decorated horse-drawn carriages for a parade in front of the Alamo and battled with flower blossoms instead of bullets to honor the heroes of the Alamo and the Battle of San Jacinto; and

WHEREAS, San Antonio is truly one of the treasures of the Lone Star State, and Viva San Antonio Day provides a welcome opportunity to honor the city and its many fine residents; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby recognize February 15, 2011, as Viva San Antonio Day at the State Capitol and extend to the members of the visiting delegation best wishes for a memorable visit.

WENTWORTH
URESTI
VAN DE PUTTE
ZAFFIRINI

SR 17 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Sam Dawson, Chairman, Greater San Antonio Chamber of Commerce Board of Directors; Robert Puente, President and CEO, San Antonio Water System; Eddie Aldrete, Chairman, San Antonio Hispanic Chamber of Commerce Board of Directors; Ramiro Cavazos, President, San Antonio Hispanic Chamber of Commerce; and Ray Lopez, San Antonio City Councilmember.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate representatives of Midlothian and Cleburne joined by community leaders: Sara Garcia, President, Midlothian Chamber of Commerce, and Cathy Marchal, President, Cleburne Chamber of Commerce.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate a Brownwood delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 268

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Traci Wickett for her outstanding service as chairman of the board of United Way of Texas; and

WHEREAS, United Way of Texas has benefitted immensely from the dedicated leadership of Traci Wickett; during her term as chairman of the board from 2009 to 2010, the organization has made significant progress on a variety of statewide initiatives, improving public access to valuable services such as early education and college readiness programs, financial education and tax preparation assistance, health care for children and seniors, and assistance in disaster recovery and preparedness; and

WHEREAS, Traci Wickett has served as president and chief executive officer of United Way of Southern Cameron County since 1996, and she has played a vital role in the organization's growth; she helped to increase campaign contributions by 26 percent her first year, and the organization has exceeded its annual campaign goal eight times under her direction; and

WHEREAS, She spearheaded the region's Success By 6 initiative, which focuses on the developmental needs of children from birth to age six; it was recently named one of the top five Success By 6 programs in the nation; and

WHEREAS, Under her expert guidance, United Way of Southern Cameron County has expanded its mission beyond raising and distributing funds to increasing awareness of the root causes of societal problems; she regularly addresses national conferences on the United Way's changing role in the community and is a member of United Way of America's faculty for courses in funding system redesign, community impact, and creating Success By 6 initiatives; and

WHEREAS, Active in numerous community organizations, she is noted for her collaborative efforts with state and local officials, and she is truly deserving of recognition for the positive impact she has had on the lives of countless people; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend Traci Wickett on her many achievements and her dedicated service as chairman of the board of United Way of Texas and extend to her best wishes for continued success in all her endeavors; and, be it further

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

SR 268 was read and was adopted without objection.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Traci Wickett, Chairman of the Board of United Way of Texas 2009-2010.

The Senate welcomed its guest.

SENATE RESOLUTION 219

Senator Van de Putte offered the following resolution:

SR 219, Recognizing February 15, 2011, as United Way Day at the State Capitol.

The resolution was read and was adopted without objection.

SENATE RESOLUTION 261

Senator Duncan offered the following resolution:

SR 261, Recognizing February 15, 2011, as Texas Farm Bureau District 1 Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate a Texas Farm Bureau delegation joined by David Davidson, Mark Elmore, Billy Brown, and Billy Bob Brown.

The Senate welcomed its guests.

SENATE RESOLUTION 244

Senator Rodriguez offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Arc of Texas' "Getting to the Heart of the Matter" program for facilitating better understanding between El Paso lawmakers and their constituents with intellectual and developmental disabilities; and

WHEREAS, The program was designed to address the fact that, all too often, constituents with intellectual and developmental disabilities and their families are unable to adequately communicate with their elected officials about the circumstances which arise in everyday life; and

WHEREAS, "Getting to the Heart of the Matter," which paired El Paso policymakers with constituents with intellectual and developmental disabilities, was designed by the Arc of Texas, supported financially by the Texas Council for Developmental Disabilities, and facilitated locally by El Paso community organizer Sandie Olivar; and

WHEREAS, Under the program, Representative Joe Pickett spent time with Matthew Collins, a Bel Air High School student who has autism, and his parents, Sylvia and Tim Collins, and visited Matthew's class at school; and

WHEREAS, Ashley Bullard, a graduating senior from Chapin High School who uses a wheelchair due to cerebral palsy, met with State Representative Marisa Marquez, and the two spent time together during the school day; and

WHEREAS, Advocate Jane Jones, who uses a wheelchair due to a neuromuscular disorder, met with Representative Joe Moody for lunch; because she is dependent on the mass transit system to get to and from work, she found a motorized runabout for Representative Moody to use so that he might also experience the challenges that persons with limited mobility face; and

WHEREAS, Apolonia Alvarez-Lozano, a Volar Center for Independent Living employee, a member of El Paso's Local Advocacy Collaboration, and an Arc of Texas volunteer, helped guide El Paso County Judge Veronica Escobar around El Paso via motorized runabout to experience the barriers that a person in a wheelchair faces on a daily basis; and

WHEREAS, Because of the "Getting to the Heart of the Matter" program, elected officials have had the time to speak to their constituents and their families in an environment where each is able to ask questions and all can engage in discussion and learn from one another; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the Arc of Texas' "Getting to the Heart of the Matter" program; and, be it further

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

SR 244 was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodriguez was recognized and introduced to the Senate Matthew Collins; his parents, Tim and Sylvia Collins; Jane Jones; Apolonia Alvarez-Lozano; and Sandie and Raul Olivar.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 52

The President laid before the Senate the following resolution:

HCR 52, Designating February 15, 2011, as Texas Manufacturers Day.

ELTIFE

The resolution was read.

On motion of Senator Eltife, 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: Wentworth.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate representatives of Texas manufacturers.

The Senate welcomed its guests.

SENATE RESOLUTION 255

Senator Uresti offered the following resolution:

SR 255, Recognizing February 15, 2011, as Sacred Heart Catholic School Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate representatives of Sacred Heart Catholic School in Uvalde.

The Senate welcomed its guests.

SENATE RESOLUTION 230

Senator Duncan offered the following resolution:

SR 230, Recognizing February 15, 2011, as Kidney Day at the State Capitol.

DUNCAN
HARRIS

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Osama Gaber, M.D., Chronic Kidney Disease Task Force Chair and transplant surgeon, and Rita Littlefield, President, Texas Renal Coalition.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate William McKenzie, Colleen McCain Nelson, and Tod Robberson of the *Dallas Morning News*, recipients of the 2010 Pulitzer Prize for editorial writing.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Board of Regents, The Texas A&M University System: Elaine Mendoza-Gay, Bexar County; Judy Kelley Morgan, Bowie County; Clifton Leo Thomas, Victoria County; John David White, Harris County.

Members, Board of Regents, University of Houston System: Nandita Venkateswaran Berry, Harris County; Tilman J. Fertitta, Harris County; Jarvis V. Hollingsworth, Fort Bend County.

Members, Board of Regents, The University of Texas System: Alexis Mount Cranberg, Travis County; Wallace Legette Hall, Dallas County; Robert Steven Hicks, Travis County; Brenda Pejovich, Dallas County.

Adjutant General, Adjutant General's Department: John Frederick Nichols, Comal County.

Member, Advisory Board of Athletic Trainers: David Jerrell Weir, Brazos County.

Members, Board of Trustees, Texas County and District Retirement System: Jerry Van Bigham, Randall County; Daniel R. Haggerty, El Paso County; Jan Westmoreland Kennady, Comal County; Dorye Kristeen Roe, Brazos County.

Members, Commission on State Emergency Communications: William H. Buchholtz, Bexar County; Mitchell F. Fuller, Williamson County.

Members, Board of Trustees, Texas Emergency Services Retirement System: Graciela G. Flores, Nueces County; Virginia K. Moore, Brazoria County; Dennis Ray Rice, Randall County; Stephen K. Williams, Panola County.

Members, Board of Directors, Texas Guaranteed Student Loan Corporation: Emma Yvonne Batts, Taylor County; Frank Houston Landis, Brazos County; Michael J. Savoie, Denton County; Steven Vaughn Tays, Bexar County.

Members, Texas State Library and Archives Commission: Martha Doty Freeman, Travis County; Larry Gene Holt, Brazos County; Sandra J. Pickett, Liberty County.

Members, Board of Regents, Midwestern State University: Michael Bernhardt, Wichita County; J. Kenneth Bryant, Wichita County; Tiffany Dawn Burks, Tarrant County; Samuel Molinar Sanchez, Tarrant County.

Members, Board of Trustees, Texas Municipal Retirement System: Julie Oakley, Burnet County; Jimmy Dean Parrish, Collin County; Roel Rodriguez, Hildago County.

Member, Board of Directors, Texas Mutual Insurance Company: Linda S. Foster-Smith, Williamson County.

Member, Prepaid Higher Education Tuition Board: Joe Colonna, Dallas County.

Members, Board of Regents, Stephen F. Austin State University: Brigettee Carnes Henderson, Angelina County; Kenton Edward Schaefer, Cameron County; Ralph Clifford Todd, Panola County.

Members, Board of Regents, Texas State Technical College System: Penny Forrest, McLennan County; James Virgil Martin, Nolan County; Linda Lea McKenna, Cameron County.

Members, Board of Regents, Texas Tech University System: Larry Keith Anders, Collin County; Debra Kay Mears Montford, Bexar County; John D. Steinmetz, Lubbock County.

Member, Veterans' Land Board: Alan K. Sandersen, Fort Bend County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

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 Finance Subcommittee on Public Education Funding might meet today.

CO-AUTHOR OF SENATE BILL 125

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SB 125**.

CO-AUTHOR OF SENATE BILL 129

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

CO-AUTHOR OF SENATE BILL 165

On motion of Senator Shapiro, Senator Carona will be shown as Co-author of **SB 165**.

CO-AUTHOR OF SENATE BILL 202

On motion of Senator Shapiro, Senator Carona will be shown as Co-author of **SB 202**.

CO-AUTHOR OF SENATE BILL 369

On motion of Senator Seliger, Senator Van de Putte will be shown as Co-author of **SB 369**.

CO-AUTHOR OF SENATE BILL 371

On motion of Senator Seliger, Senator Uresti will be shown as Co-author of **SB 371**.

CO-AUTHOR OF SENATE BILL 468

On motion of Senator Shapiro, Senator Patrick will be shown as Co-author of **SB 468**.

CO-AUTHOR OF SENATE BILL 474

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SB 474**.

CO-AUTHOR OF SENATE BILL 497

On motion of Senator Jackson, Senator Van de Putte will be shown as Co-author of **SB 497**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 7

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SJR 7**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 12

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SJR 12**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 20

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SJR 20**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 21

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SJR 21**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 270 by Van de Putte, In memory of Beatrice Theresa Gonzalez Aleman of San Antonio.

SR 271 by Van de Putte, In memory of Maria Rosa Pena of San Antonio.

SR 272 by Van de Putte, In memory of Terry McGoon Hausman of San Antonio and Eagle Pass.

Welcome and Congratulatory Resolutions

SR 260 by Shapiro, Recognizing the Dallas Can! Academy on the occasion of its 25th anniversary.

SR 266 by Jackson, Recognizing the National Aeronautics and Space Administration for its accomplishments in the State of Texas.

SR 267 by Ellis, Recognizing Robert H. Friedman for his career in obstetrics and gynecology.

SR 269 by Van de Putte, Welcoming the Alamo Angels Accordion Orchestra to the State Capitol.

SR 273 by Deuell, Recognizing Elise Edwards on the occasion of her 100th birthday.

Official Designation Resolutions

SR 248 by Deuell, Recognizing March 28, 2011, as Miss Texas Day at the State Capitol.

SR 249 by Deuell, Recognizing the Terrell Heritage Jubilee Cook-off as a Texas State Barbecue Championship competition.

SR 262 by Estes, Recognizing Texas Farm Bureau Day at the State Capitol.

SR 263 by Zaffirini, Carona, Ellis, Eltife, Hegar, Ogden, Shapiro, Van de Putte, Wentworth, and Williams, Recognizing February 15, 2011, as Orange and Maroon Legislative Day.

SR 265 by Jackson and Van de Putte, Recognizing February 16, 2011, as Ellington Field Day at the State Capitol.

RECESS

On motion of Senator Whitmire, the Senate at 12:17 p.m. recessed, in memory of Jack Paul Leon, until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

February 14, 2011

SCR 15, SR 168, SR 215, SR 216, SR 217, SR 218, SR 220, SR 221, SR 222, SR 223, SR 224, SR 226, SR 227, SR 228, SR 229, SR 231, SR 232, SR 233, SR 234, SR 235, SR 236, SR 237, SR 238, SR 239, SR 240, SR 241, SR 242, SR 245, SR 246, SR 247, SR 251, SR 252, SR 253, SR 254, SR 256

SENT TO SECRETARY OF STATE

February 15, 2011

SCR 15

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTEENTH DAY

(Continued)

(Wednesday, February 16, 2011)

AFTER RECESS

The Senate met at 11:07 a.m. and was called to order by the President.

SENATOR ANNOUNCED PRESENT

Senator Wentworth, who had previously been recorded as "Absent-excused," was announced "Present."

The Reverend Dr. John Mark Robinson, Crossroads Church, Canton, offered the invocation as follows:

Heavenly Father, today we thank You for the opportunities You have provided. We thank You for this generation we have been called to serve in this state of such beauty, prosperity, and diversity. I thank You for these men and women You have chosen to govern and guide. We ask for wisdom in the decisions that are made that will protect, lead, and serve the people of this great land. Let us be men and women of compassion as we govern the people You have created. We know that apart from You we can do nothing, so this day we commit to live and lead with a spirit of awe and reverence. Let us love in such a way that all people may see You through us and may our light so shine that others may know the hope found in You. Father, be with those in our military that are fighting this moment for the freedom we enjoy. Lord, with humility we acknowledge Your provision of our liberty and may all we do bring honor to Your name. Watch over this great land, protect us that we may endure for Your glory. In Jesus' name, I pray. Amen.

PHYSICIAN OF THE DAY

Senator Ogden was recognized and presented Dr. Paul Berg of Georgetown as the Physician of the Day.

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

SENATE RESOLUTION 276

Senator Deuell offered the following resolution:

SR 276, Recognizing February 16, 2011, as Van Zandt County Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a Van Zandt County delegation: County Judge Rhita Koches, Charlotte Bledsoe, Teri Pruitt, and Clay Nicklas.

The Senate welcomed its guests.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 48, HCR 51**.

SENATE RESOLUTION 253

Senator Nelson offered the following resolution:

SR 253, Recognizing February 16, 2011, as Susan G. Komen for the Cure Advocacy Day in Texas.

NELSON
LUCIO
SHAPIRO

The resolution was again read.

The resolution was previously adopted on Monday, February 14, 2011.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate representatives of Susan G. Komen for the Cure.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Davis was recognized and introduced to the Senate Dr. Steve Vernon, Associate Executive Director, Baptist General Convention of Texas, and his wife, Donna; the Reverend Charles Singleton, Director, African American Fellowship of Texas Baptists; Dr. Van Christian, Pastor, First Baptist Church, Comanche, and Board Chairman, Christian Life Commission; and Suzii Paynter, Director, Christian Life Commission. Also in attendance were representatives of Texas Faith for Fair Lending Coalition from the Dallas area including: Stephanie Werner, Dallas United Way; Chris Simmons, Cornerstone Baptist Church; Danielle Ayers and Aretha Adams, Friendship-West Baptist Church; Gerald Britt, CitySquare; and delegations from the Dallas Faith Communities Coalition and Dallas Faith for Fair Lending.

The Senate welcomed its guests.

SENATE RESOLUTION 179

Senator Shapiro offered the following resolution:

SR 179, Recognizing Shannon Schambeau Patterson of McKinney for being chosen Mrs. Texas America 2010.

The resolution was again read.

The resolution was previously adopted on Monday, February 7, 2011.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Shannon S. Patterson, Mrs. Texas America 2010, and her husband, John Patterson.

The Senate welcomed its guests.

(Senator Nelson in Chair)

SENATE RESOLUTION 264

Senator Hinojosa offered the following resolution:

SR 264, Recognizing February 16, 2011, as Mission Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a City of Mission delegation: Mayor Norberto "Beto" Salinas; City Councilmember Ruben Plata; City Councilmember Maria Elena Ramirez; City Manager Julio Cerda; and Chairman, Greater Mission Chamber of Commerce Board of Directors, Fred Kurth.

The Senate welcomed its guests.

SENATE RESOLUTION 274

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pleasure in joining the citizens of Chambers County for the celebration of Chambers County Day at the Capitol on February 16, 2011; and

WHEREAS, Situated on 600 square miles of Gulf Coast plains, Chambers County has a long and colorful history; in 1756, Spaniards erected a mission and presidio near present-day Wallisville to secure their control of the region, and in 1818, a group of French supporters of Napoleon Bonaparte established a short-lived colony near present-day Anahuac; later, in 1832 and 1835, disturbances at Anahuac between Anglo settlers and Mexican authorities foreshadowed the Texas Revolution; and

WHEREAS, Chambers County was created from portions of Liberty and Jefferson Counties in 1858 and named in honor of a prominent local resident, General T. J. Chambers; Wallisville served as the county seat until 1908, when Anahuac assumed that role; other communities in the county today include Beach City, Cove, Double Bayou, Hankamer, Mont Belvieu, Oak Island, Old River-Winfree, Smith Point, Stowell, and Winnie; and

WHEREAS, Countless tourists are drawn to many attractions and events offered by Chambers County; Anahuac, officially known as the Alligator Capital of Texas, hosts the Texas Gatorfest each September at Fort Anahuac Park, the site of early Texas resistance to Mexican rule; another major celebration is the Texas Rice Festival, which is held in September and October; and

WHEREAS, Visitors are also drawn by historic sites, excellent golf courses, and bountiful opportunities for birding, fishing, hunting, crabbing, boating, and photography; among the standout attractions are Wallisville Heritage Park, Houston Raceway Park, Moody National Wildlife Refuge, Anahuac National Wildlife Refuge and the Corps of Engineers Trinity River Recreation Area; and

WHEREAS, In addition to tourism, other enterprises that contribute to the county's economy include the petroleum industry, chemical plants, agribusiness, fish and oyster processing, and manufacturing; and

WHEREAS, Chambers County is situated between the Houston metroplex and the Golden Triangle of Beaumont-Orange-Port Arthur, and it offers its people the best of both worlds—quiet, rural living and convenient access to big-city amenities; and

WHEREAS, The residents of Chambers County are justifiably proud of their achievements, for this noteworthy region and its citizens have played a significant role in the development of the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby declare February 16, 2011, Chambers County Day at the Capitol and extend a warm welcome to the fine citizens who have traveled to Austin to celebrate this occasion; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the people of Chambers County as a memento of this special occasion.

WILLIAMS
HUFFMAN

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate a Chambers County delegation: County Judge Jimmy Sylvia, County Commissioner Mark Huddleston, County Commissioner David "Bubba" Abernathy, County Commissioner Gary Nelson, and County Commissioner Rusty Senac.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a Fayette County delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 280

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the Mexican and Spanish students who are enrolled at The University of Texas at Austin; and

WHEREAS, Students from Mexico have studied at The University of Texas at Austin since 1940; the university and Mexico have historic ties due to shared academic endeavors, and the university's Graduate School of Business has developed joint degree programs with Mexican institutions; and

WHEREAS, In 1991, the Texas Legislature established a tuition assistance program to encourage students from Mexico with limited financial resources to study in our state, thus making Texas a responsive educational partner to Mexico; there are now 479 students from Mexico enrolled at the university; and

WHEREAS, Universities in Spain and The University of Texas have had ongoing relationships since before the 1980s; there are 32 students from Spain enrolled at The University of Texas; with 257 students from Texas studying in Spain, Spain is now the country of choice for University of Texas students studying abroad; and

WHEREAS, The generosity of BBVA Compass and their active participation in the university's community attest to their commitment to the university, and the school's distinguished record of educating Mexican and Spanish students is indicative of the successful collaboration between Texas and Mexico and Texas and Spain; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend BBVA Compass and the Mexican and Spanish students at The University of Texas at Austin for their special and unique contributions to the university and to our state; and, be it further

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

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Dr. Francisco Cigarroa, Chancellor of The University of Texas System; John Jett, President of BBVA Compass-Austin; Arturo Vargas Vega, second year student from Mexico, MBA Program; and Daniela Tijerina, law student from Mexico, LLM Program.

The Senate welcomed its guests.

SENATE RESOLUTIONS

Senator Jackson offered the following resolutions:

SR 265, Recognizing February 16, 2011, as Ellington Field Day at the State Capitol.

JACKSON
VAN DE PUTTE

The resolution was again read.

SR 266, Recognizing the National Aeronautics and Space Administration for its accomplishments in the State of Texas.

The resolution was again read.

SR 265 and **SR 266** were previously adopted on Tuesday, February 15, 2011.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a Bay Area Houston Economic Partnership delegation, accompanied by Bob Mitchell, President, Bay Area Houston Economic Partnership; John Martinec, Director, Ellington Field Task Force; Mike Sullivan, Councilmember, City of Houston; Eugene Tulich, Chair, Houston Military Affairs Committee; and John Wilkins, Director, Bay Area Houston Economic Partnership.

The Senate welcomed its guests.

SENATE RESOLUTION 277

Senator Uresti offered the following resolution:

SR 277, Recognizing February 16, 2011, as Maverick County Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Maverick County delegation including William Davis, Eagle Pass Chamber of Commerce President; Ramsey English Cantu, Mayor of Eagle Pass; David R. Saucedo, Maverick County Judge; Jesus Sanchez, Eagle Pass ISD Superintendent; and Elcira Bares, Maverick County Hospital District Director.

The Senate welcomed its guests.

SENATE RESOLUTION 190

Senator Ogden offered the following resolution:

SR 190, Honoring the 2011 Class of Leadership Round Rock.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate members of the 2011 Class of Leadership Round Rock.

The Senate welcomed its guests.

SENATE RESOLUTION 243

Senator Rodriguez offered the following resolution:

WHEREAS, Proud residents of El Paso are gathering at the State Capitol on February 16 and 17, 2011, to celebrate El Paso Days, and the event provides a perfect occasion to recognize the dynamism of this great Texas city; and

WHEREAS, Located in the westernmost tip of the state, the city of El Paso combines a modern metropolis with the charm born of its Spanish origins; the area was named El Paso by the Spanish conquistador Don Juan de Onate because of the shallow place in the river where the colonists crossed en route to Santa Fe, New Mexico; and

WHEREAS, The arrival of the railroads in 1881 ushered in an era of prosperity, and El Paso became a flourishing frontier community that has developed into a significant industrial, commercial, and transportation city; and

WHEREAS, Today, trucks, trains, and planes transport manufactured goods through the border cities at the Pass, just as Spanish traders did in the 16th century when they guided ox-drawn carts along the Camino Real from Mexico City to Santa Fe; and

WHEREAS, With a population of nearly 700,000, El Paso is the largest American city on the 2,000-mile United States-Mexico border; it lies across the Rio Grande north of Ciudad Juarez, Mexico's fifth-largest city, with a population of over a million; and

WHEREAS, Nearby Fort Bliss, which celebrated its 160th anniversary in 2008, is immersed in the biggest transformation in its history, with a 300 percent increase in its population projected by 2012; the base is currently investing \$5 billion in construction for new, top-of-the-line facilities for incoming personnel and their families, and it is at the forefront of the U.S. Army's Transformation plan, as it transitions from a TRADOC to a FORSCOM installation; and

WHEREAS, Named an All-America City in 2010, El Paso is a vibrant, bilingual community; its residents enjoy a thriving fine arts community, exemplary educational institutions, and many cultural and historical resources and museums; and

WHEREAS, El Paso Days at the State Capitol provides an opportunity to honor El Paso and its rich heritage, which today is enjoyed by residents and vacationers of all ages; now, therefore, be it

RESOLVED, That the Senate of the 82nd Texas Legislature hereby recognize February 16 and 17, 2011, as El Paso Days at the State Capitol and extend to the visiting delegation sincere best wishes for an enjoyable and memorable visit to Austin.

RODRIGUEZ
URESTI

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodriguez was recognized and introduced to the Senate an El Paso delegation: Mayor John Cook, County Judge Veronica Escobar, Colonel Joseph Simonelli, David Osborn, and Dr. Manny de la Rosa.

The Senate welcomed its guests.

SENATE RESOLUTION 257

Senator Shapiro offered the following resolution:

SR 257, Recognizing February 13 through 19, 2011, as Texas Technology Week.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Texas Technology Week participants.

The Senate welcomed its guests.

SENATE RESOLUTION 202

Senator Jackson offered the following resolution:

SR 202, Recognizing the Texas Economic Development Council on the occasion of its 50th anniversary.

The resolution was again read.

The resolution was previously adopted on Wednesday, February 9, 2011.

(Senator Eltife in Chair)

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate representatives of the Texas Economic Development Council.

The Senate welcomed its guests.

SENATE RESOLUTION 251

Senator Nelson offered the following resolution:

SR 251, Recognizing February 16, 2011, as Texans Support Libraries Day.

The resolution was again read.

The resolution was previously adopted on Monday, February 14, 2011.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation supporting Texas libraries.

The Senate welcomed its guests.

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 Deuell.

Senator Deuell 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 31, Nays 0.

Senator Watson asked to be recorded as "Present-not voting" on the confirmation of Clifton Leo Thomas, Victoria County.

Members, Board of Regents, The Texas A&M University System: Elaine Mendoza-Gay, Bexar County; Judy Kelley Morgan, Bowie County; Clifton Leo Thomas, Victoria County (Watson "Present-not voting"); John David White, Harris County.

Members, Board of Regents, University of Houston System: Nandita Venkateswaran Berry, Harris County; Tilman J. Fertitta, Harris County; Jarvis V. Hollingsworth, Fort Bend County.

Members, Board of Regents, The University of Texas System: Alexis Mount Cranberg, Travis County; Wallace Legette Hall, Dallas County; Robert Steven Hicks, Travis County; Brenda Pejovich, Dallas County.

Adjutant General, Adjutant General's Department: John Frederick Nichols, Comal County.

Member, Advisory Board of Athletic Trainers: David Jerrell Weir, Brazos County.

Members, Board of Trustees, Texas County and District Retirement System: Jerry Van Bigham, Randall County; Daniel R. Haggerty, El Paso County; Jan Westmoreland Kennady, Comal County; Dorye Kristeen Roe, Brazos County.

Members, Commission on State Emergency Communications: William H. Buchholtz, Bexar County; Mitchell F. Fuller, Williamson County.

Members, Board of Trustees, Texas Emergency Services Retirement System: Graciela G. Flores, Nueces County; Virginia K. Moore, Brazoria County; Dennis Ray Rice, Randall County; Stephen K. Williams, Panola County.

Members, Board of Directors, Texas Guaranteed Student Loan Corporation: Emma Yvonne Batts, Taylor County; Frank Houston Landis, Brazos County; Michael J. Savoie, Denton County; Steven Vaughn Tays, Bexar County.

Members, Texas State Library and Archives Commission: Martha Doty Freeman, Travis County; Larry Gene Holt, Brazos County; Sandra J. Pickett, Liberty County.

Members, Board of Regents, Midwestern State University: Michael Bernhardt, Wichita County; J. Kenneth Bryant, Wichita County; Tiffany Dawn Burks, Tarrant County; Samuel Molinar Sanchez, Tarrant County.

Members, Board of Trustees, Texas Municipal Retirement System: Julie Oakley, Burnet County; Jimmy Dean Parrish, Collin County; Roel Rodriguez, Hildago County.

Member, Board of Directors, Texas Mutual Insurance Company: Linda S. Foster-Smith, Williamson County.

Member, Prepaid Higher Education Tuition Board: Joe Colonna, Dallas County.

Members, Board of Regents, Stephen F. Austin State University: Brigettee Carnes Henderson, Angelina County; Kenton Edward Schaefer, Cameron County; Ralph Clifford Todd, Panola County.

Members, Board of Regents, Texas State Technical College System: Penny Forrest, McLennan County; James Virgil Martin, Nolan County; Linda Lea McKenna, Cameron County.

Members, Board of Regents, Texas Tech University System: Larry Keith Anders, Collin County; Debra Kay Mears Montford, Bexar County; John D. Steinmetz, Lubbock County.

Member, Veterans' Land Board: Alan K. Sandersen, Fort Bend County.

CO-AUTHOR OF SENATE BILL 331

On motion of Senator Shapiro, Senator Carona will be shown as Co-author of **SB 331**.

CO-AUTHOR OF SENATE BILL 407

On motion of Senator Watson, Senator Hinojosa will be shown as Co-author of **SB 407**.

CO-AUTHOR OF SENATE BILL 515

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SB 515**.

CO-AUTHOR OF SENATE BILL 516

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SB 516**.

CO-AUTHOR OF SENATE BILL 554

On motion of Senator Carona, Senator Ellis will be shown as Co-author of **SB 554**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 17

On motion of Senator Carona, Senator Wentworth will be shown as Co-author of **SJR 17**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 250 by Hinojosa, Recognizing Beatriz Zapata on the occasion of her retirement from the Office of the Attorney General of Texas.

SR 281 by Hinojosa and Lucio, Honoring the Autism Council for Educational Support and Scientific Studies and the Rio Grande Valley Task Force of the Texas Council on Autism and Pervasive Developmental Disorders.

Official Designation Resolution

SR 282 by Deuell, Recognizing February 23, 2011, as Rains County Day at the State Capitol.

(President in Chair)

RECESS

On motion of Senator Whitmire, the Senate at 12:37 p.m. recessed, in memory of Jaime Zapata, until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

February 15, 2011

**SR 17, SR 169, SR 219, SR 230, SR 244, SR 248, SR 249, SR 255, SR 260,
SR 261, SR 262, SR 263, SR 265, SR 266, SR 267, SR 268, SR 269, SR 270,
SR 271, SR 272, SR 273**

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTEENTH DAY

(Continued)

(Thursday, February 17, 2011)

AFTER RECESS

The Senate met at 11:09 a.m. and was called to order by the President.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 52**.

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Michael Dominguez of San Antonio as the Physician of the Day.

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

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate a delegation from Nacogdoches.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a delegation from Aransas County.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a delegation from Falls County, accompanied by Golinda Mayor Bill McClung, Lott Mayor Anita Tindall, and Marlin Mayor Norman Erskine. Also introduced were a delegation from the City of Ennis and the Leadership Ennis Class.

The Senate welcomed its guests.

SENATE RESOLUTION 297

Senator Van de Putte offered the following resolution:

SR 297, Welcoming the members of the San Antonio Chapter of the National Alliance on Mental Illness to the State Capitol and commending them for their efforts.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Kym Bolado, NAMI-SAT President, Raymond Bolado, Mary Baird, and a delegation from the San Antonio Affiliate of the National Alliance on Mental Illness.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 17

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Thursday, February 17, 2011, and ending on Tuesday, February 22, 2011.

WHITMIRE

SCR 17 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 17, 2011

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 49, Commemorating the 20th anniversary of Austin Energy Green Building.

SCR 13, Congratulating the Hardin-Simmons University women's soccer team on winning a national championship title.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

CONCLUSION OF MORNING CALL

The President at 11:21 a.m. announced the conclusion of morning call.

AT EASE

The President at 11:21 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 11:29 a.m. called the Senate to order as In Legislative Session.

(Senator Wentworth in Chair)

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 16 ON SECOND READING

Senator Patrick moved that the regular order of business be suspended and that **CSSB 16** be taken up for consideration at this time (Submitted by Governor as an emergency matter):

CSSB 16, Relating to informed consent to an abortion.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 16** (senate committee printing) in SECTION 2 of the bill, in added Section 171.012(a)(4)(D), Health and Safety Code (page 2, line 26), between "(D)" and "makes", insert "the physician who is to perform the abortion or an agent of the physician who is also a sonographer certified by a national registry of medical sonographers".

The amendment to **CSSB 16** 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.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 16** as follows:

(1) In SECTION 2 of the bill (senate committee printing, page 2, line 12), strike "24" and substitute "two".

(2) In SECTION 2 of the bill (senate committee printing, page 2, lines 31-42), strike amended Section 171.012(a)(5), Health and Safety Code, and substitute the following:

(5) [~~(3) in writing~~] before receiving a sonogram under Subdivision (4)(A) and before the abortion is performed, the pregnant woman completes and certifies with her signature an election form that states as follows:

"ABORTION AND SONOGRAM ELECTION

(1) THE INFORMATION AND PRINTED MATERIALS DESCRIBED BY SECTIONS 171.012(A)(1)-(3), TEXAS HEALTH AND SAFETY CODE, HAVE BEEN PROVIDED AND EXPLAINED TO ME.

(2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF AN ABORTION.

(3) I HAVE BEEN PROVIDED WITH AND HAVE HAD THE OPPORTUNITY TO REVIEW THE SONOGRAM IMAGES AND HEAR THE HEART AUSCULTATION AS REQUIRED BY SECTION 171.012(A)(4), TEXAS HEALTH AND SAFETY CODE.

(4) I UNDERSTAND THAT I HAVE A RIGHT TO VIEW THE SONOGRAM IMAGES.

(5) I UNDERSTAND THAT I HAVE A RIGHT TO HEAR THE HEART AUSCULTATION.

(6) I ELECT NOT TO RECEIVE A VERBAL EXPLANATION OF THE SONOGRAM IMAGES (CHECK ONE OF THE FOLLOWING):

BECAUSE I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT, INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

BECAUSE I AM A MINOR AND OBTAINING AN ABORTION IN ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, TEXAS FAMILY CODE.

BECAUSE MY FETUS HAS AN IRREVERSIBLE MEDICAL CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL FILE.

I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND WITHOUT COERCION.

SIGNATURE

DATE" [~~that the information~~

~~described by Subdivisions (1) and (2) has been provided to her and that she has been informed of her opportunity to review the information described by Section 171.014];~~

(3) In SECTION 2 of the bill (senate committee printing, page 2, line 52), strike "and [by telephone or]" and substitute "by telephone or".

(4) In SECTION 3 of the bill (senate committee printing, page 3, lines 5-14), strike added Section 171.0121(d), Health and Safety Code, and substitute the following:

(d) A pregnant woman may choose not to receive the verbal explanation of the results of the sonogram images under Section 171.012(a)(4)(C) if:

(1) the woman's pregnancy is a result of a sexual assault, incest, or other violation of the Penal Code that has been reported to law enforcement authorities or that has not been reported because she has a reason that she declines to reveal because she reasonably believes that to do so would put her at risk of retaliation resulting in serious bodily injury;

(2) the woman is a minor and obtaining an abortion in accordance with judicial bypass procedures under Chapter 33, Family Code; or

(3) the fetus has an irreversible medical condition or abnormality, as previously identified by reliable diagnostic procedures and documented in the woman's medical file.

The amendment to **CSSB 16** was read.

Senator Uresti withdrew Floor Amendment No. 2.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 16** as follows:

(1) In SECTION 2 of the bill (senate committee printing, page 2, line 12), strike "24" and substitute "two".

(2) In SECTION 2 of the bill (senate committee printing, page 2, lines 31-42), strike amended Section 171.012(a)(5), Health and Safety Code, and substitute the following:

(5) [(3) in writing] before receiving a sonogram under Subdivision (4)(A) and before the abortion is performed, the pregnant woman completes and certifies with her signature an election form that states as follows:

"ABORTION AND SONOGRAM ELECTION

(1) THE INFORMATION AND PRINTED MATERIALS DESCRIBED BY SECTIONS 171.012(A)(1)-(3), TEXAS HEALTH AND SAFETY CODE, HAVE BEEN PROVIDED AND EXPLAINED TO ME.

(2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF AN ABORTION.

(3) I UNDERSTAND THAT I HAVE A RIGHT TO VIEW THE SONOGRAM IMAGES.

(4) I UNDERSTAND THAT I HAVE A RIGHT TO HEAR THE HEART AUSCULTATION.

(5) I ELECT TO _____ RECEIVE _____ NOT RECEIVE A VERBAL EXPLANATION OF THE SONOGRAM IMAGES (CHECK ONE OF THE FOLLOWING):

_____ BECAUSE I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT, INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

_____ BECAUSE I AM A MINOR AND OBTAINING AN ABORTION IN ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, TEXAS FAMILY CODE.

_____ BECAUSE MY FETUS HAS AN IRREVERSIBLE MEDICAL CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL FILE.

I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND WITHOUT COERCION.

SIGNATURE _____

DATE" [that the information

described by Subdivisions (1) and (2) has been provided to her and that she has been informed of her opportunity to review the information described by Section 171.014];

(3) In SECTION 2 of the bill (senate committee printing, page 2, line 52), strike "and [by telephone or]" and substitute "by telephone or".

(4) In SECTION 3 of the bill (senate committee printing, page 3, lines 5-14), strike added Section 171.0121(d), Health and Safety Code, and substitute the following:

(d) A pregnant woman may choose not to receive the verbal explanation of the results of the sonogram images under Section 171.012(a)(4)(C) if:

(1) the woman's pregnancy is a result of a sexual assault, incest, or other violation of the Penal Code that has been reported to law enforcement authorities or that has not been reported because she has a reason that she declines to reveal because she reasonably believes that to do so would put her at risk of retaliation resulting in serious bodily injury;

(2) the woman is a minor and obtaining an abortion in accordance with judicial bypass procedures under Chapter 33, Family Code; or

(3) the fetus has an irreversible medical condition or abnormality, as previously identified by reliable diagnostic procedures and documented in the woman's medical file.

The amendment to **CSSB 16** was read.

Senator Uresti temporarily withdrew Floor Amendment No. 3.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 16** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

The amendment to **CSSB 16** 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.

Question — Shall **CSSB 16** as amended be passed to engrossment?

AT EASE

The President at 1:50 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 1:56 p.m. called the Senate to order as In Legislative Session.

Question — Shall **CSSB 16** as amended be passed to engrossment?

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 16** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 171.002, Health and Safety Code, is amended to read as follows:

Sec. 171.002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Abortion" [~~,"abortion"~~] means the use of any means to terminate the pregnancy of a female known by the attending physician to be pregnant with the intention that the termination of the pregnancy by those means will, with reasonable likelihood, cause the death of the fetus.

(2) "Medical emergency" means a condition exists that, in a physician's good faith clinical judgment, complicates the medical condition of the pregnant woman and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function.

SECTION 2. Section 171.012, Health and Safety Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (f) and (g) to read as follows:

(a) ~~Consent [Except in the case of a medical emergency, consent]~~ to an abortion is voluntary and informed only if:

(1) the physician who is to perform the abortion or the referring physician informs the pregnant woman on whom the abortion is to be performed of:

(A) the name of the physician who will perform the abortion;

(B) the particular medical risks associated with the particular abortion procedure to be employed, including, when medically accurate:

(i) the risks of infection and hemorrhage;

(ii) the potential danger to a subsequent pregnancy and of infertility; and

(iii) the possibility of increased risk of breast cancer following an induced abortion and the natural protective effect of a completed pregnancy in avoiding breast cancer;

(C) the probable gestational age of the unborn child at the time the abortion is to be performed; and

(D) the medical risks associated with carrying the child to term;

(2) the physician who is to perform the abortion or the physician's agent informs the pregnant woman that:

(A) medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;

(B) the father is liable for assistance in the support of the child without regard to whether the father has offered to pay for the abortion; and

(C) public and private agencies provide pregnancy prevention counseling and medical referrals for obtaining pregnancy prevention medications or devices, including emergency contraception for victims of rape or incest; ~~and~~

(3) the physician who is to perform the abortion or the physician's agent:

(A) provides ~~[(D)]~~ the pregnant woman with ~~[has the right to review]~~ the printed materials described by Section 171.014;

(B) informs her [s] that those materials:

(i) have been provided by the [Texas] Department of State Health Services;

(ii) ~~and~~ are accessible on an Internet website sponsored by the department; and

(iii) ~~[- and that the materials]~~ describe the unborn child and list agencies that offer alternatives to abortion;

(C) informs her that she is not required to review those materials; and

(D) provides the pregnant woman with a form that states the following:

ULTRASOUND ELECTION

TEXAS LAW REQUIRES YOU TO UNDERGO AN ULTRASOUND PRIOR TO RECEIVING AN ABORTION.

I ELECT TO SEE NOT SEE THE ULTRASOUND.

I ELECT TO HEAR NOT HEAR THE ULTRASOUND.

I ELECT TO RECEIVE NOT RECEIVE A VERBAL EXPLANATION OF THE ULTRASOUND RESULTS.

I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND WITHOUT COERCION.

SIGNATURE _____ DATE _____ ;

(4) before the abortion, the pregnant woman undergoes an obstetric ultrasound performed by the physician or the physician's agent and:

(A) views the ultrasound, unless she has elected not to view the ultrasound on the form provided under Subdivision (3)(D);

(B) hears, subject to Subsection (g), the heart auscultation in a quality consistent with current medical practice and a simultaneous verbal explanation of the heart auscultation, unless she has elected not to hear the auscultation or the explanation on the form provided under Subdivision (3)(D); and

(C) receives in a manner understandable to a layperson a simultaneous verbal explanation of the results of the ultrasound images, including a medical description of the dimensions of the embryo or fetus, the presence of cardiac activity, and the presence of external members and internal organs, unless she has elected not to receive the explanation on the form provided under Subdivision (3)(D);

(5) ~~(3)~~ the pregnant woman certifies in a signed, written statement ~~[writing]~~ before the abortion is performed that the information and the printed materials described by Subdivisions (1), ~~and~~ (2), and (3) have ~~has~~ been provided and explained to her ~~[and that she has been informed of her opportunity to review the information described by Section 171.014]; and~~

(6) ~~(4)~~ before the abortion is performed, the physician who is to perform the abortion receives a copy of the signed, written certification required by Subdivision (5); and

(7) the pregnant woman is provided the name of each person who provides or explains the information required under this subsection ~~(3)~~.

(b) The information required to be provided under Subsections (a)(1) and (2) may not be provided by audio or video recording and must be provided:

(1) orally by telephone or in person; and

(2) at least two ~~[24]~~ hours before the abortion is to be performed.

(c) When providing the information under Subsection ~~(a)(3) ~~(a)(2)(D)~~~~, the physician or the physician's agent must provide the pregnant woman with the address of the Internet website on which the printed materials described by Section 171.014 may be viewed as required by Section 171.014(e).

(f) The physician and the pregnant woman are not subject to a penalty under this chapter solely because the pregnant woman chooses not to view the printed materials or the ultrasound images or requests not to hear the heart auscultation as described by this section.

(g) Notwithstanding any other law, the physician or the physician's agent is not required to comply with Subsection (a)(4)(B) or offer the pregnant woman the opportunity to hear the heart auscultation if the technology required to comply with Subsection (a)(4)(B) is not available at the facility where the obstetric ultrasound is performed. A facility described by this subsection may omit the following statement from the form required under Subsection (a)(3)(D):

"I ELECT TO HEAR NOT HEAR THE ULTRASOUND."

SECTION 3. Subchapter B, Chapter 171, Health and Safety Code, is amended by adding Section 171.0121 to read as follows:

Sec. 171.0121. EXCEPTION FOR MEDICAL EMERGENCY. A physician may perform an abortion without obtaining informed consent under this subchapter in a medical emergency. A physician who performs an abortion in a medical emergency shall:

(1) include in the patient's medical records a statement signed by the physician certifying the nature of the medical emergency; and

(2) not later than the seventh day after the date the abortion is performed, certify to the Department of State Health Services the specific medical condition that constituted the emergency.

SECTION 4. Section 171.013(a), Health and Safety Code, is amended to read as follows:

(a) ~~The [If the woman chooses to view the materials described by Section 171.014, the]~~ physician or the physician's agent shall furnish copies of the materials described by Section 171.014 to the pregnant woman ~~[her]~~ at least 24 hours before the abortion is to be performed and shall direct the pregnant woman to the Internet website required to be published under Section 171.014(e). ~~The [A]~~ physician or the physician's agent may furnish the materials to the pregnant woman by mail if the materials are mailed, restricted delivery to addressee, at least 72 hours before the abortion is to be performed.

SECTION 5. Section 171.015, Health and Safety Code, is amended to read as follows:

Sec. 171.015. INFORMATION RELATING TO PUBLIC AND PRIVATE AGENCIES. The informational materials must include ~~[either]~~:

(1) geographically indexed materials designed to inform the pregnant woman of public and private agencies and services that:

(A) are available to assist a woman through pregnancy, childbirth, and the child's dependency, including:

(i) a comprehensive list of adoption agencies;

(ii) a description of the services the adoption agencies offer; ~~[and]~~

(iii) a description of the manner, including telephone numbers, in which an adoption agency may be contacted; and

(iv) a comprehensive list of agencies and organizations that offer obstetric ultrasound services at no cost to the pregnant woman;

(B) do not provide abortions or abortion-related services or make referrals to abortion providers; and

(C) are not affiliated with organizations that provide abortions or abortion-related services or make referrals to abortion providers; and ~~[or]~~

(2) a toll-free, 24-hour telephone number that may be called to obtain an oral list and description of agencies described by Subdivision (1) that are located near the caller and of the services the agencies offer.

SECTION 6. Section 171.017, Health and Safety Code, is amended to read as follows:

Sec. 171.017. PERIODS RUN CONCURRENTLY. If the woman is an unemancipated minor subject to Chapter 33, Family Code, the two-hour period ~~[24-hour periods]~~ established under Section ~~[Sections]~~ 171.012(b) and the 24-hour

period established under Section 171.013(a) may run concurrently with the period during which actual or constructive notice is provided under Section 33.002, Family Code.

SECTION 7. Section 164.055(a), Occupations Code, is amended to read as follows:

(a) The board may take an appropriate disciplinary action against a physician who violates Section 170.002 or Chapter 171, Health and Safety Code. The board may refuse to admit to examination or refuse to issue a license or renewal license to a person who violates that section or chapter.

SECTION 8. The purpose of this Act is to protect the health and safety of women.

SECTION 9. 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, 2011.

The amendment to **CSSB 16** was read.

On motion of Senator Patrick, Floor Amendment No. 5 was tabled by the following vote: Yeas 31, Nays 0.

Question — Shall **CSSB 16** as amended be passed to engrossment?

AT EASE

The President at 2:06 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 2:17 p.m. called the Senate to order as In Legislative Session.

Question — Shall **CSSB 16** as amended be passed to engrossment?

Senator Uresti again offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 16** as follows:

(1) In SECTION 2 of the bill (senate committee printing, page 2, line 12), strike "24" and substitute "two".

(2) In SECTION 2 of the bill (senate committee printing, page 2, lines 31-42), strike amended Section 171.012(a)(5), Health and Safety Code, and substitute the following:

(5) ~~[(3) in writing]~~ before receiving a sonogram under Subdivision (4)(A) and before the abortion is performed, the pregnant woman completes and certifies with her signature an election form that states as follows:

"ABORTION AND SONOGRAM ELECTION

(1) THE INFORMATION AND PRINTED MATERIALS DESCRIBED BY SECTIONS 171.012(A)(1)-(3), TEXAS HEALTH AND SAFETY CODE, HAVE BEEN PROVIDED AND EXPLAINED TO ME.

(2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF AN ABORTION.

(3) I UNDERSTAND THAT I HAVE A RIGHT TO VIEW THE SONOGRAM IMAGES.

(4) I UNDERSTAND THAT I HAVE A RIGHT TO HEAR THE HEART AUSCULTATION.

(5) I ELECT TO RECEIVE NOT RECEIVE A VERBAL EXPLANATION OF THE SONOGRAM IMAGES (CHECK ONE OF THE FOLLOWING):

BECAUSE I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT, INCEST, OR OTHER VIOLATION OF THE TEXAS PENAL CODE THAT HAS BEEN REPORTED TO LAW ENFORCEMENT AUTHORITIES OR THAT HAS NOT BEEN REPORTED BECAUSE I REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

BECAUSE I AM A MINOR AND OBTAINING AN ABORTION IN ACCORDANCE WITH JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, TEXAS FAMILY CODE.

BECAUSE MY FETUS HAS AN IRREVERSIBLE MEDICAL CONDITION OR ABNORMALITY, AS IDENTIFIED BY RELIABLE DIAGNOSTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL FILE.

I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND WITHOUT COERCION.

SIGNATURE

DATE" [that the information

described by Subdivisions (1) and (2) has been provided to her and that she has been informed of her opportunity to review the information described by Section 171.014];

(3) In SECTION 2 of the bill (senate committee printing, page 2, line 52), strike "and [by telephone or]" and substitute "by telephone or".

(4) In SECTION 3 of the bill (senate committee printing, page 3, lines 5-14), strike added Section 171.0121(d), Health and Safety Code, and substitute the following:

(d) A pregnant woman may choose not to receive the verbal explanation of the results of the sonogram images under Section 171.012(a)(4)(C) if:

(1) the woman's pregnancy is a result of a sexual assault, incest, or other violation of the Penal Code that has been reported to law enforcement authorities or that has not been reported because she has a reason that she declines to reveal because she reasonably believes that to do so would put her at risk of retaliation resulting in serious bodily injury;

(2) the woman is a minor and obtaining an abortion in accordance with judicial bypass procedures under Chapter 33, Family Code; or

(3) the fetus has an irreversible medical condition or abnormality, as previously identified by reliable diagnostic procedures and documented in the woman's medical file.

The amendment to **CSSB 16** was read.

Senator Uresti offered the following amendment to Floor Amendment No. 3:

Floor Amendment No. 6

Amend Floor Amendment No. 3 (Uresti) to **CSSB 16** (senate committee printing) by striking lines 17-20 of the amendment and substituting the following:

(3) I UNDERSTAND THAT I HAVE A RIGHT TO VIEW THE SONOGRAM IMAGES. I ELECT _____ TO VIEW _____ NOT TO VIEW THE SONOGRAM IMAGES.

(4) I UNDERSTAND THAT I HAVE A RIGHT TO HEAR THE HEART AUSCULTATION. I ELECT _____ TO HEAR _____ NOT TO HEAR THE HEART AUSCULTATION.

The amendment to Floor Amendment No. 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. 6.

Question recurring on the adoption of Floor Amendment No. 3 to **CSSB 16**, 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. 3 as amended except as follows:

Nays: Fraser, Harris, Nelson.

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

CSSB 16 as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

CO-AUTHOR OF SENATE BILL 121

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 121**.

CO-AUTHOR OF SENATE BILL 122

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 122**.

CO-AUTHOR OF SENATE BILL 123

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 123**.

CO-AUTHOR OF SENATE BILL 170

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 170**.

CO-AUTHOR OF SENATE BILL 228

On motion of Senator Nelson, Senator Nichols will be shown as Co-author of **SB 228**.

CO-AUTHOR OF SENATE BILL 565

On motion of Senator Hagar, Senator Watson will be shown as Co-author of **SB 565**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 1

On motion of Senator Ogden, Senator Fraser will be shown as Co-author of **SJR 1**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 284 by Davis, Recognizing David Yett on the occasion of his retirement as city attorney for the City of Fort Worth.

SR 285 by Davis and Harris, Recognizing Phillip Baker for being selected for a Liberty Mutual Firemark Award by Liberty Mutual Insurance.

SR 286 by Harris, Recognizing Jack Barker of Coppell for being selected as a Distinguished Finalist by the Prudential Spirit of Community Awards program.

SR 288 by Huffman, Commending Jacob Dillon Ray for achieving the rank of Eagle Scout.

SR 289 by Huffman, Recognizing Brian Vispo for achieving the rank of Eagle Scout.

SR 290 by Huffman, Commending Michael Joseph Bonner for achieving the rank of Eagle Scout.

SR 291 by Huffman, Commending Brook Allen Chatagnier for achieving the rank of Eagle Scout.

SR 292 by Huffman, Commending Christopher Roberts for achieving the rank of Eagle Scout.

SR 293 by Huffman, Commending Blake Edward Temple for achieving the rank of Eagle Scout.

SR 294 by Huffman, Commending William Marshall Alexander for achieving the rank of Eagle Scout.

SR 295 by Huffman, Commending Edward Dennis Alexander for achieving the rank of Eagle Scout.

SR 298 by Duncan, Recognizing Floyd and Cassie Huckaby from Runnels County on the occasion of their 70th wedding anniversary.

Official Designation Resolutions

SR 287 by Huffman, Recognizing the Freeport Host Lions Club 2011 Fishing Fiesta Barbecue Cook-off as a Texas State Barbecue Championship competition.

SR 296 by Birdwell, Celebrating West Day at the State Capitol on March 2, 2011.

SR 299 by Birdwell, Carona, Deuell, Harris, Nelson, Shapiro, and West, Celebrating Texas Farm Bureau Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:34 p.m. adjourned until 2:35 p.m. today.

APPENDIX

COMMITTEE REPORT

The following committee report was received by the Secretary of the Senate:

February 17, 2011

STATE AFFAIRS — **CSSJR 1**

SIGNED BY GOVERNOR

January 28, 2011

SCR 3

RESOLUTIONS ENROLLED

February 16, 2011

SR 190, SR 243, SR 250, SR 257, SR 264, SR 274, SR 276, SR 277, SR 280, SR 281, SR 282

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTEENTH DAY

(Thursday, February 17, 2011)

The Senate met at 2:35 p.m. pursuant to adjournment and was called to order by the President.

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

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

The Honorable Craig Estes offered the invocation as follows:

A short reading from the Beatitudes and then a prayer by Saint Francis: When Jesus saw the crowds He went up to the mountain, and after He sat down His disciples came to Him, and then He began to speak and taught them saying: Blessed are the poor in spirit, for theirs is the kingdom of heaven. Blessed are those who mourn, for they will be comforted. Blessed are the meek, for they will inherit the Earth. Blessed are those who hunger and thirst for righteousness, for they will be filled. Blessed are the merciful, for they will receive mercy. Blessed are the pure in heart, for they will see God. Blessed are the peacemakers, for they will be called children of God. Blessed are those who are persecuted for righteousness' sake, for theirs is the kingdom of heaven. O most high, glorious God, enlighten the darkness of our heart and give us a right faith, a certain hope, a perfect love, understanding, and knowledge, O Lord, that we may carry out Your holy and true command. Amen.

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

The motion prevailed without objection.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

February 17, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be Judge of the 334th Judicial District Court, Harris County, for a term until the next General Election and until his successor shall be duly elected and qualified:

Kenneth Wise
Humble, Texas

Judge Wise is replacing Justice Sharon McCally who vacated office.

Respectfully submitted,
/s/ Rick Perry
Governor

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate James Fowler, Lisa Marlene Derx, and Anthony Shriver of Best Buddies International.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 2:43 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 16 ON THIRD READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 16** at this time on its third reading and final passage:

CSSB 16, Relating to informed consent to an abortion.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

SENATE BILL 349 REREFERRED
(Motion In Writing)

Senator Eltife submitted a Motion In Writing requesting that **SB 349** be withdrawn from the Committee on Finance and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing prevailed without objection.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:58 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. Tuesday, February 22, 2011.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 7 by Nelson

Relating to strategies for and improvements in quality of health care provided through and care management in the child health plan and medical assistance programs designed to achieve healthy outcomes and efficiency.

To Committee on Health and Human Services.

SB 8 by Nelson

Relating to improving the quality and efficiency of health care.

To Committee on Health and Human Services.

SB 11 by Williams

Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

To Committee on Transportation and Homeland Security.

SB 19 by Nichols

Relating to the development, financing, construction, and operation of toll projects.

To Committee on Transportation and Homeland Security.

SB 501 by West

Relating to the establishment of an interagency council for addressing disproportionality.

To Committee on Health and Human Services.

SB 502 by West

Relating to determinations of paternity; creating an offense.

To Committee on Jurisprudence.

SB 503 by Jackson

Relating to coverage for certain towing and storage expenses under a motor vehicle insurance policy.

To Committee on Business and Commerce.

SB 504 by Davis

Relating to discounted utility rates for school districts.
To Committee on Business and Commerce.

SB 505 by Williams

Relating to state financing of public transportation.
To Committee on Transportation and Homeland Security.

SB 506 by Deuell

Relating to consumption advisories for mercury contamination in fish, crustaceans, molluscan shellfish, and other aquatic and terrestrial animals.
To Committee on Health and Human Services.

SB 507 by Deuell

Relating to the confidentiality of newborn screening information.
To Committee on Health and Human Services.

SB 508 by Lucio

Relating to the extent of extraterritorial jurisdiction of certain less populous municipalities located on a barrier island.
To Committee on International Relations and Trade.

SB 509 by Lucio

Relating to the validation of a home-rule charter for certain municipalities.
To Committee on International Relations and Trade.

SB 510 by Van de Putte

Relating to a voluntary statewide diabetes mellitus registry.
To Committee on Health and Human Services.

SB 511 by Van de Putte

Relating to the designated doctor's examination under the workers' compensation system.
To Committee on State Affairs.

SB 512 by Hegar

Relating to the qualification of supervisors of a fresh water supply district.
To Committee on Natural Resources.

SB 513 by Ellis

Relating to the adoption and implementation of a policy by the Texas Transportation Commission providing for the accommodation of pedestrians, bicyclists, persons with disabilities, children, senior citizens, users of public transportation, movers of commercial goods, and motorists on streets and highways.
To Committee on Transportation and Homeland Security.

SB 514 by Birdwell, Duncan, Eltife, Lucio

Relating to the acquisition of land and facilities by the Texas State Technical College System.
To Committee on Higher Education.

SB 515 by Patrick

Relating to required individual health insurance coverage.

To Committee on State Affairs.

SB 516 by Patrick

Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

To Committee on Finance.

SB 517 by Watson

Relating to the appropriation of certain unclaimed money.

To Committee on Finance.

SB 518 by Shapiro

Relating to initiatives designed to improve performance of public school students enrolled at the sixth, seventh, and eighth grade levels.

To Committee on Education.

SB 519 by Hegar

Relating to the period during which a motion for a new trial in a criminal proceeding in a justice or municipal court must be made.

To Committee on Jurisprudence.

SB 520 by Hegar

Relating to the creation, administration, powers, and duties of a county assistance district.

To Committee on Economic Development.

SB 521 by Carona

Relating to the operation of certain managed care plans with respect to health care providers.

To Committee on State Affairs.

SB 522 by Carona

Relating to equal parenting orders in suits affecting the parent-child relationship.

To Committee on Jurisprudence.

SB 523 by Nichols

Relating to the allocation of certain motor vehicle sales tax revenue to the state highway fund and to the uses of that revenue.

To Committee on Finance.

SB 524 by Hegar

Relating to the issuance of certain permits for the movement of oversize or overweight vehicles.

To Committee on Transportation and Homeland Security.

SB 525 by Deuell

Relating to the protection of water quality in certain bodies of water.

To Committee on Natural Resources.

SB 526 by Fraser

Relating to the power of the Bell County Water Control and Improvement District No. 1 to issue bonds.

To Committee on Natural Resources.

SB 527 by Fraser, Estes, Harris, Nelson, Shapiro, West

Relating to air monitors in Texas Commission on Environmental Quality Regions 3 and 4 to be funded through the Texas emissions reduction plan.

To Committee on Natural Resources.

SB 528 by Huffman

Relating to meetings of the University of Houston System Board of Regents.

To Committee on Higher Education.

SB 529 by Huffman

Relating to the regulation of motor vehicle dealers, manufacturers, and distributors.

To Committee on Transportation and Homeland Security.

SB 530 by Huffman

Relating to granting limited state law enforcement authority to special agents of the Office of Inspector General of the United States Social Security Administration and to updating certain references related to the grant of that authority to other federal law enforcement personnel.

To Committee on Transportation and Homeland Security.

SB 531 by Davis

Relating to the authority of the Department of Public Safety of the State of Texas and certain local law enforcement agencies to establish a checkpoint on a highway or street to determine whether persons are driving while intoxicated.

To Committee on Criminal Justice.

SB 532 by Davis

Relating to a study by the Department of Family and Protective Services regarding establishing a system to identify children born to certain parents.

To Committee on Health and Human Services.

SB 533 by Davis

Relating to the minimum standards for the certifications of sexual assault training programs and sexual assault nurse examiners and for certification renewal by those entities.

To Committee on Criminal Justice.

SB 534 by Davis

Relating to the designation of State Highway 121 in Tarrant and Johnson Counties as the Chisholm Trail Parkway.

To Committee on Transportation and Homeland Security.

SB 535 by Davis

Relating to the persons who may be prosecuted for improper relationship between educator and student.

To Committee on Criminal Justice.

SB 536 by Davis

Relating to the use of certain disciplinary management practices or behavior management techniques by peace officers employed or commissioned by school districts.

To Committee on Education.

SB 537 by Ellis, Davis

Relating to the consequences of an arrest for or conviction of certain intoxication offenses.

To Committee on Criminal Justice.

SB 538 by Nichols

Relating to transportation reinvestment zones.

To Committee on Transportation and Homeland Security.

SB 539 by Carona

Relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens.

To Committee on Business and Commerce.

SB 540 by Van de Putte

Relating to a study of the fiscal impact of adjusting the amount of the ad valorem tax exemption to which disabled veterans and the surviving spouses and children of disabled veterans and certain members of the armed forces are entitled.

To Committee on Finance.

SB 541 by Carona

Relating to the costs associated with proceedings regarding cruelly treated animals.

To Committee on Criminal Justice.

SB 542 by Hegar

Relating to the regulation of law enforcement officers by the Commission on Law Enforcement Officer Standards and Education.

To Committee on Criminal Justice.

SB 543 by Hegar

Relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.

To Committee on Jurisprudence.

SB 544 by Seliger

Relating to unlawful acts against and criminal offenses involving the Medicaid program.

To Committee on Health and Human Services.

SB 545 by Seliger

Relating to employment records for law enforcement officers, including procedures to correct employment termination reports; providing an administrative penalty.

To Committee on Criminal Justice.

SB 546 by Deuell

Relating to the dispensing of certain drugs by physicians.
To Committee on Health and Human Services.

SB 547 by Deuell

Relating to provision by a health benefit plan of prescription drug coverage specified by formulary and to notice to an enrollee of a modification in a small or large employer health benefit plan.
To Committee on State Affairs.

SB 548 by Nichols, Davis, Watson

Relating to the Texas Department of Transportation's environmental review process.
To Committee on Transportation and Homeland Security.

SB 549 by Ellis, Gallegos

Relating to applications for permits issued by the Texas Commission on Environmental Quality for certain new or expanded facilities in certain low-income and minority communities.
To Committee on Natural Resources.

SB 551 by Williams

Relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.
To Committee on Finance.

SB 553 by Carona

Relating to the nonrenewal of, and the assessment of premium surcharges against, certain insurance policies.
To Committee on Business and Commerce.

SB 554 by Carona

Relating to contracts between dentists and health maintenance organizations or insurers.
To Committee on State Affairs.

SB 555 by Watson

Relating to the regulation of LP-gas utility companies.
To Committee on Natural Resources.

SB 556 by Davis

Relating to a highway maintenance fee imposed in connection with the operation of overweight vehicles or vehicle combinations.
To Committee on Transportation and Homeland Security.

SB 557 by Duncan, Zaffirini

Relating to the distribution of money appropriated from the national research university fund.
To Committee on Higher Education.

SB 558 by Duncan

Relating to the Swisher Memorial Hospital District.
To Committee on Intergovernmental Relations.

SB 559 by Duncan

Relating to the Rankin County Hospital District.

To Committee on Intergovernmental Relations.

SB 560 by Van de Putte

Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.

To Committee on Veteran Affairs and Military Installations.

SB 561 by Wentworth

Relating to damages in an action arising out of a deficiency in the construction or repair of an improvement to real property.

To Committee on State Affairs.

SB 562 by Wentworth

Relating to the waiver of sovereign immunity for certain claims arising under written contracts with state agencies.

To Committee on State Affairs.

SB 563 by Jackson

Relating to information regarding job matching services provided by the Texas Workforce Commission; providing a criminal penalty.

To Committee on Economic Development.

SB 564 by Uresti

Relating to the election of members of the board of directors of the Middle Pecos Groundwater Conservation District.

To Committee on Natural Resources.

SB 565 by Hegar

Relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.

To Committee on Transportation and Homeland Security.

SB 566 by Williams

Relating to the regulation of the practice of public accountancy.

To Committee on Business and Commerce.

SB 567 by Williams

Relating to the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

To Committee on State Affairs.

SB 568 by Williams

Relating to access by a public institution of higher education to the criminal history record information of certain persons seeking to reside in on-campus housing.

To Committee on Criminal Justice.

SB 569 by Jackson

Relating to the rates charged by certain conservation and reclamation districts for potable water or wastewater service to recreational vehicle parks.

To Committee on Natural Resources.

SB 570 by Shapiro

Relating to beginning teacher induction and mentoring programs for public schools.
To Committee on Education.

SB 572 by Nichols, Gallegos, Patrick

Relating to certificates of public convenience and necessity to provide water or sewer utility service.

To Committee on Natural Resources.

SB 573 by Nichols, Gallegos, Patrick

Relating to certificates of public convenience and necessity for water or sewer services.

To Committee on Natural Resources.

SB 574 by Van de Putte

Relating to the requirement and study of insurance coverage for serious emotional disturbance of a child.

To Committee on State Affairs.

SB 575 by Van de Putte

Relating to the expansion of the Women's Health Program demonstration project and implementation of related outreach activities.

To Committee on Health and Human Services.

SB 576 by Eltife

Relating to reports filed with the comptroller regarding certain alcoholic beverage sales.

To Committee on Business and Commerce.

SB 577 by Duncan

Relating to the use of facsimile signatures for certain documents involving certain municipalities.

To Committee on Intergovernmental Relations.

SB 578 by Fraser

Relating to the testimony of children in criminal cases.

To Committee on Criminal Justice.

SB 579 by Hegar

Relating to the total benefit amount under a prepaid funeral contract.

To Committee on Business and Commerce.

SB 580 by Hegar

Relating to community assistance and economic development program activities of the Lavaca-Navidad River Authority.

To Committee on Economic Development.

SB 581 by Nichols

Relating to the authority and powers of regional mobility authorities.

To Committee on Transportation and Homeland Security.

SB 582 by Harris

Relating to service of process on certain domestic and foreign entities for the collection of delinquent property taxes.

To Committee on Jurisprudence.

SB 583 by Nichols

Relating to the criminal penalty for failure of a trustee to pay the beneficiaries of the trust the purchase price for timber sold by the trustee.

To Committee on Agriculture and Rural Affairs.

SB 584 by Nichols

Relating to the unauthorized harvesting of standing timber; providing for the imposition of a criminal penalty.

To Committee on Agriculture and Rural Affairs.

SB 585 by Watson

Relating to programs, services, and information related to women's health, family planning, and human sexuality.

To Committee on Health and Human Services.

SB 586 by Davis

Relating to proof that is acceptable for identifying individuals acknowledging written instruments.

To Committee on Jurisprudence.

SB 587 by Uresti

Relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts.

To Committee on Jurisprudence.

SB 589 by Uresti

Relating to appraisal review board members.

To Committee on Intergovernmental Relations.

SB 590 by Estes

Relating to retainage under certain construction contracts.

To Committee on Business and Commerce.

SB 591 by Carona

Relating to the office of public insurance counsel's authority to initiate a hearing on or object to insurance rates or rate filings.

To Committee on Business and Commerce.

SB 592 by Williams

Relating to the powers and duties of the state auditor's office.

To Committee on State Affairs.

SB 593 by West

Relating to disproportionate disciplinary action by school districts against students of a particular race or ethnicity or students enrolled in a special education program.

To Committee on Education.

SB 594 by Van de Putte

Relating to certain procedures applicable to electronic prescriptions for Schedule II controlled substances.

To Committee on Health and Human Services.

SB 595 by Ellis

Relating to the hours of sale for liquor.

To Committee on Business and Commerce.

SB 596 by Shapiro

Relating to transition planning for a public school student receiving special education services.

To Committee on Education.

SB 597 by Shapiro

Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund.

To Committee on Education.

SB 598 by Ellis

Relating to limits on the size of prekindergarten classes in public schools.

To Committee on Education.

SB 599 by Ellis

Relating to the availability of free prekindergarten programs in public schools.

To Committee on Education.

SB 600 by Rodriguez

Relating to a prohibition on law enforcement inquiries regarding the nationality or immigration status of a victim of or witness to a criminal offense.

To Committee on Criminal Justice.

SB 601 by Rodriguez

Relating to the authority of the El Paso County Hospital District to employ and commission peace officers.

To Committee on Intergovernmental Relations.

SB 603 by Rodriguez

Relating to the filing and posting on the Internet of reports of political contributions and expenditures required in connection with the office of member of the board of trustees of certain school districts.

To Committee on State Affairs.

SB 604 by Rodriguez

Relating to the execution of lawful process by county jailers.

To Committee on Criminal Justice.

SB 605 by Rodriguez

Relating to the creation of an appellate judicial system for the Eighth Court of Appeals District.

To Committee on Jurisprudence.

SB 606 by Rodriguez

Relating to court costs imposed on conviction and deposited to the courthouse security fund.

To Committee on Criminal Justice.

SB 607 by Rodriguez

Relating to the assessment of court costs on conviction of a Class C misdemeanor in certain justice courts.

To Committee on Criminal Justice.

SB 608 by Rodriguez

Relating to the regulation of fireworks by counties; imposing a criminal penalty.

To Committee on Intergovernmental Relations.

SB 609 by Rodriguez

Relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules.

To Committee on Intergovernmental Relations.

SB 610 by Rodriguez

Relating to the period of continuous eligibility for the medical assistance program.

To Committee on Health and Human Services.

SB 611 by Rodriguez

Relating to the child health plan program.

To Committee on Finance.

SB 612 by Rodriguez

Relating to examination requirements for certain applicants for a license to practice medicine.

To Committee on Health and Human Services.

SB 613 by Rodriguez

Relating to educational requirements for licensing as a speech-language pathologist or audiologist and to reciprocity for audiologists licensed in other states.

To Committee on Health and Human Services.

SB 614 by Rodriguez

Relating to the creation of the State Supported Living Center Realignment Commission and the residential placement of individuals with intellectual and developmental disabilities.

To Committee on Health and Human Services.

SB 615 by Rodriguez

Relating to requiring a retail seller of motor vehicle tires to render certain tires unusable; providing a civil penalty.

To Committee on Transportation and Homeland Security.

SB 616 by Rodriguez

Relating to the sale or transportation of certain desert plants; providing a penalty.

To Committee on Agriculture and Rural Affairs.

SB 617 by Rodriguez

Relating to a manifest system to record the transportation of certain liquid wastes.
To Committee on Natural Resources.

SB 618 by Rodriguez

Relating to an exemption from the sales tax for certain solar energy devices.
To Committee on Finance.

SB 620 by Nelson

Relating to the reporting of health care-associated infections and preventable adverse events.
To Committee on Health and Human Services.

SB 621 by Nelson

Relating to the authorized activities of a winery permit holder.
To Committee on Business and Commerce.

SB 622 by Nelson

Relating to the privacy of protected health information and personal information; providing civil and criminal penalties.
To Committee on Health and Human Services.

SB 623 by Whitmire

Relating to the disqualification of a district or county attorney who is the subject of a criminal investigation.
To Committee on Criminal Justice.

SB 625 by Wentworth

Relating to authorizing the county clerk in certain counties to conduct a marriage ceremony and collect a related fee.
To Committee on Jurisprudence.

SB 626 by Carona

Relating to lottery winnings, including assignment of winnings, periodic payments of winnings, and the deduction of child support delinquency amounts from winnings.
To Committee on State Affairs.

SB 627 by Davis

Relating to the participation by certain taxing units in tax increment financing and the payment of tax increments into the tax increment fund for a reinvestment zone.
To Committee on Economic Development.

SB 628 by Duncan

Relating to the authority of the Childress County Hospital District to provide facilities and services for persons who are elderly or disabled; providing authority to issue bonds and notes.
To Committee on Health and Human Services.

SB 629 by Hegar

Relating to the Ranch at Clear Fork Creek Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 630 by Hegar

Relating to the Ranch at Clear Fork Creek Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 631 by Hinojosa

Relating to statutory references to the common electronic infrastructure project formerly known as TexasOnline.

To Committee on Government Organization.

SB 632 by Hinojosa

Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.

To Committee on Government Organization.

SCR 16 by Nelson, Davis, Huffman, Shapiro, Van de Putte, Zaffirini

Designating the month of March each year from 2011 through 2020 as Women Veterans Month in tribute to the immeasurable contributions that women in the military have made to this nation.

To Committee on Administration.

SJR 22 by Nichols

Proposing a constitutional amendment dedicating certain revenue derived from the tax imposed on the sale of motor vehicles to the state highway fund.

To Committee on Finance.

SJR 23 by Wentworth

Proposing a constitutional amendment increasing the rates of taxes imposed on gasoline and diesel fuel, adjusting those rates annually for inflation, and dedicating certain revenue from those taxes to the design, construction, and maintenance of public roadways.

To Committee on Finance.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:20 p.m. adjourned until 11:00 a.m. Tuesday, February 22, 2011.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTEENTH DAY

(Tuesday, February 22, 2011)

The Senate met at 11:06 a.m. pursuant to adjournment and was called to order by the President.

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

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

Pastor Bradley Speer, Southwest Baptist Church, Amarillo, offered the invocation as follows:

Heavenly Father, maker of heaven and Earth, we thank You for Your great and awesome love that You have demonstrated toward us in so many ways. We thank You and honor You for Your hand of protection upon the United States of America, this wonderful nation in which we are so blessed to live. We are especially grateful for the grand marquee of Your earthly creation, a symbol of blessing that we are so privileged to call home, the great State of Texas. Now, Lord, we ask You to bless this session of the Texas Legislature. Give godly wisdom and guidance to these men and women as they undertake the heavy burden of leadership and give them discernment for the weighty decisions set before them. Please bless them and watch over them as they serve Texas and the people that have elected them. Lord God, I ask a special blessing for provision and protection of the families of these representatives as they are away from their businesses, their families, and their homes. Please give back to them multiplied time with their spouses, children, and grandchildren. Recognizing that every good and perfect gift comes from You, we ask for Your continued blessing of protection and prosperity on our great state and its wonderful people. In the name of Jesus Christ. Amen.

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

The motion prevailed without objection.

MESSAGES FROM THE GOVERNOR

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

February 21, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be Judge of the 244th Judicial District Court, Ector County, for a term until the next General Election and until his successor shall be duly elected and qualified:

James M. Rush
Odessa, Texas

Mr. Rush is replacing Judge William Stacy Trotter who resigned.

To be presiding officer of the Camino Real Regional Mobility Authority for a term to expire February 1, 2013:

Scott A. McLaughlin
El Paso, Texas

Mr. McLaughlin is being reappointed.

To be members of the Manufactured Housing Board for terms to expire January 31, 2017:

Michael H. Bray
El Paso, Texas
Devora Mitchell
Kermit, Texas

The individuals listed above are being reappointed.

Respectfully submitted,
/s/Rick Perry
Governor

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 13**.

SENATE RESOLUTION 313

Senator Nelson offered the following resolution:

SR 313, Recognizing February 21 and 22, 2011, as Denton County Days at the State Capitol.

NELSON
ESTES
HARRIS

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson, joined by Senators Estes and Harris, was recognized and introduced to the Senate a delegation from Denton County: County Judge Mary Horn; Commissioners Hugh Coleman, Ron Marchant, Bobbie Mitchell, and Andy Eads; and a delegation representing Leadership Lewisville.

The Senate welcomed its guests.

BIRTHDAY GREETINGS EXTENDED

Senator Nelson was recognized and, on behalf of the Senate, extended birthday greetings to Senator Harris.

PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. Robert Deluca of Eastland as the Physician of the Day.

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

SENATE RESOLUTION 259

Senator Shapiro offered the following resolution:

SR 259, Recognizing February 22, 2011, as Texas FFA Day at the State Capitol.

SHAPIRO
ZAFFIRINI

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro, joined by Senators Eltife, Nichols, Patrick, Williams, and Zaffirini, was recognized and introduced to the Senate representatives of the Texas FFA Association: Mason Parish, President, Caney Creek FFA Chapter, Cut and Shoot; Patrick Byrne, Vice-president, Eagle Pass FFA Chapter, Eagle Pass; Colt Gresham, Vice-president, Garrison FFA Chapter, Garrison; Will Ellis, Vice-president, Midlothian FFA Chapter, Midlothian; and Katelyn Perry, Vice-president, Iowa Park FFA Chapter, Iowa Park; as well as FFA students from Marshall, accompanied by their teacher, Chad Baskin; FFA students from Simms and New Boston and teacher, Ashley Perryman; FFA students from Bee County; and FFA students from Cypress-Fairbanks ISD.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate a delegation from Athens, Texas.

The Senate welcomed its guests.

SENATE RESOLUTION 283

Senator Wentworth offered the following resolution:

SR 283, Recognizing March 1, 2011, as National Pancake Day in Texas.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate Mike Ford, Potentate, Ben Hur Shrine, Austin; Rick Evans, Potentate, Moslah Shrine, Fort Worth; Tom Smith, Imperial Public Relations Representative; Robert Tomlinson, Vice-president of Operations, ACG Texas IHOP; and Jim Smith, Imperial Public Relations Representative.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a delegation from Washington County: Brenham Mayor Milton Tate; Burton Mayor Peggy Felder; Washington County Judge John Brieden; Chairman, Washington County Chamber of Commerce Board of Directors, Cathy Boeker; and Blinn College Foundation Executive Director Joe Al Picone.

The Senate welcomed its guests.

SENATE RESOLUTION 213

Senator Duncan offered the following resolution:

SR 213, Recognizing February 22, 2011, as Rolling Plains Day at the State Capitol.

(Senator Eltife in Chair)

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Ronnie Heck, Trey Morgan, Russell Graves, and Sharon Blackburn.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Robert J. Underbrink, King Ranch, Incorporated, President and CEO.

The Senate welcomed its guest.

SENATE RESOLUTION 305

Senator Seliger offered the following resolution:

SR 305, Recognizing February 22, 2011, as Texas Panhandle Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate Debra McCart, Mayor of Amarillo; Riley Hill, President and CEO of Southwestern Public Service Company; Dr. J. Patrick O'Brien, President of West Texas A&M University; J. Pat Richmond, Chair of the Board of the Amarillo Chamber of Commerce; and Roger Williams, Director of Amarillo Site Operations of Bell Helicopter.

The Senate welcomed its guests.

SENATE RESOLUTION 301

Senator Harris offered the following resolution:

SR 301, Recognizing Flower Mound on the occasion of the 50th anniversary of the town's incorporation.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Harris, joined by Senator Nelson, was recognized and introduced to the Senate a delegation from Flower Mound.

The Senate welcomed its guests.

SENATE RESOLUTION 304

Senator Davis offered the following resolution:

SR 304, Welcoming Nigerian writer Chike Momah to the State Capitol and recognizing him for his literary achievements.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Davis was recognized and introduced to the Senate Christian Chike Momah and his wife, Ethel, Jay O Oji, Obie Ihwembe, and Ike Egbouyne.

The Senate welcomed its guests.

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Frederick Douglas Haynes III.

The Senate welcomed its guest.

SENATE RESOLUTION 343

Senator Duncan offered the following resolution:

SR 343, Honoring the West Texas Area Health Education Center Program.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Billy Phillips, Jr., Mark Warren, Danielle Askins, Kelly Cheek, and Ronnie Laurence.

The Senate welcomed its guests.

SENATE RESOLUTION 308

Senator Nelson offered the following resolution:

SR 308, Recognizing February 22, 2011, as Texas Emergency Medical Services and Trauma Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation of Texas EMS and trauma service providers.

The Senate welcomed its guests.

SENATE RESOLUTION 317

Senator Watson offered the following resolution:

SR 317, Recognizing February 22, 2011, as Commercial Real Estate Development Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate representatives from Texas real estate councils across the state.

The Senate welcomed its guests.

SENATE RESOLUTION 325

Senator Ellis offered the following resolution:

WHEREAS, February 21, 2011, marked the 75th anniversary of the birth of the Honorable Barbara Jordan; the legacy that she established in her service to the citizens of Texas and the United States of America remains a source of inspiration to countless people, and time cannot diminish the contributions of this admirable patriot, politician, teacher, mentor, friend, icon, and hero; and

WHEREAS, Born in 1936 to Benjamin and Arlyne Jordan, Barbara Jordan was raised in Houston's Fifth Ward and graduated with honors from Phillis Wheatley High School in the Houston Independent School District; and

WHEREAS, Ms. Jordan attended Texas Southern University, where she majored in government and history and was a member of the debate team, winning numerous honors for her oratory skills; after graduating magna cum laude from TSU, she enrolled at the Boston University School of Law and received her law degree in 1959; and

WHEREAS, In 1966, Ms. Jordan became the first black woman ever elected to the Texas Senate as well as the first African American to be elected as a state senator in the United States since 1883; and

WHEREAS, Following her successful run for a seat in the U.S. Congress in 1972, Ms. Jordan served in the House of Representatives from 1973 until 1979, during which time she enhanced her reputation as an evocative public speaker and arose as a leader on issues relating to voting rights, consumer protection, energy, and the environment; and

WHEREAS, In her role as a member of the House Committee on the Judiciary, she gained national prominence during the Watergate impeachment proceedings against President Nixon in 1974; speaking before the committee, she movingly portrayed the intention of the framers of the U.S. Constitution and eloquently expressed her faith in that document, even as she noted that "We the People," the first words of the preamble to the Constitution, were not originally intended to apply to African Americans; and

WHEREAS, In 1976, Congresswoman Jordan became the first female and the first African American to serve as the keynote speaker at the Democratic National Convention, and her speech reiterated her faith in the Constitution and the desire to form a national community that would fulfill the country's purpose of creating and sustaining a society in which all are equal; and

WHEREAS, Ms. Jordan retired from elective office in 1979 and became a distinguished professor at the Lyndon B. Johnson School of Public Affairs at The University of Texas at Austin; for the remainder of her life, she focused on mentoring a new generation of aspiring leaders, encouraging them to excel and to commit themselves to public service; and

WHEREAS, At the request of President Bill Clinton, she became chair of the U.S. Commission on Immigration Reform in the mid-1990s and held that office until her death; in 1994, President Clinton honored her for her patriotism and outstanding service by awarding her the Presidential Medal of Freedom, the country's highest civilian honor; and

WHEREAS, Barbara Jordan passed away in January 1996, but her lifelong commitment to freedom, integrity, equality, and justice resonates as powerfully today as it did in years past, and her tireless efforts to champion our nation's highest ideals are indeed deserving of our recognition and respect; now, therefore, be it

RESOLVED, That the Senate of the 82nd Texas Legislature hereby pay tribute to the life of Barbara Jordan in honor of the 75th anniversary of her birth.

ELLIS	HINOJOSA	WENTWORTH
CARONA	LUCIO	WEST
DAVIS	OGDEN	WHITMIRE
DUNCAN	SELIGER	WILLIAMS
GALLEGOS	SHAPIRO	ZAFFIRINI

The resolution was read and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate teachers and students from Barbara Jordan Elementary School and representatives of the Barbara Jordan Freedom Foundation: Laura Langham, Bill Hilgers, and Norma Cantu.

The Senate welcomed its guests.

SENATE RESOLUTION 258

Senator Shapiro offered the following resolution:

SR 258, Recognizing Leadership North Texas Class of 2011.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Shapiro was recognized and introduced to the Senate Mabrie Jackson, President and CEO of the North Texas Commission.

The Senate welcomed its guest.

SENATE RESOLUTION 331

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

SR 331, Recognizing February 22, 2011, as Justices of the Peace and Constables Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio, on behalf of Senator Williams, was recognized and introduced to the Senate Judge Jackie Miller, Ellis County; Constable Chad Jordan, Hood County; Judge Suzan Thompson, Matagorda County; Constable Mike Truitt, Denton County; and Constable Larry Gallardo, Hidalgo County.

The Senate welcomed its guests.

SENATE RESOLUTION 336

Senator Lucio offered the following resolution:

SR 336, Recognizing the week of February 20 through 27, 2011, as Texas Saves Week at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate exonerees Anthony Graves, Cornelius Dupree, Johnnie Lindsey, and Billy Smith, accompanied by Ruby Session, mother of Tim Cole.

The Senate welcomed its guests.

(President in Chair)**REPORT OF COMMITTEE ON NOMINATIONS**

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Automobile Burglary and Theft Prevention Authority: Carlos Luis Garcia, Cameron County; Kenneth R. Ross, Harris County.

Members, Texas State Board of Examiners of Dietitians: Christina E. Stirling, Cameron County; Elizabeth J. Tindall, Ector County; Mary Kate Weems, McLennan County.

Member, Board of Trustees, Employees Retirement System of Texas: Ira Craig Hester, Travis County.

Members, Texas Board of Professional Engineers: Carry Ann Baker, Potter County; Lamberto Jose Balli, Harris County; James Alan Greer, Tarrant County.

Member, Board of Directors, Evergreen Underground Water Conservation District: Jason Byron Peeler, Wilson County.

Members, Board of Directors, Gulf Coast Waste Disposal Authority: Zoe Milian Barinaga, Harris County; Randy Jarrell, Galveston County; Lamont Edward Meaux, Chambers County.

Commissioners, Board of Pilot Commissioners for Jefferson and Orange County: Martin Eloi Broussard, Jefferson County; George W. Brown, Jefferson County; Russell S. Covington, Orange County; Travis Todd Miller, Orange County; William F. Scott, Jefferson County.

Members, Texas State Board of Plumbing Examiners: Tammy Betancourt, Harris County; Carlos DeHoyos, Gregg County; Richard Allen Lord, Harris County.

Members, Board of Directors, Red River Authority of Texas: Jerry B. Daniel, Knox County; George Wilson Scaling, Clay County; Cliff A. Skiles, Deaf Smith County.

Presiding Officer, Cameron County Regional Mobility Authority: David E. Alex, Cameron County.

Presiding Officer, Central Texas Regional Mobility Authority: Ray Allen Wilkerson, Travis County.

Presiding Officer, Grayson County Regional Mobility Authority: Will Rich Hubbard, Grayson County.

Presiding Officer, Hidalgo County Regional Mobility Authority: Dennis Burleson, Hidalgo County.

Presiding Officer, North East Texas Regional Mobility Authority: Jeff Austin, Smith County.

Presiding Officer, Sulphur River Regional Mobility Authority: Earl Delbert Horton, Delta County.

Member, Texas Workforce Commission: Ronald Gene Congleton, Travis County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

REMARKS ORDERED PRINTED

On motion of Senator Jackson and by unanimous consent, the remarks by Senators Eltife and Jackson relating to Skylar Brooke Carpenter and Jessica Fertitta were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Eltife: Today in the Chamber we recognized FFA from across the state. Unfortunately, one group of FFA students from my district were unable to be here. This group of high school students from Quitman, they were driving to a San Antonio FFA meeting with their teacher, and they were involved in a traffic accident in Van Zandt County. The accident resulted in the death of one of the students with several others injured. Skylar Brooke Carpenter, just 15 years old, died at the scene. She was the daughter of David and Becky Carpenter and is survived by her parents and sister, Shelby. Skylar was a member of First Baptist Church in Quitman and was in the youth choir. Her fellow students said she always brightened up the halls at school and touched their lives. As a father of a son close to Skylar's age, I cannot begin to imagine the pain her family is going through. I simply ask that all of you, Members here in the Chamber, and everyone within the sound of my voice, please keep the Carpenter family and the community of Quitman in your prayers as they mourn the loss of this fine young lady. And I ask that when the Texas Senate adjourns today, we do so in memory of Skylar Brooke Carpenter.

Senator Jackson: It's with a great deal of sadness and a heavy heart that I will be asking, in addition to Senator Eltife's loss of his constituent, that we also adjourn today in honor of Jessica Fertitta. She was in her second year of law school here at UT and recently joined my staff as an intern. She was raised in Beaumont, attended Monsignor Kelly High School, graduated UT with a B.S. in political communication in 2007, and just a great kid. She was a leader, she was active, in addition to her studies, Pi Beta Phi, and the Panhellenic president of UT. She served as deputy finance director for Texans for Greg Abbott before beginning law school in 2009. And just, perhaps her mother hit the nail on the head and said it best, talking about Jessica, "She was a leader, she worked hard for everything, and she was a woman of faith, this is a huge gain for heaven." And we send our sincerest condolences to her family and her friends and pray that they will find peace in this very trying time. Senator Williams and I, who is not in right now, would request, Mr. President, if we could, that the words be reduced to writing for their families, and hopefully we can adjourn in these two losses that are really tragic losses today. Thank you.

CO-AUTHOR OF SENATE BILL 11

On motion of Senator Williams, Senator Harris will be shown as Co-author of **SB 11**.

CO-AUTHOR OF SENATE BILL 19

On motion of Senator Nichols, Senator Shapiro will be shown as Co-author of **SB 19**.

CO-AUTHOR OF SENATE BILL 165

On motion of Senator Shapiro, Senator Birdwell will be shown as Co-author of **SB 165**.

CO-AUTHOR OF SENATE BILL 202

On motion of Senator Shapiro, Senator Birdwell will be shown as Co-author of **SB 202**.

CO-AUTHOR OF SENATE BILL 515

On motion of Senator Patrick, Senator Birdwell will be shown as Co-author of **SB 515**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 12

On motion of Senator Patrick, Senator Birdwell will be shown as Co-author of **SJR 12**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 337 by Davis, In memory of the life of Nikolas Coltan Evans.

SR 346 by Huffman, In memory of Melissa Susan Mitchell-Manning of Houston.

Welcome and Congratulatory Resolutions

SR 303 by Davis, Recognizing Gary Fischer on the occasion of his retirement from the Keller Police Department.

SR 306 by Williams, Recognizing Patricia Steele for receiving a Texas Exes Award for Outstanding Teacher.

SR 307 by Deuell, Recognizing Mildred H. Burnett of Fannin County on the occasion of her 100th birthday.

SR 312 by Nelson and Harris, Welcoming the members of Leadership Lewisville to Austin on February 21 and 22, 2011.

SR 314 by Nelson, Recognizing the Haltom City Public Library on the occasion of its 50th anniversary.

SR 321 by Birdwell, Welcoming the members of Leadership Cleburne to the State Capitol.

SR 322 by Rodriguez, Recognizing Justin Churchman of El Paso for being named one of the top youth volunteers in Texas for 2011 in the 16th annual Prudential Spirit of Community Awards program.

SR 324 by Gallegos, Recognizing the Harris County Historical Commission and the Baytown Carver High School Recognition and Preservation Society on the occasion of the dedication of a Texas Historical Marker for Baytown George Washington Carver High School.

SR 327 by Seliger, Welcoming members of the Odessa Hispanic Chamber of Commerce to the State Capitol.

SR 328 by Lucio, Recognizing Wilbur R. Aten for his service as chaplain of the International Seamen's Center at the Port of Brownsville.

SR 329 by Lucio, Recognizing Carlos Cuevas for being named Mr. Amigo for 2010.

SR 332 by Lucio, Recognizing Lauren Bothwell of Harlingen for being named one of the top youth volunteers in Texas for 2011 and a Distinguished Finalist by the Prudential Spirit of Community Awards program.

SR 333 by Lucio, Recognizing Angela Leal for her contributions to the San Benito Consolidated Independent School District.

SR 334 by Lucio, Recognizing the VA Texas Valley Coastal Bend Health Care System on the occasion of the grand opening of the VA Health Care Center at Harlingen.

SR 335 by Lucio, Recognizing Rogelio Fuentes on the occasion of his retirement from the Texas Department of Aging and Disability Services.

SR 338 by Uresti, Recognizing the historical reenactment of the signing of the Live Oak Treaty of 1838.

SR 339 by Uresti, Recognizing Barbara Martinez on the occasion of her retirement as a justice court manager in Bexar County.

SR 344 by Zaffirini, Recognizing Stanley Andrew Sliwiak for his years of service to the Catholic Church.

SR 345 by Hinojosa, Lucio, and Zaffirini, Recognizing David H. Dewhurst for being named the 2011 Border Texan of the Year.

Official Designation Resolutions

SR 309 by Nelson, Recognizing February 23, 2011, as Osteopathic Medicine Day at the State Capitol.

SR 315 by Nelson, Proclaiming February 22, 2011, as Texas Health Resources Day at the Capitol.

SR 318 by Nichols, Recognizing February 22 and 23, 2011, as Athens Days at the State Capitol.

SR 319 by Jackson, Recognizing February 23 and 24, 2011, as Pearland Day at the State Capitol.

SR 347 by Nichols, Recognizing February 24, 2011, as Palestine Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:31 p.m. adjourned, in memory of Skylar Brooke Carpenter and Jessica Fertitta, until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

February 22, 2011

HEALTH AND HUMAN SERVICES — SB 41, SB 44, SB 81, SB 189, SB 221, SB 240, SB 304, SB 436, CSSB 187, CSSB 156

BILL ENGROSSED

February 17, 2011

SB 16

RESOLUTIONS ENROLLED

February 17, 2011

SCR 13, SR 284, SR 285, SR 286, SR 287, SR 288, SR 289, SR 290, SR 291, SR 292, SR 293, SR 294, SR 295, SR 296, SR 297, SR 298, SR 299

SENT TO GOVERNOR

February 22, 2011

SCR 13

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SEVENTEENTH DAY

(Wednesday, February 23, 2011)

The Senate met at 10:09 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

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

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

The Reverend Ron Smith, Saint David's Episcopal Church, Austin, offered the invocation as follows:

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth: We beseech You so to guide and bless the Members of the Texas Senate that they may enact such laws as shall please You, to the glory of Your name and the welfare of the people of Texas. We ask this in confidence of God's abundant mercy. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

February 22, 2011

Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be Judge of the 76th Judicial District Court, Camp, Morris and Titus Counties for a term until the next General Election and until his successor shall be duly elected and qualified:

Kerry D. "Danny" Woodson
Mount Pleasant, Texas

Mr. Woodson is replacing Judge Jimmy White who is deceased.

Respectfully submitted,

/s/Rick Perry
Governor

SENATE RESOLUTION 311

Senator Nelson offered the following resolution:

SR 311, Recognizing February 23, 2011, as Children's Advocacy Centers of Texas Day at the State Capitol.

NELSON
HARRIS
HUFFMAN
SHAPIRO

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate representatives from Children's Advocacy Centers of Texas, Incorporated.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Lucio was recognized and presented Dr. Audrey Jones of Alamo as the Physician of the Day.

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

SENATE RULE 2.02 SUSPENDED (Restrictions on Admission)

On motion of Senator Duncan and by unanimous consent, Senate Rule 2.02 was suspended to grant floor privileges to Lyndon Baty.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Lyndon Baty, his dad, Louis, and his mom, Sheri, accompanied by Baty Bott.

The Senate welcomed its guests.

(Senator Eltife in Chair)

SENATE RESOLUTION 278

Senator Ogden offered the following resolution:

WHEREAS, Members of the Sheriffs' Association of Texas, one of the nation's oldest law enforcement organizations, are gathering in Austin on February 23, 2011, to participate in Sheriffs' Association of Texas Day at the Capitol; and

WHEREAS, The Texas Constitution created the office of sheriff in each county of the state; legislation requires that a sheriff conserve peace and enforce the criminal laws of the state; moreover, the sheriff is responsible for the county jail, bail bonds, civil process, and the security of the courts; in some smaller counties, the sheriff may also act as the tax collector; and

WHEREAS, The first meeting of this esteemed association took place on August 14, 1874; association members adopted their preamble, calling for sheriffs to assist one another in the execution of laws, in the discharge of their duties against criminals, and in the protection of the citizens in their respective counties and throughout the state; the group has continued to follow the dictates of this mission; and

WHEREAS, The office of sheriff is one of the oldest forms of law enforcement; sheriffs in our state's 254 counties are elected to four-year terms, and each sheriff is a member of the Sheriffs' Association of Texas; in addition, more than 2,500 individuals are active members of the group, and more than 45,000 individuals are associate members; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby recognize February 23, 2011, as Sheriffs' Association of Texas Day at the Capitol and commend the members of the Sheriffs' Association of Texas for their many contributions to our state; and, be it further

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

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden, joined by Senators Eltife, Gallegos, Hinojosa, Huffman, Patrick, and Zaffrini, was recognized and introduced to the Senate a delegation from the Sheriffs' Association of Texas: Steve Westbrook, Executive Director; Midland County Sheriff Gary Painter, President; Brazos County Sheriff Chris Kirk, Chair, Legislative Committee; and Harris County Sheriff Adrian Garcia, Vice-chairman. Also recognized were Senate District 21 County Sheriffs: Amadeo Ortiz, Bexar County; Romeo Ramirez, Duval County; Larry Busby, Live Oak County; Leroy Moody, San Patricio County; Martin Cuellar, Webb County; Joe Tackitt, Jr., Wilson County; and Sigifredo Gonzalez, Jr., Zapata County; and Senate District 20 County Sheriffs: Guadalupe Trevino, Hidalgo County; Oscar Lopez, Jim Wells County; Jim Kaelin, Nueces County; and Rey Rodriguez, Brooks County.

The Senate welcomed its guests.

(President Pro Tempore Ogden in Chair)

SENATE RESOLUTION 319

Senator Jackson offered the following resolution:

SR 319, Recognizing February 23 and 24, 2011, as Pearland Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Tuesday, February 22, 2011.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a Pearland Chamber of Commerce delegation: Carol Artz-Bucek, President and CEO; Matt Buchanan, Executive Director, Pearland Economic Development Corporation; Tom Reid, Mayor, Pearland; Odis Cobb, Cobb, Fendley & Associates, Incorporated; and Walt Sass, Weisser Engineering and Surveying Company.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate college students from LeTourneau University, East Texas Baptist University, Jacksonville College, Lon Morris College, and Texas College.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate friends from Hill County and members of Leadership Hillsboro: Mayor John Erwin of Hillsboro; Mayor Terry Reddell of Hubbard; and from Whitney, Mayor Gwen Evans.

The Senate welcomed its guests.

SENATE RESOLUTION 355

Senator Shapiro offered the following resolution:

SR 355, Recognizing Ebby Halliday of Dallas on the occasion of her 100th birthday.

SHAPIRO	HARRIS
CARONA	WEST
DEUELL	

The resolution was read and was adopted without objection.

SENATE RESOLUTION 282

Senator Deuell offered the following resolution:

SR 282, Recognizing February 23, 2011, as Rains County Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Wednesday, February 16, 2011.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a Rains County delegation: Patsy Marshall, County Commissioner; Sylvia Witt, County Commissioner; Linda Wallace, County Clerk; Wayne Wolfe, County Judge; and Mike Willis, County Commissioner.

The Senate welcomed its guests.

SENATE RESOLUTION 310

Senator Nelson offered the following resolution:

SR 310, Recognizing the American Cancer Society.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation from the American Cancer Society.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a Matagorda County delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 352

Senator Huffman offered the following resolution:

SR 352, Recognizing February 23, 2011, as Texas Dental Association Day at the State Capitol.

HUFFMAN
NELSON

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Huffman was recognized and introduced to the Senate representatives of the Texas Dental Association.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

SENATE RESOLUTION 358

Senator Lucio offered the following resolution:

SR 358, Recognizing February 23, 2011, as Texas Travel Industry Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate representatives of the tourism industry.

The Senate welcomed its guests.

SENATE RESOLUTION 316

Senator Shapiro offered the following resolution:

SR 316, Recognizing the Texas Science, Technology, Engineering, and Mathematics Initiative in celebration of T-STEM Awareness Week in Texas.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate supporters of the Texas Science, Technology, Engineering, and Mathematics Initiative.

The Senate welcomed its guests.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President Pro Tempore 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 Deuell.

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

The President Pro Tempore 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 31, Nays 0.

Member, Board of Trustees, Employees Retirement System of Texas: Ira Craig Hester, Travis County.

Member, Texas Workforce Commission: Ronald Gene Congleton, Travis County.

Members, Automobile Burglary and Theft Prevention Authority: Carlos Luis Garcia, Cameron County; Kenneth R. Ross, Harris County.

Members, Texas State Board of Examiners of Dietitians: Christina E. Stirling, Cameron County; Elizabeth J. Tindall, Ector County; Mary Kate Weems, McLennan County.

Members, Texas Board of Professional Engineers: Carry Ann Baker, Potter County; Lamberto Jose Balli, Harris County; James Alan Greer, Tarrant County.

Member, Board of Directors, Evergreen Underground Water Conservation District: Jason Byron Peeler, Wilson County.

Members, Board of Directors, Gulf Coast Waste Disposal Authority: Zoe Milian Barinaga, Harris County; Randy Jarrell, Galveston County; Lamont Edward Meaux, Chambers County.

Commissioners, Board of Pilot Commissioners for Jefferson and Orange County: Martin Eloi Broussard, Jefferson County; George W. Brown, Jefferson County; Russell S. Covington, Orange County; Travis Todd Miller, Orange County; William F. Scott, Jefferson County.

Members, Texas State Board of Plumbing Examiners: Tammy Betancourt, Harris County; Carlos DeHoyos, Gregg County; Richard Allen Lord, Harris County.

Members, Board of Directors, Red River Authority of Texas: Jerry B. Daniel, Knox County; George Wilson Scaling, Clay County; Cliff A. Skiles, Deaf Smith County.

Presiding Officer, Cameron County Regional Mobility Authority: David E. Alex, Cameron County.

Presiding Officer, Central Texas Regional Mobility Authority: Ray Allen Wilkerson, Travis County.

Presiding Officer, Grayson County Regional Mobility Authority: Will Rich Hubbard, Grayson County.

Presiding Officer, Hidalgo County Regional Mobility Authority: Dennis Burleson, Hidalgo County.

Presiding Officer, North East Texas Regional Mobility Authority: Jeff Austin, Smith County.

Presiding Officer, Sulphur River Regional Mobility Authority: Earl Delbert Horton, Delta County.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Terry County 4-H members.

The Senate welcomed its guests.

MOTION IN WRITING

Senator Harris offered the following Motion In Writing:

Mr. President:

I move that a committee of five members of the Senate be appointed by the President to escort the Chief Justice of the Supreme Court of Texas to the Joint Session for the State of the Judiciary.

HARRIS

The Motion In Writing was read and was adopted without objection.

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of **HCR 43**, the President Pro Tempore announced the appointment of the following as a Committee to Escort Chief Justice Wallace B. Jefferson to the Joint Session: Senators Harris, Chair; Ellis, Huffman, Nichols, and Rodriguez.

SENATE CONCURRENT RESOLUTION 21

The President Pro Tempore laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 23, 2011, and ending on Monday, February 28, 2011.

WHITMIRE

SCR 21 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:06 a.m. agreed to recess, upon conclusion of the Joint Session, until 1:00 p.m. today.

JOINT SESSION

(To hear the State of the Judiciary Address by the Honorable Wallace B. Jefferson, Chief Justice, Supreme Court of Texas)

President Pro Tempore Ogden announced the time had arrived for the Joint Session, pursuant to the provisions of **HCR 43**.

The Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 11:30 a.m.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Wallace B. Jefferson was announced and was escorted to the Speaker's Rostrum by Senators Harris, Chair; Ellis, Huffman, Nichols, and Rodriguez on the part of the Senate, and Representatives Jackson, Chair; Lewis, Scott, S. Davis, and Hartnett on the part of the House.

The Honorable Steve Ogden, President Pro Tempore of the Senate, called the Senate to order and announced a quorum of the Senate present.

The Honorable Joe Straus, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present, and stated the purpose of the Joint Session.

The Speaker also recognized former Chief Justice Andrew Jackson Pope, Mrs. Rhonda Jefferson, wife of Chief Justice Jefferson, several state officers, and the Justices of the Texas Supreme Court, members of the Court of Criminal Appeals, numerous Presiding Justices of our Courts of Appeals, and several Regional Administrative Judges.

President Pro Tempore Ogden introduced the Honorable Wallace B. Jefferson.

REMARKS ORDERED PRINTED

Senator Harris requested that the remarks by Chief Justice Wallace B. Jefferson be reduced to writing and printed in the *Senate Journal* as follows:

Senator Ogden, Speaker Straus, Representatives and Senators - my colleagues on the great Courts of Texas - I am honored to stand before you today to deliver my fourth address. I have had the great privilege to lead a conference of the nation's Chief Justices, to see how their states adapt to the current economic climate, to compare our system of justice to theirs. We have good reason to be proud of our state. Texas is a leader in so many ways. We have the best Judicial Commission on Children, Youth, and Families, thanks to the vision of my former colleague, Harriet O'Neill, the leadership of Justice Eva Guzman, and an excellent staff, headed by Tina Amberboy. We have one of the strongest Access to Justice commissions, which provides lawyers to Texans who cannot afford legal representation. We asked Jim Sales to lead that Commission, and now Harry Reasoner, and I have to say, it is rare to see such passion from pure volunteers. Leadership. Vision. Passion. These are essential. Justice also requires action. I have the great privilege of addressing, in this room, the great leaders of our state, who have a vision for a better Texas; the passion to move public policy toward that end. Today, I am calling for *action*, on several fronts.

Juvenile Justice

The Supreme Court of Texas hears only civil matters. But by constitution, custom, and statute, we also have jurisdiction over juvenile cases. Those files cross our desks from time to time. We read the record, apply the law, and move on to the next case. I got a call a few months ago from a judge who said: "Chief, I would like you to see the faces behind those files." And so I sat in on Judge Jeanne Meurer's court and observed a day in the lives of families dealing with juvenile offenders. The experience would change you.

I have seen the faces of little girls addicted to methamphetamine, of teenage car thieves, of bullies. I have heard the pleas of frustrated working mothers and desperate public defenders. Sending juveniles away to remote detention centers is sometimes necessary, but it is not the answer to our societal problem. The future of Texas youth depends on rehabilitative services, on psychiatric care, on vocational training. More than 25 percent of Texas children live in poverty, 33 percent of youth referred to juvenile probation have a diagnosed mental illness, and 60 percent of our sons and daughters incarcerated in the Texas Youth Commission need mental health treatment.

Schools are central to this equation. More than 80 percent of Texas adult prison inmates are school dropouts. Charging kids with criminal offenses for low-level behavioral issues exacerbates the problem. Among those suspended and expelled, minority and special education students are heavily over-represented. Of course, disruptive behavior must be addressed, but criminal records close doors to opportunities that less punitive intervention would keep open. Let us endeavor to give them a chance at life, before setting them on a path into the adult criminal justice system.

So let me announce my first plea for action. This one is easy. Jeanne Meurer is in the trenches, she knows how to reach these kids, she understands the challenges facing our parents and schools. When Jeanne Meurer calls you, and asks for your help, file the bill, appropriate the funds, sign the Act.

Access to Justice

I mentioned access to justice earlier. The increasing inaccessibility of legal services - for the poor, for even the middle class - undermines the rule of law for us all. We are a nation and state that believes the law provides protection for those who are most powerful, for those who are most vulnerable. But today, the courthouse door is closed to many who have lost their jobs, to military veterans who are on the streets, to women who suffer physical abuse from cowards. The combination of increased poverty rates, reduced interest rates on legal aid accounts, and a state-wide budget crisis threatens to leave Texas' neediest communities without basic access to justice. I commend the State Bar and its President, Terry Tottenham, for creating Texas Lawyers for Texas Veterans, which will provide legal services to those men and women who risked their lives to protect the freedoms we hold dear. How are we, as a state, going to answer the cries of nearly 6 million Texans eligible for legal aid, but who are turned away because funding is inadequate?

Here, then, is my second call to action. Even in the face of a tremendous budget crisis, I ask the Legislature to duplicate what it courageously did last Session and appropriate \$20 million dollars from general revenue for basic civil legal services. Advance legislation that would add a small fee to case filings, so that money is available to help Texans secure the legal rights that our constitution and laws give them.

Indigent Defense

Our commitment to equal justice does not end with civil justice. Recent efforts to find and rectify wrongful convictions in Texas provide a promising example of how our courts are working to free the innocent. The Court of Criminal Appeals has worked with the Timothy Cole Advisory Panel, established by the Legislature last session, to study the causes of . . . and solutions to . . . wrongful convictions in our state. In the last 10 years more than 40 Texas prisoners have been exonerated based on DNA evidence. This is not just a Texas problem, but no other state has found an equal number of wrongfully convicted prisoners.

Yet Texas ranks among the lowest of the 50 states how much money it spends per person on indigent defense. Projected cuts to expenditures from the Fair Defense Account, created by the Legislature, would drain the system of resources we need to assure indigent criminal defendants get competent lawyers who make the system fair. We need to fund criminal justice initiatives that will make investigations more accurate, trials more just and DNA evidence more widely available.

We in the judiciary are trying to do our part. The Court of Criminal Appeals' Criminal Justice Integrity Unit organized a 2-day Forensic Science Seminar, educating over 400 attorneys, judges, police officers, legislators, and lab personnel on evidence standards and specific sciences. The judicial Task Force on Indigent Defense recently helped establish the Harris County Public Defender's Office. Up to that time, Harris County was the largest urban jurisdiction *in the country* without a public defender office.

My third call for action is to ask this Legislature to support these efforts to make our criminal justice system fair. I commend Senator Ellis for his work on these issues and I commend those of you in this room who will work to pass the bills, and fund the projects, that will ensure no innocent person languishes in our prisons.

Judicial Selection

All that I have discussed depends on an impartial system of justice overseen by the judicial branch. We lost one of that branches greatest leaders, Joe Greenhill, less than two weeks ago. He told me once that he regretted that Texas has continued to elect judges on a partisan basis. I regret it, too. A justice system built on some notion of Democratic judging or Republican judging is a system that cannot be trusted. I urge the Legislature to send the people a constitutional amendment that would allow judges to be selected on their merit.

If we do not reform it completely, judicial elections can at least be changed. And so my final call to action is that we consider common-sense solutions to the problems that plague partisan election of judges. First, I would eliminate straight-ticket voting that allows judges to be swept from the bench . . . not for poor work ethic, not for bad temperament, not even for their controversial but courageous decisions - but because of party affiliation. We saw this in Dallas County four years ago and in Harris County in the 1990s, in 2008 and just last year. Hordes of judges replaced for no good reason.

Let's extend terms for state judges, from four years to six for district court judges, and from six years to eight for appellate courts judges. This will avoid some of the overhaul that occurs each election cycle, and drastically slows down the system. And let's bring sense to the process to allow a judge appointed to an unexpired term to serve a full term before having to face the voters. That will give her or him experience and - this is important - a record to run on. We can do this, if not more.

The Past, Present, and Future of the Judiciary in Texas

Finally, as I reflected on the passing of Joe Greenhill, I wondered what it must have been like to preside over the Supreme Court in 1957, just a few years after *Brown v. Board of Education*. What was Texas like then? What was it like one hundred years earlier? If you are curious, like I am, then you will support our effort to preserve the documents of our past, which currently lie rotting in boxes and file cabinets, literally crumbling on courthouse shelves. Faced with this vanishing history, our Supreme Court established, in 2009, the Texas Court Records Preservation Task Force. Led by public officials and private citizens, the Task Force has found documents about Sam Houston, litigation surrounding native American Indians, immigration records in Galveston County - some of your families first came to Texas through that port, and other exciting periods in our history. This session, the Legislature will be asked to address whether court clerks should retain such historic records. My recommendation is an emphatic yes. These documents are our living history: the parchment of our past. They prove to us, not only that we rose from the severest of circumstances, but that we forged ahead, and became stronger for it.

Why does the past matter? Not only because it tells us who we have been, but also because it reminds us *who we are*, and *what we will become*. As Texans, we have much to be proud of. Our courts struggle to provide the promptest and most efficient resolutions for litigants. And yet, a system that cannot provide equal access to justice, that does not protect the endangered and the vulnerable; a system that permits politics to take precedence over merit; and one that allows the innocent to remain behind bars . . . well, that is the reason you are here. I ask you to take action this Session. Give us the assurance that, at this crucial juncture, we did not turn our backs on the neediest among us, but continued to serve them as the Constitution so strongly demands.

(Note: Prepared text)

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the Joint Session was provided by Billy Collins.

RECESS

President Pro Tempore Ogden at 12:01 p.m. stated the purpose for which the Joint Session was held having been completed, the Senate, pursuant to a previously adopted motion, would stand recessed until 1:00 p.m. today.

HOUSE AT EASE

Speaker Straus at 12:01 p.m. stated the purpose for which the Joint Session was held having been completed, the House, pursuant to a previously adopted motion, would stand At Ease.

AFTER RECESS

The Senate met at 1:14 p.m. and was called to order by the President.

Pastor Dan Hauser, CrossPoint Community Church, Katy, offered the invocation as follows:

Heavenly Father, You are our creator, our sustainer, our lord and our savior, and so we again begin by praising You for who You are and for this land that we live in. We thank You for the freedoms that we have and for the blessings that You have given us through this country. We are humbled that You use us to govern, to lead this great State of Texas. And, Lord, today as we go about our business for this land with the decisions that we need to make and the justice that needs to be upheld, we ask for Your wisdom, Your discernment, and Your blessing. May You work through all that we do to rule and to lead well in a way that brings freedom, liberty, prosperity, and peace to the people of Texas. In Christ's name we pray. Amen.

SENATE RESOLUTION 320

Senator Zaffirini offered the following resolution:

WHEREAS, Proud residents of Rio Grande City are gathering in Austin on February 23, 2011, to celebrate Rio Grande City Day at the State Capitol; and

WHEREAS, Rio Grande City has gained regional, state, and national media attention for its significant historical richness; it boasts more than 600 historic properties and has been recognized as a National Main Street City in Texas for eight consecutive years; and

WHEREAS, The city is a member of the National Trust for Historic Preservation's National Main Street Network, which assists states and communities in the preservation and rehabilitation of commercial districts, and it has been designated as a Preserve America Community for its efforts to protect local cultural and natural resources for the benefit and enjoyment of the public; and

WHEREAS, The leaders of Rio Grande City are committed to improving the quality of life for residents and maintaining a positive economic environment that will attract new business; among the important infrastructure projects recently undertaken are the construction of a \$20.9 million water treatment facility, the \$2.885 million first phase expansion of the wastewater treatment facility, the construction of a \$2.5 million municipal park, and the reconstruction of 90 percent of the city's streets; and

WHEREAS, Celebrating their rich heritage even as they work to build a bright future, the citizens of Rio Grande City may indeed take pride in their community's ongoing achievements; now, therefore, be it

RESOLVED, That the Senate of the 82nd Texas Legislature hereby recognize February 23, 2011, as Rio Grande City Day at the State Capitol and extend to the visiting delegation sincere best wishes for a meaningful and memorable stay in Austin.

SR 320 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Ruben Villarreal, Mayor of Rio Grande City; Juan Zuniga, City Manager; Rose Benavides, President, Starr County Industrial Foundation; Nilda Elizondo, Public Relations Director, Starr County Industrial Foundation; Valerie Brown Garza; Araceli Saenz; and Giselle Mascarenas.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 1:25 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 1 ON SECOND READING

Senator Ogden moved that the regular order of business be suspended and that **CSSJR 1** be taken up for consideration at this time (Submitted by Governor as an emergency matter):

CSSJR 1, Urging the Congress of the United States to propose and submit to the states for ratification a federal balanced budget amendment to the Constitution of the United States and, in the event that Congress does not submit such an amendment on or before December 31, 2011, applying to Congress to call a convention to propose an amendment to that constitution to provide, in the absence of a national emergency and on a two-thirds vote of Congress, for a federal balanced budget and requesting that the legislatures of each of the several states that compose the United States apply to Congress to call a convention to propose such an amendment.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Gallegos, Lucio, Nelson, Rodriguez, Van de Putte.

The resolution was read second time.

Senator Huffman offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **CSSJR 1** (senate committee report) as follows:

On page 2, line 4, strike "to propose" and substitute "for the specific and exclusive purpose of proposing".

The amendment to **CSSJR 1** was read and was adopted by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Gallegos, Lucio, Rodriguez, Wentworth.

Senator Ellis offered the following amendment to the resolution:

Floor Amendment No. 2

Amend **CSSJR 1** as follows:

On page 1, between lines 25 and 26, insert the following:

WHEREAS, An exception to this pattern was at the turn of the 21st century; in January 2001, America enjoyed a \$236 billion budget surplus—with a projected 10-year surplus of \$5.6 trillion; by January 2009, however, America faced a \$1.2 trillion deficit—and projected shortfalls of \$3.1 trillion for the next decade; and

The amendment to **CSSJR 1** 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:

Nays: Estes, Fraser, Huffman, Jackson, Patrick.

Senator Ellis offered the following amendment to the resolution:

Floor Amendment No. 3

Amend **CSSJR 1** as follows:

On page 2, between lines 27 and 28, insert the following:

RESOLVED, That the 82nd Texas Legislature hereby respectfully urge the Congress of the United States to vote on every recommendation in *The Moment of Truth: Report of the National Commission on Fiscal Responsibility and Reform* published in December 2010; and, be it further

On page 2, line 33, after "Record", strike "as an application"

On page 2, strike lines 34-36

On page 2, line 37, strike "for ratification on or before December 31, 2011"

The amendment to **CSSJR 1** was read.

Senator Ellis withdrew Floor Amendment No. 3.

Senator Hinojosa offered the following amendment to the resolution:

Floor Amendment No. 4

Amend **CSSJR 1** on page 1, between lines 31 and 32, by inserting the following:

WHEREAS, the National Commission on Fiscal Responsibility and Reform in its report *The Moment of Truth* includes recommendations to be considered by the United States Congress in reducing the federal deficit, such as eliminating tax breaks and reductions, abolishing the alternative minimum tax, reducing unnecessary defense spending, reducing farm subsidies, reducing health care costs through medical malpractice reform, raising the retirement age to 68 by 2050 and to 69 by 2075, cutting corporate income taxes from 35 percent to 26 percent, and reforming personal income tax levels to create three categories of rates at 8, 14, and 23 percent; and

The amendment to **CSSJR 1** was read.

Question — Shall Floor Amendment No. 4 to **CSSJR 1** be adopted?

AT EASE

The President at 2:45 p.m. announced that the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 2:51 p.m. called the Senate to order as In Legislative Session.

Question — Shall Floor Amendment No. 4 to **CSSJR 1** be adopted?

Senator Hinojosa withdrew Floor Amendment No. 4.

Senator Hinojosa offered the following amendment to the resolution:

Floor Amendment No. 5

Amend **CSSJR 1** on page 1, between lines 31 and 32, by inserting the following:

WHEREAS, the National Commission on Fiscal Responsibility and Reform in its report *The Moment of Truth* includes recommendations to reduce the federal deficit that have not been considered by the United States Congress; and

The amendment to **CSSJR 1** was read and was adopted by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Gallegos, Harris, Hegar, Hinojosa, Lucio, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Estes, Fraser, Huffman, Jackson, Nelson, Nichols, Patrick, Williams.

CSSJR 1 as amended was adopted by the following vote: Yeas 24, Nays 7.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Gallegos, Lucio, Nelson, Rodriguez, Van de Putte.

REASON FOR VOTE

Senator Nelson submitted the following reason for vote on **CSSJR 1**:

The federal government should maintain a balanced budget, and I strongly support the idea of urging Congress to live within its means. However, I am not convinced that the scope of a Constitutional Convention could be limited to one issue. Therefore, I voted "No" on **CSSJR 1**.

NELSON

REASON FOR VOTE

Senator Lucio submitted the following reason for vote on **CSSJR 1**:

Although I have great respect for my fellow Senators, I do not believe we have given this issue the necessary diligence it deserves. There remains too many unanswered questions regarding the processes under which a constitutional convention would operate. Furthermore, it is unclear what the fiscal impacts would be on Texas, which is heavily reliant on federal funds. Finally, it is unclear what a balanced budget would even mean for an entity which is able to print its own currency.

I believe the best way to tackle budget deficits is for the people to elect representatives who understand both the fiscal and moral responsibility of political leadership. In a democracy, the people are always the most important check on government irresponsibility.

I remain a firm believer in Fiscal responsibility. Budgets should not be built on borrowing. Governments should rely on taxation for revenue, and politicians must have the character to uphold this principle.

LUCIO

REASON FOR VOTE

Senator Estes submitted the following reason for vote on **CSSJR 1**:

I am a strong supporter of a constitutional amendment to require Congress to balance its budget every year. I cast my vote against CSSJR 1 because it calls for a constitutional convention if Congress fails to pass a balanced budget amendment through the traditional process. I cannot vote for a resolution calling for a constitutional convention because I think a constitutional convention risks far too much to justify any potential gains.

I am not comforted by the resolution's language requiring that Texas's application for a convention be rescinded if the convention strays from the topic of a balanced budget amendment. All of the precedent for the conduct of a constitutional convention comes from the Philadelphia Convention of 1787. This convention was called to resolve a narrow issue, the conflicts between the states under the Articles of Confederation government. Under Article XIII of the Articles of Confederation, any change to the government of the United States required the unanimous approval of all the states. Rhode Island, which had implemented a tariff on goods crossing its borders from other states, boycotted the convention to prevent the other states from amending the Articles of Confederation to make the tariff illegal. At the Philadelphia Convention, the delegates went well beyond the narrow issue they had convened to address and wrote an entirely new government. Then, in order to avoid the unanimity requirement of Article XIII, they provided that the new Constitution would go into effect if only three-fourths of the states adopted it.

Thus, the only precedent we have on the matter clearly implies that neither the scope nor the ratification requirements of a constitutional convention can be limited by prior legislative action. It is also unclear whether or not a state can rescind an Article V application for a convention once the delegates have convened. For these reasons, I do not believe that the delegates to a constitutional convention can be restrained.

If these delegates were likely to be men like George Washington, James Madison, and Alexander Hamilton, I might rest easier. A runaway convention composed of men like these would result in a document that, like our current Constitution, reflected the principles of limited government, individual responsibility, and free enterprise that dominated the political theory of their time. But a modern convention would be attended by men and women of our time, some of whom would subscribe to branches of modern political thought, including theories of class warfare, the culture of victimization, and the belief that unlimited federal power is a desirable

end. While a runaway convention might be unlikely, I fear that the potential harm from one is so great that I cannot in good conscience cast a vote that would make a convention possible.

I am not alone in my fears. My view is shared by many legal scholars, including the late Warren Burger, Chief Justice of the Supreme Court of the United States of America from 1969 to 1985. For the benefit of the record, I wish to incorporate the letter written by Chief Justice Burger to Phyllis Schlafly in 1988, which expresses his view on the matter.

ESTES

Supreme Court of the United States
Washington, D.C. 20543
June 22, 1988

Chambers of
Chief Justice Burger
Retired

Dear Phyllis:

I am glad to respond to your inquiry about a proposed Article V Constitutional Convention. I have been asked questions about this topic many times during my news conferences and at college meetings since I became Chairman of the Commission on the Bicentennial of the U.S. Constitution, and I have repeatedly replied that such a convention would be a grand waste of time.

I have also repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to assure that the Convention would obey. After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda. The meeting in 1787 ignored the limit placed by the Confederation Congress "for the sole and express purpose."

With George Washington as chairman, they were able to deliberate in total secrecy, with no press coverage and no leaks. A Constitutional Convention today would be a free-for-all for special interest groups, television coverage, and press speculation.

Our 1787 Constitution was referred to by several of its authors as a "miracle." Whatever gain might be hoped for from a new Constitutional Convention could not be worth the risks involved. A new Convention could plunge our Nation into constitutional confusion and confrontation at every turn, with no assurance that focus would be on the subjects needing attention. I have discouraged the idea of a Constitutional Convention, and I am glad to see states rescinding their previous resolutions requesting a Convention. In these Bicentennial years, we should be celebrating its long life, not challenging its very existence. Whatever may need repair on our Constitution can be dealt with by specific amendments.

Cordially,
/s/W. E. B.

REASON FOR VOTE

Senator Van de Putte submitted the following reason for vote on **CSSJR 1**:

Today, I could not in good-faith vote for CSSJR 1. While I am in favor of balancing our federal budget, I believe calling for a Constitutional Convention is the wrong mechanism to achieve this well-meaning goal. There are no provisions in the United States Constitution—or in any rule—which would limit a Constitutional Convention, once convened, to the particular issue stated in CSSJR 1. I hold our precious United States Constitution too dear to risk an uncontrolled re-write of the entire document. There are too many unknown variables and too much in jeopardy for me to vote in favor of CSSJR 1.

VAN DE PUTTE

SPECIAL COMMITTEE APPOINTED

The President announced the appointment of the following committee for the 82nd Legislature:

SENATE SELECT COMMITTEE ON OPEN GOVERNMENT

Wentworth, Chair; Davis, Vice-chair; Ellis, Eltife, Shapiro.

SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees) (Motion In Writing)

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

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:59 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 1:30 p.m. Monday, February 28, 2011.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 292 by Watson

Relating to changes in the single-member district boundaries of the Barton Springs-Edwards Aquifer Conservation District.

To Committee on Natural Resources.

SB 375 by Wentworth

Relating to categories of information presumed to be public under the public information law.

To Committee on Open Government.

SB 442 by Wentworth

Relating to notice by a governmental entity regarding certain geospatial data products.

To Committee on Open Government.

SB 470 by Carona

Relating to an exception to disclosure under the public information law concerning officers and employees of a hospital district.

To Committee on Open Government.

SB 602 by Rodriguez

Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under the public information law.

To Committee on Open Government.

SB 633 by Hinojosa

Relating to the educational scope of Texas A&M University—Corpus Christi.

To Committee on Higher Education.

SB 634 by Hinojosa

Relating to the punishment for certain intoxication offenses.

To Committee on Criminal Justice.

SB 635 by Nichols, Gallegos, Patrick

Relating to the authority of the executive director of the Texas Commission on Environmental Quality in relation to establishing water and sewer utility rates.

To Committee on Natural Resources.

SB 636 by Nichols, Gallegos, Patrick

Relating to the consolidation of more than one water or sewer system under a single tariff by an investor-owned utility.

To Committee on Natural Resources.

SB 637 by Nichols, Gallegos, Patrick

Relating to the recovery of certain rate case expenses by a water and sewer utility.

To Committee on Natural Resources.

SB 638 by Jackson

Relating to the computation of a surplus credit and a surplus credit rate for certain successor employing units.

To Committee on Economic Development.

SB 639 by Van de Putte, Zaffirini

Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.

To Committee on Veteran Affairs and Military Installations.

SB 640 by Seliger

Relating to consideration of a bidder's principal place of business in awarding certain municipal contracts.

To Committee on Intergovernmental Relations.

SB 641 by Seliger

Relating to the calculation of interest on certain ad valorem tax refunds.

To Committee on Intergovernmental Relations.

SB 642 by Seliger

Relating to optional annuity increases for certain retirees and beneficiaries of the Texas Municipal Retirement System.

To Committee on State Affairs.

SB 643 by Seliger

Relating to the creation of a grant program to defray the cost of constructing a new health facility in a rural county.

To Committee on Agriculture and Rural Affairs.

SB 648 by Whitmire, Hegar

Relating to the continuation and functions of the Commission on State Emergency Communications.

To Committee on Government Organization.

SB 649 by Hinojosa, Hegar

Relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.

To Committee on Government Organization.

SB 667 by Duncan

Relating to the management of groundwater resources in this state and the rights of landowners in groundwater.

To Committee on Natural Resources.

SB 668 by Wentworth

Relating to changing the name of the Railroad Commission of Texas to the Texas Oil and Gas Commission.

To Committee on Government Organization.

SB 669 by Wentworth

Relating to requests to inspect or be provided with copies of information under the public information law.

To Committee on Open Government.

SB 670 by Gallegos

Relating to the regulation of the location of certain halfway houses.

To Committee on Criminal Justice.

SB 671 by Gallegos

Relating to the creation of a state occupational health and safety plan; establishing a maintenance tax.

To Committee on State Affairs.

SB 672 by Gallegos

Relating to measuring, monitoring, and reporting emissions.

To Committee on Natural Resources.

SB 673 by Gallegos

Relating to the authority of the Texas Commission on Environmental Quality to approve certain supplemental environmental projects undertaken by local governments.

To Committee on Natural Resources.

SB 674 by Gallegos

Relating to standards for measuring the emission of air contaminants under the Texas Clean Air Act; providing a penalty.

To Committee on Natural Resources.

SB 675 by Gallegos

Relating to allowing the Texas Commission on Environmental Quality to impose more stringent conditions for existing air quality permits to avoid a condition of air pollution.

To Committee on Natural Resources.

SB 676 by Gallegos

Relating to the regulation of toxic hotspots under the Texas Clean Air Act.

To Committee on Natural Resources.

SB 677 by Gallegos

Relating to the enforcement of the public information law; providing for the imposition of a civil penalty.

To Committee on Open Government.

SB 678 by Gallegos

Relating to a school district policy regarding the removal of a student from a public school teacher's classroom.

To Committee on Education.

SB 679 by Gallegos

Relating to minimum educational qualifications for open-enrollment charter school teachers.

To Committee on Education.

SB 680 by Gallegos

Relating to a fee collected by a district clerk for certain electronic certified copies.

To Committee on Jurisprudence.

SB 681 by West

Relating to the establishment of a task force to study the assessments of children in the child welfare system.

To Committee on Health and Human Services.

SB 682 by Huffman

Relating to access to criminal history record information that relates to a person who is an applicant for appointment to an appraisal review board.

To Committee on Criminal Justice.

SB 683 by Huffman

Relating to the composition of the board of directors of the Gulf Coast Water Authority.

To Committee on Natural Resources.

SB 684 by Huffman

Relating to the transfer of the assets of and the dissolution of the Fort Bend County Water Control and Improvement District No. 1.

To Committee on Natural Resources.

SB 685 by Huffman

Relating to the release on bond of certain persons arrested for a misdemeanor without a warrant in certain counties.

To Committee on Criminal Justice.

SB 686 by Huffman

Relating to the extension of the period of community supervision for certain defendants who fail to pay restitution.

To Committee on Criminal Justice.

SB 687 by Huffman

Relating to interception of wire, oral, or electronic communications for law enforcement purposes.

To Committee on Criminal Justice.

SB 688 by Nichols

Relating to the investigation, prosecution, and punishment of criminal Medicaid fraud and certain other offenses related to Medicaid fraud; providing penalties.

To Committee on Health and Human Services.

SB 689 by Ellis

Relating to the disclosure of electricity generation offers received by ERCOT.

To Committee on Business and Commerce.

SB 690 by Carona

Relating to the enforcement of a self-service storage facility lien; providing a penalty.

To Committee on Business and Commerce.

SB 691 by Estes

Relating to the exemption from permitting by groundwater conservation districts for certain water wells used for domestic, livestock, and poultry watering purposes.

To Committee on Natural Resources.

SB 692 by Estes

Relating to exemptions from groundwater conservation district permit requirements.

To Committee on Natural Resources.

SB 693 by Estes

Relating to permit application and amendment hearings conducted by groundwater conservation districts and the State Office of Administrative Hearings.

To Committee on Natural Resources.

SB 694 by West

Relating to the regulation of metal recycling entities; providing penalties.
To Committee on Natural Resources.

SB 695 by Watson

Relating to a suspension of the imposition of certain fees under certain conditions.
To Committee on Finance.

SB 696 by Watson

Relating to quarterly financial condition reports on collected and anticipated state revenue.
To Committee on Finance.

SB 697 by Watson

Relating to a state budgeting plan to foster this state's economic health.
To Committee on Finance.

SB 698 by Watson

Relating to the analysis of certain legislative measures making an appropriation or affecting a state tax or fee.
To Committee on Finance.

SB 699 by Watson

Relating to reporting regarding state fees by the comptroller and in the general appropriations bill.
To Committee on Finance.

SB 700 by Watson

Relating to the maintenance by the Legislative Budget Board of a searchable database containing certain budget information.
To Committee on Finance.

SB 701 by Watson

Relating to high-value data sets of state agencies posted on the Internet.
To Committee on State Affairs.

SB 702 by Watson

Relating to the preparation of economic impact statements for legislative measures.
To Committee on Finance.

SB 703 by Watson

Relating to annual reports regarding federal funding for state agencies.
To Committee on Finance.

SB 704 by Watson

Relating to interim budget reduction requests.
To Committee on Finance.

SB 705 by Watson

Relating to unfunded legislative mandates on local governments.
To Committee on Finance.

SB 706 by Watson

Relating to the approval and issuance of tax and revenue anticipation notes.
To Committee on Finance.

SB 707 by Watson

Relating to transferring the Legislative Budget Board's performance review duties to the comptroller.
To Committee on Finance.

SB 708 by Watson

Relating to the review of the Sunset Advisory Commission by the comptroller.
To Committee on Finance.

SB 709 by Van de Putte

Relating to the use of certain professional titles by licensed specialists in school psychology.
To Committee on Health and Human Services.

SB 710 by Van de Putte

Relating to the disclosure of a hazardous drain in a swimming pool or spa by a seller of residential real property.
To Committee on Business and Commerce.

SB 711 by Jackson

Relating to the confidentiality of certain identifying information regarding students of career schools or colleges and other educational entities; providing a criminal penalty.
To Committee on Open Government.

SB 712 by Hegar

Relating to the administration of the universal service fund.
To Committee on Business and Commerce.

SB 713 by Hegar

Relating to the procedure for certain small local exchange companies to propose to offer certain services or to make a minor change in a rate or tariff.
To Committee on Business and Commerce.

SB 714 by Patrick

Relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules.
To Committee on Intergovernmental Relations.

SB 715 by Harris

Relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.
To Committee on Jurisprudence.

SB 716 by Harris

Relating to the periodic review of the child support guidelines.
To Committee on Jurisprudence.

SB 717 by Harris, Van de Putte

Relating to the purpose and duties of the Council on Children and Families.
To Committee on Health and Human Services.

SB 718 by Van de Putte

Relating to disciplinary action taken against public school students on the basis of serious and persistent misbehavior.
To Committee on Education.

SB 719 by Van de Putte

Relating to discharging fines and costs assessed against certain juvenile defendants through community service or tutoring.
To Committee on Criminal Justice.

SB 720 by Williams

Relating to the calculation of the ad valorem rollback tax rates of certain taxing units.
To Committee on Finance.

SB 721 by Williams

Relating to communications with appraisal review board members outside of a proceeding before the board; providing a criminal penalty.
To Committee on Intergovernmental Relations.

SB 722 by Williams

Relating to the selection of the board of directors of an appraisal district.
To Committee on Intergovernmental Relations.

SB 723 by Williams

Relating to the proof of an applicant's identity and age required for the issuance of a marriage license.
To Committee on Jurisprudence.

SB 724 by Williams

Relating to the revocation and reinstatement of an end user number for purposes of purchasing dyed diesel fuel.
To Committee on Finance.

SB 725 by Williams

Relating to suits against appraisal districts and appraisal review boards.
To Committee on Intergovernmental Relations.

SB 726 by Rodriguez

Relating to the establishment of the judicial access and improvement account to provide funding for basic civil legal services, indigent defense, and judicial technical support through certain county service fees and court costs imposed to fund the account.
To Committee on Finance.

SB 727 by Seliger

Relating to groundwater conservation district management plans.
To Committee on Natural Resources.

SB 728 by Seliger

Relating to a groundwater conservation district's recovery of expenses in closing or capping a well.

To Committee on Natural Resources.

SB 729 by Seliger

Relating to a joint election for trustees of an independent school district.

To Committee on State Affairs.

SB 730 by Nichols

Relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.

To Committee on Transportation and Homeland Security.

SB 731 by Nichols

Relating to the payment of an examination fee to the attorney general for the legal sufficiency review of a comprehensive development agreement.

To Committee on Transportation and Homeland Security.

SB 732 by Nichols

Relating to the prohibition of certain regulations by a municipality in its extraterritorial jurisdiction involving trees and vegetation.

To Committee on Intergovernmental Relations.

SB 733 by Ellis

Relating to a notification requirement if a public school campus or open-enrollment charter school does not have a nurse assigned to the campus during all instructional hours.

To Committee on Education.

SB 734 by Carona

Relating to the registration and regulation of appraisal management companies; providing administrative penalties.

To Committee on Business and Commerce.

SB 735 by Carona

Relating to prohibition of certain extra hazardous coverages by title insurance companies.

To Committee on Business and Commerce.

SB 736 by Hinojosa

Relating to membership and duties of local school health advisory councils.

To Committee on Education.

SB 737 by Hegar

Relating to the management of groundwater production by groundwater conservation districts.

To Committee on Natural Resources.

SB 738 by Shapiro

Relating to alternative methods of operating public schools.

To Committee on Education.

SB 739 by Ellis

Relating to prohibition of the use of credit scoring in underwriting and rating certain personal lines of insurance coverage.

To Committee on Business and Commerce.

SB 740 by Ellis

Relating to insurer rating practices requiring prior approval.

To Committee on Business and Commerce.

SB 741 by Ellis

Relating to prohibition of certain insurance discrimination.

To Committee on State Affairs.

SB 742 by Ellis, Lucio

Relating to eligibility of certain job trainees for extended unemployment compensation benefits.

To Committee on Economic Development.

SB 743 by Hegar

Relating to the designation of a segment of State Highway 71 as the 95th Division Memorial Highway.

To Committee on Transportation and Homeland Security.

SB 744 by Uresti

Relating to a fee for an application filed with a county commissioners court to revise a subdivision plat.

To Committee on Intergovernmental Relations.

SB 745 by Davis

Relating to the regulation of saltwater pipelines by the Railroad Commission of Texas.

To Committee on Natural Resources.

SB 746 by Davis

Relating to membership of the state continuing advisory committee for special education services.

To Committee on Education.

SB 747 by Carona

Relating to the professions regulated by the Texas Real Estate Commission.

To Committee on Business and Commerce.

SB 748 by Carona

Relating to business entities and associations.

To Committee on Business and Commerce.

SB 749 by Ellis

Relating to provision of notice regarding and limitation of attorney's fees for services provided in connection with the making of a wrongful imprisonment claim.

To Committee on State Affairs.

SB 750 by Seliger

Relating to the creation of a groundwater conservation district in a priority groundwater management area.

To Committee on Natural Resources.

SB 751 by Hegar

Relating to the regulation of catfish and other siluriform fish intended for human consumption; providing civil and administrative penalties.

To Committee on Health and Human Services.

SB 752 by Birdwell

Relating to Internet access to checking account transactions of a public institution of higher education.

To Committee on Higher Education.

SB 753 by Birdwell

Relating to the authority of certain counties to regulate outdoor lighting near astronomical observation facilities.

To Committee on Intergovernmental Relations.

SB 754 by Birdwell

Relating to a credit against the access fee for a private dock charged by the Brazos River Authority in the event of a drought.

To Committee on Natural Resources.

SB 755 by Seliger

Relating to a priority groundwater management area designation for a water district.

To Committee on Natural Resources.

SB 756 by Seliger

Relating to a prohibition on the transport of surface water or groundwater more than a specified distance from the water's source; providing an administrative penalty.

To Committee on Natural Resources.

SB 757 by Deuell

Relating to certain defenses to prosecution for the offense of sale, distribution, or display of harmful material to a minor.

To Committee on Criminal Justice.

SB 758 by Deuell

Relating to sales and use tax information provided to certain local governmental entities.

To Committee on Finance.

SB 759 by West

Relating to the state low income housing plan and report developed by the Texas Department of Housing and Community Affairs.

To Committee on Intergovernmental Relations.

SB 760 by West

Relating to the term of interlocal contracts.

To Committee on Intergovernmental Relations.

SB 761 by West

Relating to the employment of physicians by certain hospitals associated with nonprofit fraternal organizations.

To Committee on Intergovernmental Relations.

SB 762 by Carona

Relating to the transfer of an ad valorem tax lien; providing for the imposition of an administrative penalty.

To Committee on Business and Commerce.

SB 763 by Ellis

Relating to the designation of certain areas as banking development districts to encourage the establishment of financial institution branches in those areas.

To Committee on Business and Commerce.

SB 764 by Williams

Relating to a prohibition against use of school district resources for a hotel.

To Committee on Education.

SB 765 by Uresti

Relating to the territory of the El Paso County Water Control and Improvement District No. 4.

To Committee on Intergovernmental Relations.

SB 766 by Estes

Relating to regulation and enforcement of laws affecting sport shooting ranges.

To Committee on Agriculture and Rural Affairs.

SB 767 by Ellis

Relating to the regulation of certain residential mortgage foreclosure consulting services; providing a criminal penalty.

To Committee on Business and Commerce.

SB 768 by Watson

Relating to the creation of the Rio de Vida Planning and Improvement District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.

To Committee on Intergovernmental Relations.

SB 769 by Davis

Relating to the penalty for certain intoxication assaults.

To Committee on Criminal Justice.

SB 770 by Davis

Relating to designating April as Water Safety Awareness Month.

To Committee on Administration.

SB 771 by Davis

Relating to swimming pool safety alarms for certain single-family homes; providing a civil penalty.

To Committee on Business and Commerce.

SB 772 by Davis

Relating to the use of a tracer substance in performing a hydraulic fracturing treatment operation.

To Committee on Natural Resources.

SJR 24 by Watson

Proposing a constitutional amendment exempting political subdivisions from unfunded legislative mandates and authorizing the legislature to provide funding for legislative mandates on political subdivisions.

To Committee on Finance.

SJR 25 by Hinojosa, Hegar

Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

To Committee on Finance.

SJR 26 by West

Proposing a constitutional amendment authorizing the legislature to allow cities or counties to enter into interlocal contracts with other cities or counties without the imposition of a tax or the provision of a sinking fund.

To Committee on Intergovernmental Relations.

CO-AUTHOR OF SENATE BILL 27

On motion of Senator Zaffirini, Senator Carona will be shown as Co-author of **SB 27**.

CO-AUTHOR OF SENATE BILL 253

On motion of Senator Davis, Senator Rodriguez will be shown as Co-author of **SB 253**.

CO-AUTHOR OF SENATE BILL 254

On motion of Senator Davis, Senator Rodriguez will be shown as Co-author of **SB 254**.

CO-AUTHOR OF SENATE BILL 400

On motion of Senator Shapiro, Senator Nelson will be shown as Co-author of **SB 400**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 302 by Shapiro, In memory of Deborah Lynn "Debbie" Friedman.

SR 353 by Hinojosa, In memory of Ernest Frank Bennett, Jr., of Corpus Christi.

SR 354 by Hinojosa, In memory of Edward Galvan of Corpus Christi.

SR 356 by Van de Putte, In memory of Maria Theresa Morado of San Antonio.

Congratulatory Resolutions

SR 348 by West, Recognizing Pearl and Norman Lee Robinson on the occasion of their birthdays.

SR 350 by West, Ellis, and Watson, Recognizing Ron Kirk for his service to this state and our nation.

SR 357 by West, Recognizing Ellyn N. and Edwin E. Favors on the occasion of their ninth pastoral anniversary at Praise Fellowship Church.

SR 360 by Ellis, Recognizing Caprice Cospser for her contributions to the administration of justice in our state.

SR 362 by Whitmire, Commending Joshua Logan Hohne for achieving the rank of Eagle Scout.

SR 363 by Whitmire, Recognizing Shirley Marie Tibbs of Houston on the occasion of her 75th birthday.

Official Designation Resolutions

SR 275 by Ellis, Recognizing February 23, 2011, as Houston A-Plus Challenge Day at the State Capitol.

SR 361 by Deuell, Celebrating February 28, 2011, as Rowlett Chamber of Commerce Government Affairs Day at the State Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:29 p.m. adjourned until 1:30 p.m. Monday, February 28, 2011.

APPENDIX

RESOLUTIONS ENROLLED

February 22, 2011

SR 213, SR 258, SR 259, SR 283, SR 301, SR 303, SR 304, SR 305, SR 306, SR 307, SR 308, SR 309, SR 312, SR 313, SR 314, SR 315, SR 317, SR 318, SR 319, SR 321, SR 322, SR 324, SR 325, SR 327, SR 328, SR 329, SR 331, SR 332, SR 333, SR 334, SR 335, SR 336, SR 337, SR 338, SR 339, SR 343, SR 344, SR 345, SR 346, SR 347

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

EIGHTEENTH DAY

(Monday, February 28, 2011)

The Senate met at 1:38 p.m. pursuant to adjournment and was called to order by the President.

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

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

Pastor Jack B. Chatman, Jr., Sabbath Rest Nondenominational Ministry, Port Arthur, offered the invocation as follows:

Father, we present ourselves today as humbly and lovingly as we possibly can. We ask that You grant us wisdom, knowledge, and understanding today. Allow us to make right and prudent decisions today with only the hearts of the people in mind. We thank You, God, for safe travel, health, and sound mind. Bless us as the leaders You have established. You, O God, have placed us in positions of authority. Please lead us here in local government, at state level, and at national level. Father, bless all Your children and bless America. In Jesus' name. Amen.

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

The motion prevailed without objection.

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Brent Sanderlin of Kyle as the Physician of the Day.

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

MESSAGES FROM THE GOVERNOR

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

February 23, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be the Injured Employee Public Counsel for a term to expire February 1, 2013:

Norman Darwin
Benbrook, Texas

Mr. Darwin is being reappointed.

To be members of the Texas Department of Motor Vehicles Board for terms to expire February 1, 2017:

Blake Ingram
Sunnyvale, Texas

(replacing James Campbell, Jr. of Sachse whose term expired)

John H. Walker, III
Houston, Texas

(Mr. Walker is being reappointed)

W. Marvin Rush
Seguin, Texas

(Mr. Rush is being reappointed)

Respectfully submitted,

/s/Rick Perry
Governor

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a delegation from Saint Philip Catholic School.

The Senate welcomed its guests.

SENATE RESOLUTION 340

Senator Uresti offered the following resolution:

SR 340, Recognizing February 28, 2011, as Val Verde County Day at the Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Val Verde County delegation: Roberto Chavira, Roberto Fernandez, Joe Frank Martinez, Al Arreola, Jr., and Laura Allen.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini, joined by Senator Wentworth, was recognized and introduced to the Senate a Northeast Partnership for Economic Development delegation: Mayor Al Suarez, Converse; Mayor Mary Dennis, Live Oak; Mayor Hal Baldwin, Schertz; Mayor Tom Daly, Selma; Mayor John Williams, Universal City; and Mayor Jay Feibelman, Garden Ridge.

The Senate welcomed its guests.

SENATE RESOLUTION 381

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to join the citizens of Jefferson and Orange Counties in the joyous celebration of Golden Triangle Days at the State Capitol February 28 through March 1, 2011; and

WHEREAS, Hundreds of visitors from throughout the energy-rich and culturally unique region of Southeast Texas formed by the cities of Beaumont, Orange, and Port Arthur have come to Austin to meet with elected officials and representatives of state agencies to express appreciation for their actions on behalf of the region as well as to inform lawmakers of opportunities to further strengthen their respective communities; and

WHEREAS, Jefferson and Orange County residents have gathered for this and other special events and activities in order to work together for the good of their region and the great state of Texas; and

WHEREAS, To that end, the chambers of commerce from Beaumont, Bridge City, Groves, Nederland, Orange, Port Arthur, Port Neches, and Vidor have adopted unified positions on relevant business issues with a single voice; and

WHEREAS, The area chambers of commerce work closely with the Counties of Jefferson and Orange, along with their respective cities, other taxing entities, business organizations, and the community at large to create a great business climate for the entire citizenry with its great diversity and varying socioeconomic levels; and

WHEREAS, Jefferson and Orange Counties continue to recover from Hurricane Ike on September 13, 2008, and have made great strides with the more than \$15 billion of industrial expansion and growth devoted to supplying the energy needs of the State of Texas and the nation; and

WHEREAS, The distinctive cultural and historic contributions of this proud region are highlighted by numerous tourist attractions and are matched only by the region's economic contributions, featuring America's Energy Gateway, the deepwater ports of Beaumont, Orange, Port Arthur, and Sabine Pass, and the private terminals

along the Sabine-Neches Waterway; Lamar University, Lamar State College–Orange, Lamar State College–Port Arthur, and the Lamar Institute of Technology; and many other assets, which significantly impact the growth and health of the state; and

WHEREAS, The people of Orange and Jefferson County have been building a vibrant, forward-reaching region, and it is a pleasure to acknowledge the public-spirited citizens from the Golden Triangle here today for their dedication and commitment to their communities and this great state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas 82nd Legislature, hereby recognize February 28 through March 1, 2011 as Golden Triangle Days at the Capitol and welcome the region's visitors to Austin; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Golden Triangle Days at the Capitol in 2011.

WILLIAMS
HUFFMAN

SR 381 was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate Jefferson County Judge Jeff Branick, Orange County Judge Carl Thibodeaux, Beaumont Mayor Becky Ames, Port Arthur Mayor Deloris "Bobby" Prince, and City of Orange Councilmember Jimmy Sims.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, February 28, 2011 - 1

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 32 Craddick
In memory of Lindley Paul Latham of Midland.

HCR 38 Eiland
Paying tribute to the life of Texas heroine Jane Herbert Wilkinson Long.

HCR 47 Guillen
In memory of U.S. Army Private First Class Ira Benjamin Laningham IV of Zapata.

HCR 59 Berman
Designating February 28 to March 1, 2011, as East Texas Coalition Days at the State Capitol.

HCR 70

Coleman

Recognizing February 28, 2011, as Texas Southern University Day at the State Capitol.

HCR 175

Branch

Commemorating the 175th anniversary of the adoption of the Texas Declaration of Independence.

SCR 17

Whitmire

Sponsor: Legler

Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, February 17, 2011, and ending on Tuesday, February 22, 2011.

SCR 21

Whitmire

Sponsor: Legler

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 23, 2011, and ending on Monday, February 28, 2011.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 349

Senator West offered the following resolution:

SR 349, Recognizing February 28, 2011, as The Links, Incorporated, Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a delegation from The Links: Roslyn Goodall, Western Area Chair; Sandra Malone, Dallas Immediate Past Chair, Western Area; Susie Bell, Past Chair, Women's Issues and Economic Empowerment; Beverly Lyde, Mid Cities, member; and Chrystle Swain, Austin Chair, Public Relations.

The Senate welcomed its guests.

SENATE RESOLUTION 382

Senator Williams offered the following resolution:

SR 382, Recognizing the Texas Bar-B-Q Festival Cook-off as a Texas State Barbecue Championship competition.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate a delegation from the Vidor Chamber of Commerce and Visitors Bureau.

The Senate welcomed its guests.

(President Pro Tempore Ogden in Chair)

SENATE CONCURRENT RESOLUTION 22

The President Pro Tempore laid before the Senate the following resolution:

WHEREAS, A number of proud Texans are visiting Austin on February 28, 2011, to celebrate Texas Southern University Day at the State Capitol; and

WHEREAS, Founded in 1927, with a loan from the Houston Public School Board, Texas Southern University opened its doors as Houston Colored Junior College; the school was highly successful and enrollment grew quickly, leading to the transition to a four-year institution in 1934, with a graduate program added in 1943; the Texas Legislature appropriated \$2 million in 1947 to buy the campus of what was then Houston College for Negroes in order to create a new state-supported university, and four years later the school assumed the name Texas Southern University; and

WHEREAS, Today, Texas Southern is one of the largest of the historically black colleges and universities in the United States; located in Houston's Third Ward, it enrolls more than 9,500 students from throughout the country and around the world, and it employs nearly 1,500 faculty and staff; it is composed of nine schools and colleges that offer 53 baccalaureate academic majors, as well as 36 master's and 6 doctoral degree programs; and

WHEREAS, Texas Southern University is committed to serving students of diverse cultural, religious, educational, and economic backgrounds and to preparing them for future leadership roles; the university trains the majority of African American lawyers in Houston and African American teachers in the Houston Independent School District, and it has historically graduated more than 27 percent of the African American pharmacists in the United States; in addition, the university's Thurgood Marshall School of Law has been recognized by *U.S. News & World Report* as the most diverse law school in the nation; and

WHEREAS, Throughout its history, Texas Southern University has provided its students with a solid foundation for achievement, and it has been a powerful force for social progress and economic development in the Lone Star State; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby recognize February 28, 2011, as Texas Southern University Day at the State Capitol and extend to all those associated with this notable institution sincere best wishes for continued success; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Texas Southern University as an expression of high regard by the Texas House of Representatives and Senate.

ELLIS

SCR 22 was read.

On motion of Senator Ellis, 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.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate a Texas Southern University delegation: Glenn Lewis, Chairman of the Board of Regents; Dr. John M. Rudley, President; Dr. Sunny Ohia, Provost and Vice-president for Academic Affairs and Research; Dr. James Douglas, Executive Vice-president; Dr. Charles McClelland, Athletics Director; and members of the football team, accompanied by Head Coach Johnnie Cole.

The Senate welcomed its guests.

SENATE RESOLUTION 279

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Dan Leija, who has been named State Teacher of the Year; and

WHEREAS, A fifth grade mathematics and science teacher at Esparza Elementary School in San Antonio, Dan Leija is an innovative and resourceful educator who has had a profound influence on the lives of his students; and

WHEREAS, Through a combination of alternative teaching methods and obvious concern for his students' well-being, Mr. Leija is able to reinforce the connection between what is being taught and its real-world application, so that students can become fully invested in their education; and

WHEREAS, Known throughout his school as Dan, Dan, the Science Man for the wide array of unique objects in his room and his weekly schoolwide science experiments, Mr. Leija has made science education a living experience for all his students, who have demonstrated impressive success on the Texas Assessment of Knowledge and Skills test; and

WHEREAS, Mr. Leija has received recognition for his advancement of improved teaching practices; he appeared on the Public Broadcasting Service nationwide broadcast of a program in which he discussed innovative ways to teach at-risk students, and he has created and managed programs to help parents and fellow teachers alike; and

WHEREAS, Dan Leija has made countless contributions to his students and his community, and it is truly fitting that he be recognized with this signal honor; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend Dan Leija on his commitment to his students and his profession and extend congratulations to him on being named State Teacher of the Year; and, be it further

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

SR 279 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate fifth grade math teacher, Esparza Elementary School, Dan Leija; his wife, Mary Ann; Dr. John Folks, Northside ISD Superintendent; and George Torres, Deputy Superintendent for Business and Financial Services.

The Senate welcomed its guests.

SENATE RESOLUTION 359

Senator West offered the following resolution:

SR 359, Recognizing February 28, 2011, as Alpha Kappa Alpha Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Jackie Gorman-Johnson, Bessie Shaw, Gwinevere Nelson, Darlene Dodd, La Shante Williams, Vickki Coleman-Melton, and Carol West, wife of Senator West.

The Senate welcomed its guests.

SENATE RESOLUTIONS

Senator Watson offered the following resolutions:

SR 403, In memory of Emma Jackson Long of Austin.

The resolution was read.

SR 404, In memory of Sue Brandt McBee of Austin.

The resolution was read.

On motion of Senator Watson, **SR 403** and **SR 404** were adopted by a rising vote of the Senate.

In honor of the memory of Emma Jackson Long and Sue Brandt McBee, the text of the resolutions are printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Jefferson Paine Long, Jeb Jackson Long, and Vicky Long Alanis. Senator Watson also introduced Robert McBee and Marilyn McBee Moore.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 214

Senator Duncan offered the following resolution:

SR 214, Congratulating the Idalou High School football team on winning the 2010 UIL Class 2A Division 2 state championship.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Coach Don Long, Idalou ISD Superintendent Jim Waller, and Coach Johnny Taylor.

The Senate welcomed its guests.

SENATE RESOLUTION 387

Senator Seliger offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pride in recognizing the honorees of the 2011 Texas Medal of Arts Awards; and

WHEREAS, The honorees were selected by the Texas Cultural Trust for their outstanding talents and for their exceptional contributions to the artistic disciplines in the Lone Star State; the arts enrich and broaden the lives of our citizens, and each of these honorees has played a significant role in that capacity; and

WHEREAS, Barbara Smith Conrad, a mezzo-soprano of international fame and a civil rights icon, received the Lifetime Achievement award; Robert M. Edsel, an author and the founder of the Monuments Men Foundation for the Preservation of Art, received the Literary award; Thomas F. Staley, a renowned educator and the director of the Harry Ransom Center at The University of Texas at Austin, received the Art Education award; and James Drake, an internationally acclaimed artist with works in the permanent collections of over 30 museums around the world, received the Visual Arts award; and

WHEREAS, The Alley Theatre, an internationally recognized company and a recipient of the Tony Award, received the Theatre award; H-E-B, a major grocer with stores throughout the state and a longtime supporter of the arts in Texas, received the Corporate award; Bob Schieffer, longtime CBS news anchor and chief Washington correspondent, received the Television award; and Ray Benson, the nine-time Grammy-winning front man of the Western swing band Asleep at the Wheel, received the Multi-Media award; and

WHEREAS, Ernest and Sarah Butler, major donors to numerous local arts organizations and to The University of Texas at Austin School of Music, received the Individual Patrons award; Marcia Gay Harden, the Oscar-winning actress with roles in such films as *Pollock* and *The First Wives Club*, received the Film-Actress award; Bill Paxton, the four-time Golden Globe nominee and a star in the hit series *Big Love* and in *Apollo 13* and *Titanic*, received the Film-Actor award; and ZZ Top, the legendary rock band that has sold over 50 million albums worldwide with eight Top 40 hits, received the Music award; and

WHEREAS, These honorees have contributed greatly to the rich cultural heritage of our state, and they have the deep admiration and esteem of citizens across our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the recipients of the 2011 Texas Medal of Arts Awards on their outstanding achievements and their dedication to the advancement of the arts in Texas; and, be it further

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

SR 387 was read and was adopted without objection.

SENATE RESOLUTION 380

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Hughen Center in Port Arthur on the occasion of its 75th anniversary, which is being celebrated March 18, 2011; and

WHEREAS, Incorporated in 1936 as the Port Arthur Society for Crippled Children, the Huguen Center has for 75 years sought to remove the barriers to education, family life, adequate health care, and other basic activities faced by children with disabilities; it is named in honor of prominent Port Arthur philanthropists and benefactors Thomas Huguen and his wife, Juliet; and

WHEREAS, The early successes of the center played a major role in the passage of the Texas State Education Act of 1945, groundbreaking legislation that is widely recognized as the founding of Texas' special education for handicapped children; and

WHEREAS, The Huguen Center has received national attention for its outstanding work and has garnered support from such legendary figures as Bob Hope, Jimmy Durante, and Bum Phillips; Mr. Hope appeared at numerous fund-raisers for the center, and the Fraternal Order of Eagles Memorial Foundation established the Bob and Dolores Hope Scholarship in his honor; and

WHEREAS, Today, the Huguen Center provides a comprehensive array of services and therapies, including skilled nursing care and life skills training; it is truly deserving of recognition for the profound difference it has made in the lives of countless people with special needs; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the Huguen Center on its legacy of outstanding care and extend best wishes for a memorable 75th anniversary celebration; and, be it further

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

SR 380 was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate Randy Sonnier, Huguen Center Board President, and Monte Osburn, CEO and Executive Director of the Huguen Center.

The Senate welcomed its guests.

SENATE RESOLUTION 361

Senator Deuell offered the following resolution:

SR 361, Celebrating February 28, 2011, as Rowlett Chamber of Commerce Government Affairs Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Wednesday, February 23, 2011.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate Barry Young, Rowlett Chamber of Commerce Board Chair-elect, and Tina Stelnicki, Rowlett Chamber of Commerce Interim President, accompanied by citizens of Rowlett, Diane Lemmons and Ben White.

The Senate welcomed its guests.

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 21 by Williams

Relating to the establishment of a voluntary compensation plan as an alternative to litigation.

To Committee on State Affairs.

SB 473 by West

Relating to adverse possession of real property by a cotenant heir against other cotenant heirs.

To Committee on Jurisprudence.

SB 550 by Eltife

Relating to the required public notice of the names of a certain number of finalists for the position of superintendent of a public school district.

To Committee on Open Government.

SB 588 by Uresti

Relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.

To Committee on Agriculture and Rural Affairs.

SB 624 by Whitmire

Relating to the repeal of the driver responsibility program.

To Committee on Finance.

SB 645 by Nichols, Hegar

Relating to the continuation and functions of the State Soil and Water Conservation Board.

To Committee on Government Organization.

SB 646 by Nichols, Hegar

Relating to the continuation and functions of the Texas Forest Service.

To Committee on Government Organization.

SB 647 by Hegar

Relating to the continuation and operation of the office of public insurance counsel.

To Committee on Government Organization.

SB 651 by Huffman, Hegar

Relating to the continuation and functions of the office of injured employee counsel under the workers' compensation program.

To Committee on Government Organization.

SB 796 by Nelson

Relating to reporting on the prevention and treatment of diabetes in the state.

To Committee on Health and Human Services.

SB 912 by West, Davis, Duncan, Shapiro

Relating to temporary modification under certain circumstances of procedures authorized for the nonrenewal of public school teacher term contracts.

To Committee on Education.

SCR 20 by Fraser

Urging the United States Congress to prevent the Environmental Protection Agency from regulating greenhouse gases for stationary sources.

To Committee on Natural Resources.

SENATE RESOLUTION 323

Senator Gallegos offered the following resolution:

SR 323, Recognizing the students, faculty, and staff of DeVry University for their commitment to excellence in education.

GALLEGOS
WHITMIRE

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate DeVry University students: Luis Soriano, Jimmy Espinoza, William Campoverde, Claude Toland, and Abel Garza, as well as Teddy Ivanitzki, Dean of Engineering, and Kevin Good, Parks and Wildlife Department.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 19

The President Pro Tempore laid before the Senate the following resolution:

WHEREAS, The Legislature of the State of Texas is pleased to recognize the Reach Out and Read program for its outstanding efforts to ensure that young children are prepared to succeed in school; and

WHEREAS, Reach Out and Read was developed by pediatricians and early childhood educators to make literacy promotion a regular part of pediatric checkups; and

WHEREAS, Studies have shown that exposure to books and reading in the first years of life increases the probability of a child's healthy development and success in school; approximately a third of American children entering kindergarten lack the basic language skills they need in order to learn to read, with children living in poverty especially at risk; and

WHEREAS, Reach Out and Read addresses this problem by having doctors and nurses go beyond traditional medical care to provide parents with information on how to read to children at each developmental stage; they further provide each young patient with an age-appropriate book to take home, which serves to encourage parents to make reading aloud a routine activity; and

WHEREAS, This exemplary program has been implemented in nearly 250 clinics, hospitals, and military installations across Texas and reaches more than 245,000 young Texans each year; it is truly deserving of recognition for its record of success in encouraging families to read together; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby commend the doctors, educators, and parents who participate in the Reach Out and Read program for their exemplary work in helping prepare children to succeed in school and in life; and, be it further

RESOLVED, That a copy of this resolution be prepared for them as an expression of esteem from the Texas Senate and House of Representatives.

VAN DE PUTTE

SCR 19 was read.

On motion of Senator Van de Putte, 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.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Amanda Marlow, Director of Reach Out and Read Texas; Dr. John Gasko, Director of State Initiatives for the Children's Learning Institute; and Jan Stone, Austin Regional Coordinator for Reach Out and Read Texas.

The Senate welcomed its guests.

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 **SB 912** today.

CO-AUTHOR OF SENATE BILL 19

On motion of Senator Nichols, Senator Watson will be shown as Co-author of **SB 19**.

CO-AUTHOR OF SENATE BILL 88

On motion of Senator Lucio, Senator Uresti will be shown as Co-author of **SB 88**.

CO-AUTHOR OF SENATE BILL 89

On motion of Senator Lucio, Senator Uresti will be shown as Co-author of **SB 89**.

CO-AUTHOR OF SENATE BILL 201

On motion of Senator Uresti, Senator Van de Putte will be shown as Co-author of **SB 201**.

CO-AUTHOR OF SENATE BILL 242

On motion of Senator Davis, Senator Lucio will be shown as Co-author of **SB 242**.

CO-AUTHOR OF SENATE BILL 288

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

CO-AUTHORS OF SENATE BILL 355

On motion of Senator Ellis, Senators Davis, Hinojosa, Rodriguez, and Zaffirini will be shown as Co-authors of **SB 355**.

CO-AUTHOR OF SENATE BILL 497

On motion of Senator Jackson, Senator Lucio will be shown as Co-author of **SB 497**.

CO-AUTHOR OF SENATE BILL 504

On motion of Senator Davis, Senator Whitmire will be shown as Co-author of **SB 504**.

CO-AUTHOR OF SENATE BILL 548

On motion of Senator Nichols, Senator Wentworth will be shown as Co-author of **SB 548**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 368 by Watson, In memory of Micheline Trigaci Kay of Austin.

SR 369 by Watson, In memory of Joe R. Greenhill.

SR 372 by Watson, In memory of Samuel E. Kinch, Jr.

SR 374 by Watson, In memory of Teresa Dianne May of Austin.

SR 375 by Watson, In memory of Morris Jay Beachy of Austin.

SR 376 by Uresti, In memory of Fred T. Rangel of Fort Stockton and Balmorhea.

SR 383 by Wentworth and Van de Putte, In memory of Jack Paul Leon of San Antonio.

SR 392 by Harris and Davis, In memory of Tom Vandergriff of Arlington.

SR 393 by Lucio, In memory of René Arcadio Rocha.

Welcome and Congratulatory Resolutions

SR 364 by Birdwell, Welcoming members of the Leadership Waxahachie Class XVII to the State Capitol.

SR 366 by Hinojosa and Lucio, Recognizing the Valley Alliance of Mentors for Opportunities and Scholarships on the occasion of its 15th anniversary.

SR 367 by Ellis, Congratulating the Texas Southern University football team on winning the 2010 Southwestern Athletic Conference championship.

SR 370 by Watson, Recognizing Vivian and Gary M. Renfro on the occasion of their 10th pastoral anniversary at Corinth Missionary Baptist Church in Austin.

- SR 371** by Watson, Recognizing Curt Fludd for his service to Celebrate Texas.
- SR 373** by Watson, Recognizing Leland Lundgren for his accomplishments as a musician.
- SR 377** by Whitmire, Recognizing the CARES Foundation, Incorporated, on the occasion of its third annual Everyone CARES Gala.
- SR 378** by Duncan, Recognizing Matilda Branham of San Angelo on the occasion of her 90th birthday.
- SR 384** by Rodriguez, Recognizing Jose F. Cardenas for his contributions to the profession of engineering.
- SR 390** by Van de Putte, Commending the Girl Scouts of Southwest Texas for offering young girls a path to engaged citizenship.
- SR 391** by Harris, Congratulating the Hebron High School Girls' Volleyball Team on winning the University Interscholastic League Class 5A state championship title.
- SR 394** by Ellis, Congratulating H. Randolph Bailey on being named the Distinguished Houston Surgeon for 2011 by the Houston Surgical Society.
- SR 395** by Ellis, Recognizing Florida Cooper for her courage as a cancer survivor.
- SR 396** by Ellis, Recognizing Southeast Community Church of Houston on the occasion of its 52nd Annual Appreciation Day.
- SR 398** by Nelson, Welcoming the members of Leadership Southlake to the Capitol.
- SR 399** by Nelson, Welcoming members of the Leadership Hurst-Eules-Bedford Class of 2011 to the State Capitol.
- SR 400** by Nelson, Recognizing members of Leadership Grapevine on the occasion of their visit to the Capitol.
- SR 401** by Nelson, Welcoming members of the Northeast Tarrant Chamber Leadership Class of 2011 to the State Capitol.
- SR 405** by Birdwell, Recognizing members of the Cleburne Chamber of Commerce and the Cleburne Tuesday Forum on the occasion of their visit to the Capitol.
- SR 406** by Ellis, Recognizing the Caring for Children Foundation of Texas, Incorporated, on the occasion of its 20th anniversary.
- HCR 49** (Watson), Commemorating the 20th anniversary of Austin Energy Green Building.
- HCR 175** (Carona), Commemorating the 175th anniversary of the adoption of the Texas Declaration of Independence.

Official Designation Resolutions

- SR 300** by Harris, Davis, and Nelson, Celebrating Tarrant County Days at the State Capitol on March 2 and 3, 2011.
- SR 341** by Uresti, Celebrating Culberson County Day at the State Capitol.
- SR 342** by Uresti, Celebrating Hudspeth County Day at the State Capitol.

SR 351 by West, Recognizing March 3, 2011, as Texas Association of Black Personnel in Higher Education Day.

SR 388 by Deuell, Celebrating March 29, 2011, as Hopkins County Day at the State Capitol.

SR 402 by Estes, Recognizing the annual Smokin' Possum Cook-off as a Texas State Barbecue Championship competition.

HCR 70 (Ellis), Recognizing February 28, 2011, as Texas Southern University Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:54 p.m. adjourned, in memory of Merle Anthony, Frank Buckles, Emma Jackson Long, and Sue Brandt McBee, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORT

The following committee report was received by the Secretary of the Senate:

February 28, 2011

BUSINESS AND COMMERCE — CSSB 141

RESOLUTION ENGROSSED

February 23, 2011

SJR 1

RESOLUTIONS ENROLLED

February 23, 2011

SR 275, SR 278, SR 302, SR 310, SR 311, SR 316, SR 320, SR 348, SR 350, SR 352, SR 353, SR 354, SR 355, SR 356, SR 357, SR 358, SR 360, SR 361, SR 362, SR 363

In Memory
of
Emma Jackson Long
Senate Resolution 403

WHEREAS, The Senate of the State of Texas joins the citizens of Austin in mourning the loss of civic icon Emma Jackson Long, who died January 16, 2011, at the age of 98; and

WHEREAS, Emma Long was born February 29, 1912, in the Texas Panhandle town of Lefors; she graduated with honors from high school in Hereford before going on to earn a degree from The University of Texas, where she met and married her husband, the late Stuart Long; and

WHEREAS, Following World War II, she and her husband founded the Long News Service at the Texas Capitol, which provided news coverage to numerous state and national publications, including the *New York Times*, *Newsweek*, and *Time*; and

WHEREAS, Mrs. Long broke the gender barrier in Austin politics with her election to the city council in 1948; she was an unabashed liberal who fought for integration and for the rights of working people; and

WHEREAS, As a councilmember, Mrs. Long pushed for an overhaul of the city charter and sought salary increases for police and firefighters; she helped to integrate Lions Municipal Golf Course and the city's main library in the 1950s and worked to prohibit racial discrimination in housing; and

WHEREAS, She and her husband were longtime friends and supporters of President Lyndon Johnson, and she served as the United States representative to the World Population Commission in Geneva at his request; she was a delegate to numerous state and national Democratic Party conventions and served as a mentor to aspiring politicians; and

WHEREAS, Soft-spoken but tenacious, she fought tirelessly for the equal treatment of all, and her legacy of compassion and hard work was acknowledged when City Park was renamed Emma Long Metropolitan Park in her honor; and

WHEREAS, A woman of courage, strength, and unbridled energy, she gave unselfishly to the city she loved, and her wisdom, her commitment to equal rights for everyone, and her enthusiasm for living each day to the fullest will not be forgotten by those who knew her; and

WHEREAS, She was a devoted wife, mother, and grandmother, and she leaves behind memories that will be treasured forever by her family and countless friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family and friends of Emma Jackson Long; and, be it further

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

WATSON

In Memory
of
Sue Brandt McBee
Senate Resolution 404

WHEREAS, The Senate of the State of Texas joins the citizens of Austin in mourning the loss of civic leader, journalist, and poet Sue Brandt McBee, who died January 3, 2011, at the age of 87; and

WHEREAS, Sue Brandt McBee was born September 23, 1923, in Hamburg, Germany; like countless immigrants before her, she entered the United States at Ellis Island; she lived in New York City for some years before moving with her family to Austin; and

WHEREAS, She graduated from Austin High School at the age of 16 before entering the Journalism School at The University of Texas, where she served as editor of the *Daily Texan*; she married fellow student Frank McBee in 1943 and the couple enjoyed a 57-year marriage of mutual respect and support; and

WHEREAS, After World War II, Mrs. McBee joined the staff of the *Austin American-Statesman* as a columnist; she went on to write *Austin: The Past Still Present*, a collection of stories about historically and architecturally significant buildings and homes in the city, and *Lines for a Texas Town*, a collection of her poetry, was published in 1999; and

WHEREAS, Mrs. McBee worked for many years to preserve historic homes and buildings throughout the city and held several offices with the Heritage Society of Austin, including chair of its foundation; she was also the founding president of the Austin History Center; and

WHEREAS, She was active in numerous civic and philanthropic organizations in addition to her historical preservation work; she served as a member of the board of trustees of the Headliners Club and in 1978 was the first woman to chair the United Way Capital Area Annual Drive; she contributed significantly to Saint Edward's University and was an avid supporter of the Laguna Gloria Art Museum; and

WHEREAS, She received numerous awards and commendations through the years; she was named an Outstanding Alumnus of the College of Communications at The University of Texas at Austin and received an honorary Doctorate of Humane Letters from Saint Edward's University; the honor of which she was perhaps most proud was the establishment of the Sue and Frank McBee Elementary School; and

WHEREAS, A woman of courage, strength, and boundless generosity, she gave unselfishly to all who knew her, from the waitresses and taxi drivers whose lives she took a genuine interest in to those who walked the halls of power; and

WHEREAS, She was a devoted wife, mother, and grandmother, and her family and countless friends will continue to live with the cherished memory of her life and her many accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family of Sue Brandt McBee: her daughter, Marilyn McBee Moore; her son, Robert Frank McBee; and her grandson, Michael Brett Moore; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Sue Brandt McBee.

WATSON

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

NINETEENTH DAY

(Tuesday, March 1, 2011)

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: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

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

The Reverend Kenneth Hill, Zion Hill Missionary Baptist Church, Austin, offered the invocation as follows:

Heavenly Father, He that sits high and looks low, our creator and holy righteous judge, whom without we can do nothing: Thank You for Your mercy and Your new mercies, thank You for Your love, thank You for Your forgiveness, thank You for the blood, thank You for allowing Your only begotten son to take our place on the cross. Forgive us for the wrongdoings in our lives. Now, Lord, bless each of these distinguished men and women with divine care while in carrying out their tasks with You on their hearts and minds. Touch them, Lord, so that they work together in unity toward the same goals of caring for Your people, and at the end of the day, we will all be cautious to give You the glory and give You the praises. Thanking You for Your many blessings in the name of Jesus Christ, our lord and savior, we do pray. Amen.

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

The motion prevailed without objection.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 17, SCR 21.**

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Cleburne delegation, accompanied by Johnson County Judge Roger Harmon; Mayor Justin Hewlett of Cleburne; Chairman, Cleburne Chamber of Commerce Board Landy Bennett; Superintendent of Cleburne ISD, Dr. Tim Miller; and President of Hill College, Dr. Sheryl Kappus.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Whitmire was recognized and presented Dr. Rebecca Gladu of Baytown as the Physician of the Day.

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

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate delegations from Tyler, Kilgore, and Longview, accompanied by Smith County Judge Joel Baker, Gregg County Judge Bill Stoudt, Longview Chamber of Commerce Board Chair Anne Hugman, Tyler Area Chamber of Commerce Board Chair Lynda York, and Kilgore Mayor Ronnie Spradlin.

The Senate welcomed its guests.

ACKNOWLEDGMENT

The President acknowledged the presence of Dr. Kirk A. Calhoun, President of The University of Texas Health Science Center at Tyler.

The Senate welcomed its guest.

BIRTHDAY GREETINGS EXTENDED

Senator Shapiro was recognized and, on behalf of the Senate, extended birthday greetings to Senator Eltife.

SENATE RESOLUTION 225

Senator Ogden offered the following resolution:

SR 225, Recognizing the Boys and Girls Clubs of Texas for the valuable contribution they make to the young people of this state.

OGDEN
HINOJOSA

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden, joined by Senators Hinojosa and Lucio, was recognized and introduced to the Senate the Boys and Girls Clubs 2011 Texas State Youth of the Year finalists.

The Senate welcomed its guests.

BIRTHDAY GREETINGS EXTENDED

Senator Lucio was recognized and, on behalf of the Senate, extended birthday greetings to Senator Rodriguez.

GUEST PRESENTED

Senator Uresti was recognized and introduced to the Senate Steven Deases.

The Senate welcomed its guest.

SENATE RESOLUTION 170

Senator Deuell offered the following resolution:

SR 170, Recognizing February 28, 2011, as Hunt County Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 7, 2011.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate Greenville City Councilmembers: Betty Franklin, Doug Roszhart, and Hattie Tennison; Ron Wensel, Chair of the Hunt Memorial Hospital District Board of Directors; and Steve Tittle, 196th District Court Judge.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a delegation from Austin County, accompanied by County Judge Carolyn Bilski; Commissioners David Ottmer and Bobby Rinn; Sealy City Manager Chris Coffman; Sealy City Councilmember Yvonne Johnson; Bellville City Councilmembers James Harrison and Doug Lottridge; Bellville Economic Development Corporation Board members Monte Byrd, Delwin Rettig, Clark McKinley, and Danny Jacobs; and Alderwoman Alfreda Cloud of San Felipe.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate American Electric Power Company representatives.

The Senate welcomed its guests.

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Judge Louis A. Bedford II.

The Senate welcomed its guest.

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Curtis Graves.
The Senate welcomed its guest.

SENATE RESOLUTION 206

Senator Deuell offered the following resolution:

SR 206, Recognizing March 1, 2011, as Multiple Sclerosis Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Wednesday, February 9, 2011.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a delegation of National Multiple Sclerosis Society members: Linnea Nasman, Coordinator for Programs and Government Affairs, and multiple sclerosis activists, Howard Adams, Natalie Steadman, and Donna Gosbee.

The Senate welcomed its guests.

SENATE RESOLUTION 407

Senator West offered the following resolution:

SR 407, Recognizing March 1, 2011, as City of Dallas Day at the State Capitol.

WEST
CARONA
SHAPIRO

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a delegation from the City of Dallas: Mayor Dwaine Caraway; Councilmembers Vonciel Jones Hill, Tennell Atkins, Pauline Medrano, and Linda Koop; and Assistant City Manager A. C. Gonzalez.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate nursing and medical students from The University of Texas Medical Branch at Galveston.

The Senate welcomed its guests.

(President Pro Tempore Ogden in Chair)

SENATE RESOLUTION 365

Senator Hinojosa offered the following resolution:

SR 365, Recognizing March 1, 2011, as Coastal Bend Day at the State Capitol.

HINOJOSA
LUCIO
ZAFFIRINI

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Nueces County Judge Loyd Neal, Corpus Christi Mayor Joe Adame, San Patricio County Judge Terry Simpson, and Corpus Christi Chamber of Commerce Board Chair Wes Hoskins.

The Senate welcomed its guests.

**SENATE RULE 11.18(a) SUSPENDED
(Public Hearings)**

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Health and Human Services might consider **SB 796** today.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Judge, 334th Judicial District Court, Harris County: Kenneth Price Wise, Harris County.

Members, Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments: Martin Deleon, Nueces County; Mary Daphne Darby Ford, Erath County; Christopher C. Kirk, Brazos County; Robert Dean Morgan, Lubbock County.

Members, Commission on Law Enforcement Officer Standards and Education: James Neil Oakley, Burnet County; J. B. Pennington, Harris County; Ruben Villescas, Hidalgo County; John Randall Watson, Johnson County.

Member, Correctional Managed Health Care Committee: Margarita de la Garza-Graham, Smith County.

Members, Council on Sex Offender Treatment: Ronnie Ann Fanning, McLennan County; Aaron Paul Pierce, Bell County.

Fire Fighters' Pension Commissioner: Sherri Barr Walker, Travis County.

Members, Judicial Compensation Commission: Romulo Chavez, Harris County; Harold Edward Jenkins, Dallas County; Michael L. Slack, Travis County.

Public Counsel, Office of Public Insurance Counsel: Deeia Denise Curry Beck, Travis County.

Counsellor, Office of Public Utility Counsel: Sheri Sanders Givens, Williamson County.

Members, State Board of Examiners for Speech-Language Pathology and Audiology: Kimberly M. Carlisle, Collin County; Kerry Ormson, Randall County; Christopher J. Rourk, Dallas County.

Members, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments: Carla Sue Hoffman, Nueces County; James Paul Jay, Bell County; Cindy Marie Steinbart, Williamson County.

Members, Texas Animal Health Commission: Coleman Hudgins Locke, Wharton County; Ralph Simmons, Shelby County; Beauregard Brite White, Bastrop County.

Members, Texas Crime Stoppers Council: Katherine Cabaniss, Harris County; William R. McDaniel, Montgomery County.

Members, Texas Forensic Science Commission: Lance Taylor Evans, Tarrant County; Norma Jean Farley, Cameron County; Nizam Peerwani, Tarrant County.

Members, Texas Funeral Service Commission: Joyce McCown Odom, Bexar County; Patrick Wayne Robertson, Donley County.

Members, Texas State Board of Podiatric Medical Examiners: Charles Jason Hubbard, Travis County; Harold Ashley Ledger, Bell County; Morgan Talbot, Hidalgo County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees) (Motion In Writing)

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

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:02 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 650 by Hegar

Relating to management of certain metropolitan rapid transit authorities.
To Committee on Transportation and Homeland Security.

SB 773 by Zaffirini

Relating to telecommunications service discounts for educational institutions, libraries, hospitals, and telemedicine centers.
To Committee on Business and Commerce.

SB 774 by Zaffirini

Relating to exemptions for disabled peace officers from the payment of tuition and fees at public institutions of higher education.

To Committee on Higher Education.

SB 775 by Zaffirini

Relating to establishing a participant-directed Medicaid waiver pilot program.

To Committee on Health and Human Services.

SB 776 by Zaffirini

Relating to customs brokers.

To Committee on Finance.

SB 777 by Williams

Relating to re-creating the scholarship trust fund for fifth-year accounting students as a trust fund outside the treasury.

To Committee on Higher Education.

SB 778 by Williams

Relating to the inclusion of professional staff who educate students with disabilities on district-level and campus-level planning and decision-making committees.

To Committee on Education.

SB 779 by Whitmire

Relating to a central database containing information about certain persons who have been convicted of or received a grant of deferred adjudication for certain offenses involving animal cruelty; providing a criminal penalty.

To Committee on Criminal Justice.

SB 780 by West

Relating to the creation of an instant-ticket lottery game with revenue dedicated to the TEXAS grant program.

To Committee on State Affairs.

SB 781 by Carona

Relating to the functions and responsibilities of certain legislative oversight committees.

To Committee on Business and Commerce.

SB 782 by Carona

Relating to uniform law on secured transactions.

To Committee on Business and Commerce.

SB 783 by Hinojosa

Relating to the authority of certain counties to provide health care services.

To Committee on International Relations and Trade.

SB 784 by Hinojosa

Relating to librarians employed by school districts.

To Committee on Education.

SB 785 by Harris

Relating to the termination of the parent-child relationship and the duty to pay child support in circumstances involving mistaken paternity.

To Committee on Jurisprudence.

SB 786 by Harris

Relating to procedures for establishment, modification, and enforcement of child support obligations.

To Committee on Jurisprudence.

SB 787 by Harris

Relating to the admissibility of certain hearsay statements of a child in hearings on an application for a protective order.

To Committee on Jurisprudence.

SB 788 by Harris

Relating to certain statutory references to the Department of Family and Protective Services.

To Committee on Jurisprudence.

SB 789 by Harris

Relating to the duration of a protective order against family violence.

To Committee on Jurisprudence.

SB 790 by Harris

Relating to a tenant's failure to pay rent during an appeal of an eviction for nonpayment of rent.

To Committee on Jurisprudence.

SB 791 by Duncan

Relating to the delivery of proposed state agency rules to the lieutenant governor, a member of the legislature, or a legislative agency.

To Committee on State Affairs.

SB 792 by Duncan

Relating to the duties of the secretary of state.

To Committee on State Affairs.

SB 793 by Nelson

Relating to incentives to recruit and retain allied health education program faculty.

To Committee on Higher Education.

SB 794 by Nelson

Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.

To Committee on Higher Education.

SB 795 by Nelson

Relating to regulation of nurse aides.

To Committee on Health and Human Services.

SB 797 by Nelson

Relating to objective assessment processes for acute nursing services and certain other services provided under the Medicaid program.

To Committee on Health and Human Services.

SB 798 by Nelson

Relating to the amounts of administrative penalties assessed or imposed against certain health facilities.

To Committee on Health and Human Services.

SB 799 by Nelson

Relating to the definition of "first sale" for purposes of the taxes imposed on certain liquor.

To Committee on Business and Commerce.

SB 800 by Duncan

Relating to a workers' compensation data collection agent designated by the commissioner of workers' compensation.

To Committee on State Affairs.

SB 801 by Hegar

Relating to the authority of the seawall commission in Matagorda County to build and maintain recreational facilities near the seawall.

To Committee on Natural Resources.

SB 802 by Hegar

Relating to allowing the Aransas County Commissioners Court to charge interest on assessments for certain county road improvements.

To Committee on Transportation and Homeland Security.

SB 803 by Hegar

Relating to venue projects in certain counties.

To Committee on Economic Development.

SB 804 by Hegar

Relating to the use of revenue from the hotel occupancy tax by certain counties.

To Committee on Economic Development.

SB 805 by Lucio

Relating to the licensing and regulation of medical laboratory science professionals; providing penalties.

To Committee on Health and Human Services.

SB 806 by Hinojosa

Relating to considering ownership interests of disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting.

To Committee on State Affairs.

SB 807 by Seliger

Relating to the authority of the office of injured employee counsel under the workers' compensation program to obtain grant funding.

To Committee on State Affairs.

SB 808 by Seliger

Relating to the prosecution of and punishment for the offense of breach of computer security.

To Committee on Criminal Justice.

SB 809 by Seliger

Relating to judicial review in district court of certain workers' compensation disputes.

To Committee on State Affairs.

SB 810 by Hinojosa

Relating to the boundaries of the Ingleside Cove Wildlife Sanctuary.

To Committee on Agriculture and Rural Affairs.

SB 811 by Zaffirini

Relating to the regulation of the practice of veterinary medicine.

To Committee on Criminal Justice.

SB 812 by Zaffirini

Relating to the service retirement benefits of certain retirees who resume employment within the Texas Municipal Retirement System.

To Committee on State Affairs.

SB 813 by Gallegos

Relating to the creation of the Harris County Municipal Utility District No. 528; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 814 by Davis

Relating to the deposit and use of certain revenue received by the Texas Department of Transportation and metropolitan planning organizations from certain transportation projects or systems.

To Committee on Transportation and Homeland Security.

SB 815 by Lucio

Relating to the funding of port security, facility projects, and port studies.

To Committee on Transportation and Homeland Security.

SB 816 by Lucio

Relating to the appointment and recommendations of the Border Trade Advisory Committee.

To Committee on International Relations and Trade.

SB 817 by Harris

Relating to the division of community property on dissolution of marriage.

To Committee on Jurisprudence.

SB 818 by Harris

Relating to certain temporary orders in a suit affecting the parent-child relationship during a parent's military deployment.

To Committee on Jurisprudence.

SB 819 by Harris

Relating to family violence and protective orders.

To Committee on Jurisprudence.

SB 820 by Harris

Relating to a court order for the possession of or access to a child under three years of age.

To Committee on Jurisprudence.

SB 821 by Watson

Relating to the authority of the Travis County Healthcare District to make capital or financial contributions to charitable organizations.

To Committee on Health and Human Services.

SB 822 by Watson

Relating to expedited credentialing of certain physicians by managed care plans.

To Committee on State Affairs.

SB 823 by Carona

Relating to required instruction regarding mental illness and substance abuse for certain judges and attorneys.

To Committee on Jurisprudence.

SB 824 by Lucio

Relating to the coordination of rural and small community initiatives.

To Committee on Agriculture and Rural Affairs.

SB 825 by Lucio

Relating to the provision of affordable housing in rural communities and small municipalities.

To Committee on Intergovernmental Relations.

SB 826 by Lucio

Relating to the establishment, operation, and funding of certain programs for rural economic development.

To Committee on Agriculture and Rural Affairs.

SB 827 by Patrick

Relating to the child health plan and medical assistance programs.

To Committee on Health and Human Services.

SB 828 by Patrick

Relating to the constitutional limit on the rate of growth of appropriations and the use of surplus state revenues.

To Committee on Finance.

SB 830 by Patrick

Relating to the use of customs brokers to obtain a refund of sales and use taxes and to the retention of the \$1 million total revenue exemption for the franchise tax.

To Committee on Finance.

SB 831 by Rodriguez

Relating to considering ownership interests of certain disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting.

To Committee on State Affairs.

SB 832 by Rodriguez

Relating to voter eligibility and registration in El Paso County Water Improvement District No. 1.

To Committee on Natural Resources.

SB 833 by Uresti

Relating to the election of the board of directors of the Crockett County Water Control and Improvement District.

To Committee on Natural Resources.

SB 834 by Deuell

Relating to the update of discounted telecommunication services provided to educational institutions, libraries, hospitals, and health centers.

To Committee on Business and Commerce.

SB 835 by Deuell

Relating to prevention, treatment, and management of concussions affecting public and private school students participating in interscholastic athletics.

To Committee on Education.

SB 836 by Ellis

Relating to the amount of the discount allowed for prepayment of sales and use taxes and the allocation of certain revenue from those taxes.

To Committee on Finance.

SB 837 by Ellis

Relating to certain reimbursements provided for the collection of sales and use taxes.

To Committee on Finance.

SB 838 by Patrick

Relating to the penalty for driving while intoxicated.

To Committee on Criminal Justice.

SB 839 by Patrick

Relating to the presence of minors in certain alcoholic beverage establishments; providing penalties.

To Committee on Criminal Justice.

SB 840 by Patrick

Relating to the issues at a hearing for a person whose driver's license is administratively suspended for refusal to consent to the taking of a specimen following an arrest for certain intoxication offenses.

To Committee on Criminal Justice.

SB 841 by Patrick

Relating to the prosecution of and punishment for the offense of breach of computer security.

To Committee on Criminal Justice.

SB 842 by Patrick

Relating to requiring the use of an ignition interlock device on conviction of certain intoxication offenses.

To Committee on Criminal Justice.

SB 843 by Patrick

Relating to the prosecution of the offense of failure to identify.

To Committee on Criminal Justice.

SB 844 by Patrick

Relating to the offense of escape from custody by a person lawfully detained.

To Committee on Criminal Justice.

SB 845 by Patrick

Relating to the filing of a copy of certain records related to the release of accused persons on personal bond.

To Committee on Criminal Justice.

SB 847 by Patrick

Relating to the authority of certain hospital districts to contract for the performance of administrative functions and services.

To Committee on Intergovernmental Relations.

SB 848 by Patrick

Relating to ambulatory surgical centers and to the provision of services at those centers by certain designated physician groups.

To Committee on Health and Human Services.

SB 849 by Duncan

Relating to certain election practices and procedures.

To Committee on State Affairs.

SB 850 by Zaffirini

Relating to formula funding for certain semester credit hours earned for dual course credit.

To Committee on Higher Education.

SB 851 by Zaffirini

Relating to a uniform deadline for student financial assistance for public institutions of higher education other than public junior colleges.

To Committee on Higher Education.

SB 852 by Ellis, Van de Putte

Relating to health education curriculum and instruction in public schools.
To Committee on Education.

SB 853 by Watson

Relating to a restriction on permits authorizing direct discharges of waste or pollutants into water in certain areas associated with the Barton Springs segment of the Edwards Aquifer.
To Committee on Natural Resources.

SB 854 by Duncan

Relating to notice provided to affected landowners of applications for transmission line certificates of convenience and necessity by electric utilities.
To Committee on Business and Commerce.

SB 855 by Duncan

Relating to assistance provided by the Office of Public Utility Counsel to interested parties on certain electricity matters involving certificates of convenience and necessity.
To Committee on Business and Commerce.

SB 856 by Van de Putte

Relating to consent to certain medical treatments by a surrogate decision-maker on behalf of certain inmates.
To Committee on Health and Human Services.

SB 857 by Van de Putte

Relating to the authority of a dental hygienist to provide services in certain facilities and schools.
To Committee on Health and Human Services.

SB 859 by Duncan, Hegar, Nelson

Relating to small and large employer health group cooperatives.
To Committee on State Affairs.

SB 860 by Rodriguez

Relating to the power and authority of the El Paso County Hospital District to employ physicians, dentists, and other health care providers.
To Committee on Intergovernmental Relations.

SB 861 by Rodriguez

Relating to the enforcement of building code standards for new residential construction in the unincorporated area of a county; providing a fee.
To Committee on Intergovernmental Relations.

SB 862 by Rodriguez

Relating to the prosecution of the offense of disorderly conduct involving unreasonable noise.
To Committee on Criminal Justice.

SB 863 by Rodriguez

Relating to creation of an offense of bullying of a school district employee by a student.

To Committee on Education.

SB 864 by Rodriguez

Relating to the services included in a retail price list provided by a funeral establishment.

To Committee on Business and Commerce.

SB 865 by Van de Putte

Relating to the payment of state funds directly to an entity that conducts a primary election under contract in certain counties.

To Committee on State Affairs.

SB 866 by Deuell

Relating to the education of public school students with dyslexia, the education and training of educators who teach students with dyslexia, and the assessment of students with dyslexia attending an institution of higher education.

To Committee on Education.

SB 867 by Deuell

Relating to testing accommodations for a person with dyslexia taking a licensing examination administered by a state agency.

To Committee on Government Organization.

SB 868 by Lucio

Relating to severance payments to superintendents of independent school districts.

To Committee on Education.

SB 869 by Lucio

Relating to the requirement that a member of the board of trustees of an independent school district file a financial disclosure statement.

To Committee on State Affairs.

SB 870 by Lucio

Relating to notifying parents of changes to school district policy.

To Committee on Education.

SB 871 by Lucio

Relating to stay of requirement to provide refunds or discounts on excessive or unfairly discriminatory residential property premium rates.

To Committee on Business and Commerce.

SB 872 by Shapiro

Relating to the study of productivity and cost-effectiveness in public education.

To Committee on Education.

SB 873 by Duncan

Relating to rate and damage schedules governing certain easements or other interests in land of The University of Texas System.

To Committee on Higher Education.

SB 874 by Fraser

Relating to establishing a separate provider type for prosthetic and orthotic providers under the medical assistance program.

To Committee on Health and Human Services.

SB 875 by Fraser

Relating to compliance with state and federal environmental permits.

To Committee on Natural Resources.

SB 876 by Watson

Relating to the fee for a personal identification certificate for a homeless individual.

To Committee on Transportation and Homeland Security.

SB 877 by Hinojosa

Relating to a verification of the incarceration of an accused person in a criminal case for the purpose of discharging a surety's liability on a bail bond.

To Committee on Criminal Justice.

SB 878 by Whitmire

Relating to a defendant's release on a personal bond or bail bond.

To Committee on Criminal Justice.

SB 879 by Whitmire

Relating to a local community supervision and corrections department monitoring certain conditions of bond and the administrative fees associated with certain department services.

To Committee on Criminal Justice.

SB 880 by Whitmire

Relating to the operation of pretrial intervention and certain other programs by a community supervision and corrections department.

To Committee on Criminal Justice.

SB 881 by Whitmire

Relating to the liability of a criminal defendant and the defendant's sureties on a personal bond or bail bond.

To Committee on Criminal Justice.

SB 882 by Whitmire

Relating to the filing of a copy of certain records related to the release of accused persons on personal bond.

To Committee on Criminal Justice.

SB 883 by Whitmire

Relating to awarding credit to an inmate for certain time between release on and revocation of parole, mandatory supervision, or conditional pardon.

To Committee on Criminal Justice.

SB 884 by Whitmire

Relating to the retention of good conduct time by an inmate whose release on parole or to mandatory supervision is revoked.

To Committee on Criminal Justice.

SB 885 by Whitmire

Relating to the designation of certain inspector generals of municipalities as peace officers.

To Committee on Criminal Justice.

SB 886 by Carona

Relating to the execution docket and other records of certain court clerks.

To Committee on Jurisprudence.

SB 887 by Carona

Relating to the penalty for theft of an automated teller machine or the contents or components of an automated teller machine.

To Committee on Criminal Justice.

SB 888 by Carona

Relating to the authority of a regional transportation authority to create a local government corporation.

To Committee on Transportation and Homeland Security.

SB 889 by Carona

Relating to assignment of rents to holders of certain security interests in real property.

To Committee on Business and Commerce.

SB 890 by Carona

Relating to certain promotional activities for certain alcoholic beverage permit holders.

To Committee on Business and Commerce.

SB 892 by Carona

Relating to the approval of designs, plans, and specifications of industrialized housing and buildings.

To Committee on Business and Commerce.

SB 893 by Whitmire

Relating to motor fuel quality and testing.

To Committee on Natural Resources.

SB 894 by Duncan, Seliger, West

Relating to the employment of physicians by certain hospitals.

To Committee on State Affairs.

SB 895 by Zaffirini

Relating to the regulation of equine dental care providers; providing penalties.

To Committee on Agriculture and Rural Affairs.

SB 896 by Estes

Relating to the issuance of specialty license plates to certain family members of a person who dies while serving in the United States armed forces.

To Committee on Transportation and Homeland Security.

SB 897 by Hegar

Relating to fishing tournament fraud; providing penalties.

To Committee on Agriculture and Rural Affairs.

SB 899 by Ogden

Relating to the legislature's consent or approval of a settlement of a claim or action against this state.

To Committee on Finance.

SB 900 by Gallegos

Relating to the Aldine Improvement District; providing authority to impose a tax.

To Committee on Intergovernmental Relations.

SCR 18 by Hegar

Designating a portion of the city of Gonzales as the official Texas History Museum District.

To Committee on Administration.

SJR 27 by Patrick

Proposing a constitutional amendment concerning the limitation on the rate of growth of state appropriations and the use of unencumbered surplus state revenues to provide for a rebate of state franchise taxes, to reduce public school district property taxes, and to fund the state's rainy day fund.

To Committee on Finance.

CO-AUTHOR OF SENATE BILL 11

On motion of Senator Williams, Senator Carona will be shown as Co-author of **SB 11**.

CO-AUTHOR OF SENATE BILL 21

On motion of Senator Williams, Senator Huffman will be shown as Co-author of **SB 21**.

CO-AUTHOR OF SENATE BILL 152

On motion of Senator Huffman, Senator Nelson will be shown as Co-author of **SB 152**.

CO-AUTHOR OF SENATE BILL 268

On motion of Senator Uresti, Senator Davis will be shown as Co-author of **SB 268**.

CO-AUTHOR OF SENATE BILL 351

On motion of Senator Williams, Senator Watson will be shown as Co-author of **SB 351**.

CO-AUTHOR OF SENATE BILL 460

On motion of Senator Seliger, Senator Duncan will be shown as Co-author of **SB 460**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 408 by Van de Putte, In memory of Corey C. Owens.

SR 415 by Watson, In memory of Winston Wade Porter of Austin.

SR 416 by Nichols, In memory of Lois Shaw Jordan of Kilgore.

Congratulatory Resolution

SR 410 by Nelson, Recognizing the late Sammie Jean "Sweet" Estes on the occasion of her induction into the National Cowgirl Hall of Fame.

Official Designation Resolution

SR 409 by Nelson, Huffman, and Shapiro, Proclaiming March 3, 2011, Texas Federation of Republican Women Legislative Day at the State Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:28 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

February 28, 2011

SCR 17, SCR 21, SR 214, SR 279, SR 300, SR 323, SR 340, SR 341, SR 342, SR 349, SR 351, SR 359, SR 364, SR 366, SR 367, SR 368, SR 369, SR 370, SR 371, SR 372, SR 373, SR 374, SR 375, SR 376, SR 377, SR 378, SR 380, SR 381, SR 382, SR 383, SR 384, SR 387, SR 388, SR 390, SR 391, SR 392, SR 393, SR 394, SR 395, SR 396, SR 398, SR 399, SR 400, SR 401, SR 402, SR 403, SR 404, SR 405, SR 406

SENT TO SECRETARY OF STATE

March 1, 2011

SCR 17, SCR 21

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTIETH DAY

(Wednesday, March 2, 2011)

The Senate met at 11:09 a.m. pursuant to adjournment and was called to order by the President.

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

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

Pastor Don Garner, Capitol Commission, Austin, was introduced by Senator Estes and offered the invocation as follows:

Father, today we entreat You on behalf of these legislators in this Chamber. We ask You for wisdom and courage, for compassion and forbearance. We ask that You strengthen and protect their families. We ask that You draw them near to You, reveal Yourself to them in ways that humble them and encourage them. We thank You for raising them up to this position of leadership. Work through them to bring order and harmony, blessing and honor to the people of the State of Texas. Use them to punish evil and reward righteousness. In Christ's name we ask it. Amen.

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

The motion prevailed without objection.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Larry Kravitz of Austin as the Physician of the Day.

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

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a delegation from the Royal Independent School District.

The Senate welcomed its guests.

PRESENTATION

The President introduced a reading of the Texas Declaration of Independence by Senators Ogden, Zaffiri, Nelson, Watson, Williams, West, Shapiro, Wentworth, and Whitmire.

A copy of the original Texas Declaration of Independence document was delivered to the Senate Chamber for viewing.

GUESTS PRESENTED

Senator Whitmire was recognized and introduced to the Senate representatives from the State Library and Archives Commission: Peggy Rudd, Director and Librarian; Scott McAfee; State Archivist Jelain Chubb; and Preservation Officer John Anderson.

The Senate welcomed its guests.

AT EASE

Senator Whitmire at 11:33 a.m. moved that the Senate stand At Ease subject to the call of the Chair.

The motion prevailed without objection.

IN LEGISLATIVE SESSION

The President at 11:46 a.m. called the Senate to order as In Legislative Session.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a delegation from La Porte.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nelson, joined by Senator Davis, was recognized and introduced to the Senate delegations from Leadership Grapevine, Leadership Bedford, and Leadership Southlake.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate recipients of Tuition Equalization Grants and students from the following institutions of higher education: Dallas Baptist University, Southern Methodist University, Austin College, Paul Quinn College, Southwestern Assemblies of God University, and the University of Dallas, as well as Dr. Dennis Linam of Dallas Baptist University.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate members of the Hardin-Simmons University Women's 2011 National Championship Soccer Team: Amy Kuykendall, Katie Kuykendall, Carlyn Powers, Rebecca Roth, Megan Ryan, and Sarah Stansell.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Davis was recognized and introduced to the Senate a delegation from Texas Christian University: Chancellor Victor Boschini; Student Body President Jackie Wheeler; Sarah Beard, Women's Rifle Team; Colin Jones and Bart Johnson, football team; and Mike Sinquefield, Director of Football Operations.

The Senate welcomed its guests.

SENATE RESOLUTION 10

Senator Davis offered the following resolution:

SR 10, Recognizing the Texas Christian University Horned Frogs football team on the occasion of its victory in the Rose Bowl.

The resolution was again read.

The resolution was previously adopted on Wednesday, January 12, 2011.

SENATE RESOLUTIONS

Senator Davis offered the following resolutions:

SR 414, Welcoming the Texas Christian University Student Government Association to the State Capitol.

The resolution was read.

SR 419, Recognizing the Texas Christian University rifle team on winning the 2010 National Collegiate Athletic Association national title.

The resolution was read.

SR 420, Congratulating the Texas Christian University baseball team on its outstanding 2010 season.

The resolution was read.

SR 414, **SR 419**, and **SR 420** were adopted without objection.

SENATE RESOLUTION 99

Senator Ogden offered the following resolution:

SR 99, Recognizing the Agriculture Business Association of Poland and the National Association of Cereal Producers.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate a delegation from the Agriculture Business Association of Poland and the National Association of Cereal Producers: Kasia Boczek, National 4-H Foundation Director of Poland; Marian Sikora, President of the National Federation of Agriculture Producers of Poland; and Stanislaw Kacperczyk, President of the National Association of Cereal Producers of Poland; accompanied by Dr. Jim Mazurkiewicz, Leadership Program Director, Texas Agricultural Lifetime Leadership Program.

The Senate welcomed its guests.

(Senator Patrick in Chair)

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Waxahachie Leadership delegation and a City of West delegation: Judge David Pareya; Jerrel Bolton, Mayor of West; Tommy Muska, West Mayor Pro Tem; West City Manager Joey Pustejovsky; and the Czech-Slovak Queen of McLennan and Hill counties, Amy Holecek.

The Senate welcomed its guests.

SENATE RESOLUTION 389

Senator Birdwell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Coach Leta Andrews of Granbury High School on the occasion of her 1,334th win, which establishes her as the most victorious coach in American high school basketball history; and

WHEREAS, Coach Andrews began her remarkable career in 1962 at Tolar High School; driven by the will to succeed, she studied under legendary University of Kentucky coach Adolph Rupp, who helped expand her understanding of the game's fundamentals and its nuances; she first taught at Granbury High School from 1976 to 1980; and

WHEREAS, Over the course of her career, Coach Andrews has amassed 34 consecutive seasons with 20 or more wins and has taken 14 teams to the state tournament, and in 1990, she guided Corpus Christi Calallen High School to the state championship title; and

WHEREAS, Coach Andrews returned to Granbury High School in 1992 and in 2005 became the winningest high school girls' basketball coach in history; surpassing the record for boys' basketball and becoming the most victorious coach in history is a testament to her superior skills and her determination; and

WHEREAS, Coach Andrews has instilled in many generations of players the importance of teamwork and a strong work ethic; her enduring emphasis on building character in all aspects of life has served as an inspiration to her students and her colleagues for nearly 50 years; and

WHEREAS, Coach Andrews has had a profound influence on countless young people, preparing them for success both on and off the court, and she is truly deserving of recognition for her dedication and commitment as she passes this historic milestone; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend Coach Leta Andrews on her exceptional career and extend to her congratulations on becoming the most victorious coach in American high school basketball history; and, be it further

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

SR 389 was read and was adopted without objection.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate Leta Andrews, Granbury High School girls' basketball coach, her husband, Dave, and daughters, Sissy Andrews Tiberia, Linda Andrews Waggoner, and Lisa Andrews Parker, accompanied by elected officials, school board members, the Superintendent of Granbury ISD, and representatives from the Granbury Chamber of Commerce.

The Senate welcomed its guests.

SENATE RESOLUTION 421

Senator Williams offered the following resolution:

SR 421, Recognizing March 2, 2011, as Texas Transit Association Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate a Texas Transit Association delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a delegation from Brewster and Jeff Davis counties: Berta Rios Martinez, Mike Davidson, Jim "Fitz" Fitzgerald, Conrad Arriola, George Grubb, Rick McIvor, and Bart Medley.

The Senate welcomed its guests.

RESOLUTION SIGNED

The Presiding Officer announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 175**.

MESSAGES FROM THE GOVERNOR

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

March 1, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

On February 21, 2011, I submitted the name of Devora Mitchell for appointment to the Manufactured Housing Board for a term to expire January 31, 2017.

Because she resigned, I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,
/s/Rick Perry
Governor

March 1, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be members of the Texas Board of Criminal Justice for terms to expire February 1, 2017:

Lawrence Gist
Beaumont, Texas
(replacing Charles Jackson of Houston whose term expired)

Tomas Mechler
Amarillo, Texas
(Mr. Mechler is being reappointed)

Leopoldo R. Vasquez, III
Houston, Texas
(Mr. Vasquez is being reappointed)

To be members of the Texas State Affordable Housing Corporation Board of Directors for terms to expire as indicated:

To Expire February 1, 2015:
Jerry Romero
El Paso, Texas
(replacing Cynthia Leon of Mission who resigned)

To Expire February 1, 2017:

M. Jeran Akers

Plano, Texas

(Mr. Akers is being reappointed)

To be members of the Texas Department of Housing and Community Affairs for terms to expire January 31, 2017:

Juan S. Munoz

Lubbock, Texas

(Dr. Munoz is being reappointed)

J. Paul Oxer

Sugar Land, Texas

(replacing Gloria Ray of San Antonio whose term expired)

To be members of the Central Colorado River Authority for terms to expire as indicated:

To Expire February 1, 2013:

Andrew M. Young

Coleman, Texas

(replacing Roger Nelson of Santa Anna who resigned)

To Expire February 1, 2017:

Patrick Justiss

Coleman, Texas

(Mr. Justiss is being reappointed)

To be a member of the Red River Compact Commission for a term to expire February 1, 2017:

William A. Abney

Marshall, Texas

Mr. Abney is being reappointed.

To be members of the Risk Management Board for terms to expire as indicated:

To Expire February 1, 2015:

Rosemary A. Gammon

Plano, Texas

(replacing Ernest Garcia of Austin who resigned)

To Expire February 1, 2017:

Tomas Gonzalez

Irving, Texas

(replacing Ronald Walenta of Quitman whose term expired)

To be members of the Commission on Human Rights for terms to expire February 1, 2017:

Toni Rhodes Glover

Fort Worth, Texas

(replacing John James of Midland whose term expired)

Shara Michalka
Dallas, Texas
(Ms. Michalka is being reappointed)

To be members of the Texas Private Security Board for terms to expire as indicated:

To Expire January 31, 2015:

Brian England
Forney, Texas
(replacing Patrick Patterson of Boerne who resigned)

To Expire January 31, 2017:

Albert L. Black
Austin, Texas
(replacing Stella Caldera of Houston whose term expired)

Howard H. Johnsen
Dallas, Texas
(Mr. Johnsen is being reappointed)

Mark L. Smith
Dallas, Texas
(Mr. Smith is being reappointed)

To be members of the Texas Council on Autism and Pervasive Developmental Disorders for terms to expire February 1, 2013:

Anna Penn Hundley
Dallas, Texas
(Ms. Hundley is being reappointed)

Tammy Lemoine
Center, Texas
(replacing Rick Campbell of Center whose term expired)

Callie M. Matthews
Fort Worth, Texas
(Ms. Matthews is being reappointed)

Frank C. McCamant
Austin, Texas
(Mr. McCamant is being reappointed)

To be members of the Aging and Disability Services Council for terms to expire as indicated:

To Expire February 1, 2013:

Donna Stauber
Waco, Texas
(replacing David Young of Grand Prairie who resigned)

To Expire February 1, 2017:

Sharon Butterworth

El Paso, Texas

(Ms. Butterworth is being reappointed)

John A. Cuellar

Dallas, Texas

(Mr. Cuellar is being reappointed)

Judy Foster

San Antonio, Texas

(replacing Jean Freeman of Galveston whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, March 2, 2011 - 1

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 72

Zerwas

Recognizing March 1, 2011, as Donate Life Texas Day at the State Capitol.

SCR 19

Van de Putte

Sponsor: King, Susan

Commending the doctors, educators, and parents who participate in the Reach Out and Read program.

SCR 22

Ellis

Sponsor: Davis, Yvonne

Recognizing February 28, 2011, as Texas Southern University Day at the State Capitol.

Respectfully,

/s/Robert Haney, Chief Clerk

House of Representatives

SENATE RESOLUTION 397

Senator Ellis offered the following resolution:

SR 397, Recognizing Rice University for the excellent educational opportunities it has provided to students.

The resolution was read and was adopted without objection.

MESSAGE FROM THE ATTORNEY GENERAL

The following Message from the Attorney General was read and was referred to the Committee on Nominations:

ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

March 1, 2011

The Honorable Patsy Spaw
Secretary of the Texas Senate
Texas State Capitol
Room 2E.22
1200 Congress Avenue
Austin, Texas 78701

Madam Secretary and Members of the Senate Nominations Committee:

The Office of the Attorney General of Texas has made the following reappointment which requires the advice and consent of the Senate:

To the School Land Board of Texas:

Mr. David Herrmann
6 Renwick Court
San Antonio, Texas 78218

Appointments to the School Land Board by the Attorney General are governed by Section 32.012(a)(3) of the Texas Natural Resources Code. In March 2009, I reappointed Mr. Herrmann for a two-year term that will expire on August 31, 2011.

Should you have any questions regarding this reappointment please contact Amy Jones in my Intergovernmental Relations Division at (512) 936-7940. The advice, consent, and confirmation of the Senate is requested for this reappointment.

Sincerely,

/s/Greg Abbott
Attorney General of Texas

SENATE CONCURRENT RESOLUTION 23

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, March 2, 2011, and ending on Monday, March 7, 2011.

WHITMIRE

SCR 23 was read.

On motion of Senator Ogden, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

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 Deuell.

Senator Deuell 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 31, Nays 0.

Judge, 334th Judicial District Court, Harris County: Kenneth Price Wise, Harris County.

Members, Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments: Martin Deleon, Nueces County; Mary Daphne Darby Ford, Erath County; Christopher C. Kirk, Brazos County; Robert Dean Morgan, Lubbock County.

Members, Commission on Law Enforcement Officer Standards and Education: James Neil Oakley, Burnet County; J. B. Pennington, Harris County; Ruben Villescás, Hidalgo County; John Randall Watson, Johnson County.

Member, Correctional Managed Health Care Committee: Margarita de la Garza-Graham, Smith County.

Members, Council on Sex Offender Treatment: Ronnie Ann Fanning, McLennan County; Aaron Paul Pierce, Bell County.

Fire Fighters' Pension Commissioner: Sherri Barr Walker, Travis County.

Members, Judicial Compensation Commission: Romulo Chavez, Harris County; Harold Edward Jenkins, Dallas County; Michael L. Slack, Travis County.

Public Counsel, Office of Public Insurance Counsel: Deeia Denise Curry Beck, Travis County.

Counsellor, Office of Public Utility Counsel: Sheri Sanders Givens, Williamson County.

Members, State Board of Examiners for Speech-Language Pathology and Audiology: Kimberly M. Carlisle, Collin County; Kerry Ormson, Randall County; Christopher J. Rourk, Dallas County.

Members, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments: Carla Sue Hoffman, Nueces County; James Paul Jay, Bell County; Cindy Marie Steinbart, Williamson County.

Members, Texas Animal Health Commission: Coleman Hudgins Locke, Wharton County; Ralph Simmons, Shelby County; Beauregard Brite White, Bastrop County.

Members, Texas Crime Stoppers Council: Katherine Cabaniss, Harris County; William R. McDaniel, Montgomery County.

Members, Texas Forensic Science Commission: Lance Taylor Evans, Tarrant County; Norma Jean Farley, Cameron County; Nizam Peerwani, Tarrant County.

Members, Texas Funeral Service Commission: Joyce McCown Odom, Bexar County; Patrick Wayne Robertson, Donley County.

Members, Texas State Board of Podiatric Medical Examiners: Charles Jason Hubbard, Travis County; Harold Ashley Ledger, Bell County; Morgan Talbot, Hidalgo County.

CO-AUTHOR OF SENATE BILL 278

On motion of Senator Davis, Senator Rodriguez will be shown as Co-author of **SB 278**.

CO-AUTHOR OF SENATE BILL 444

On motion of Senator Patrick, Senator Birdwell will be shown as Co-author of **SB 444**.

CO-AUTHOR OF SENATE BILL 504

On motion of Senator Davis, Senator Rodriguez will be shown as Co-author of **SB 504**.

CO-AUTHOR OF SENATE BILL 726

On motion of Senator Rodriguez, Senator Wentworth will be shown as Co-author of **SB 726**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 25

On motion of Senator Hinojosa, Senator Williams will be shown as Co-author of **SJR 25**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 422 by Hegar, In memory of Jack Francis Bowen of Victoria.

SR 423 by Watson, In memory of Tracy Lewis Curtis of Austin.

SR 424 by Watson, In memory of Nash McDowell Phillips of Austin.

SR 427 by Lucio, In memory of Pledger Bracket Cate, Jr., of Harlingen.

SR 432 by Fraser, In memory of Arthur G. "Pat" Patterson.

Congratulatory Resolutions

SR 428 by Deuell, Recognizing the City of Fate as the fastest-growing city in the state.

SR 429 by Ellis, Congratulating Aida Rhoda Brooks on being named president of the Liberian Association of Greater Houston.

SR 430 by Ellis, Recognizing the Ivy Educational and Charitable Foundation of Houston, Incorporated, on the occasion of its 30th anniversary.

SR 431 by Wentworth, Recognizing Matthew Cooper for his service to his country in the United States Army.

Official Designation Resolutions

SR 411 by Ogden, Declaring March 2, 2011, as Sam Houston Day at the State Capitol.

SR 417 by Uresti, Celebrating Brewster County Day at the State Capitol.

SR 418 by Uresti, Proclaiming Jeff Davis County Day at the State Capitol.

SR 425 by Carona and Shapiro, Recognizing March 9, 2011, as Richardson Telecom Corridor Legislative Day.

SR 426 by Carona, Recognizing February 24, 2011, as Responsible Pet Owners Alliance Lobby Day at the Capitol.

(President in Chair)

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:36 p.m. adjourned, in memory of Garrett Maliska, Shomari Leon Dickerson, Elizabeth Kajoh, Kendyll Stradford, and Elias Castillo, until 1:30 p.m. Monday, March 7, 2011.

APPENDIX

COMMITTEE REPORTS

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

March 2, 2011

EDUCATION — **SB 79, SB 912**

BUSINESS AND COMMERCE — **SB 323, SB 503, SB 539, SB 735, SB 747**

JURISPRUDENCE — **SB 209, SB 118**

EDUCATION — **SB 155**

RESOLUTIONS ENROLLEDMarch 1, 2011**SR 225, SR 365, SR 407, SR 408, SR 409, SR 410, SR 415, SR 416**

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-FIRST DAY

(Monday, March 7, 2011)

The Senate met at 1:40 p.m. pursuant to adjournment and was called to order by the President.

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

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

Pulpit Minister David Chisholm, Rockwall and Brin Church of Christ, Terrell, offered the invocation as follows:

Our Father in heaven, we come before You now as a humble and grateful people. We are grateful for this day and recognize that everything good in our lives comes from You. We thank You for the opportunities You give us to serve others, and we pray that we would always be selfless as we seek to live lives of service. Father, we pray Your blessing upon the works that we do, and we pray that You would bless those works that they might help this land become even better. Father, we pray for Your continued blessings on Texas, we pray for Your blessings on the United States of America, and we pray Your blessing upon each one of us gathered here today. All of this we pray in the name of Your son, Jesus. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, March 7, 2011 - 1

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 28 Branch

In memory of Don Meredith, former SMU and Dallas Cowboys quarterback and longtime sportscaster.

HCR 62 Workman

Congratulating the Regents School of Austin football team on winning the 2010 TAPPS Division III state championship.

SCR 23 Whitmire Sponsor: Hochberg

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 2, 2011, and ending on Monday, March 7, 2011.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGES FROM THE GOVERNOR

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

March 3, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be a member of the State Soil and Water Conservation Board for a term to expire February 1, 2013:

Joe L. Ward
Telephone, Texas

Mr. Ward is being reappointed.

To be members of the Texas Physician Assistant Board for terms to expire February 1, 2017:

Anna Arredondo Chapman
Del Rio, Texas

Felix Koo
McAllen, Texas

Richard R. Rahr
Texas City, Texas

The individuals listed above are being reappointed.

To be members of the Texas Woman's University Board of Regents for terms to expire February 1, 2017:

Deborah S. Gibson
Houston, Texas
(replacing Virginia Dykes of Dallas whose term expired)

Melissa D. Tonn
Dallas, Texas
(replacing Harry Crumpacker, II of Prosper whose term expired)

Mary Pincoffs Wilson
Austin, Texas
(Ms. Wilson is being reappointed)

Respectfully submitted,

/s/Rick Perry
Governor

PHYSICIAN OF THE DAY

Senator Shapiro was recognized and presented Dr. Christopher Lawrence of McKinney as the Physician of the Day.

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

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 19, SCR 22, HCR 49, HCR 70.**

SENATE BILLS ON FIRST READING

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

SB 3 by Shapiro

Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district.

To Committee on Education.

SB 9 by Williams

Relating to homeland security.

To Committee on Transportation and Homeland Security.

SB 24 by Van de Putte, Birdwell, Carona, Davis, Deuell, Ellis, Eltife, Gallegos, Harris, Huffinan, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, West, Williams, Zaffirini

Relating to the prosecution, punishment, and certain criminal and civil consequences of offenses involving or related to the trafficking of persons and to certain protections for victims of those offenses.

To Committee on Criminal Justice.

SENATE RESOLUTION 326

Senator Wentworth offered the following resolution:

SR 326, Recognizing July 23, 2011, and July 28, 2012, as National Day of the Cowboy.

The resolution was read and was adopted without objection.

GUEST PRESENTED

Senator Wentworth was recognized and introduced to the Senate Bethany Braley.

The Senate welcomed its guest.

SENATE RESOLUTION 385

Senator Van de Putte offered the following resolution:

SR 385, Commending the CyberPatriot team from the Alamo Colleges Information Technology and Security Academy on its victory at the regional CyberPatriot III competition.

VAN DE PUTTE
URESTI
WENTWORTH
ZAFFIRINI

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate The Alamo Colleges' Information Technology and Security Academy CyberPatriot team: Clint Sierra, Mario Puente III, Lawrence Roberts, Robert Flores, Jr., Jose Ricardo Banda, and their supporters: Major General Richard E. Webber, 24th Air Force Division; Gene Bowman, Executive Director of Alamo Academies; Erica Garza and Sandi Boyd, Coordinators of Program; Mike Matusek and Troy Touchette, Coaches and faculty members; Bill Mock, Chris Cook, Richard Perez, Will Garrett, Liza Gonzalez, and Becky Bridges, The Greater San Antonio Chamber of Commerce.

The Senate welcomed its guests.

NOMINATION RETURNED

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

Member, Manufactured Housing Board: Devora Denice Mitchell, Winkler County.

AT EASE

The President at 1:59 p.m. moved that the Senate stand At Ease subject to the call of the Chair.

The motion prevailed without objection.

IN LEGISLATIVE SESSION

The President at 2:02 p.m. called the Senate to order as In Legislative Session.

SENATE RESOLUTION 173

Senator Deuell offered the following resolution:

SR 173, Celebrating March 7, 2011, as Kaufman County Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 7, 2011.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a Kaufman County delegation: Mayor Darren Rozell of Forney, Mayor William Fortner of Kaufman, Mayor Hal Richards of Terrell, Mayor Cody Frazier of Crandall, and Mayor Matt Ganssle of Kemp.

The Senate welcomed its guests.

SENATE RESOLUTION 412

Senator Deuell offered the following resolution:

SR 412, In memory of Thomas Randall Snow of Terrell.

The resolution was read.

On motion of Senator Deuell, **SR 412** was adopted by a rising vote of the Senate.

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

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate Molly Akin, sister of Randy Snow, and her husband, Craig Akin.

The Senate welcomed its guests and extended its sympathy.

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

On motion of Senator Deuell and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Nominations might meet today.

**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 **SB 3** today.

CO-AUTHORS OF SENATE BILL 9

On motion of Senator Williams, Senators Deuell, Huffman, and Seliger will be shown as Co-authors of **SB 9**.

CO-AUTHOR OF SENATE BILL 24

On motion of Senator Van de Putte, Senator Estes will be shown as Co-author of **SB 24**.

CO-AUTHOR OF SENATE BILL 28

On motion of Senator Zaffirini, Senator Wentworth will be shown as Co-author of **SB 28**.

CO-AUTHOR OF SENATE BILL 141

On motion of Senator Eltife, Senator Davis will be shown as Co-author of **SB 141**.

CO-AUTHOR OF SENATE BILL 238

On motion of Senator West, Senator Wentworth will be shown as Co-author of **SB 238**.

CO-AUTHOR OF SENATE BILL 252

On motion of Senator Jackson, Senator Nichols will be shown as Co-author of **SB 252**.

CO-AUTHOR OF SENATE BILL 460

On motion of Senator Seliger, Senator Uresti will be shown as Co-author of **SB 460**.

CO-AUTHOR OF SENATE BILL 582

On motion of Senator Harris, Senator Watson will be shown as Co-author of **SB 582**.

CO-AUTHOR OF SENATE BILL 683

On motion of Senator Huffman, Senator Hegar will be shown as Co-author of **SB 683**.

CO-AUTHOR OF SENATE BILL 684

On motion of Senator Huffman, Senator Hegar will be shown as Co-author of **SB 684**.

CO-AUTHOR OF SENATE BILL 885

On motion of Senator Whitmire, Senator Ellis will be shown as Co-author of **SB 885**.

CO-AUTHOR OF SENATE BILL 912

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 912**.

CO-AUTHOR OF SENATE BILL 1116

On motion of Senator Whitmire, Senator Hinojosa will be shown as Co-author of **SB 1116**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 23

On motion of Senator Wentworth, Senator Deuell will be shown as Co-author of **SJR 23**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 433 by Shapiro, Recognizing David Dew for his service with the Sons of the American Legion.

SR 437 by Van de Putte, Uresti, Wentworth, and Zaffirini, Recognizing Richard A. Middleton on the occasion of his retirement as superintendent of the North East Independent School District.

SR 438 by Van de Putte, Recognizing Katie and Jim Reed of San Antonio on the occasion of their 50th wedding anniversary.

SR 445 by Nelson and Harris, Recognizing the members of the Leadership Flower Mound Class of 2011 on the occasion of their visit to Austin and the State Capitol.

SR 448 by Harris, Congratulating Maria Zuniga on her advancement to the national finals of the Poetry Out Loud: National Recitation Contest.

Official Designation Resolutions

SR 441 by Jackson and Huffman, Recognizing March 8, 2011, as Brazoria County Day at the State Capitol.

SR 446 by Nelson, Proclaiming March 8, 2011, as Nurse Day at the Capitol.

SR 449 by Jackson, Recognizing March 9, 2011, as Texas Chemicals Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:22 p.m. adjourned, in memory of Randy Snow, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 7, 2011

BUSINESS AND COMMERCE — CSSB 425, CSSB 763, CSSB 322, CSSB 488, CSSB 748

HIGHER EDUCATION — SB 67, SB 74, SB 176, SB 179, SB 386, SB 489, SB 514, SB 528

HEALTH AND HUMAN SERVICES — SB 191, SB 227, SB 257

BUSINESS AND COMMERCE — CSSB 416

INTERGOVERNMENTAL RELATIONS — SB 131, SB 173, SB 396, SB 422

CRIMINAL JUSTICE — SB 244, SB 316, CSSB 121, CSSB 321

HEALTH AND HUMAN SERVICES — SB 192, CSSB 796

INTERGOVERNMENTAL RELATIONS — CSSB 472

EDUCATION — CSSB 140, CSSB 391

HEALTH AND HUMAN SERVICES — CSSB 190, CSSB 263, CSSB 510, CSSB 76, CSSB 78

INTERNATIONAL RELATIONS AND TRADE — SB 508, SB 509, SCR 5

RESOLUTIONS ENROLLED

March 2, 2011

SCR 19, SCR 22, SR 99, SR 389, SR 397, SR 411, SR 414, SR 417, SR 418, SR 419, SR 420, SR 421, SR 422, SR 423, SR 424, SR 425, SR 426, SR 427, SR 428, SR 429, SR 430, SR 431, SR 432

SIGNED BY GOVERNOR

March 2, 2011

SCR 13

SENT TO GOVERNOR

March 7, 2011

SCR 19, SCR 22

In Memory**of****Randy Snow****Senate Resolution 412**

WHEREAS, Thomas Randall Snow of Terrell experienced a life-changing accident while still a teen, yet he went on to become a world-renowned athlete who inspired countless admirers across the Lone Star State and beyond; and

WHEREAS, Born on May 24, 1959, Randy Snow was a state-ranked tennis player dreaming of a professional career when he was paralyzed at the age of 16 in a farm accident; he graduated from Terrell High School and enrolled at The University of Texas at Austin, establishing a wheelchair basketball team there, and he later transferred to The University of Texas at Arlington and participated in the school's wheelchair athletic program, ultimately earning a bachelor's degree in 1986; he subsequently received a master's degree in psychology from the University of Phoenix; and

WHEREAS, Mr. Snow competed in wheelchair tennis, track, and basketball, with an impressive record of success in all three sports; after receiving a standing ovation and a silver medal for his performance in the men's 1500-meter wheelchair exhibition race at the 1984 Summer Olympics, he helped focus attention on disabled athletes and assisted in the launch of the Paralympic Games; he was a 16-time United States Open wheelchair champion between 1981 and 1993, won gold medals in the 1992 Summer Paralympic Games in Barcelona for singles and doubles tennis, and was a member of the bronze-medal-winning wheelchair basketball team at the 1996 Atlanta Games; moreover, he was named outstanding athlete at the National Wheelchair Games and became the only participant to medal in three different sports in the summer Paralympic Games; and

WHEREAS, This notable competitor was inducted into the Texas Tennis Hall of Fame in 2001 and the National Spinal Cord Injury Hall of Fame in 2005, and he was the first paralympian inducted into the United States Olympic Hall of Fame, in 2004; and

WHEREAS, Also a leader in business and motivational speaking and the author of three books, Mr. Snow conducted the Randy Snow Wheelchair Tennis Camps and developed the United States Professional Tennis Association wheelchair certification; he had a 20-year career with Sunrise Medical, a company that makes wheelchairs and other devices, and he founded his own venture, NO XQs, Incorporated, in 1999; in addition, he served on the board of the Terrell Friends of the Library and was active in Wheels for Humanity, Turning Point Nation, and other groups that encourage and support individuals with disabilities; he was leading a wheelchair tennis camp in El Salvador for the International Tennis Federation at the time of his

death on November 19, 2009, and he was posthumously inducted into the United States Professional Tennis Association Hall of Fame the following year; and

WHEREAS, In conjunction with the annual Kaufman County Day festivities at the State Capitol, the date of March 7, 2011, is also being recognized as Randy Snow Day in memory of this longtime county resident and esteemed Texan; and

WHEREAS, Refusing to let his disability define him, Randy Snow brought to all of his endeavors great skill, optimism, and determination, and his achievements have touched more lives than he could ever know; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby recognize March 7, 2011, as Randy Snow Day and pay tribute to the life and legacy of this remarkable Texan; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of his life, and that when the Senate adjourns this day, it do so in memory of Thomas Randall Snow.

DEUELL

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-SECOND DAY

(Tuesday, March 8, 2011)

The Senate met at 11:07 a.m. pursuant to adjournment and was called to order by the President.

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

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

Pastor Sonny Foraker, First Baptist Church, Pearland, was introduced by Senator Jackson and offered the invocation as follows:

Loving heavenly Father, almighty God, we come to You in this hour asking for Your blessing and help as we are gathered together as Your servants. We pray for guidance in the matters at hand and ask that You would clearly show each of these legislators how to conduct their work with a spirit of cooperation, enthusiasm, and diligence. Give each the desire to find ways to excel in their work and that they will encourage each other to excellence. We ask that You help us to challenge each other to reach higher and farther to be the best we can for this great state, our country, and for Your kingdom. May the matters discussed serve as a catalyst to move us forward and cause us to advance and see prosperous growth in all areas of the lives of Texans. I ask this on behalf of these men and women who serve our great state in the name of our lord and savior, Jesus Christ. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, March 8, 2011 - 1

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 15 Miller, Sid
Relating to providing a sonogram before an abortion; providing penalties.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 23**.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

March 7, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

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

To Expire February 1, 2015:

Marilyn A. Rose
Houston, Texas
(replacing Tracye McDaniel of Houston who resigned)

To Expire February 1, 2017:

Gary Bledsoe
Austin, Texas
(Mr. Bledsoe is being reappointed)

Samuel L. Bryant
Austin, Texas
(Mr. Bryant is being reappointed)

Richard Knight, Jr.
Dallas, Texas
(Mr. Knight is being reappointed)

Respectfully submitted,
/s/Rick Perry
Governor

PHYSICIAN OF THE DAY

Senator Jackson was recognized and presented Dr. David Armbruster of Pearland as the Physician of the Day.

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

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

SENATE RESOLUTION 446

Senator Nelson offered the following resolution:

SR 446, Proclaiming March 8, 2011, as Nurse Day at the Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, March 7, 2011.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate representatives from the Texas Nurses Association.

The Senate welcomed its guests.

SENATE RESOLUTION 441

Senator Jackson offered the following resolution:

SR 441, Recognizing March 8, 2011, as Brazoria County Day at the State Capitol.

JACKSON
HUFFMAN

The resolution was again read.

The resolution was previously adopted on Monday, March 7, 2011.

GUESTS PRESENTED

Senator Jackson, joined by Senator Huffman, was recognized and introduced to the Senate a Brazoria County delegation: Vicki Melass, Kyler Cole, Dr. Millicent Valek, Joy Weiner, and Debbie Pennington.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate members of Leadership Temple.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Judge, 244th Judicial District Court, Ector County: James Marion Rush, Ector County.

Judge, 76th Judicial District Court, Camp, Morris, and Titus Counties: Kerry Dan Woodson, Titus County.

Members, Board of Directors, Angelina and Neches River Authority: Dominick Benedict Bruno, Cherokee County; Keith Drewery, Nacogdoches County; James E. Hughes, Newton County.

Members, Board, Texas Department of Motor Vehicles: Clifford Ernest Butler, Titus County; Ramsay Howze Gillman, Harris County; Laura Ryan Heizer, Harris County; Blake William Ingram, Dallas County; Cheryl E. Johnson, Galveston County; Victor Rodriguez, Hidalgo County; William Marvin Rush, Guadalupe County; Victor Thomas Vandergriff, Tarrant County; John H. Walker, Harris County.

Presiding Officer, Camino Real Regional Mobility Authority: Scott Anthony McLaughlin, El Paso County.

Commissioner, Texas Department of Insurance Division of Workers' Compensation: Roderick A. Bordelon, Travis County.

Members, Board of Directors, Lower Neches Valley Authority: Mary Cleveland, Hardin County; Jimmie R. Cooley, Tyler County; Kathleen Thea Jackson, Jefferson County.

Members, Parks and Wildlife Commission: Thomas Dan Friedkin, Harris County; Dan Allen Hughes, Bee County; Richard R. Scott, Hays County.

Commissioner, Public Utility Commission of Texas: Donna L. Nelson, Williamson County.

Members, Board of Directors, Sabine River Authority: Cary McClure Abney, Harrison County; Connie Wade, Gregg County; Constance M. Ware, Harrison County.

Member, Sabine River Compact Administration: Jerry F. Gipson, Gregg County.

Member, Texas Commission on Environmental Quality: Carlos Rubinstein, Williamson County.

Member, Texas Facilities Commission: Betty Pinckard Reinbeck, Austin County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE RESOLUTION 435

Senator Shapiro offered the following resolution:

SR 435, Recognizing March 8, 2011, as Collin County Day at the State Capitol.

SHAPIRO
ESTES

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro, joined by Senator Estes, was recognized and introduced to the Senate a Collin County delegation: Camille Ussery, Chair, Plano Chamber of Commerce Board of Directors; Dr. Jon Lineberger, Chair, Frisco Chamber of Commerce Board of Directors; Carol Sandoval, Chair, Allen-Fairview Chamber of Commerce Board of Directors; Billy Leonard, Chair, McKinney Chamber of Commerce Board of Directors; and County Judge Keith Self.

The Senate welcomed its guests.

SENATE RESOLUTION 452

Senator Uresti offered the following resolution:

SR 452, Recognizing March 8, 2011, as Crockett County Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate Crockett County Judge Fred Deaton and Crockett County Commissioners Eligio Martinez, Randy Branch, Pleas Childress, and Frank Tambunga.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Knowledge Is Power Program representatives and co-founder, Mike Feinberg.

The Senate welcomed its guests.

ACKNOWLEDGMENT

The President acknowledged the presence of Licia Green-Ellis, wife of Senator Ellis.

The Senate welcomed its guest.

(President Pro Tempore Ogden in Chair)

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a Victoria County delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 413

Senator Hinojosa offered the following resolution:

SR 413, Recognizing March 8, 2011, as Edinburg Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa, joined by Senator Lucio, was recognized and introduced to the Senate an Edinburg delegation: Richard H. Garcia, Mayor; Alma A. Garza, Councilmember; Johnny Rodriguez, Chair, Edinburg Chamber of Commerce Board of Directors; Dr. Robert S. Nelsen, President of The University of Texas–Pan American.

The Senate welcomed its guests.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:50 a.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 17 by Carona

Relating to the regulation of residential mortgage loan servicers; providing an administrative penalty.

To Committee on Business and Commerce.

SB 25 by Nelson, Huffman

Relating to the Interstate Health Care Compact.

To Committee on State Affairs.

SB 273 by Uresti

Relating to the powers and duties of certain public improvement districts.

To Committee on Natural Resources.

SB 652 by Hegar

Relating to governmental entities subject to the sunset review process.

To Committee on Government Organization.

SB 653 by Whitmire, Hegar, Hinojosa

Relating to abolishing the Texas Youth Commission and the Texas Juvenile Probation Commission and transferring the powers and duties of those agencies to the newly created Texas Juvenile Justice Department and to the functions of the independent ombudsman for the Texas Youth Commission.

To Committee on Government Organization.

SB 654 by Whitmire, Hegar

Relating to the continuation and functions of the Texas Public Finance Authority.

To Committee on Government Organization.

SB 655 by Hegar

Relating to the abolition of the Railroad Commission of Texas, the creation of the Texas Oil and Gas Commission, and the transfer of the powers and duties of the railroad commission to the oil and gas commission.

To Committee on Government Organization.

SB 829 by Patrick

Relating to the provision of certain professional services by certain governmental entities.

To Committee on State Affairs.

SB 901 by Hegar

Relating to approval from the Department of State Health Services for disposal of ambulances purchased with certain grant funds.

To Committee on Health and Human Services.

SB 902 by Patrick

Relating to participation by private school students in University Interscholastic League sponsored activities.

To Committee on Education.

SB 903 by Patrick, Hinojosa

Relating to the punishment for certain intoxication offenses.

To Committee on Criminal Justice.

SB 904 by Patrick, Birdwell, Hinojosa, Ogden, Uresti

Relating to the eligibility of certain overseas voters to receive a full ballot.

To Committee on State Affairs.

SB 905 by Patrick, Deuell, Hegar, Hinojosa, Seliger, Wentworth, Whitmire

Relating to the application of certain concealed handgun license laws to statewide elected officials, certain current and former members of the legislature, and certain state employees.

To Committee on Criminal Justice.

SB 906 by Patrick

Relating to the powers and duties of the Texas Medical Board.

To Committee on Health and Human Services.

SB 907 by Seliger

Relating to the management, operation, rulemaking authority, and oversight of groundwater conservation districts.

To Committee on Natural Resources.

SB 909 by Nichols

Relating to the discharge of a surety's liability on a bail bond in a criminal case.

To Committee on Criminal Justice.

SB 910 by Lucio

Relating to certain state attorneys called into active duty military service.

To Committee on Jurisprudence.

SB 911 by Lucio

Relating to the investigation of firefighters and police officers.

To Committee on Intergovernmental Relations.

SB 913 by Estes

Relating to the transmission of records regarding over-the-counter sales of ephedrine, pseudoephedrine, and norpseudoephedrine and a person's civil liability for certain acts arising from the sale of those products.

To Committee on Criminal Justice.

SB 914 by Wentworth

Relating to the applicability to certain regional water districts of provisions concerning bond approval by the Texas Commission on Environmental Quality.

To Committee on Natural Resources.

SB 915 by Wentworth

Relating to the ad valorem taxation of manufactured homes.

To Committee on Intergovernmental Relations.

SB 916 by Wentworth

Relating to ad valorem tax lien transfers.

To Committee on Intergovernmental Relations.

SB 917 by Wentworth

Relating to emergency service districts.

To Committee on Intergovernmental Relations.

SB 918 by Wentworth

Relating to immunity for reporting insurance fraud.

To Committee on Business and Commerce.

SB 919 by Ellis

Relating to the adoption of the Agreement Among the States to Elect the President by National Popular Vote.

To Committee on State Affairs.

SB 920 by Deuell

Relating to the composition of the Finance Commission of Texas.

To Committee on Business and Commerce.

SB 921 by Deuell

Relating to regulation of traffic in a conservation and reclamation district by a commissioners court.

To Committee on Transportation and Homeland Security.

SB 922 by Deuell

Relating to the designation of a segment of State Highway 243 in Van Zandt County as the Veterans Memorial Parkway.

To Committee on Transportation and Homeland Security.

SB 923 by Deuell

Relating to certain premises that may be covered by a winery permit.

To Committee on Business and Commerce.

SB 925 by Ellis, Gallegos

Relating to judicial review of a decision to terminate certain federal housing assistance.

To Committee on Jurisprudence.

SB 926 by Watson

Relating to the creation of the Pilot Knob Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 927 by Watson

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

To Committee on Intergovernmental Relations.

SB 928 by Watson

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

To Committee on Intergovernmental Relations.

SB 929 by Watson

Relating to the creation of the Pilot Knob Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 930 by Watson

Relating to the creation of the Pilot Knob Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 931 by Williams

Relating to the determination of incompetency in criminal cases.

To Committee on Criminal Justice.

SB 932 by Williams

Relating to oyster shells and an oyster shell recovery and replacement program.

To Committee on Agriculture and Rural Affairs.

SB 933 by Ellis

Relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general; imposing certain fees.

To Committee on Open Government.

SB 934 by Williams

Relating to the enforcement of tax laws; providing a criminal penalty.

To Committee on Transportation and Homeland Security.

SB 935 by Seliger

Relating to the method of delivery of certain notices sent by the Texas Commission on Environmental Quality.

To Committee on Open Government.

SB 936 by Williams

Relating to the law governing the Lower Neches Valley Authority; providing authority to issue bonds.

To Committee on Natural Resources.

SB 938 by Lucio

Relating to required workers' compensation insurance coverage for building and construction contractors.

To Committee on State Affairs.

SB 939 by Lucio

Relating to creating an offense for engaging in certain conduct relating to cockfighting and to the criminal and civil consequences of committing that offense.

To Committee on Criminal Justice.

SB 941 by Watson

Relating to a study regarding school district practices in selecting sites for new school campuses.

To Committee on Education.

SB 942 by Watson

Relating to the creation and financing of the Lakeway Regional Medical Center Defined Area in Travis County Water Control and Improvement District No. 17; providing authority to impose a tax and issue bonds.

To Committee on Intergovernmental Relations.

SB 944 by Jackson

Relating to the creation of an advisory committee to make recommendations to the commissioner of insurance regarding certain automobile insurance claims.

To Committee on Business and Commerce.

SB 945 by Patrick

Relating to authorizing a public junior college to award an associate degree to a student enrolled in a four-year public institution of higher education who previously attended the junior college.

To Committee on Higher Education.

SB 946 by Patrick

Relating to the small-sized district adjustment under the public school finance system.

To Committee on Education.

SB 947 by Patrick

Relating to granting limited state law enforcement authority to certain criminal investigators of the United States and to other federal law enforcement personnel.

To Committee on Transportation and Homeland Security.

SB 949 by Ellis

Relating to the first day of instruction in certain school districts that provide additional days of instruction financed with local funds.

To Committee on Education.

SB 951 by Davis

Relating to the registration and compulsory inspection of certain street rods and custom vehicles.

To Committee on Transportation and Homeland Security.

SB 952 by Davis

Relating to the use of electronic means for the delivery of ad valorem tax bills to certain property owners and agents.

To Committee on Intergovernmental Relations.

SB 953 by Whitmire

Relating to the conditions for granting an occupational license to certain persons, the monitoring of those persons by a local community supervision and corrections department, and the fees associated with department services.

To Committee on Criminal Justice.

SB 954 by Gallegos

Relating to the authority of certain counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

To Committee on Criminal Justice.

SB 955 by Gallegos

Relating to the authority of counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

To Committee on Criminal Justice.

SB 956 by Seliger

Relating to the creation of the Northern Dallam County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

To Committee on Natural Resources.

SB 957 by Birdwell

Relating to the clarification of terminology relating to the Waco Center for Youth.
To Committee on Health and Human Services.

SB 958 by Wentworth

Relating to the regulation of dangerous wild animals.
To Committee on Agriculture and Rural Affairs.

SB 959 by Wentworth

Relating to toll collection and enforcement.
To Committee on Transportation and Homeland Security.

SB 960 by Wentworth

Relating to the waiver of the disqualification of a convicted felon from serving as independent executor of a decedent's estate.
To Committee on Jurisprudence.

SB 962 by Uresti

Relating to the conduct of investigations, prepayment reviews, and payment holds in cases of suspected fraud, waste, or abuse in the provision of health and human services.
To Committee on Health and Human Services.

SB 963 by Uresti

Relating to certification of a person as eligible for disabled parking privileges.
To Committee on Transportation and Homeland Security.

SB 964 by Uresti

Relating to the punishment for theft and certain fraud offenses committed against a disabled individual.
To Committee on Criminal Justice.

SB 965 by Uresti

Relating to the creation of the Bureau for Economic Development of the Border Region.
To Committee on International Relations and Trade.

SB 966 by Uresti

Relating to high school diplomas for certain military veterans.
To Committee on Veteran Affairs and Military Installations.

SB 967 by Nelson

Relating to the use of telemonitoring in the medical assistance program.
To Committee on Health and Human Services.

SB 968 by Nelson

Relating to certain costs used to fund court-appointed volunteer advocate programs.
To Committee on Criminal Justice.

SB 969 by Nelson

Relating to the establishment of the Public Health Funding and Policy Advisory Committee within the Department of State Health Services.
To Committee on Health and Human Services.

SB 970 by Rodriguez

Relating to information included in a searchable state revenue and expenditure database maintained by the comptroller.

To Committee on Finance.

SB 971 by Hinojosa

Relating to an emergency public service messaging network.

To Committee on Transportation and Homeland Security.

SB 972 by Hinojosa

Relating to the taking of a defendant's bail bond by county jailers.

To Committee on Criminal Justice.

SB 973 by Hinojosa

Relating to the reformation of the sentences of juveniles convicted of capital felonies after being transferred to criminal court.

To Committee on Criminal Justice.

SB 974 by Hinojosa

Relating to permitted uses of image comparison technology by the Department of Public Safety of the State of Texas.

To Committee on Transportation and Homeland Security.

SB 975 by Hinojosa

Relating to the operation of dropout recovery programs by certain public junior colleges in partnership with school districts.

To Committee on Education.

SB 976 by Hinojosa

Relating to the supervised reentry into the community of certain inmates nearing their date of discharge from the Texas Department of Criminal Justice.

To Committee on Criminal Justice.

SB 977 by Hinojosa

Relating to the imposition and use of the municipal hotel occupancy tax by certain eligible central municipalities.

To Committee on Economic Development.

SB 978 by Hinojosa

Relating to procedures for the dissolution of the Hidalgo County Water Improvement District No. 3.

To Committee on Intergovernmental Relations.

SB 980 by Carona, Van de Putte

Relating to communications services and markets.

To Committee on Business and Commerce.

SB 982 by Carona

Relating to the authority of the Public Utility Commission of Texas in relation to extended service areas and toll-free local calling areas.

To Committee on Business and Commerce.

SB 983 by Carona

Relating to the elimination of certain requirements for certain customer-specific communications contracts.

To Committee on Business and Commerce.

SB 984 by Carona

Relating to the elimination of certain tariff filing requirements for telecommunications providers.

To Committee on Business and Commerce.

SB 985 by Carona

Relating to the regulation of Voice over Internet Protocol service.

To Committee on Business and Commerce.

SB 986 by Carona

Relating to deregulation of certain telecommunications markets and companies.

To Committee on Business and Commerce.

SB 987 by Hegar

Relating to the term of office and qualifications for a director of the Colorado County Groundwater Conservation District.

To Committee on Natural Resources.

SB 988 by Van de Putte

Relating to the creation of a cybersecurity, education, and economic development council.

To Committee on Transportation and Homeland Security.

SB 989 by Eltife

Relating to the replacement or transfer of certain retail wine stock sold for off-premises consumption.

To Committee on Business and Commerce.

SB 990 by Carona

Relating to regulation of high occupancy vehicle lanes operated, managed, or maintained by a regional transportation authority; providing penalties.

To Committee on Transportation and Homeland Security.

SB 991 by Carona

Relating to the administration of the Texas Enterprise Fund and the Texas emerging technology fund and of awards from those funds.

To Committee on Economic Development.

SB 992 by Lucio

Relating to allocation of loans made under the owner-builder loan program.

To Committee on Intergovernmental Relations.

SB 993 by Uresti

Relating to certain arrangements to provide care for a child during an investigation of abuse or neglect.

To Committee on Health and Human Services.

SB 994 by Ogden

Relating to imposing costs on conviction in certain drug cases to support law enforcement.

To Committee on Criminal Justice.

SB 995 by Fraser

Relating to the sale of souvenir bottles of distilled spirits by the holder of a distiller's and rectifier's permit.

To Committee on Business and Commerce.

SB 996 by Nichols

Relating to establishing a pill splitting program to reduce health plan costs for certain public employees.

To Committee on State Affairs.

SB 997 by Shapiro

Relating to the public inspection of an application for a ballot to be voted early by mail.

To Committee on State Affairs.

SB 998 by Seliger

Relating to the creation of a groundwater conservation district in a priority groundwater management area.

To Committee on Natural Resources.

SB 999 by Eltife

Relating to maximizing federal funding of extended unemployment benefits.

To Committee on Economic Development.

SB 1000 by Eltife, Hinojosa, Van de Putte, Williams

Relating to self-directed and semi-independent status of the Texas Real Estate Commission; making an appropriation.

To Committee on Business and Commerce.

SB 1278 by Ogden

Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

To Committee on Finance.

SJR 28 by Rodriguez

Proposing a constitutional amendment authorizing the legislature to permit conservation and reclamation districts in El Paso County to issue bonds supported by ad valorem taxes to fund the development and maintenance of parks and recreational facilities.

To Committee on Natural Resources.

SJR 29 by Ogden

Proposing a constitutional amendment requiring the provision of free textbooks to students attending private primary and secondary schools in this state.

To Committee on Finance.

SJR 30 by Ogden

Proposing a constitutional amendment dedicating certain revenue derived from any increases in taxes on motor fuel to the repayment of certain transportation-related state debt.

To Committee on Finance.

SJR 37 by Van de Putte

Proposing a constitutional amendment to repeal the provision that requires the automatic resignation of certain county, municipal, or district officeholders if they become candidates for another office.

To Committee on State Affairs.

CO-AUTHOR OF SENATE BILL 101

On motion of Senator Van de Putte, Senator West will be shown as Co-author of **SB 101**.

CO-AUTHOR OF SENATE BILL 190

On motion of Senator Nelson, Senator Huffman will be shown as Co-author of **SB 190**.

CO-AUTHORS OF SENATE BILL 257

On motion of Senator Carona, Senators Birdwell, Nichols, and Patrick will be shown as Co-authors of **SB 257**.

CO-AUTHOR OF SENATE BILL 316

On motion of Senator Whitmire, Senator Hinojosa will be shown as Co-author of **SB 316**.

CO-AUTHOR OF SENATE BILL 321

On motion of Senator Hegar, Senator Shapiro will be shown as Co-author of **SB 321**.

CO-AUTHOR OF SENATE BILL 894

On motion of Senator Duncan, Senator Estes will be shown as Co-author of **SB 894**.

CO-AUTHOR OF SENATE BILL 1053

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 1053**.

CO-AUTHOR OF SENATE BILL 1118

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 1118**.

CO-AUTHOR OF SENATE BILL 1211

On motion of Senator Van de Putte, Senator Hegar will be shown as Co-author of **SB 1211**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 33

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SJR 33**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 451 by Deuell, In memory of Chauncy Ryan Mays.

SR 458 by Ellis, In memory of Ruth Natalie Carter Carroll of Houston.

SR 460 by Lucio, In memory of Cresencio V. "Queche" Hinojosa, Jr., of the Rio Grande Valley.

Welcome and Congratulatory Resolutions

SR 434 by Shapiro, Congratulating Mike Smith on being named the chief investigator with the Collin County Criminal District Attorney's Office.

SR 436 by Davis, Congratulating Williams-Pyro, Incorporated, on being named the winner of the United States Small Business Administration's Tibbetts Award.

SR 439 by Watson, Recognizing Norman Douglas Brown on the occasion of his 70th birthday.

SR 440 by Estes, Welcoming members of the State Firemen's and Fire Marshals' Association of Texas on the occasion of Firefighter Legislative Day at the State Capitol on March 23, 2011.

SR 442 by Nelson, Commending Leadership Colleyville for promoting civic leadership and volunteerism.

SR 443 by Nelson, Welcoming the citizens of Little Elm on the occasion of Little Elm Day at the State Capitol.

SR 450 by Ellis, Recognizing the *Houston Forward Times* newspaper on the occasion of its 50th anniversary.

SR 457 by Birdwell, Welcoming the members of Leadership Hillsboro to the State Capitol on February 23, 2011.

SR 459 by Lucio, Honoring the late Eliseo B. "Cheo" Vega on the occasion of the dedication of the Port Isabel municipal court named in his honor.

SR 461 by Lucio, Recognizing Gregorio Gonzalez of the Rio Grande Valley on the occasion of his 90th birthday.

Official Designation Resolutions

SR 386 by Van de Putte, Celebrating March 8, 2011, as UTSA Day at the Capitol.

SR 444 by Nelson, Recognizing March of 2011 as Professional Social Work Month.

SR 456 by Birdwell, Recognizing March 10, 2011, as Corsicana and Navarro County Day at the State Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:05 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 8, 2011

STATE AFFAIRS — **SB 43, SB 85, SB 247, SB 361, SB 367, SB 426, SB 428, CSSB 115, CSSB 328**

RESOLUTIONS ENROLLED

March 7, 2011

SCR 23, SR 326, SR 385, SR 412, SR 433, SR 437, SR 438, SR 441, SR 445, SR 446, SR 448, SR 449

SENT TO SECRETARY OF STATE

March 8, 2011

SCR 23

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-THIRD DAY

(Wednesday, March 9, 2011)

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: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

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

The Reverend Alex Lupo, First United Methodist Church, East Bernard, offered the invocation as follows:

Eternal and almighty creator, we acknowledge You as the giver of every good and perfect gift. You are our solid rock and our foundation. You arm us with wisdom, strength, and discernment. You have blessed us with much and entrusted us, as Your stewards, with the treasures of this great state. Today, bless our lawmakers. Illumine their lives to keep them on the right paths. Help them to make the right decisions. Give them patience in shouldering the heavy burdens they bear. Bless their families and constituents back home. Make them faithful stewards of not only the land but the gifts, graces, and potential of every man, woman, and child. Bless this time that these Senators come together to perform the work at hand. Fill their minds with wisdom and their hearts with compassion, as together they create a Texas for today and for future generations. Fill them with courage as You show them Your unfailing love. Give them an attitude of openness to receive the fullness of Your grace and truth. We pray in Your sacred name. Amen.

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

The motion prevailed without objection.

PHYSICIAN OF THE DAY

Senator Nichols was recognized and presented Dr. Thomas Cherry of Chandler as the Physician of the Day, accompanied by his son, Joseph Cherry, who was serving as an Honorary Senate Page.

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

(President Pro Tempore Ogden in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, March 9, 2011 - 1

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 56

Munoz, Jr.

Designating April 9, 2011, as LZ:RGV Welcome Home South Texas Vietnam Veterans Day.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 448

Senator Harris offered the following resolution:

SR 448, Congratulating Maria Zuniga on her advancement to the national finals of the Poetry Out Loud: National Recitation Contest.

The resolution was again read.

The resolution was previously adopted on Monday, March 7, 2011.

GUESTS PRESENTED

Senator Harris was recognized and introduced to the Senate Maria Zuniga; her father and mother, Roberto and Maria Zuniga; Anina Moore; and Gary Gibbs, Executive Director, Texas Commission on the Arts.

The Senate welcomed its guests.

SENATE RESOLUTION 175

Senator Deuell offered the following resolution:

SR 175, Celebrating March 8, 2011, as Fannin County Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 7, 2011.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a Fannin County delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 471

Senator Lucio offered the following resolution:

SR 471, Recognizing March 9, 2011, as Mid-Valley Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a Mid-Valley delegation: Mayor Rudy Villarreal, City of Alamo; Hector "Tito" Palacios, Hidalgo County Commissioner; Lupe Rivera, Weslaco City Commissioner; Homero Garcia, South Texas ISD School Board President; and Fernando Castillo, Progreso ISD Superintendent.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nelson, joined by Senator Harris, was recognized and introduced to the Senate a Leadership Flower Mound delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 391

Senator Harris offered the following resolution:

SR 391, Congratulating the Hebron High School Girls' Volleyball Team on winning the University Interscholastic League Class 5A state championship title.

The resolution was again read.

The resolution was previously adopted on Monday, February 28, 2011.

GUESTS PRESENTED

Senator Harris was recognized and introduced to the Senate a Hebron delegation and the Hebron High School Girls' Volleyball Team, winners of the University Interscholastic League Class 5A state championship title: Andie Barron, Rachel Buckley, Brittany Sample, Tiffany Baker, and Kate King, joined by their teammates in the gallery.

The Senate welcomed its guests.

SENATE RESOLUTION 449

Senator Jackson offered the following resolution:

SR 449, Recognizing March 9, 2011, as Texas Chemicals Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, March 7, 2011.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate representatives from the Texas Chemical Council and the Association of Chemical Industry of Texas.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 24

The President Pro Tempore laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, March 9, 2011, and ending on Monday, March 14, 2011.

WHITMIRE

SCR 24 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

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

On motion of Senator Harris and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Jurisprudence might meet today.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President Pro Tempore 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 Deuell.

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

The President Pro Tempore 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 31, Nays 0.

Senator Nichols asked to be recorded as voting "Nay" on the confirmation of Roderick A. Bordelon, Travis County.

Judge, 244th Judicial District Court, Ector County: James Marion Rush, Ector County.

Judge, 76th Judicial District Court, Camp, Morris, and Titus Counties: Kerry Dan Woodson, Titus County.

Members, Board of Directors, Angelina and Neches River Authority: Dominick Benedict Bruno, Cherokee County; Keith Drewery, Nacogdoches County; James E. Hughes, Newton County.

Members, Board, Texas Department of Motor Vehicles: Clifford Ernest Butler, Titus County; Ramsay Howze Gillman, Harris County; Laura Ryan Heizer, Harris County; Blake William Ingram, Dallas County; Cheryl E. Johnson, Galveston County; Victor Rodriguez, Hidalgo County; William Marvin Rush, Guadalupe County; Victor Thomas Vandergriff, Tarrant County; John H. Walker, Harris County.

Presiding Officer, Camino Real Regional Mobility Authority: Scott Anthony McLaughlin, El Paso County.

Commissioner, Texas Department of Insurance Division of Workers' Compensation: Roderick A. Bordelon, Travis County (Nichols "Nay").

Members, Board of Directors, Lower Neches Valley Authority: Mary Cleveland, Hardin County; Jimmie R. Cooley, Tyler County; Kathleen Thea Jackson, Jefferson County.

Members, Parks and Wildlife Commission: Thomas Dan Friedkin, Harris County; Dan Allen Hughes, Bee County; Richard R. Scott, Hays County.

Commissioner, Public Utility Commission of Texas: Donna L. Nelson, Williamson County.

Members, Board of Directors, Sabine River Authority: Cary McClure Abney, Harrison County; Connie Wade, Gregg County; Constance M. Ware, Harrison County.

Member, Sabine River Compact Administration: Jerry F. Gipson, Gregg County.

Member, Texas Commission on Environmental Quality: Carlos Rubinstein, Williamson County.

Member, Texas Facilities Commission: Betty Pinckard Reinbeck, Austin County.

CONCLUSION OF MORNING CALL

President Pro Tempore Ogden at 11:37 a.m. announced the conclusion of morning call.

(President in Chair)

SENATE BILL 912 ON SECOND READING

Senator West moved that Senate Rule 5.14; Senate Rule 7.13; Section 5, Article III, of the Texas Constitution; and the regular order of business be suspended and that **SB 912** be taken up for consideration at this time:

SB 912, Relating to temporary modification under certain circumstances of procedures authorized for the nonrenewal of public school teacher term contracts.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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 912 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 912** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

SENATE 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 Natural Resources might meet and consider the following bills today: **SB 271**, **SB 341**.

CO-AUTHOR OF SENATE BILL 9

On motion of Senator Williams, Senator Ogden will be shown as Co-author of **SB 9**.

CO-AUTHOR OF SENATE BILL 115

On motion of Senator Uresti, Senator Deuell will be shown as Co-author of **SB 115**.

CO-AUTHOR OF SENATE BILL 247

On motion of Senator Shapiro, Senator Ellis will be shown as Co-author of **SB 247**.

CO-AUTHOR OF SENATE BILL 330

On motion of Senator Watson, Senator Rodriguez will be shown as Co-author of **SB 330**.

CO-AUTHOR OF SENATE BILL 585

On motion of Senator Watson, Senator Rodriguez will be shown as Co-author of **SB 585**.

CO-AUTHOR OF SENATE BILL 852

On motion of Senator Ellis, Senator Rodriguez will be shown as Co-author of **SB 852**.

CO-AUTHOR OF SENATE BILL 965

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

CO-AUTHOR OF SENATE BILL 991

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

CO-AUTHORS OF SENATE BILL 1007

On motion of Senator Williams, Senators Ellis, Gallegos, Hegar, Huffman, Jackson, and Whitmire will be shown as Co-authors of **SB 1007**.

CO-AUTHOR OF SENATE BILL 1106

On motion of Senator Harris, Senator Huffman will be shown as Co-author of **SB 1106**.

CO-AUTHOR OF SENATE BILL 1220

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 1220**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 464 by Nichols, In memory of Richard Lewis Waltman of Athens.

SR 478 by Jackson, In memory of Phillip McClanahan Hopkins, Sr., of Tiki Island.

SR 479 by Jackson, In memory of Lynn Levin Cantini of Galveston.

SR 483 by Jackson, In memory of Lewis Edward Cook III.

Congratulatory Resolutions

SR 453 by Whitmire, Recognizing Houston's Korean Community Center on the occasion of the grand opening of its new building.

SR 454 by Deuell, Recognizing the First State Bank of Ben Wheeler on the occasion of its 100th anniversary.

SR 462 by Eltife, Recognizing Israel Smith of Tyler on the occasion of his 100th birthday.

SR 463 by Nichols, Recognizing the Toyota Texas Bass Classic for its support of the Parks and Wildlife Department.

SR 466 by Nelson, Davis, and Harris, Recognizing the members of the Leadership Fort Worth Class of 2011 on the occasion of their visit to Austin and the State Capitol.

SR 467 by Nelson, Recognizing SafeHaven of Tarrant County on the occasion of its annual Legacy of Men Breakfast.

SR 469 by Williams, Recognizing the Golden Triangle Women's History Museum on the occasion of its first annual Women's History Celebration.

SR 470 by Williams, Recognizing the organizers of the Texas Star Music Festival in Vidor.

SR 473 by Ellis, Recognizing the Houston Chapter of the Huston-Tillotson University International Alumni Association on the occasion of this year's concert by the university's concert choir.

SR 474 by Birdwell, Congratulating the Happy Hill Farm Academy Lady Pioneers basketball team for winning the 2011 Texas Association of Private and Parochial Schools 1A state championship.

SR 475 by Estes, Congratulating Glenda Culpepper for receiving the Whitesboro Chamber of Commerce 2011 Lifetime Achievement Award.

SR 477 by Jackson, Congratulating Sharon Li of Manvel on being named a top youth volunteer in Texas in the 2011 Prudential Spirit of Community Awards program.

Official Designation Resolutions

SR 455 by Eltife, Recognizing April 20, 2011, as "Retire in Texas Day."

SR 468 by Nelson, Recognizing March 23, 2011, as Robson Ranch Women's Club Day at the State Capitol.

SR 476 by Estes, Recognizing May of 2011 as Motorcycle Safety and Awareness Month.

HCR 56 (Hinojosa and Lucio), Designating April 9, 2011, as LZ:RGV Welcome Home South Texas Vietnam Veterans Day.

HCR 59 (Eltife), Designating February 28 to March 1, 2011, as East Texas Coalition Days at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 11:55 a.m. adjourned, in memory of Corey C. Owens, until 1:30 p.m. Monday, March 14, 2011.

APPENDIX

COMMITTEE REPORTS

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

March 9, 2011

BUSINESS AND COMMERCE — SB 351, SB 799, SB 889, SB 890, SB 892, CSSB 762

EDUCATION — SB 764

NATURAL RESOURCES — **SB 292, SB 312, SB 333, SB 360, SB 370, SB 408, SB 433**

BUSINESS AND COMMERCE — **CSSB 690**

RESOLUTIONS ENROLLED

March 8, 2011

SR 386, SR 413, SR 434, SR 435, SR 436, SR 439, SR 440, SR 442, SR 443, SR 444, SR 450, SR 451, SR 452, SR 456, SR 457, SR 458, SR 459, SR 460, SR 461

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-FOURTH DAY

(Monday, March 14, 2011)

The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

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

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

The Reverend Elizabeth Zarelli Turner, Saint Mark's Episcopal Church, Austin, offered the invocation as follows:

O God, ruler of the universe, blessed are You, Lord, our God, king of the universe. You are a compassionate God, a forgiving God, a just God, and a merciful God. We ask for Your presence with, and Your blessing upon, this assembly of the Texas State Senate. We pray for these Senators that they be given a spirit of wisdom, charity, and justice, that with steadfast purpose they may faithfully serve in their elected position to promote the well-being of the people of this state. In their deliberations, help them to order the affairs of this state with both justice and mercy. In these difficult times, grant them the wisdom and courage to legislate in ways that promote the common good with which they have been entrusted. Keep them mindful always of the needs of the people they have been elected to serve, but particularly those who are most vulnerable, who live in the shadows of life. Grant this legislative body a spirit of civility that will enable them to aim first for the reconciliation of differences rather than the triumph of victory. We remember before You this afternoon those who live beyond the borders of our state and nation, those who are engaged in struggles for freedom and peace, those who are recovering from natural disasters. And finally, we give thanks to You, our creator, for Your innumerable blessings. O God of all compassion, all mercy, and all justice, make us worthy stewards of the bounty You have showered upon us. Amen.

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

The motion prevailed without objection.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate his aunt, Ruth Estes, and his cousin, Jamie Estes.

The Senate welcomed its guests.

MESSAGES FROM THE GOVERNOR

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

March 9, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be members of the Texas Historical Commission for terms to expire February 1, 2017:

Earl P. Broussard, Jr.
Westlake Hills, Texas
(Mr. Broussard is being reappointed)

Matthew F. Kreisle, III
Austin, Texas
(replacing Donna Carter of Austin whose term expired)

Frank "Tom" Perini
Buffalo Gap, Texas
(replacing Diane Bumpas of Dallas whose term expired)

Judy C. Richardson
Caldwell, Texas
(replacing Marcus Watson of Dallas whose term expired)

Daisy White
Houston, Texas
(replacing Sara Armstrong Hixon of Houston whose term expired)

To be members of the Texas Racing Commission for terms to expire February 1, 2017:

Gloria Hicks
Corpus Christi, Texas

Robert Schmidt
Fort Worth, Texas

The individuals listed above are being reappointed.

To be members of the Texas Water Development Board for terms to expire December 31, 2015:

Billy R. Bradford, Jr.

Brownsville, Texas

(replacing Jack Hunt of Houston whose term expired)

Monte D. Cluck

Gruver, Texas

(replacing James Herring of Amarillo whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

March 14, 2011

Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be the Canadian River Compact Commissioner for a term to expire December 31, 2015:

James E. Herring

Amarillo, Texas

Mr. Herring is replacing Richard McDonald of Amarillo who is deceased.

To be a member of the Texas Veterans Commission for a term to expire December 31, 2013:

Daniel P. Moran

Cypress, Texas

Captain Moran is replacing John McKinney of El Paso who is deceased.

Respectfully submitted,

/s/Rick Perry

Governor

MESSAGE FROM THE SUPREME COURT OF TEXAS

The following message from the Supreme Court of Texas was read and was referred to the Committee on Nominations:

THE SUPREME COURT OF TEXAS

March 11, 2011

The Honorable Patsy Spaw
Secretary of the Senate
State Capitol, Room 2E.13
Austin, Texas 78701

Dear Ms. Spaw:

The Supreme Court of Texas has made the following appointment to the State Commission on Judicial Conduct which requires the advice and consent of the Senate:

Honorable David Bradford Gaultney
Justice, Ninth Court of Appeals
Beaumont, Texas

Justice Gaultney was appointed on March 7, 2011, to fulfill the unexpired term of Justice Jan Patterson, which will expire November 19, 2013.

The Supreme Court of Texas requests the consent and confirmation of the Senate for this appointment.

Sincerely,

/s/Wallace B. Jefferson
Chief Justice

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Monday, March 14, 2011 - 1

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 76 King, Susan
In memory of William B. Decker of Abilene.

SCR 24 Whitmire Sponsor: Munoz, Jr.
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 9, 2011, and ending on Monday, March 14, 2011.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILLS ON FIRST READING

The following bills, filed on or before Friday, March 11, 2011, were introduced, read first time, and referred to the committees indicated:

SB 4 by Shapiro

Relating to certification, performance, continuing education, and appraisal of public school teachers.

To Committee on Education.

SB 5 by Zaffirini

Relating to public institutions of higher education, including the administration, operation, financial management, and reporting requirements of those institutions.

To Committee on Higher Education.

SB 6 by Shapiro

Relating to the foundation curriculum, the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools.

To Committee on Education.

SB 13 by Huffman

Relating to the reform of certain remedies and procedures in civil actions.

To Committee on State Affairs.

SB 15 by Fraser

Relating to state energy policy and the planning of energy development and utilization.

To Committee on Natural Resources.

SB 20 by Williams

Relating to a grant program for certain natural gas motor vehicles.

To Committee on Transportation and Homeland Security.

SB 22 by Shapiro

Relating to public school finance.

To Committee on Finance.

SB 1312 by Van de Putte

Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.

To Committee on Criminal Justice.

SB 1436 by Van de Putte

Relating to creating the offense of continuous trafficking of persons; providing a penalty and other civil consequences.

To Committee on Criminal Justice.

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Mitchell Finnie of San Antonio as the Physician of the Day.

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

SENATE RESOLUTION 503

Senator Patrick offered the following resolution:

SR 503, Commending the Patriot Guard Riders on their commitment to supporting the families of veterans and active-duty military members.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate members of Girl Scout Troop 162.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Guadalupe Castillo and his son, David.

The Senate welcomed its guests.

SENATE BILL 815 REREFERRED**(Motion In Writing)**

Senator Lucio submitted a Motion In Writing requesting that **SB 815** be withdrawn from the Committee on Transportation and Homeland Security and rereferred to the Committee on International Relations and Trade.

The Motion In Writing prevailed without objection.

SENATE BILL 826 REREFERRED**(Motion In Writing)**

Senator Lucio submitted a Motion In Writing requesting that **SB 826** be withdrawn from the Committee on Agriculture and Rural Affairs and rereferred to the Committee on International Relations and Trade.

The Motion In Writing prevailed without objection.

GUESTS PRESENTED

Senator Rodriguez was recognized and introduced to the Senate his wife, Carmen, his grandson, Santiago, and his nephew, Sammie.

The Senate welcomed its guests.

SENATE RULE 11.18(a) SUSPENDED**(Public Hearings)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Criminal Justice might consider **SB 1436** tomorrow.

CO-AUTHOR OF SENATE BILL 121

On motion of Senator Ellis, Senator West will be shown as Co-author of **SB 121**.

CO-AUTHOR OF SENATE BILL 257

On motion of Senator Carona, Senator Nelson will be shown as Co-author of **SB 257**.

CO-AUTHOR OF SENATE BILL 321

On motion of Senator Hegar, Senator Harris will be shown as Co-author of **SB 321**.

CO-AUTHOR OF SENATE BILL 371

On motion of Senator Seliger, Senator Carona will be shown as Co-author of **SB 371**.

CO-AUTHOR OF SENATE BILL 449

On motion of Senator Watson, Senator Seliger will be shown as Co-author of **SB 449**.

CO-AUTHOR OF SENATE BILL 492

On motion of Senator Fraser, Senator Rodriguez will be shown as Co-author of **SB 492**.

CO-AUTHOR OF SENATE BILL 1007

On motion of Senator Williams, Senator Patrick will be shown as Co-author of **SB 1007**.

CO-AUTHOR OF SENATE BILL 1118

On motion of Senator Hinojosa, Senator Rodriguez will be shown as Co-author of **SB 1118**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 33

On motion of Senator Hinojosa, Senator Rodriguez will be shown as Co-author of **SJR 33**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 494 by Uresti, In memory of Raul R. Ayala.

SR 498 by Ellis, In memory of Wallace Edward Lockett.

HCR 76 (Fraser), In memory of William B. Decker of Abilene.

Congratulatory Resolutions

SCR 28 by Watson, Commending Joe E. Gonzales for his career in education and for his contributions to the success of Austin Can! Academy.

SCR 29 by Watson, Recognizing Austin Can! Academy, a dropout recovery charter high school serving at-risk students of Travis County.

SR 472 by Ogden, Recognizing Richard L. Cosper of Georgetown for his service to his country.

SR 482 by Whitmire, Recognizing Bob Wessels on the occasion of his retirement as court manager for the Harris County Courts at Law.

SR 484 by Uresti, Recognizing the Del Rio Chamber of Commerce on the occasion of its 75th anniversary.

SR 485 by West, Recognizing Rai Cole Malone on the occasion of her 25th year as a member of Alpha Xi Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated.

SR 489 by Seliger, Recognizing Walt Kelley on the occasion of his retirement as emergency administration manager for the City of Amarillo.

SR 490 by Watson, Recognizing the Mexican American Experience 2011 event at the Emma S. Barrientos Mexican American Cultural Center in Austin.

SR 492 by Hinojosa, Commending Jacob Thomas Gaslin for achieving the rank of Eagle Scout.

SR 493 by Hinojosa, Commending Matthew Franke for achieving the rank of Eagle Scout.

SR 495 by Seliger, Congratulating the Canyon High School Lady Eagles basketball team on winning the Class 4A state championship title.

SR 499 by Birdwell, Recognizing the Texas State Technical College Student Leadership Council of Waco on the occasion of its visit to the State Capitol on March 22, 2011.

SR 500 by Ellis, Paying tribute to the founders of our nation's African American press on the occasion of the 184th anniversary of the establishment of *Freedom's Journal*.

Official Designation Resolution

HCR 40 (Huffman), Designating the Sunday through Saturday surrounding World Suicide Prevention Day, September 10, each year as Texas Suicide Prevention Week.

Legislative Policy Resolution

HCR 58 (Whitmire), Granting the legislature permission to adjourn for more than three days.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:51 p.m. adjourned, in memory of Robert Garza, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 14, 2011

TRANSPORTATION AND HOMELAND SECURITY — **SB 132**

JURISPRUDENCE — **SB 283, SB 286, SB 481, SB 485, SB 543, SB 605, SB 502, SB 582, SB 886**

ECONOMIC DEVELOPMENT — **SB 309, SB 439, SB 458, SB 563, SB 580**

CRIMINAL JUSTICE — **SB 250, SB 279, CSSB 116, CSSB 170, CSSB 542**

HEALTH AND HUMAN SERVICES — **SB 37, SB 80, SB 228, SB 256, SB 335, SB 594, SB 798**

INTERGOVERNMENTAL RELATIONS — **SB 398, SB 490, SB 494, SB 558, SB 559, CSSB 101**

BUSINESS AND COMMERCE — **CSSB 781, CSSB 566**

JURISPRUDENCE — **CSSB 61**

INTERGOVERNMENTAL RELATIONS — **CSSB 761**

HEALTH AND HUMAN SERVICES — **CSSB 72, CSSB 77, CSSB 193, CSSB 219, CSSB 222**

HIGHER EDUCATION — **SB 633, CSSB 282, CSSB 850, CSSB 851**

CRIMINAL JUSTICE — **CSSB 545**

ECONOMIC DEVELOPMENT — **CSSB 638**

JURISPRUDENCE — **CSSB 716, CSSB 785**

NATURAL RESOURCES — **CSSB 160, CSSB 271, CSSB 341, CSSB 527**

HEALTH AND HUMAN SERVICES — **CSSB 622, CSSB 355**

BILL ENGROSSED

March 9, 2011

SB 912

RESOLUTIONS ENROLLED

March 9, 2011

SR 453, SR 454, SR 455, SR 462, SR 463, SR 464, SR 466, SR 467, SR 468, SR 469, SR 470, SR 471, SR 473, SR 474, SR 475, SR 476, SR 477, SR 478, SR 479, SR 483

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-FIFTH DAY

(Tuesday, March 15, 2011)

The Senate met at 11:07 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

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

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

The Reverend Daryl Horton, Mount Zion Baptist Church, Austin, offered the invocation as follows:

For this day we give thanks. As we take this moment, we recognize the need for Your wisdom and guidance. For every Senator, direct their thoughts so they focus on the needs of the people they represent. Give clarity to their speech, so it resonates with the desires of their constituency. Touch their hearts, so they beat in concert with the concerns of all Texans. Open their ears, so they may hear one another and the voice of every citizen. Guide them through every discussion and vote. Bless each Senator with a sound mind, good health, and the strength to persevere. Help them to always be mindful of the blessed privilege to be servant leaders. All this we pray in His name. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, March 15, 2011 - 1

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 10

Branch

Honoring Southern Methodist University on the 100th anniversary of its founding and 10 decades of educational excellence.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate his grandchildren: Anna Lynda Lucio Cisneros, Alejandro Lucio Cisneros, and Carlos Lucio Cisneros, as well as his daughter, Lynda Lucio Cisneros.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Jackson was recognized and presented Dr. Syed Azhar of Houston as the Physician of the Day.

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

GUEST PRESENTED

Senator Hinojosa was recognized and introduced to the Senate his son, Johnathan.

The Senate welcomed its guest.

SENATE RESOLUTION 480

Senator Seliger offered the following resolution:

SR 480, Recognizing Baylor University's Bob Bullock Scholars Program and commending this year's scholars for their participation.

SELIGER	NELSON
BIRDWELL	WEST
DUNCAN	

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger, joined by Senators Duncan, Nelson, and West, was recognized and introduced to the Senate Dr. James Curry, Bob Bullock Professor of Public Policy and Administration, and Bob Bullock Scholars: Sarah Caldwell, Round Rock; Amanda Gonzales, San Antonio; Ashleigh Myers, Munday; and Courtney Lewis, Mansfield.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a University of North Texas Health Science Center delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate Southern Methodist University President, Dr. R. Gerald Turner, and Vice-president for Legal Affairs and Government Relations, Paul Ward.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Seliger was recognized and introduced to the Senate Jessica Rubio of Big Spring.

The Senate welcomed its guest.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Aging and Disability Services Council: Sharon Swift Butterworth, El Paso County; John Anthony Cuellar, Dallas County; Judy Rebecca Foster, Bexar County; Gary Don Newsom, Travis County; Donna Beth Stauber, McLennan County.

Members, Board of Directors, Central Colorado River Authority: Patrick Shane Justiss, Coleman County; Andrew Mark Young, Coleman County.

Members, Commission on Human Rights: Toni Rhodes Glover, Tarrant County; Shara Alyse Michalka, Dallas County.

Public Counsel, Office of Injured Employee Counsel: Norman Wayne Darwin, Tarrant County.

Commissioner, Red River Compact Commission: William Allen Abney, Harrison County.

Members, Risk Management Board for the State Office of Risk Management: Rosemary A. Gammon, Collin County; Tomas Gonzalez, Dallas County; Stephanie E. Simmons, Fort Bend County; John W. Youngblood, Milam County.

Members, School Land Board: David S. Herrmann, Bexar County; Thomas Vernon Orr, Harris County.

Members, Texas Council on Autism and Pervasive Developmental Disorders: Anna Laura Hundley, Dallas County; Tammy Campbell Lemoine, Shelby County; Callie M. Matthews, Tarrant County; Frank C. McCamant, Travis County; Pamela Rollins, Dallas County; Grover Glenn Roque-Jackson, Collin County; Stephanie Sokolosky, Lubbock County.

Members, Governing Board, Texas Department of Housing and Community Affairs: Lowell Adams Keig, Travis County; Juan Sanchez Munoz, Lubbock County; John Paul Daniell Oxer, Fort Bend County.

Members, Texas Physician Assistant Board: Margaret K. Bentley, Dallas County; Anna Arredondo Chapman, Val Verde County; Felix Chong Wah Koo, Hidalgo County; Richard R. Rahr, Galveston County.

Members, Texas Private Security Board: Albert Lee Black, Travis County; Brian Clayton England, Kaufman County; Howard Hans Johnsen, Dallas County; Mark Lawson Smith, Collin County.

Members, Board of Directors, Texas State Affordable Housing Corporation: Merrideth Jeran Akers, Collin County; Jerry Romero, El Paso County.

Members, Texas State Board of Examiners of Psychologists: Jeffrey M. Baker, Galveston County; Carlos R. Chacon, El Paso County; Leslie Dee Rosenstein, Travis County.

Members, Texas State Board of Pharmacy: Wilson Benjamin Fry, Cameron County; Joyce Ann Tipton, Harris County; Charles Field Wetherbee, Kendall County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

RESOLUTION SIGNED

The President Pro Tempore announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 24**.

SENATE BILL 824 REREFERRED (Motion In Writing)

Senator Lucio submitted a Motion In Writing requesting that **SB 824** be withdrawn from the Committee on Agriculture and Rural Affairs and rereferred to the Committee on International Relations and Trade.

The Motion In Writing prevailed without objection.

SENATE BILL 628 REREFERRED (Motion In Writing)

Senator Duncan submitted a Motion In Writing requesting that **SB 628** be withdrawn from the Committee on Health and Human Services and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing prevailed without objection.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 11:31 a.m. announced the conclusion of morning call.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a Fort Bend County delegation, accompanied by William Carter, President of the 75th Fort Bend County Fair, and Susan Sillavan, Fair Manager.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 115 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 115** at this time on its second reading:

CSSB 115, Relating to limiting the liability of space flight entities.

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 115 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 115** 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 115**, 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 115** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE
SENATE BILL 141 ON SECOND READING

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 141** at this time on its second reading:

CSSB 141, Relating to debt management services and the regulation of debt management services providers.

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 141 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 141** 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 141**, 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 141** 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.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE BILL 321 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 321** at this time on its second reading:

CSSB 321, Relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSSB 321** (Senate Committee Printing), in SECTION 1 of the bill, as follows:

(1) At the end of proposed Section 52.062(a)(1), Labor Code (page 1, line 33), between the semicolon and "or", insert the following:

(2) prohibit a private employer who employs at least 10,000 employees at a single location in this state from adopting a confidential process requiring that an employee provide notice to the employer before the employee stores a firearm, ammunition, or both in the employee's locked, privately owned motor vehicle in a parking area the employer provides for employees;

(2) In proposed Section 52.062(a)(2), Labor Code (page 1, line 34), strike "(2)" and substitute "(3)".

The amendment to **CSSB 321** was read.

On motion of Senator Hegar, Floor Amendment No. 1 was tabled by the following vote: Yeas 22, Nays 9.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Lucio, Rodriguez, Van de Putte, Watson, West, Zaffirini.

CSSB 321 was passed to engrossment by the following vote: Yeas 30, Nays 1.

Nays: Rodriguez.

**COMMITTEE SUBSTITUTE
SENATE BILL 321 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 321** be placed on its third reading and final passage.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Rodriguez, 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 321**, 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 321** 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.

WENTWORTH

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

Nays: Rodriguez.

SENATE BILL 257 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 257** at this time on its second reading:

SB 257, Relating to the issuance of "Choose Life" license plates and the creation of the Choose Life account in the general revenue fund.

The bill was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

SENATE BILL 408 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 408** at this time on its second reading:

SB 408, Relating to inspection of the John Graves Scenic Riverway.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 408** by adding the following appropriately numbered section and renumbering subsequent sections of the bill accordingly:

SECTION ____ . Subchapter M, Chapter 26, Water Code, is amended by adding Section 26.563 to read as follows:

Sec. 26.563. CERTAIN CRAFT PROHIBITED. (a) The commission by rule shall prohibit the commercial or recreational use of the following craft on the waters of the John Graves Scenic Riverway:

(1) airboats, fanboats, and similar shallow draft watercraft that use an aircraft-type propeller for propulsion; and

(2) hovercraft.

(b) A rule adopted under this section must allow for the operation of craft described by Subsection (a) for:

(1) a visual inspection conducted under Section 26.555; or

(2) law enforcement purposes.

The amendment to **SB 408** 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 Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 408 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 408 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 408** 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 408**, 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 408** 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.

WENTWORTH

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

CO-AUTHOR OF SENATE BILL 27

On motion of Senator Zaffirini, Senator Watson will be shown as Co-author of **SB 27**.

CO-AUTHORS OF SENATE BILL 37

On motion of Senator Zaffirini, Senators Rodriguez and West will be shown as Co-authors of **SB 37**.

CO-AUTHOR OF SENATE BILL 89

On motion of Senator Lucio, Senator Van de Putte will be shown as Co-author of **SB 89**.

CO-AUTHOR OF SENATE BILL 282

On motion of Senator Zaffirini, Senator West will be shown as Co-author of **SB 282**.

CO-AUTHOR OF SENATE BILL 594

On motion of Senator Van de Putte, Senator West will be shown as Co-author of **SB 594**.

CO-AUTHOR OF SENATE BILL 778

On motion of Senator Williams, Senator Seliger will be shown as Co-author of **SB 778**.

CO-AUTHOR OF SENATE BILL 1311

On motion of Senator Lucio, Senator Hinojosa will be shown as Co-author of **SB 1311**.

CO-AUTHOR OF SENATE BILL 1365

On motion of Senator Ellis, Senator Watson will be shown as Co-author of **SB 1365**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 487 by Watson, In memory of Max L. Noe of Austin.

SR 512 by Lucio, In memory of Antonio R. Lopez, Sr.

SR 513 by Lucio, In memory of Vivia Halbert.

SR 514 by Lucio, In memory of Hector Yznaga of Brownsville.

SR 523 by Zaffirini, In memory of Ignacia Mogas Czar "Nachita" Hopkins.

HCR 28 (Eltime), In memory of Don Meredith, former SMU and Dallas Cowboys quarterback and longtime sportscaster.

Congratulatory Resolutions

SR 488 by Watson, Recognizing the members of the Texian Legacy Association who provided an honor guard for the presentation of the Texas Declaration of Independence in the Senate Chamber on Texas Independence Day.

SR 496 by Davis, Recognizing Ron Tyler on the occasion of his retirement as director of the Amon Carter Museum of American Art.

SR 497 by Davis, Congratulating Jung-Chih Chiao on receiving the 2011 Edith and Peter O'Donnell Award in Engineering from The Academy of Medicine, Engineering and Science of Texas.

SR 501 by Shapiro, Recognizing Knox Hayes Matthews on the occasion of his seventh birthday.

SR 502 by Estes, Recognizing Cross Trail Outfitters for their work in assisting boys and young men to become leaders in their communities.

SR 505 by West, Recognizing Frances L. King on the occasion of her retirement from Dallas County.

SR 507 by Deuell, Recognizing Avanel C. Heard Moore of Ben Wheeler on the occasion of her 100th birthday.

SR 508 by Jackson, Recognizing the National Aeronautics and Space Administration for its leadership and accomplishments in the State of Texas.

SR 509 by Zaffirini, Recognizing Edison Mission Energy on the occasion of the dedication of its Cedro Hill Wind Project in Bruni.

SR 511 by Hinojosa, Recognizing the citizens of Jim Wells County on the occasion of its 100th anniversary.

HCR 10 (Carona), Honoring Southern Methodist University on the 100th anniversary of its founding and 10 decades of educational excellence.

Official Designation Resolution

SR 504 by Estes, Declaring March 23, 2011, Parent Association for the Retarded of Texas Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:25 p.m. adjourned, in memory of William E. Nelson, Jr., Stephanie Brown, and the victims of the earthquake and tsunami in Japan, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 15, 2011

STATE AFFAIRS — **SB 350, SB 567, SB 792, SB 859**

ECONOMIC DEVELOPMENT — **SB 520** (Amended)

STATE AFFAIRS — **CSSB 809, CSSB 822**

GOVERNMENT ORGANIZATION — **SB 400, SB 647**

BUSINESS AND COMMERCE — **SB 411, SB 918, SB 944, SB 983**

RESOLUTIONS ENROLLED

March 14, 2011

SCR 24, SR 472, SR 482, SR 484, SR 485, SR 489, SR 490, SR 492, SR 493, SR 494, SR 495, SR 498, SR 499, SR 500, SR 503

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-SIXTH DAY

(Wednesday, March 16, 2011)

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: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Davis.

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

The Reverend Douglas Richnow, The Church of Saint John the Divine, Houston, was introduced to the Senate by Senator Zaffirini and offered the invocation as follows:

O God, whose will is good and gracious and whose law is truth, bless the leaders and Members of this Senate that they might seek to be guided by Your gracious hand to enact such legislation as would please You and to make wise decisions over the matters for which they have been given charge. Give them courage, wisdom, and foresight to provide for the needs and protection of the people of our state and to fulfill their obligations to the communities whom they represent. And, Lord, in this season of scarcity may Your grace be showered upon the treasures and revenues of this great state that they might be multiplied by Your great power to grant provision to all those who are hurting and who are in need. And finally, Lord, help these men and women in the midst of their debate to work together with mutual forbearance and respect and to confront one another with a common love of justice and truth. All this we ask in Your holy name. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Davis was granted leave of absence for today on account of important business.

PHYSICIAN OF THE DAY

Senator Harris was recognized and presented Dr. Antony Anderson of Grand Prairie as the Physician of the Day.

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

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 40, HCR 56, HCR 58, HCR 59, HCR 76.**

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

SENATE RESOLUTION 534

Senator Zaffirini offered the following resolution:

WHEREAS, Citizens from Karnes County are gathering in Austin for a special day at the State Capitol on March 16, 2011; and

WHEREAS, Located in the Rio Grande plain region, the county was named for Henry Wax Karnes, a Texas revolutionary war hero, and was officially organized on February 4, 1854, when the legislature passed a measure recognizing its establishment; and

WHEREAS, Karnes County benefited from the arrival of the railroads in the mid-1880s, and the improved access to markets ushered in the diversified farming, livestock, and ranching economy that has been important to the area ever since; and

WHEREAS, Today, the region's leading businesses include not only agricultural operations but also oil and gas production, uranium mining and milling, guar processing, and fiberglass manufacturing; and

WHEREAS, Karnes County is home to Panna Maria, the nation's oldest Polish settlement, and the ghost town of Helena, the former county seat, which features a museum in the restored courthouse; additional attractions in the area include the church of Czestochowa and various annual community events, including the Lonesome Dove Fest in Karnes City; Kenedy, Falls City, Gillett, Hobson, and Runge are just a few of the unique towns that may be found in the county; and

WHEREAS, Residents of Karnes County are preserving the character and history of their unique region while working to build a prosperous future, and they are indeed deserving of recognition for their contributions to the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby recognize March 16, 2011, as Karnes County Day at the State Capitol and extend to the visiting delegation sincere best wishes for an enjoyable day in Austin; and, be it further

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

SR 534 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Karnes County delegation: Alfred Pawelek, former County Judge; Barbara Shaw, County Judge; Robert Busselman, County Attorney; and David Jalufka, Sheriff.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nelson, on behalf of Senator Davis, was recognized and introduced to the Senate Kids Who Care representatives and Executive Director Deborah Jung.

The Senate welcomed its guests.

SENATE RESOLUTION 486

Senator Duncan offered the following resolution:

SR 486, In memory of Danny Keith Gunn of Idalou.

The resolution was read.

On motion of Senator Duncan, **SR 486** was adopted by a rising vote of the Senate.

In honor of the memory of Danny Keith Gunn, the text of the resolution will be printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate the family of Danny Keith Gunn: his wife, Melinda; his sons, Garrett and Brady; his daughter, Tatum Gunn Dorow; and his son-in-law, Andrew Dorow.

The Senate welcomed its guests and extended its sympathy.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, March 16, 2011 - 1

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 150

Branch

Honoring Sam Houston for his statesmanship on the 150th anniversary of his refusal to take the oath of allegiance to the Confederate States of America.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President 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 Deuell.

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

The President 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: Davis.

Members, Aging and Disability Services Council: Sharon Swift Butterworth, El Paso County; John Anthony Cuellar, Dallas County; Judy Rebecca Foster, Bexar County; Gary Don Newsom, Travis County; Donna Beth Stauber, McLennan County.

Members, Board of Directors, Central Colorado River Authority: Patrick Shane Justiss, Coleman County; Andrew Mark Young, Coleman County.

Members, Commission on Human Rights: Toni Rhodes Glover, Tarrant County; Shara Alyse Michalka, Dallas County.

Public Counsel, Office of Injured Employee Counsel: Norman Wayne Darwin, Tarrant County.

Commissioner, Red River Compact Commission: William Allen Abney, Harrison County.

Members, Risk Management Board for the State Office of Risk Management: Rosemary A. Gammon, Collin County; Tomas Gonzalez, Dallas County; Stephanie E. Simmons, Fort Bend County; John W. Youngblood, Milam County.

Members, School Land Board: David S. Herrmann, Bexar County; Thomas Vernon Orr, Harris County.

Members, Texas Council on Autism and Pervasive Developmental Disorders: Anna Laura Hundley, Dallas County; Tammy Campbell Lemoine, Shelby County; Callie M. Matthews, Tarrant County; Frank C. McCamant, Travis County; Pamela Rollins, Dallas County; Grover Glenn Roque-Jackson, Collin County; Stephanie Sokolosky, Lubbock County.

Members, Governing Board, Texas Department of Housing and Community Affairs: Lowell Adams Keig, Travis County; Juan Sanchez Munoz, Lubbock County; John Paul Daniell Oxer, Fort Bend County.

Members, Texas Physician Assistant Board: Margaret K. Bentley, Dallas County; Anna Arredondo Chapman, Val Verde County; Felix Chong Wah Koo, Hidalgo County; Richard R. Rahr, Galveston County.

Members, Texas Private Security Board: Albert Lee Black, Travis County; Brian Clayton England, Kaufman County; Howard Hans Johnsen, Dallas County; Mark Lawson Smith, Collin County.

Members, Board of Directors, Texas State Affordable Housing Corporation: Merrideth Jeran Akers, Collin County; Jerry Romero, El Paso County.

Members, Texas State Board of Examiners of Psychologists: Jeffrey M. Baker, Galveston County; Carlos R. Chacon, El Paso County; Leslie Dee Rosenstein, Travis County.

Members, Texas State Board of Pharmacy: Wilson Benjamin Fry, Cameron County; Joyce Ann Tipton, Harris County; Charles Field Wetherbee, Kendall County.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a Leadership Southwest delegation.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 11:31 a.m. announced the conclusion of morning call.

SENATE BILL 292 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 292** at this time on its second reading:

SB 292, Relating to changes in the single-member district boundaries of the Barton Springs-Edwards Aquifer Conservation District.

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

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

Absent-excused: Davis.

SENATE BILL 292 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 **SB 292** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Davis.

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 292**, 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 292** 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.

WENTWORTH

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

Absent-excused: Davis.

SENATE BILL 433 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 433** at this time on its second reading:

SB 433, Relating to the de-annexation of land in Bastrop County by the Barton Springs-Edwards Aquifer Conservation District.

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

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

Absent-excused: Davis.

SENATE BILL 433 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 433** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Davis.

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 433**, 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 433** 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.

WENTWORTH

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

Absent-excused: Davis.

**COMMITTEE SUBSTITUTE
SENATE BILL 271 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 271** at this time on its second reading:

CSSB 271, Relating to the board of directors of the Bexar Metropolitan Water District.

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

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

Absent-excused: Davis.

**COMMITTEE SUBSTITUTE
SENATE BILL 271 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 271** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Davis.

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 271**, 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 271** 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.

WENTWORTH

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

Absent-excused: Davis.

SENATE BILL 367 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 367** at this time on its second reading:

SB 367, Relating to the review by the attorney general of invoices related to legal services provided to state agencies by outside counsel.

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: Davis.

SENATE BILL 367 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 **SB 367** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Davis.

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 367**, 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 367** 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.

WENTWORTH

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

Absent-excused: Davis.

SENATE BILL 257 ON THIRD READING

Senator Carona moved to suspend the regular order of business to take up for consideration **SB 257** at this time on its third reading and final passage:

SB 257, Relating to the issuance of "Choose Life" license plates and the creation of the Choose Life account in the general revenue fund.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

Absent-excused: Davis.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 9. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 121 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 121** at this time on its second reading:

CSSB 121, Relating to photograph and live lineup identification procedures in criminal cases.

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: Davis.

**COMMITTEE SUBSTITUTE
SENATE BILL 121 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 121** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Davis.

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 121**, 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 121** 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.

WENTWORTH

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

Absent-excused: Davis.

SENATE BILL 580 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 580** at this time on its second reading:

SB 580, Relating to community assistance and economic development program activities of the Lavaca-Navidad River Authority.

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

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

Absent-excused: Davis.

SENATE BILL 580 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 580** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Davis.

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 580**, 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 580** 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.

WENTWORTH

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

Absent-excused: Davis.

**MOTION TO PLACE
SENATE BILL 514 ON SECOND READING**

Senator Birdwell moved to suspend the regular order of business to take up for consideration **SB 514** at this time on its second reading:

SB 514, Relating to the acquisition of land and facilities by the Texas State Technical College System.

The motion was lost by the following vote: Yeas 14, Nays 16.

Yeas: Birdwell, Carona, Eltife, Estes, Hegar, Huffman, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Wentworth, Williams.

Nays: Deuell, Duncan, Ellis, Fraser, Gallegos, Harris, Hinojosa, Jackson, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Davis.

Senator Harris moved that **SB 514** be set as special order to a time certain of 2:00 p.m. Monday, March 21, 2011.

Senator Harris withdrew the motion to set **SB 514** as special order.

SENATE BILL 514 ON SECOND READING

Senator Birdwell again moved to suspend the regular order of business to take up for consideration **SB 514** at this time on its second reading:

SB 514, Relating to the acquisition of land and facilities by the Texas State Technical College System.

The motion prevailed without objection.

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: Davis.

SENATE BILL 514 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 514** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Davis.

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 514**, 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 514** 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.

WENTWORTH

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

Absent-excused: Davis.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Mallori Johnson, a student from northeast Bexar County. She also acknowledged a group of Webb County Korean War veterans.

The Senate welcomed its guests.

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Eltife 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 8:30 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 Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today and during the Local and Uncontested Calendar Session tomorrow.

MOTION TO RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:49 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading, until 8:30 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Ignacia Mogas Czar "Nachita" Hopkins and Danny Keith Gunn, upon conclusion of the Local and Uncontested Calendar Session, until 10:00 a.m. tomorrow.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions, filed on or before March 11, 2011, were introduced, read first time, and referred to the committees indicated:

SB 644 by Hegar

Relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

To Committee on Government Organization.

SB 656 by Huffman, Hegar

Relating to the abolition of the Coastal Coordination Council and the transfer of its functions to the General Land Office.

To Committee on Government Organization.

SB 657 by Huffman, Hegar

Relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.

To Committee on Natural Resources.

SB 658 by Huffman, Hegar

Relating to the continuation and functions of the division of workers' compensation of the Texas Department of Insurance.

To Committee on Government Organization.

SB 659 by Hinojosa, Hegar

Relating to the continuation and functions of the Texas Racing Commission, the abolishment of the Equine Research Account Advisory Committee, and the authority of Texas AgriLife Research; providing an administrative penalty.

To Committee on Government Organization.

SB 660 by Hinojosa, Hegar

Relating to the review and functions of the Texas Water Development Board, including the functions of the board and related entities in connection with the process for establishing and appealing desired future conditions in a groundwater management area.

To Committee on Government Organization.

SB 661 by Nichols, Hegar

Relating to the continuation and functions, as applicable, of the Electric Reliability Council of Texas, the Office of Public Utility Counsel, and the Public Utility Commission of Texas and to the transfer of certain functions from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas; imposing an administrative penalty.

To Committee on Government Organization.

SB 662 by Nichols

Relating to the continuation and functions of the State Board of Examiners for Speech-Language Pathology and Audiology; providing an administrative penalty.

To Committee on Government Organization.

SB 663 by Nichols, Hegar

Relating to the continuation and functions of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments; providing an administrative penalty.
To Committee on Government Organization.

SB 664 by Nichols, Hegar

Relating to the continuation and functions of the Department of Information Resources.
To Committee on Government Organization.

SB 665 by Hinojosa, Hegar

Relating to the continuation and functions of the Texas Department of Housing and Community Affairs.
To Committee on Government Organization.

SB 666 by Hinojosa

Relating to identification requirements for certain fire hydrants and flush valves.
To Committee on Natural Resources.

SB 1001 by Carona

Relating to discrimination and restraint of trade against certain persons regulated under the Occupations Code.
To Committee on Business and Commerce.

SB 1002 by Van de Putte

Relating to the designation of program costs for providing bill payment assistance to certain military veterans as a necessary operating expense that is a first lien against revenue of certain electric and gas utilities' revenue securing certain public securities or obligations.
To Committee on Intergovernmental Relations.

SB 1003 by Fraser

Relating to penalties for, and emergency orders suspending, the operation of a rock crusher or certain concrete plants without a current permit under the Texas Clean Air Act.
To Committee on Natural Resources.

SB 1004 by Lucio

Relating to the imposition of a tax on certain beverages.
To Committee on Finance.

SB 1005 by Van de Putte

Relating to fair treatment of all providers of instructional materials to students enrolled at public institutions of higher education.
To Committee on Higher Education.

SB 1006 by Lucio, Ellis

Relating to unemployment compensation modernization.
To Committee on Economic Development.

SB 1007 by Williams

Relating to certain comprehensive development agreements of the Texas Department of Transportation.

To Committee on Transportation and Homeland Security.

SB 1008 by Carona

Relating to the composition of the Finance Commission of Texas.

To Committee on Business and Commerce.

SB 1009 by Huffman

Relating to requiring public institutions of higher education to notify the federal Student Exchange and Visitor Information System (SEVIS) regarding the withdrawal or nonattendance of certain foreign students.

To Committee on Higher Education.

SB 1010 by Huffman

Relating to providing a victim, guardian of a victim, or close relative of a deceased victim with notice of a plea bargain agreement in certain criminal cases.

To Committee on Criminal Justice.

SB 1011 by Huffman

Relating to the exclusion of certain witnesses during a criminal proceeding.

To Committee on Jurisprudence.

SB 1012 by Huffman

Relating to the payment of certain costs and expenses of a juvenile case manager.

To Committee on Jurisprudence.

SB 1013 by Davis

Relating to the contents of the sex offender registration form and to information included in the sex offender database maintained by the Department of Public Safety.

To Committee on Criminal Justice.

SB 1014 by Davis

Relating to time of day during which prisoners may be discharged or released from county jails.

To Committee on Criminal Justice.

SB 1015 by Davis

Relating to reporting on the operation and status of veterans homes operated in this state.

To Committee on Veteran Affairs and Military Installations.

SB 1016 by Davis

Relating to the use of a checklist during the investigation of abuse or neglect at nursing homes and related institutions.

To Committee on Health and Human Services.

SB 1017 by Davis, Harris, Nelson

Relating to certain comprehensive development agreements of the Texas Department of Transportation.

To Committee on Transportation and Homeland Security.

SB 1018 by Davis

Relating to state actions necessary to maximize federal funding for certain transportation projects and activities in this state.

To Committee on Transportation and Homeland Security.

SB 1019 by Rodriguez

Relating to the county ethics commission for certain counties.

To Committee on International Relations and Trade.

SB 1020 by Rodriguez

Relating to a feasibility study regarding the establishment of a dental school at the Texas Tech University Health Sciences Center at El Paso.

To Committee on Higher Education.

SB 1021 by Rodriguez

Relating to certain examination requirements for physicians.

To Committee on Health and Human Services.

SB 1022 by Rodriguez

Relating to the graduate medical training requirements for certain foreign medical school graduates applying for a license to practice medicine in this state.

To Committee on Health and Human Services.

SB 1023 by Rodriguez

Relating to the health professions resource center.

To Committee on Health and Human Services.

SB 1024 by Rodriguez

Relating to the prosecution of the offense of theft of service.

To Committee on Criminal Justice.

SB 1025 by Harris

Relating to service of citation and appointment of an attorney ad litem for an indigent parent in certain suits affecting the parent-child relationship.

To Committee on Jurisprudence.

SB 1026 by Harris

Relating to the powers and duties of an attorney ad litem appointed for a parent in certain suits affecting the parent-child relationship.

To Committee on Jurisprudence.

SB 1027 by Harris

Relating to the provision of legal services by a guardian in connection with a guardianship.

To Committee on Jurisprudence.

SB 1028 by Harris

Relating to the appointment of counsel to represent an indigent defendant in a capital case and to the reimbursement of certain expenses incurred by appointed counsel.

To Committee on Criminal Justice.

SB 1029 by Harris

Relating to the designation of a person as a vexatious litigant.
To Committee on State Affairs.

SB 1030 by Carona

Relating to notice by sign requirement for sexually oriented businesses.
To Committee on Intergovernmental Relations.

SB 1031 by Carona

Relating to design, construction, renovation, and energy efficiency standards for buildings.
To Committee on Natural Resources.

SB 1032 by Seliger

Relating to the registration and regulation of equine dental technicians, advertising by veterinarians and equine dental technicians, and the confidentiality of investigation files maintained by the State Board of Veterinary Medical Examiners; providing penalties.
To Committee on Agriculture and Rural Affairs.

SB 1033 by Seliger

Relating to the authority of certain political subdivisions to change the date of their general elections.
To Committee on State Affairs.

SB 1034 by Watson

Relating to the date of the general election of certain municipalities.
To Committee on State Affairs.

SB 1035 by Williams

Relating to motor vehicle title services; providing penalties.
To Committee on Transportation and Homeland Security.

SB 1036 by Williams

Relating to notice required in connection with possessory liens on motor vehicles.
To Committee on Transportation and Homeland Security.

SB 1037 by Carona

Relating to the imposition of a tax on the gross receipts from admissions fees charged by sexually oriented businesses.
To Committee on Criminal Justice.

SB 1038 by Ellis

Relating to certain continuing education requirements for agents who sell Medicare-related products and annuities.
To Committee on State Affairs.

SB 1039 by Ellis

Relating to the provision of bilingual election materials.
To Committee on State Affairs.

SB 1040 by Ellis

Relating to exemptions from the sales and use tax for certain energy-efficient products.

To Committee on Finance.

SB 1041 by Hegar

Relating to the repeal of the goal for natural gas use.

To Committee on Natural Resources.

SB 1042 by Hegar

Relating to the eligibility of employees convicted of certain offenses to provide services under a contract with a public school.

To Committee on Education.

SB 1043 by Watson

Relating to the criminal penalty for the discarding of certain burning materials.

To Committee on Transportation and Homeland Security.

SB 1044 by Watson, Jackson

Relating to authorizing counties to finance the acquisition of conservation easements.

To Committee on Agriculture and Rural Affairs.

SB 1045 by Van de Putte

Relating to examinations for hiring in certain municipal fire departments.

To Committee on Intergovernmental Relations.

SB 1046 by Duncan

Relating to information regarding deceased registered voters.

To Committee on State Affairs.

SB 1047 by Jackson

Relating to the eligibility of an innovation and commercialization organization associated with the Lyndon B. Johnson Space Center to receive funding from the Texas emerging technology fund.

To Committee on Economic Development.

SB 1048 by Jackson

Relating to the creation of public and private facilities and infrastructure.

To Committee on Economic Development.

SB 1049 by Davis

Relating to the disclosure of information regarding hydraulic fracturing treatment operations.

To Committee on Natural Resources.

SB 1050 by West

Relating to the collection of certain information on a birth certificate.

To Committee on Health and Human Services.

SB 1051 by Ellis

Relating to a periodic review of state and local tax preferences.

To Committee on Finance.

SB 1052 by Ellis

Relating to an increase in the cigarette tax to fund the child health plan program.
To Committee on Finance.

SB 1053 by Hinojosa

Relating to notice of and issuance of a permit for the construction or expansion of a wind-powered electric generation facility located near a federally owned or operated radar installation or military installation.
To Committee on Natural Resources.

SB 1054 by Hegar

Relating to notice of acceptance or rejection of an insurance claim.
To Committee on Business and Commerce.

SB 1055 by Carona

Relating to reports concerning and the reporting of the use of certain funds by community supervision and corrections departments and to the preparation of commitment reduction plans by those departments.
To Committee on Criminal Justice.

SB 1057 by Wentworth

Relating to the transfer of certain vehicle registrations at the time of sale of the vehicle.
To Committee on Transportation and Homeland Security.

SB 1058 by Nichols

Relating to the transfer of certain state property from the Department of Aging and Disability Services to the Angelina and Neches River Authority.
To Committee on Government Organization.

SB 1059 by Nichols

Relating to the program for improvement of collection of court costs, fees, and fines imposed in criminal cases.
To Committee on Criminal Justice.

SB 1060 by Van de Putte

Relating to the creation of a first offender prostitution prevention program.
To Committee on Criminal Justice.

SB 1061 by Harris

Relating to the requirements for an application for a tax warrant authorizing the seizure of personal property for the payment of ad valorem taxes.
To Committee on Finance.

SB 1062 by Davis

Relating to premium refunds for insurance rates found to be excessive or unfairly discriminatory; providing an administrative penalty.
To Committee on Business and Commerce.

SB 1063 by Davis

Relating to the election and qualifications of the commissioner of insurance.
To Committee on State Affairs.

SB 1064 by Davis

Relating to the collection and use of certain information by certain insurers; providing administrative penalties.

To Committee on Business and Commerce.

SB 1065 by Williams

Relating to critical incident stress management and crisis response services.

To Committee on Transportation and Homeland Security.

SB 1066 by Estes

Relating to adding certain synthetic stimulants to Penalty Group 2 of the Texas Controlled Substances Act.

To Committee on Criminal Justice.

SB 1067 by Ellis

Relating to funding the TEXAS grant program at public institutions of higher education.

To Committee on Higher Education.

SB 1068 by Ellis

Relating to the lease of certain state parking facilities to other persons.

To Committee on Government Organization.

SB 1069 by Jackson

Relating to the Texas emerging technology fund reporting requirement.

To Committee on Economic Development.

SB 1070 by Jackson

Relating to the composition of the permanent advisory committee to advise the Texas Commission on Environmental Quality regarding the implementation of the ad valorem tax exemption for pollution control property.

To Committee on Natural Resources.

SB 1071 by Jackson

Relating to the exchange of certain state property in Brazoria County by the Texas Board of Criminal Justice.

To Committee on Government Organization.

SB 1072 by Jackson

Relating to the sale of certain state property in Brazoria County by the Texas Board of Criminal Justice.

To Committee on Government Organization.

SB 1073 by Jackson

Relating to standards for a structure that is connected to a public water supply system and has a rainwater harvesting system.

To Committee on Natural Resources.

SB 1074 by Jackson

Relating to water districts' authority to set rates and a presumption of validity.

To Committee on Natural Resources.

SB 1075 by Jackson

Relating to the regulation of plumbing.

To Committee on Business and Commerce.

SB 1076 by Ellis

Relating to community supervision for certain drug possession offenses and to a person's eligibility for an order of nondisclosure following a term of community supervision for any of those offenses.

To Committee on Criminal Justice.

SB 1077 by Ellis

Relating to the establishment of certain time credits through which a defendant's period of community supervision is reduced.

To Committee on Criminal Justice.

SB 1078 by Ellis

Relating to representation of certain applicants for writs of habeas corpus in cases involving the death penalty.

To Committee on Criminal Justice.

SB 1079 by Ellis

Relating to the applicability of the death penalty to a capital offense committed by a person with mental retardation.

To Committee on Criminal Justice.

SB 1080 by Williams

Relating to transferring the Texas Department of Rural Affairs to the Office of Rural Affairs within the Department of Agriculture and abolishing the board of the Texas Department of Rural Affairs.

To Committee on Agriculture and Rural Affairs.

SB 1081 by Van de Putte

Relating to the dispensation of pharmaceuticals with an aesthetic purpose by physicians.

To Committee on Health and Human Services.

SB 1082 by Hegar

Relating to strategic partnerships for the continuation of certain water districts annexed by a municipality.

To Committee on Natural Resources.

SB 1083 by Hegar

Relating to development agreements governing land in a municipality's extraterritorial jurisdiction.

To Committee on Intergovernmental Relations.

SB 1084 by Wentworth

Relating to regulations on certain complementary and alternative health care services.

To Committee on Health and Human Services.

SB 1085 by Wentworth

Relating to the fees collected by district court clerks on the filing of certain civil actions or proceedings to fund basic civil legal services.

To Committee on Jurisprudence.

SB 1086 by Estes

Relating to the operation by the Department of Agriculture of programs for rural economic development and the marketing and promotion of agricultural and other products grown, processed, or produced in this state.

To Committee on Agriculture and Rural Affairs.

SB 1087 by Carona

Relating to state-issued certificates of franchise authority to provide cable service and video service.

To Committee on Business and Commerce.

SB 1088 by Rodriguez

Relating to the imposition by certain municipalities and municipal transit departments of the local sales and use tax in certain federal military installations.

To Committee on Finance.

SB 1089 by Rodriguez

Relating to the amount of the exemption from ad valorem taxation of property owned by the surviving spouse or surviving minor children of a member of the armed forces of the United States who dies while on active duty.

To Committee on Finance.

SB 1090 by Rodriguez

Relating to the liability of certain social workers who provide volunteer health care services to charitable organizations.

To Committee on State Affairs.

SB 1091 by Rodriguez

Relating to authorization for a caregiver who is a relative to enroll a child in school.

To Committee on Education.

SB 1092 by Rodriguez

Relating to creating a pilot project to reduce the need for developmental education required for certain students entering higher education.

To Committee on Education.

SB 1093 by Rodriguez

Relating to requirements regarding the employment by school districts of educational support employees.

To Committee on Education.

SB 1094 by Rodriguez

Relating to the availability of online testing for high school equivalency examinations.

To Committee on Education.

SB 1095 by Rodriguez

Relating to the posting of signs in school crossing zones regarding the prohibited use of a wireless communication device while operating a motor vehicle.
To Committee on Transportation and Homeland Security.

SB 1096 by Rodriguez

Relating to the designation of State Highway 20 as a historic highway.
To Committee on Transportation and Homeland Security.

SB 1097 by Eltife, Deuell, Nelson, Nichols

Relating to single certification in incorporated or annexed areas served by water or sewer utilities.
To Committee on Natural Resources.

SB 1098 by Huffman

Relating to prohibited practices regarding unauthorized recordings.
To Committee on Jurisprudence.

SB 1099 by Van de Putte

Relating to smoke alarms and fire extinguishers in residential rental units.
To Committee on Business and Commerce.

SB 1100 by Shapiro

Relating to the designation of the Irving Diamond Interchange.
To Committee on Transportation and Homeland Security.

SB 1101 by Wentworth

Relating to the provision of certain professional services by certain governmental entities.
To Committee on State Affairs.

SB 1102 by Wentworth

Relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.
To Committee on Transportation and Homeland Security.

SB 1103 by Carona

Relating to the venue for prosecution of certain theft offenses.
To Committee on Criminal Justice.

SB 1104 by Jackson

Relating to the operation, powers, and duties of ship channel districts.
To Committee on Transportation and Homeland Security.

SB 1105 by Jackson

Relating to an allotment under the public school finance system for the cost of windstorm and hail insurance.
To Committee on Education.

SB 1106 by Harris

Relating to the exchange of confidential information among certain governmental entities concerning certain juveniles.
To Committee on Jurisprudence.

SB 1107 by Davis

Relating to the vaccination against bacterial meningitis of first-time students at public and private or independent institutions of higher education.

To Committee on Higher Education.

SB 1108 by Davis

Relating to requiring computer technicians to report images of child pornography; providing a criminal penalty.

To Committee on Criminal Justice.

SB 1109 by Williams

Relating to state agency procurement and the comptroller's procurement powers and duties.

To Committee on State Affairs.

SB 1110 by Wentworth

Relating to the regulation of multiple-unit rental home communities.

To Committee on Intergovernmental Relations.

SB 1111 by Wentworth

Relating to the power of the Cibolo Creek Municipal Authority to issue bonds.

To Committee on Intergovernmental Relations.

SB 1112 by Wentworth

Relating to the offense of fraudulent use or possession of identifying information.

To Committee on Criminal Justice.

SB 1113 by Wentworth

Relating to certain contracts entered into by school districts for another entity to provide food services at one or more district schools.

To Committee on Education.

SB 1114 by Wentworth

Relating to the regulation of driver training schools and instruction.

To Committee on Transportation and Homeland Security.

SB 1115 by Wentworth

Relating to fraud against the state and actions by the state and private persons to prosecute those frauds; providing a civil penalty.

To Committee on State Affairs.

SB 1116 by Whitmire

Relating to the punishment of certain prohibited conduct that occurs on a public school campus or on a vehicle owned by a county or school district.

To Committee on Criminal Justice.

SB 1117 by Whitmire

Relating to the prosecution of a parent contributing to the nonattendance of a public school student.

To Committee on Criminal Justice.

SB 1118 by Hinojosa, Wentworth

Relating to the operation of video lottery games by licensed horse and greyhound racetrack operators, to a defense for the operation of video lottery by Indian tribes, to the authority of the Texas Lottery Commission and the Texas Racing Commission, and to the conduct of gambling in this state; providing penalties.

To Committee on State Affairs.

SB 1119 by Ellis

Relating to beverage container deposits and recycling; providing penalties.

To Committee on Finance.

SB 1120 by Seliger

Relating to the exemption from taxation of property of a local government corporation.

To Committee on Intergovernmental Relations.

SB 1121 by Estes

Relating to the student fees for the university center at Midwestern State University.

To Committee on Higher Education.

SB 1122 by Estes

Relating to the sale of delinquent tax receivables by certain local governments.

To Committee on Finance.

SB 1123 by Carona

Relating to the regulation of inspectors qualified to perform windstorm inspections and to persons acting as those inspectors.

To Committee on Business and Commerce.

SB 1124 by Carona

Relating to licensing and regulation of certain persons involved in residential mortgage lending pursuant to the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009; providing penalties.

To Committee on Business and Commerce.

SB 1125 by Carona

Relating to energy efficiency goals and programs and the participation of loads in certain energy markets.

To Committee on Business and Commerce.

SB 1126 by Eltife

Relating to the regulatory authority of the consumer credit commissioner.

To Committee on Business and Commerce.

SB 1127 by Eltife

Relating to fees paid to the consumer credit commissioner and to fees and interest charged in connection with consumer credit transactions.

To Committee on Business and Commerce.

SB 1128 by Jackson

Relating to the conduct and administration of elections.

To Committee on State Affairs.

SB 1129 by Seliger

Relating to treatment under the public school finance system of a school district that imposes a maintenance and operations tax at a rate below the rate otherwise required for entitlement to state funding.

To Committee on Finance.

SB 1130 by Hegar

Relating to the exception from required public disclosure of certain records of an appraisal district.

To Committee on Open Government.

SB 1131 by Hegar

Relating to the creation of magistrates in certain counties.

To Committee on Jurisprudence.

SB 1132 by Hegar

Relating to a water rights permit issued to the Texas Water Development Board.

To Committee on Natural Resources.

SB 1133 by Hegar

Relating to weatherization and preparedness reports by the Public Utility Commission.

To Committee on Business and Commerce.

SB 1134 by Hegar

Relating to air permitting requirements for certain oil and gas facilities.

To Committee on Natural Resources.

SB 1135 by Hegar

Relating to regulation of gas pipelines; providing penalties.

To Committee on Natural Resources.

SB 1136 by Watson

Relating to the issuance of titles for certain motor vehicles that are the subject of insurance claims.

To Committee on Transportation and Homeland Security.

SB 1137 by Watson

Relating to public participation in the development of transportation projects by the Texas Department of Transportation.

To Committee on Transportation and Homeland Security.

SB 1138 by Watson

Relating to the authority of regional mobility authorities to enter into comprehensive development agreements.

To Committee on Transportation and Homeland Security.

SB 1139 by Watson

Relating to a study of and report on public and private out-of-school time programs.

To Committee on Education.

SB 1140 by Watson

Relating to payment by a water control and improvement district for certain damages caused by the district's operation of a sanitary sewer system.

To Committee on Natural Resources.

SB 1141 by Ellis

Relating to the jurisdiction of the 228th District Court.

To Committee on Jurisprudence.

SB 1142 by Van de Putte

Relating to revision of open-enrollment charter school charters to add charter schools under certain circumstances.

To Committee on Education.

SB 1144 by Shapiro, Harris, Nelson

Relating to comprehensive development agreements.

To Committee on Transportation and Homeland Security.

SB 1145 by Shapiro, Harris

Relating to comprehensive development agreements.

To Committee on Transportation and Homeland Security.

SB 1146 by Estes

Relating to programs funded under the Texas emissions reduction plan fund.

To Committee on Natural Resources.

SB 1147 by Duncan

Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

To Committee on Administration.

SB 1148 by Wentworth

Relating to the authority of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.

To Committee on Natural Resources.

SB 1149 by Seliger

Relating to requiring electric utilities to comply with energy efficiency goals.

To Committee on Business and Commerce.

SB 1150 by Seliger

Relating to requiring certain non-ERCOT utilities to comply with energy efficiency goals.

To Committee on Business and Commerce.

SB 1151 by Jackson

Relating to notice of utility rate increases.

To Committee on Natural Resources.

SB 1152 by Williams

Relating to authorizing the issuance of revenue bonds to fund capital projects at Lamar University and Lamar Institute of Technology.

To Committee on Finance.

SB 1153 by Williams

Relating to the authority of the Public Utility Commission of Texas regarding an electric utility's membership in or control by a regional transmission organization or independent system operator and to participate in certain proceedings before the Federal Energy Regulatory Commission regarding an electric utility's membership in a power region, regional transmission organization, or independent system operator.

To Committee on Business and Commerce.

SB 1154 by Uresti

Relating to a task force for the development of a strategy to reduce child abuse and neglect and improve child welfare.

To Committee on Health and Human Services.

SB 1155 by Lucio

Relating to the appointment of a person with experience and training in public health policy to the board of directors of a regional mobility authority.

To Committee on Transportation and Homeland Security.

SB 1156 by Lucio

Relating to the sale of fireworks on and before Memorial Day.

To Committee on Intergovernmental Relations.

SB 1157 by Uresti

Relating to the certification of the state's primary standards of weights and measures.

To Committee on Agriculture and Rural Affairs.

SB 1158 by West

Relating to restrictions on the disclosure of certain criminal history records and to the duty of law enforcement agencies regarding records associated with certain defendants.

To Committee on Criminal Justice.

SB 1159 by Wentworth

Relating to an exception to the residency requirements for filing a suit for dissolution of a marriage in this state for certain spouses of military personnel.

To Committee on Jurisprudence.

SB 1160 by Seliger

Relating to the liability of a landowner for harm to a trespasser.

To Committee on State Affairs.

SB 1161 by Wentworth

Relating to requiring certain persons to follow certain plans and receive certain mental health services on release or discharge from an inpatient mental health facility.

To Committee on Health and Human Services.

SB 1162 by Wentworth

Relating to reporting regarding, the apprehension and transportation of, and records relating to certain persons who are or may be persons with mental illness.

To Committee on Health and Human Services.

SB 1163 by Wentworth

Relating to the exchange of information among certain entities concerning at-risk youth.

To Committee on Jurisprudence.

SB 1164 by Wentworth

Relating to optional annuity increases and annual supplemental payments for certain retirees and beneficiaries of the Texas Municipal Retirement System.

To Committee on State Affairs.

SB 1165 by Carona

Relating to certain enforcement powers of the banking commissioner; providing administrative penalties.

To Committee on Business and Commerce.

SB 1166 by Carona

Relating to prepaid funeral benefits contracts and the prepaid funeral contract guaranty fund.

To Committee on Business and Commerce.

SB 1167 by Carona

Relating to cemeteries and perpetual care cemetery corporations.

To Committee on Health and Human Services.

SB 1168 by Carona

Relating to the repeal of the certification process for personnel service owners and the regulation of personnel services.

To Committee on Business and Commerce.

SB 1169 by Carona

Relating to the regulation of providers, administrators, and sellers of service contracts and identity recovery service contracts; providing penalties.

To Committee on Business and Commerce.

SB 1170 by Carona

Relating to the regulation of barbers and cosmetologists.

To Committee on Business and Commerce.

SB 1171 by Carona

Relating to practices and professions regulated by the Texas Appraiser Licensing and Certification Board.

To Committee on Business and Commerce.

SB 1172 by Deuell

Relating to automated sales and use tax remittances by retailers.

To Committee on Finance.

SB 1173 by Deuell

Relating to lender notice of default to contractors regarding a construction loan or financing agreement for an improvement to real property and related procedures for suspending contractors' performance.

To Committee on Business and Commerce.

SB 1174 by Deuell

Relating to provision of workers' compensation medical benefits to a peace officer or firefighter injured in the line of duty; providing an administrative violation.

To Committee on State Affairs.

SB 1175 by Jackson

Relating to the prior approval of an award of money from the Texas Enterprise Fund and the Texas emerging technology fund.

To Committee on Economic Development.

SB 1176 by Jackson

Relating to the definition of a postsecondary program in regard to non-baccalaureate career schools and colleges.

To Committee on Economic Development.

SB 1177 by Nelson

Relating to health care facilities' adoption of a policy on vaccine preventable diseases.

To Committee on Health and Human Services.

SB 1178 by Nelson

Relating to the regulation of certain shelter day-care facilities, child-care facilities, and individuals providing child-care services; providing an administrative penalty.

To Committee on Health and Human Services.

SB 1179 by Nelson

Relating to the elimination of certain required reports prepared by state agencies and institutions of higher education.

To Committee on Finance.

SB 1180 by Nelson

Relating to hotel occupancy taxes and livestock facility use taxes for certain venue projects.

To Committee on Economic Development.

SB 1181 by Williams

Relating to the delivery of Medicaid services through a managed care model in certain counties and to certain recipient populations.

To Committee on Finance.

SB 1182 by Williams

Relating to the review of certain documents by the attorney general; imposing certain fees.

To Committee on Transportation and Homeland Security.

SB 1183 by Williams

Relating to the offense of coercing a person to have or seek an abortion and informed and voluntary consent for an abortion; providing penalties.

To Committee on State Affairs.

SB 1184 by Nichols

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

To Committee on Intergovernmental Relations.

SB 1185 by Nichols

Relating to the authority of certain counties to impose a hotel occupancy tax for the operation and maintenance of a fairground in the county.

To Committee on Economic Development.

SB 1186 by Hinojosa

Relating to the enterprise zone program.

To Committee on Economic Development.

SB 1187 by Watson

Relating to the effect of indexing notices of lis pendens.

To Committee on Jurisprudence.

SB 1188 by Watson

Relating to an exemption from private security regulation for social workers engaged in the practice of social work.

To Committee on Criminal Justice.

SB 1189 by Gallegos

Relating to exempting certain fraternal and veterans organizations from certain bond requirements to obtain an alcoholic beverage permit or license.

To Committee on Business and Commerce.

SB 1190 by Gallegos

Relating to the appeal of an indefinite suspension of a municipal firefighter or police officer.

To Committee on Intergovernmental Relations.

SB 1191 by Gallegos

Relating to the criminal registration procedure for a convicted arsonist.

To Committee on Criminal Justice.

SB 1192 by Rodriguez

Relating to the creation, administration, and interpretation of powers of attorney, including statutory powers of attorney.

To Committee on Jurisprudence.

SB 1193 by Rodriguez

Relating to coordination of services provided by Medicaid managed care organizations and certain community centers.

To Committee on Health and Human Services.

SB 1194 by Rodriguez

Relating to the amount of temporary income benefits to which an injured employee is entitled under the workers' compensation system.

To Committee on State Affairs.

SB 1195 by Rodriguez

Relating to postponement of jury service in certain counties.
To Committee on Jurisprudence.

SB 1196 by Rodriguez

Relating to guardianships and alternatives to guardianship for persons who have physical disabilities or who are incapacitated.
To Committee on Jurisprudence.

SB 1197 by Rodriguez

Relating to trusts.
To Committee on Jurisprudence.

SB 1198 by Rodriguez

Relating to decedents' estates.
To Committee on Jurisprudence.

SB 1199 by Patrick

Relating to a ballot by mail single language requirement.
To Committee on State Affairs.

SB 1200 by Patrick

Relating to trials for misdemeanor cases.
To Committee on Criminal Justice.

SB 1201 by Patrick

Relating to regulatory takings.
To Committee on State Affairs.

SB 1202 by Patrick

Relating to asbestos and silica litigation.
To Committee on State Affairs.

SB 1203 by Rodriguez

Relating to state collaboration with federally recognized Indian tribes.
To Committee on State Affairs.

SB 1204 by West

Relating to the procedures for collection of assessments and other debts, including foreclosure of an assessment lien, by a property owners' association.
To Committee on Intergovernmental Relations.

SB 1205 by Jackson

Relating to the application of the limit on appraised value of a residence homestead for ad valorem tax purposes to an improvement that is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage.
To Committee on Finance.

SB 1206 by Deuell

Relating to medical care and health care services provided by a health care professional in a licensed freestanding emergency medical care facility.
To Committee on Health and Human Services.

SB 1207 by Deuell

Relating to the designation of a responsible third party.
To Committee on State Affairs.

SB 1208 by Whitmire

Relating to the age until which juveniles placed on determinate sentence probation may be on probation.
To Committee on Criminal Justice.

SB 1209 by Whitmire

Relating to the detention of certain juvenile offenders.
To Committee on Criminal Justice.

SB 1210 by Whitmire

Relating to the issuance of identification cards to certain peace officers and honorably retired peace officers.
To Committee on Criminal Justice.

SB 1211 by Van de Putte

Relating to payment of claims to pharmacies and pharmacists.
To Committee on State Affairs.

SB 1212 by Van de Putte

Relating to the operation of video gaming by authorized organizations and commercial operators that are licensed to conduct bingo or lease bingo premises; providing penalties.
To Committee on State Affairs.

SB 1213 by Carona

Relating to the regulation of certain transactions related to life insurance and related products; providing penalties.
To Committee on State Affairs.

SB 1214 by Patrick

Relating to equal opportunity for access by private and parochial school students to University Interscholastic League sponsored activities.
To Committee on Education.

SB 1215 by Patrick

Relating to an exemption from ad valorem taxation by a school district for maintenance and operations purposes of the appraised value of a residence homestead and the offsetting of the resulting revenue loss to school districts with state sales and use tax revenue.
To Committee on Finance.

SB 1216 by Estes

Relating to determination of the validity and enforceability of a contract containing an arbitration agreement.
To Committee on State Affairs.

SB 1217 by Estes

Relating to an excavator's duty to notify a notification center before excavating; providing civil and criminal penalties.

To Committee on Business and Commerce.

SB 1218 by Estes

Relating to the statutory county courts in Wise County.

To Committee on Jurisprudence.

SB 1219 by Carona

Relating to the website operated by the Public Utility Commission of Texas to provide information regarding the power to choose and a study on standardized electric service products and contracts.

To Committee on Business and Commerce.

SB 1220 by Hinojosa

Relating to the advisory committee on Medicaid and child health plan program rate and expenditure disparities between the Texas-Mexico border region and other areas of the state.

To Committee on International Relations and Trade.

SB 1221 by Hinojosa

Relating to subrogation of certain costs for services provided or paid by the Nueces County Hospital District.

To Committee on State Affairs.

SB 1222 by Hinojosa

Relating to recovery of the value of fraudulently obtained health care services provided or paid by the Nueces County Hospital District.

To Committee on State Affairs.

SB 1223 by Hinojosa

Relating to the service retirement annuity for appellate judges under the Judicial Retirement System Plan Two.

To Committee on State Affairs.

SB 1224 by Estes

Relating to contributions made and personal services rendered to public servants.

To Committee on State Affairs.

SB 1225 by Hegar

Relating to the deannexation of land in Caldwell County by the Gonzales County Underground Water Conservation District.

To Committee on Natural Resources.

SB 1226 by Hegar

Relating to the ballot language for junior college district annexation elections.

To Committee on State Affairs.

SB 1227 by Hegar

Relating to the payment of third-party claims under commercial and personal automobile insurance policies in this state.

To Committee on Business and Commerce.

SB 1228 by Hegar

Relating to the duties of district clerks regarding certain electronic filing systems.

To Committee on Jurisprudence.

SB 1229 by Eltife

Relating to the registration with the Texas Department of Insurance of certain contract examiners.

To Committee on Business and Commerce.

SB 1230 by Estes

Relating to the construction and operation of combined heating and power facilities in certain cities.

To Committee on Business and Commerce.

SB 1231 by Estes

Relating to the regulation of health spas by the secretary of state.

To Committee on Business and Commerce.

SB 1232 by Estes

Relating to the creation of the grain producer indemnity fund.

To Committee on Agriculture and Rural Affairs.

SB 1233 by West

Relating to the promotion of efficiencies in and the administration of certain county services and functions.

To Committee on Intergovernmental Relations.

SB 1234 by West

Relating to municipal management districts.

To Committee on Intergovernmental Relations.

SB 1235 by West

Relating to real property that is subject to restrictive covenants and the operation of property owners' associations of subdivisions that are subject to restrictive covenants.

To Committee on Intergovernmental Relations.

SB 1236 by West

Relating to the reduction and confirmation of child support arrearages and an incentive program to encourage payment of arrearages.

To Committee on Jurisprudence.

SB 1237 by Williams

Relating to persons authorized to access or use electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate.

To Committee on Transportation and Homeland Security.

SB 1238 by Carona

Relating to communications by public service providers during a disaster or an emergency.

To Committee on Transportation and Homeland Security.

SB 1239 by West

Relating to a prohibition against the use of certain sprays, stun guns, and tasers by school district peace officers, security personnel, and other employees against public school students.

To Committee on Education.

SB 1240 by West

Relating to a tenant's remedies regarding a local government's revocation of a certificate of occupancy due to a landlord's failure to maintain the premises.

To Committee on Intergovernmental Relations.

SB 1241 by West

Relating to authorizing certain courts to access information in the juvenile justice information system.

To Committee on Jurisprudence.

SB 1242 by West

Relating to the judicial immunity and powers of certain magistrates.

To Committee on Jurisprudence.

SB 1243 by West

Relating to the use of a county risk management pool by certain county and district officers instead of the execution of bonds.

To Committee on Intergovernmental Relations.

SB 1244 by Carona

Relating to the eligibility requirements for licenses for certain air conditioning and refrigeration contractors.

To Committee on Business and Commerce.

SB 1245 by Zaffirini

Relating to local option elections to legalize or prohibit the operation of eight-liners and the imposition of a fee on eight-liner owners; providing penalties.

To Committee on State Affairs.

SB 1246 by Eltife

Relating to the application of statutes that classify political subdivisions according to population.

To Committee on Administration.

SB 1247 by Huffman

Relating to the creation of Jefferson County Management District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

To Committee on Intergovernmental Relations.

SB 1248 by Lucio

Relating to the designation of a portion of State Highway 499 as the Colonel Bill Card, Jr., Boulevard.

To Committee on Transportation and Homeland Security.

SB 1249 by Lucio

Relating to the disposition of fines for traffic violations collected by certain counties.

To Committee on Transportation and Homeland Security.

SB 1250 by Lucio

Relating to the applicability of certain restrictions on the location and operation of concrete crushing facilities.

To Committee on Natural Resources.

SB 1251 by Gallegos

Relating to the board of directors of the Greater East End Management District.

To Committee on Intergovernmental Relations.

SB 1252 by Williams

Relating to evaluating and providing for efficient government resource allocation.

To Committee on Finance.

SB 1253 by Uresti

Relating to positions that are exempt from a sheriff's department civil service system in certain counties.

To Committee on Intergovernmental Relations.

SB 1254 by Carona

Relating to the creation of the offense of employing an individual not lawfully present in the United States.

To Committee on Transportation and Homeland Security.

SB 1255 by Estes

Relating to the employment of physicians and other staff by certain municipal hospital authorities.

To Committee on Agriculture and Rural Affairs.

SB 1256 by Hegar

Relating to the power of the Aransas County Navigation District to determine the amount of a check or bond necessary to purchase land from the district.

To Committee on Transportation and Homeland Security.

SB 1257 by Hegar, Watson

Relating to the annexation by certain conservation and reclamation districts of noncontiguous land in another county.

To Committee on Natural Resources.

SB 1258 by Duncan

Relating to the disposal of demolition waste from abandoned or nuisance buildings in certain areas.

To Committee on Natural Resources.

SB 1259 by Ellis

Relating to the eligibility of certain individuals for medical assistance on confinement in, placement in, detention in, or commitment to and release from certain facilities and other settings.

To Committee on Health and Human Services.

SB 1261 by Hinojosa

Relating to the operation of dropout recovery programs by public junior colleges in partnership with school districts.

To Committee on Education.

SB 1262 by Van de Putte

Relating to the Texas State Board of Pharmacy.

To Committee on Health and Human Services.

SB 1263 by Van de Putte

Relating to the authority of the Bexar County Hospital District to employ physicians.

To Committee on Intergovernmental Relations.

SB 1265 by Uresti

Relating to the accreditation of training programs and examinations for certain emergency medical services personnel.

To Committee on Health and Human Services.

SB 1266 by Uresti

Relating to the elimination of certain reports submitted by the court of criminal appeals and the supreme court to the Office of Court Administration.

To Committee on Jurisprudence.

SB 1267 by Uresti

Relating to applications for appeal filed with an appellate court.

To Committee on Jurisprudence.

SB 1268 by Whitmire

Relating to the right of sheriff's departments in certain counties to maintain local control over wages, hours, and other terms and conditions of employment.

To Committee on Intergovernmental Relations.

SB 1269 by Wentworth

Relating to honorariums offered to and accepted by public servants.

To Committee on Open Government.

SB 1270 by Wentworth

Relating to the public information law.

To Committee on Open Government.

SB 1271 by Duncan

Relating to alternative dispute resolution systems established by counties.

To Committee on State Affairs.

SB 1272 by Eltife

Relating to tuition rates and formula funding for certain nonresident students enrolled at Texas A&M University–Texarkana.

To Committee on Higher Education.

SB 1273 by Williams

Relating to the lawful manufacture, distribution, and possession of and prescriptions for controlled substances under the Texas Controlled Substances Act.

To Committee on Criminal Justice.

SB 1274 by Williams

Relating to the registration of roofing contractors; providing penalties.

To Committee on Business and Commerce.

SB 1275 by Williams

Relating to the regulation of manufactured housing by the Texas Department of Licensing and Regulation.

To Committee on Business and Commerce.

SB 1276 by Williams

Relating to transferring certain energy assistance programs from the Texas Department of Housing and Community Affairs to the Public Utility Commission of Texas.

To Committee on Business and Commerce.

SB 1277 by Ellis

Relating to validating certain acts and proceedings of Harris County Improvement District No. 5 and to the boundaries of the district.

To Committee on Intergovernmental Relations.

SB 1279 by Estes

Relating to the members of the State Securities Board.

To Committee on Business and Commerce.

SB 1280 by Estes

Relating to the taxation and titling of certain off-road vehicles.

To Committee on Transportation and Homeland Security.

SB 1281 by Watson

Relating to certain violations of and offenses under The Securities Act; providing penalties.

To Committee on Business and Commerce.

SB 1282 by Watson

Relating to a prohibition on the use of revenue sharing as a means of repayment of Texas Department of Transportation cost participation in a toll facility of a public entity.

To Committee on Transportation and Homeland Security.

SB 1283 by Watson

Relating to the penalty for fraudulent or deceptive voting practices; creating an offense.

To Committee on State Affairs.

SB 1284 by Watson

Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.

To Committee on Intergovernmental Relations.

SB 1285 by Watson

Relating to contributions to the retirement systems for certain police officers in certain municipalities.

To Committee on State Affairs.

SB 1286 by Watson

Relating to the administration and funding of retirement systems for firefighters in certain municipalities.

To Committee on State Affairs.

SB 1287 by Watson

Relating to participation in and contributions to the state employee charitable campaign by retired state employees.

To Committee on State Affairs.

SB 1288 by Watson

Relating to a study regarding ad valorem tax relief through the use of a circuit breaker program.

To Committee on Finance.

SB 1289 by Watson

Relating to the requirement that health care practitioners wear photo identification badges.

To Committee on Health and Human Services.

SB 1290 by Hegar

Relating to the creation of the Calhoun County Groundwater Conservation District.

To Committee on Natural Resources.

SB 1291 by Hegar

Relating to the budget of certain divisions of the Texas Department of Insurance.

To Committee on Business and Commerce.

SB 1292 by Hegar

Relating to the issuance of a driver's license to a peace officer that includes an alternative to the officer's residence address.

To Committee on Transportation and Homeland Security.

SB 1293 by Hegar

Relating to the amounts of administrative, civil, and criminal penalties for violations relating to certain pipelines.

To Committee on Natural Resources.

SB 1294 by Hegar

Relating to the imposition of administrative penalties by the Railroad Commission of Texas.

To Committee on Natural Resources.

SB 1295 by Hegar

Relating to the mining and reclamation of certain land previously affected by surface coal mining operations.

To Committee on Natural Resources.

SB 1296 by Hegar

Relating to the use of proceeds of bonds and other financial security filed with the Railroad Commission of Texas by certain persons under the jurisdiction of the commission and deposited in the oil-field cleanup fund.

To Committee on Natural Resources.

SB 1297 by Hinojosa

Relating to creating the offense of altering a disabled parking placard.

To Committee on Transportation and Homeland Security.

SB 1298 by Hinojosa

Relating to the authority of counties to nominate projects in the extraterritorial jurisdictions of certain municipalities for designation as enterprise projects.

To Committee on Economic Development.

SB 1299 by Duncan

Relating to the nonsubstantive revision of provisions of the Texas Probate Code relating to durable powers of attorney, guardianships, and other related proceedings and alternatives, and the redesignation of certain other provisions of the Texas Probate Code, including conforming amendments and repeals.

To Committee on Administration.

SB 1300 by Jackson

Relating to insurer restrictions regarding repair of a motor vehicle covered under an insurance policy.

To Committee on Business and Commerce.

SB 1301 by Deuell

Relating to manufacturers' inclusion of denatonium benzoate in certain products containing ethylene glycol.

To Committee on Natural Resources.

SB 1302 by Deuell

Relating to the offense of paying or receiving certain forms of compensation for assisting voters who vote early by mail; providing criminal penalties.

To Committee on State Affairs.

SB 1303 by West

Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 81st Legislature to other Acts of that legislature.

To Committee on Administration.

SB 1304 by Rodriguez

Relating to requiring financial disclosure concerning reports prepared by public institutions of higher education for other entities.

To Committee on Higher Education.

SB 1305 by Rodriguez

Relating to a prohibition of school district retaliation against an employee for filing a grievance.

To Committee on Education.

SB 1306 by Hegar, Duncan

Relating to the procedures for and appeals of desired future conditions adopted by groundwater management areas.

To Committee on Natural Resources.

SB 1307 by Wentworth

Relating to an exemption from the payment of a toll for unmarked military vehicles conducting or training for emergency operations.

To Committee on Transportation and Homeland Security.

SB 1308 by Seliger

Relating to the standards for attorneys representing indigent defendants in capital cases.

To Committee on Jurisprudence.

SB 1309 by Hinojosa

Relating to rate adjustments by gas utilities.

To Committee on Business and Commerce.

SB 1310 by Shapiro, Jackson

Relating to the creation of the Select Committee on Economic Development.

To Committee on Administration.

SB 1311 by Lucio, Duncan, Seliger

Relating to the designation of certain highways as part of the Purple Heart Trail.

To Committee on Transportation and Homeland Security.

SB 1313 by Van de Putte

Relating to the definition of conduct indicating a need for supervision.

To Committee on Criminal Justice.

SB 1314 by Van de Putte

Relating to the punishment for and certain civil consequences of committing the offense of prostitution.

To Committee on Criminal Justice.

SB 1315 by Jackson

Relating to the regulation of boat manufacturers, distributors, and dealers; providing a civil penalty.

To Committee on Transportation and Homeland Security.

SB 1316 by Rodriguez

Relating to certain investigations conducted by the Texas Alcoholic Beverage Commission.

To Committee on Business and Commerce.

SB 1317 by Van de Putte

Relating to coverage for certain pharmaceutical services by a workers' compensation insurance carrier.

To Committee on State Affairs.

SB 1318 by Hinojosa

Relating to design, construction, and renovation standards for state buildings and facilities.

To Committee on Natural Resources.

SB 1321 by Hinojosa

Relating to the regulation of the towing and storage of vehicles.

To Committee on Transportation and Homeland Security.

SB 1322 by Fraser

Relating to the operation of the Kimble County, McCulloch County, Mason County, and Menard County Juvenile Boards.

To Committee on Jurisprudence.

SB 1323 by Watson

Relating to the environmental review of certain transportation projects by the Texas Department of Transportation

To Committee on Transportation and Homeland Security.

SB 1324 by Watson

Relating to gestational agreements.

To Committee on Jurisprudence.

SB 1325 by Watson

Relating to the administration of the Texas Save and Match Program to assist qualifying beneficiaries under the state's prepaid tuition plans and college savings plans and to the treatment of a beneficiary's assets under prepaid tuition plans and college savings plans in determining eligibility for student financial assistance and other assistance programs.

To Committee on Higher Education.

SCR 25 by Hinojosa, Van de Putte

Expressing continued support for the construction of a monument on Capitol grounds recognizing Texans who served in the Vietnam War.

To Committee on Administration.

SCR 26 by Lucio

Urging Congress to ensure that Supplemental Nutrition Assistance Program benefits are adequate for the purchase of a healthy diet.

To Committee on Health and Human Services.

SCR 27 by Wentworth

Granting Dr. Angel W. Lee permission to sue the State of Texas and the University of Texas Health Science Center at Houston.

To Committee on Jurisprudence.

SCR 30 by Eltife

Authorizing the lieutenant governor and speaker to appoint interim joint committees.

To Committee on Administration.

SCR 31 by Carona

Authorizing the State Preservation Board to approve and permit the construction of a monument on the Capitol grounds to honor those Texan service members who fought and died in the Battle of the Bulge during World War II.

To Committee on Administration.

SCR 32 by Seliger

Expressing opposition to federal regulation of intrastate water resources.

To Committee on Natural Resources.

SCR 33 by Lucio

Urging Congress to consider removal of the border wall in places where the border is already adequately guarded.

To Committee on Transportation and Homeland Security.

SJR 3 by Fraser

Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

To Committee on Finance.

SJR 31 by Wentworth

Proposing a constitutional amendment revising the order of legislative business to permit either house to act on bills and resolutions after the first 30 days of a regular session.

To Committee on Administration.

SJR 32 by Rodriguez

Proposing a constitutional amendment authorizing the legislature to increase the amount of the exemption from ad valorem taxation of property owned by the surviving spouse or surviving minor children of a member of the armed forces of the United States who dies while on active duty.

To Committee on Finance.

SJR 33 by Hinojosa, Wentworth

Proposing a constitutional amendment authorizing a state video lottery system to operate video lottery games at certain horse and greyhound racetracks and providing that federally recognized Indian tribes are not prohibited from conducting games of chance on certain Indian lands.

To Committee on State Affairs.

SJR 34 by Ellis, Lucio

Proposing a constitutional amendment creating the Texas Gaming Commission and authorizing and regulating casino games and slot machines by licensed operators and certain Indian tribes to provide money for the property tax relief fund and additional financial aid for higher education students.

To Committee on State Affairs.

SJR 35 by Van de Putte

Proposing a constitutional amendment authorizing the legislature to legalize the operation of video gaming in this state by persons and organizations licensed to conduct bingo or lease bingo premises and providing that federally recognized Indian tribes are not prohibited from conducting gaming on certain Indian lands.

To Committee on State Affairs.

SJR 36 by Patrick

Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation by a school district for maintenance and operations purposes all or part of the appraised value of a residence homestead.

To Committee on Finance.

SJR 38 by Davis

Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government.

To Committee on Finance.

CO-AUTHOR OF SENATE BILL 26

On motion of Senator Zaffirini, Senator Deuell will be shown as Co-author of **SB 26**.

CO-AUTHOR OF SENATE BILL 219

On motion of Senator Nelson, Senator Van de Putte will be shown as Co-author of **SB 219**.

CO-AUTHOR OF SENATE BILL 242

On motion of Senator Davis, Senator Van de Putte will be shown as Co-author of **SB 242**.

CO-AUTHOR OF SENATE BILL 315

On motion of Senator Carona, Senator Rodriguez will be shown as Co-author of **SB 315**.

CO-AUTHOR OF SENATE BILL 513

On motion of Senator Ellis, Senator Deuell will be shown as Co-author of **SB 513**.

CO-AUTHORS OF SENATE BILL 887

On motion of Senator Carona, Senators Huffman and Patrick will be shown as Co-authors of **SB 887**.

CO-AUTHORS OF SENATE BILL 1000

On motion of Senator Eltife, Senators Carona and Estes will be shown as Co-authors of **SB 1000**.

CO-AUTHOR OF SENATE BILL 1107

On motion of Senator Davis, Senator Lucio will be shown as Co-author of **SB 1107**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 16

On motion of Senator Nelson, Senator Wentworth will be shown as Co-author of **SCR 16**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 525 by Hinojosa, In memory of Richard R. "Dik" Johnson of Corpus Christi.

SR 527 by Hinojosa, In memory of Jose Emilio Barrera.

SR 536 by Birdwell, In memory of William E. Nelson, Jr., of Waco.

SR 538 by Wentworth, In memory of Richard V. Sanchez of San Antonio.

SR 539 by Wentworth, In memory of H. Kyle Seale of San Antonio and Helotes.

SR 540 by Wentworth, In memory of Jayne Harris of San Antonio.

SR 543 by Lucio, In memory of Guadalupe D. Rosales of Port Isabel.

SR 544 by Van de Putte, Uresti, Wentworth, and Zaffirini, In memory of Stephanie Ann Brown of San Antonio.

SR 545 by Van de Putte, Uresti, Wentworth, and Zaffirini, In memory of Homer D. Smith, Jr.

Congratulatory Resolutions

SR 510 by West, Recognizing Shiloh Missionary Baptist Church in Dallas on the occasion of its 100th anniversary.

SR 516 by Nelson, Recognizing the grand opening of Legoland Discovery Center at the Grapevine Mills shopping mall.

SR 517 by Seliger, Commending Abby Gibson for earning a Girl Scout Gold Award.

SR 518 by Seliger, Commending Andrea Saxon for earning a Girl Scout Gold Award.

SR 519 by Seliger, Commending Madison Sanders for earning a Girl Scout Gold Award.

SR 520 by Seliger, Commending Tanesha Cayton for earning a Girl Scout Gold Award.

SR 521 by Seliger, Commending Samantha Prather for earning a Girl Scout Gold Award.

SR 522 by Seliger, Commending Kelsey Turner for earning a Girl Scout Gold Award.

SR 524 by Hinojosa, Congratulating Alda T. Benavides on being named Distinguished Bilingual Educator of the Year by the Rio Grande Valley-Texas Association for Bilingual Educators.

SR 526 by Hinojosa, Recognizing Texas Smiles Family Dentistry of Mission on the occasion of its grand opening.

SR 528 by Hinojosa, Congratulating Jaime Rangel on being named Lord High Chamberlain of the 2011 Buccaneer Days Coronation Pageant, the Court of Legendary Couture.

SR 529 by Eltife, Recognizing David K. Teegarden for 40 years of service as a physician and educator.

SR 541 by Whitmire, Commending Vylace Collins for earning a Girl Scout Gold Award.

RECESS

Pursuant to a previously adopted motion, the Senate at 1:45 p.m. recessed until 8:30 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:

March 16, 2011

STATE AFFAIRS — **CSSB 791**

ADMINISTRATION — **SCR 10, SCR 11, SCR 16, SCR 18** (Amended)

NATURAL RESOURCES — **SB 430, SB 683, SB 832, SB 801, SB 987, SB 564, SB 525, SB 493, SB 569**

BUSINESS AND COMMERCE — **CSSB 576**

TRANSPORTATION AND HOMELAND SECURITY — **SB 524**

BILLS ENGROSSED

March 15, 2011

SB 115, SB 141, SB 321, SB 408

RESOLUTIONS ENROLLED

March 15, 2011

**SR 480, SR 487, SR 488, SR 496, SR 497, SR 501, SR 502, SR 504, SR 505,
SR 507, SR 508, SR 509, SR 511, SR 512, SR 513, SR 514, SR 523**

SENT TO SECRETARY OF STATE

March 16, 2011

SCR 24

In Memory
of
Danny Keith Gunn
Senate Resolution 486

WHEREAS, The citizens of Idalou lost one of their most beloved educators with the untimely death of Danny Keith Gunn on February 12, 2011, at the age of 49; and

WHEREAS, Born to Clarence and Oneita Gunn on August 30, 1961, in Garza County, Danny Gunn graduated from Post High School and Angelo State University; he worked for a time in the oil field before returning to college to pursue a career in agricultural education; and

WHEREAS, Mr. Gunn began his career at Klondike High School and then joined the faculty at Lamesa High School, and he went on to become a recognized leader in the Area II FFA Association; for the past seven years, he taught in the Agriculture Education Department at Idalou High School, which benefited immensely from his extensive knowledge and tireless work ethic; and

WHEREAS, Passionate about education and his chosen field, this admired gentleman devoted many hours of his personal time to helping his students with their animal projects and attending stock shows; the Idalou agriculture program won state awards every year but one under his guidance and was a national reserve champion; over the course of his career, Mr. Gunn advised Texas FFA State Star winners, state speaking contest winners, public relations team and farm skill team state qualifiers, and a national semifinalist in the category of job interview; he was deservedly named Soil and Water Conservation Teacher of the Year; and

WHEREAS, Danny Gunn and the former Melinda Tatum were married on July 12, 1986, in Post, and they became the proud parents of three children, Tatum, Garrett, and Brady; a loving father, Mr. Gunn supported his children in all their endeavors and took pride in their accomplishments; and

WHEREAS, While the death of Danny Gunn brings immeasurable sadness to his family and friends, memories of his warm smile and generous nature will long be treasured by all those who held him dear; now, therefore, be it

RESOLVED, That the Senate of the 82nd Texas Legislature hereby pay tribute to the life of Danny Keith Gunn and extend sincere condolences to the members of his family: to his wife, Melinda Gunn; to his children, Tatum Dorow and her husband, Andrew, Garrett Gunn, and Brady Gunn; to his mother, Oneita Gunn; to his sister, Darlene Speck, and her husband, Gary; to his brother-in-law, Bobby Heckaman; and to his other relatives and many friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas Senate adjourns this day, it do so in memory of Danny Keith Gunn.

DUNCAN

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-SIXTH DAY

(Continued)

(Thursday, March 17, 2011)

AFTER RECESS

The Senate met at 8:30 a.m. and was called to order by Senator Eltife.

SENATOR ANNOUNCED PRESENT

Senator Davis, who had previously been recorded as "Absent-excused," was announced "Present."

SENATE BILLS ON FIRST READING

The following bills, filed on or before Friday, March 11, 2011, were introduced, read first time, and referred to the committees indicated:

SB 454 by Ellis

Relating to improving state energy conservation, including through the use of thermostat settings and building efficiency.

To Committee on Natural Resources.

SB 457 by Ellis

Relating to minimum efficiency standards for certain products; providing a civil penalty.

To Committee on Natural Resources.

SB 459 by Seliger

Relating to voluntary assessment of property owners by a municipality to finance water or energy efficiency improvements.

To Committee on Intergovernmental Relations.

SB 492 by Fraser

Relating to the creation of a distributed solar generation incentive program.

To Committee on Natural Resources.

SB 552 by Carona

Relating to the creation of the Energy Efficiency Coordination Council and to statewide energy efficiency; providing penalties.

To Committee on Natural Resources.

SB 619 by Rodriguez

Relating to requiring solar panels to be offered by certain builders of new homes.
To Committee on Business and Commerce.

SB 898 by Carona

Relating to energy efficiency programs in institutions of higher education and certain governmental entities.
To Committee on Business and Commerce.

SB 908 by Fraser

Relating to requirements for businesses that offer plastic checkout bags to customers.
To Committee on Natural Resources.

SB 924 by Carona

Relating to energy efficiency reports by municipally owned utilities and electric cooperatives.
To Committee on Business and Commerce.

SB 937 by Lucio

Relating to priorities for restoration of electric service following an extended power outage.
To Committee on Business and Commerce.

SB 940 by Estes

Relating to competition in the electric utility market of certain municipalities.
To Committee on Business and Commerce.

SB 943 by Carona

Relating to the classification and use of energy storage equipment or facilities and the provision of studies and reports regarding energy storage equipment or those facilities.
To Committee on Business and Commerce.

SB 948 by Davis

Relating to the requirement that electric utilities offer a standard retail service package on a standard form with standard terms to a customer.
To Committee on Business and Commerce.

SB 950 by Davis

Relating to retail electric provider customer choice information.
To Committee on Business and Commerce.

SB 979 by Carona

Relating to energy efficiency market emission reduction credit programs established by emission reduction credit organizations.
To Committee on Natural Resources.

SB 981 by Carona

Relating to the regulation of distributed generation of electricity.
To Committee on Business and Commerce.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Eltife yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

SB 41 (Zaffirini)

Relating to the use of restraints in state supported living centers.

(viva voce vote) (31-0) (31-0)

SB 43 (Zaffirini)

Relating to the civil liability of an employer or former employer of a mental health services provider who engages in sexual exploitation of a patient or former patient.

(viva voce vote) (31-0) (31-0)

SB 67 (Zaffirini)

Relating to leave for junior college district or university system employees who are physically assaulted while on duty.

(viva voce vote) (31-0) (31-0)

SB 74 (Nelson)

Relating to the disposition of surplus or salvage data processing equipment of a university system or an institution or agency of higher education.

(viva voce vote) (31-0) (31-0)

CSSB 78 (Nelson)

Relating to adverse licensing, listing, or registration decisions by certain health and human services agencies.

(viva voce vote) (31-0) (31-0)

SB 79 (Nelson)

Relating to the contents and applicability of a school district's grading policy.

(viva voce vote) (31-0) (31-0)

SB 81 (Nelson)

Relating to food manufacturers, food wholesalers, and warehouse operators required to hold a license.

(viva voce vote) (31-0) (31-0)

SB 85 (Nelson)

Relating to the duties of the county tax assessor-collector and voter registrar regarding exemptions from jury service.

(viva voce vote) (31-0) (31-0)

SB 118 (Uresti)

Relating to a court's authority to order a proposed patient to receive extended outpatient mental health services.

(viva voce vote) (31-0) (31-0)

SB 131 (Wentworth)

Relating to cemeteries in certain municipalities.

(viva voce vote) (31-0) (31-0)

CSSB 140 (Shapiro)

Relating to minimum public school attendance for class credit or a final grade.

(viva voce vote) (31-0) (31-0)

SB 155 (Huffman)

Relating to the eligibility of certain school district employees to participate or be enrolled in certain group health benefit programs.

(viva voce vote) (31-0) (31-0)

CSSB 156 (Huffman)

Relating to health care data collected by the Department of State Health Services and access to certain confidential patient information within the department.

(viva voce vote) (31-0) (31-0)

SB 176 (Huffman)

Relating to student eligibility for tuition rebates offered by general academic teaching institutions.

(viva voce vote) (31-0) (31-0)

SB 179 (Estes)

Relating to the service area of the North Central Texas College District.

(viva voce vote) (31-0) (31-0)

CSSB 187 (Nelson)

Relating to human body and anatomical specimen donation.

(viva voce vote) (31-0) (31-0)

SB 189 (Nelson)

Relating to the eligibility of certain aliens for a license to practice medicine in this state.

(viva voce vote) (31-0) (31-0)

CSSB 190 (Nelson)

Relating to the licensing and regulation of physicians, physician assistants, acupuncturists, and surgical assistants.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)

SB 191 (Nelson)

Relating to disposition of a contested case by the Texas Medical Board.

(viva voce vote) (31-0) (31-0)

SB 192 (Nelson)

Relating to patient advocacy activities by nurses and certain other persons; providing an administrative penalty.

(viva voce vote) (31-0) (31-0)

SB 209 (Zaffirini)

Relating to the supervision of certain juvenile case managers.

(viva voce vote) (31-0) (31-0)

SB 244 (Patrick)

Relating to the continuing education requirements for certain peace officers.

(viva voce vote) (31-0) (31-0)

SB 247 (Shapiro)

Relating to the authority of the Texas Holocaust and Genocide Commission to participate in the establishment and operation of an affiliated nonprofit organization and provide grants.

(viva voce vote) (31-0) (31-0)

CSSB 263 (Carona)

Relating to the revocation, suspension, or restriction of the license of a physician placed on deferred adjudication community supervision or arrested for certain offenses.

(viva voce vote) (31-0) (31-0)

SB 316 (Whitmire)

Relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

(viva voce vote) (31-0) (31-0)

CSSB 322 (Carona)

Relating to the requirements for reinsurance contracts covering title insurance policies issued in this state.

(viva voce vote) (31-0) (31-0)

SB 323 (Carona)

Relating to the applicability of certain laws governing corporations to limited liability companies.

(viva voce vote) (31-0) (31-0)

CSSB 328 (Carona)

Relating to notice of a hospital lien.

(viva voce vote) (31-0) (31-0)

SB 386 (Williams)

Relating to the Lone Star College System District service area.

(viva voce vote) (31-0) (31-0)

CSSB 391 (Patrick)

Relating to the provision of electronic sample copies of a textbook adopted by the State Board of Education.

(viva voce vote) (31-0) (31-0)

SB 396 (Deuell)

Relating to the state fire marshal's investigation of the death of a firefighter who dies in the line of duty or in connection with an on-duty incident.

(viva voce vote) (31-0) (31-0)

CSSB 416 (Deuell)

Relating to the amount of outstanding total liability of a mortgage guaranty insurer.

(viva voce vote) (31-0) (31-0)

SB 422 (Duncan)

Relating to the authority of a municipality or county to contract with another entity to collect certain assessments levied by the municipality or county.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)**SB 426** (Duncan)

Relating to the liability of and payment of legal fees for court-appointed trustees of certain facilities.

(viva voce vote) (31-0) (31-0)

SB 428 (Huffman)

Relating to notice to a judgment debtor of the filing of a foreign judgment.

(viva voce vote) (31-0) (31-0)

SB 436 (Nelson)

Relating to the authority of a county to inspect day-care centers and group day-care homes.

(viva voce vote) (31-0) (31-0)

CSSB 472 (West)

Relating to voting practices and elections of property owners' associations.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

SB 489 (Fraser)

Relating to the Texas State Technical College System.

(viva voce vote) (31-0) (31-0)

SB 508 (Lucio)

Relating to the extent of extraterritorial jurisdiction of certain less populous municipalities located on a barrier island.

(viva voce vote) (31-0) (31-0)

SB 509 (Lucio)

Relating to the validation of a home-rule charter for certain municipalities.

(viva voce vote) (31-0) (31-0)

CSSB 510 (Van de Putte)

Relating to a voluntary statewide diabetes mellitus registry.

(viva voce vote) (31-0) (31-0)

SB 528 (Huffman)

Relating to meetings of the University of Houston System Board of Regents.

(viva voce vote) (31-0) (31-0)

SB 539 (Carona)

Relating to the award of costs and attorney's fees in certain proceedings concerning mechanic's, contractor's, or materialman's liens.

(viva voce vote) (31-0) (31-0)

SB 735 (Carona)

Relating to prohibition of certain extra hazardous coverages by title insurance companies.

(viva voce vote) (31-0) (31-0)

SB 747 (Carona)

Relating to the professions regulated by the Texas Real Estate Commission.

(viva voce vote) (31-0) (31-0)

CSSB 748 (Carona)

Relating to business entities and associations.

(viva voce vote) (31-0) (31-0)

CSSB 796 (Nelson)

Relating to reporting on and assessing programs for the prevention and treatment of diabetes in the state.

(viva voce vote) (31-0) (31-0)

SCR 5 (Hinojosa)

Requesting the lieutenant governor and the speaker of the house of representatives to provide for a joint interim legislative study regarding the development and potential economic impact of a cruise industry on the Texas coast between Calhoun and Cameron Counties.

(viva voce vote)

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:45 a.m. adjourned, in memory of Ignacia Mogas Czar "Nachita" Hopkins and Danny Keith Gunn, until 10:00 a.m. today.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-SEVENTH DAY

(Thursday, March 17, 2011)

The Senate met at 10:06 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

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

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

The Reverend Mark Denison, First Baptist Church, Conroe, was introduced by Senator Nichols and offered the invocation as follows:

Our loving and generous Father, we step into Your presence today with a sense of awe and reverence. We know that You care uniquely about the affairs of our world, country, and state. We pray for Your divine inspiration and leadership for those in national office. But today we especially lift up our state government and this great body in particular. For our elected representatives, we pray for an unusual endowment of insight and wisdom, as they wrestle with difficult issues in difficult times. May they seek You in every decision. Give to them a fresh vision and unity of purpose. Forgive us for the mistakes of the past, and may Your light guide our steps of tomorrow. Now, may Your richest blessings fall upon the great State of Texas, her leaders, and her citizens. Thank You for the opportunities of this day to lead, inspire, work together, and to follow Your will. We offer this prayer in the name of Christ, our savior and lord. Amen.

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

The motion prevailed without objection.

MESSAGES FROM THE GOVERNOR

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

March 16, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be members of the Texas Board of Nursing for terms to expire January 31, 2017:

Deborah H. Bell
Tuscola, Texas
(Ms. Bell is being reappointed)

Mary M. LeBeck
Weatherford, Texas
(replacing Blanca Garcia of Corpus Christi whose term expired)

Beverley Nutall
Bryan, Texas
(Ms. Nutall is being reappointed)

V. Kathleen Shipp
Lubbock, Texas
(replacing Linda Rounds of Galveston whose term expired)

To be members of the Department of Information Resources for terms to expire February 1, 2017:

Phillip "Keith" Morrow
Southlake, Texas
(Mr. Morrow is being reappointed)

Wanda Rohm
San Antonio, Texas
(replacing Debra McCartt of Amarillo whose term expired)

Respectfully submitted,
/s/Rick Perry
Governor

SENATE RESOLUTION 535

Senator Uresti offered the following resolution:

SR 535, Commending the citizens of Uvalde County on their many contributions to our state.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti, joined by Senator Zaffirini, was recognized and introduced to the Senate a Uvalde County delegation: William R. Mitchell, County Judge; Kelly Garrett, Uvalde Area Chamber of Commerce Board President; Rachel Gonzales-Hanson, Executive Officer, Community Health Development; Hector Gonzales, Dean, Southwest Texas Junior College; and Cody Smith, Mayor of Uvalde.

The Senate welcomed its guests.

SENATE RESOLUTION 447

Senator Estes offered the following resolution:

SR 447, In memory of Mundy Ingalls Peale, Jr., of Lake Kiowa.

The resolution was read.

On motion of Senator Estes, **SR 447** was adopted by a rising vote of the Senate.

In honor of the memory of Mundy Ingalls Peale, Jr., the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate family members of Mundy Ingalls Peale, Jr.: his wife, Pat; his children, Mundy Peale III, Lalon C. Peale, and Danielle Peale Rook; his grandchildren; and other family members and friends.

The Senate welcomed its guests and extended its sympathy.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Kelly Alberda of Austin as the Physician of the Day.

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

RESOLUTIONS SIGNED

The President Pro Tempore announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 10**, **HCR 28**.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 10:29 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 160 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 160** at this time on its second reading:

CSSB 160, Relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; providing penalties.

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 160 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 160** 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 160**, 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 160** 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.

WENTWORTH

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

SENATE BILL 173 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 173** at this time on its second reading:

SB 173, Relating to civil remedy of violations of certain municipal health and safety ordinances.

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 173 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 173** 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 173**, 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 173** 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.

WENTWORTH

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

SENATE BILL 312 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 312** at this time on its second reading:

SB 312, Relating to the exemption of certain electric cooperatives from certain regulations.

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 312 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 312** 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 312**, 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 312** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 425 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 425** at this time on its second reading:

CSSB 425, Relating to property and casualty certificates of insurance and approval of property and casualty certificate of insurance forms by the Texas Department of Insurance; providing penalties.

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.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 425 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 425** 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 425**, 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 425** 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.

WENTWORTH

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

SENATE RESOLUTION 542

Senator Duncan offered the following resolution:

SR 542, In memory of Elmer Kelton of San Angelo.

The resolution was read.

On motion of Senator Duncan, **SR 542** was adopted by a rising vote of the Senate.

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

GUEST PRESENTED

Senator Duncan was recognized and introduced to the Senate Steve Kelton.

The Senate welcomed its guest and extended its sympathy.

SENATE BILL 605 ON SECOND READING

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **SB 605** at this time on its second reading:

SB 605, Relating to the creation of an appellate judicial system for the Eighth Court of Appeals District.

POINT OF ORDER

Senator Seliger raised a point of order that the caption of the bill was in violation of Senate Rule 7.02.

POINT OF ORDER WITHDRAWN

Senator Seliger withdrew the point of order.

POINT OF ORDER

Senator Wentworth raised a point of order that a motion to suspend the regular order of business is not a debatable motion.

POINT OF ORDER RULING

The President ruled that the point of order was well-taken and sustained.

Question — Shall the regular order of business be suspended for **SB 605**?

SENATE RESOLUTION 552

Senator Zaffirini offered the following resolution:

SR 552, Recognizing March 1, 2011, as Bee County Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Bee County delegation.

The Senate welcomed its guests.

Question — Shall the regular order of business be suspended for **SB 605**?

SB 605, Relating to the creation of an appellate judicial system for the Eighth Court of Appeals District.

The motion to suspend the regular order of business prevailed.

Senators Birdwell and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Birdwell, Patrick.

SENATE BILL 605 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 605** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick, 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 605**, 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 605** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick.

SENATE BILL 350 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 350** at this time on its second reading:

SB 350, Relating to the restructuring of fund obligations and accounts of the Texas Municipal Retirement System and related actuarial and accounting procedures.

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 350 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 350** 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 350**, 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 350** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 527 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 527** at this time on its second reading:

CSSB 527, Relating to projects funded through the Texas emissions reduction plan.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 527** (senate committee printing), in SECTION 3 of the bill, by amending Subsection (a), Section 386.252, Health and Safety Code as follows:

(1) on page 1, line 61, amend proposed Subdivision (5), between "(5) not" and "more than \$7 million" by striking "less than \$3 million or";

(2) on page 1, line 62, amend proposed Subdivision (5), after "shall be allocated in 2012 and 2013 and not" strike "less than \$1 million or"; and

(3) on page 2, line 20, amend proposed Subdivision (9), between "(9)" and "\$216,000" by inserting "not more than".

The amendment to **CSSB 527** 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 Fraser and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 527 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 527 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 527** 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 527**, 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 527** 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.

WENTWORTH

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

SENATE BILL 370 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 370** at this time on its second reading:

SB 370, Relating to the authority of the Texas Water Development Board to provide financial assistance for certain projects if the applicant has failed to complete a request for information relevant to the project.

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 370 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 370** 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 370**, 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 370** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 781 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 781** at this time on its second reading:

CSSB 781, Relating to the repeal of certain legislative oversight committees.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 781** (senate committee report) in SECTION 1 of the bill as follows:

(1) In Subdivision (2) (page 1, line 14), strike "and".

(2) In Subdivision (3) (page 1, line 15), strike the period and substitute:

; and

(4) Section 3.01, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993.

The amendment to **CSSB 781** 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 781 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 781 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 781** 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 781**, 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 781** 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.

WENTWORTH

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

SENATE BILL 361 ON SECOND READING

Senator Duncan moved to suspend the regular order of business to take up for consideration **SB 361** at this time on its second reading:

SB 361, Relating to indemnification provisions in construction contracts.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Jackson, Lucio, Ogden, Rodriguez, Seliger, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Huffman, Nelson, Nichols, Patrick, Shapiro, Uresti.

The bill was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 7. (Same as previous roll call)

SENATE BILL 361 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 361** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Jackson, Lucio, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Huffman, Nelson, Nichols, 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 361**, 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 361** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Jackson, Lucio, Ogden, Rodriguez, Seliger, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Huffman, Nelson, Nichols, Patrick, Shapiro, Uresti.

COMMITTEE SUBSTITUTE SENATE BILL 566 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 566** at this time on its second reading:

CSSB 566, Relating to the regulation of the practice of public accountancy.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 566** (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 551, Government Code, is amended by adding Section 551.092 to read as follows:

Sec. 551.092. ENFORCEMENT COMMITTEE APPOINTED BY TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. This chapter does not require an enforcement committee appointed by the Texas State Board of Public Accountancy to conduct an open meeting to investigate and deliberate a disciplinary action under Subchapter K, Chapter 901, Occupations Code, relating to the enforcement of Chapter 901 or the rules of the Texas State Board of Public Accountancy.

SECTION _____. Section 901.153, Occupations Code, is amended by adding Subsection (f) to read as follows:

(f) An enforcement committee may hold a closed meeting to investigate and deliberate a disciplinary action under Subchapter K relating to the enforcement of this chapter or board rules as provided by Section 551.092, Government Code.

The amendment to **CSSB 566** 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 Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 566 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 566 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 566** 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 566**, 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 566** 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.

WENTWORTH

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

**SENATE BILL 1167 REREFERRED
(Motion In Writing)**

Senator Carona submitted a Motion In Writing requesting that **SB 1167** 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 BILL 992 REREFERRED
(Motion In Writing)**

Senator Lucio submitted a Motion In Writing requesting that **SB 992** be withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on International Relations and Trade.

The Motion In Writing prevailed without objection.

**SENATE BILL 825 REREFERRED
(Motion In Writing)**

Senator Lucio submitted a Motion In Writing requesting that **SB 825** be withdrawn from the Committee on Intergovernmental Relations and rereferred to the Committee on International Relations and Trade.

The Motion In Writing prevailed without objection.

CO-AUTHOR OF SENATE BILL 88

On motion of Senator Lucio, Senator Watson will be shown as Co-author of **SB 88**.

CO-AUTHOR OF SENATE BILL 89

On motion of Senator Lucio, Senator Watson will be shown as Co-author of **SB 89**.

CO-AUTHOR OF SENATE BILL 160

On motion of Senator Williams, Senator Carona will be shown as Co-author of **SB 160**.

CO-AUTHOR OF SENATE BILL 312

On motion of Senator Seliger, Senator Duncan will be shown as Co-author of **SB 312**.

CO-AUTHOR OF SENATE BILL 806

On motion of Senator Hinojosa, Senator Wentworth will be shown as Co-author of **SB 806**.

CO-AUTHOR OF SENATE BILL 831

On motion of Senator Rodriguez, Senator Wentworth will be shown as Co-author of **SB 831**.

CO-AUTHOR OF SENATE BILL 832

On motion of Senator Rodriguez, Senator Uresti will be shown as Co-author of **SB 832**.

CO-AUTHOR OF SENATE BILL 975

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 975**.

CO-AUTHOR OF SENATE BILL 1107

On motion of Senator Davis, Senator Van de Putte will be shown as Co-author of **SB 1107**.

CO-AUTHOR OF SENATE BILL 1145

On motion of Senator Shapiro, Senator West will be shown as Co-author of **SB 1145**.

CO-AUTHOR OF SENATE BILL 1261

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 1261**.

CO-AUTHOR OF SENATE BILL 1365

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 1365**.

CO-AUTHOR OF SENATE BILL 1392

On motion of Senator Lucio, Senator Davis will be shown as Co-author of **SB 1392**.

CO-AUTHOR OF SENATE BILL 1655

On motion of Senator Watson, Senator Lucio will be shown as Co-author of **SB 1655**.

CO-AUTHOR OF SENATE BILL 1878

On motion of Senator Deuell, Senator Rodriguez will be shown as Co-author of **SB 1878**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 10

On motion of Senator Ellis, Senator Uresti will be shown as Co-author of **SCR 10**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 40

On motion of Senator Lucio, Senator Davis will be shown as Co-author of **SJR 40**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 533 by Nichols and Deuell, In memory of Louann Confer of Mabank.

SR 549 by Watson, In memory of Gabriel R. Garcia of Austin.

SR 550 by Zaffirini, In memory of Fernando A. Salinas of Laredo.

SR 553 by Davis, In memory of Barrett Martin Havran.

SR 555 by Zaffirini, In memory of Barbara Ann Kazen.

HCR 47 (Zaffirini), In memory of U.S. Army Private First Class Ira Benjamin Laningham IV of Zapata.

Congratulatory Resolutions

SR 465 by Davis, Recognizing Kids Who Care, Incorporated, on the occasion of its visit to the State Capitol on March 16, 2011.

SR 530 by Nichols, Congratulating John D. Eckstrum on being named Realtor of the Year by the Texas Association of Realtors.

SR 531 by Nichols, Recognizing the Neches High School girls' basketball team for winning the Class 1A Division II state championship title.

SR 546 by Watson, Recognizing Jane Smoot of Austin for her work as an educator.

SR 547 by Watson, Recognizing Sherry True Smith on the occasion of her retirement from the Texas Commission on Environmental Quality.

SR 548 by Watson, Recognizing Casa Marianella on the occasion of its 25th anniversary.

SR 551 by Patrick and Carona, Recognizing the 150th anniversary of the unification of the Republic of Italy.

Official Designation Resolution

SR 532 by Nichols, Recognizing March 14, 2011, as Cedar Creek Lake Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:28 p.m. adjourned, in memory of Barbara Ann Kazen, Mundy Ingalls Peale, Jr., and Elmer Kelton, until 1:30 p.m. Monday, March 21, 2011.

APPENDIX

COMMITTEE REPORTS

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

March 17, 2011

INTERGOVERNMENTAL RELATIONS — **SB 86, SB 117, SB 410, SB 475, SB 629, SB 813**

TRANSPORTATION AND HOMELAND SECURITY — **SB 461, SB 802, SB 963**

NATURAL RESOURCES — **CSSB 684, CSSB 313**

HIGHER EDUCATION — **SB 36, SB 38, SB 794, SB 777, SB 945**

INTERGOVERNMENTAL RELATIONS — **CSSB 238, CSSB 310**

AGRICULTURE AND RURAL AFFAIRS — **SB 199, SB 387, SB 390, SB 478, SB 479, CSSB 248, CSSB 766**

NATURAL RESOURCES — **CSSB 181, CSSB 329**

BILLS ENGROSSED

March 16, 2011

SB 121, SB 257, SB 271, SB 292, SB 367, SB 433, SB 514, SB 580

RESOLUTIONS ENROLLED

March 16, 2011

SR 486, SR 510, SR 516, SR 517, SR 518, SR 519, SR 520, SR 521, SR 522, SR 524, SR 525, SR 526, SR 527, SR 528, SR 529, SR 534, SR 536, SR 538, SR 539, SR 540, SR 541, SR 543, SR 544, SR 545

In Memory
of
Mundy Ingalls Peale, Jr.
Senate Resolution 447

WHEREAS, Memories of a life filled with joyful times and meaningful accomplishments remain to comfort the family and friends of Mundy Ingalls Peale, Jr., of Lake Kiowa, who passed away on July 8, 2009, at the age of 74; and

WHEREAS, Born in Evansville, Illinois, on August 23, 1934, Mundy Peale was a 1956 graduate of Princeton University, where he majored in economics and received the prestigious Triade Trophy, the highest honor in Ivy League wrestling; he went on to earn a degree from the Harvard Business School in 1961 and also served in the United States Air Force as a pilot and radar intercept officer; and

WHEREAS, Mr. Peale married the former Pat Crawford in 1957, and the couple enjoyed a rewarding union that continued for 51 years; they were blessed with three children, Mundy, Lalon, and Danielle, and with the passing years their family grew to include seven grandchildren; and

WHEREAS, This respected business executive began his career with the Ford Motor Company in 1961 as a cost analyst, and during his tenure with the company he held several supervisory positions and worked in locations around the globe; in 1979, he became the vice president and controller for the Rockwell International Electronics Operations and Avionics and Missiles Group, and he later was vice president of corporate finance for the company's central region; after serving as the chief financial officer for Marlow Industries from 1993 to 1996, he helped create the company United Space Alliance, which partnered with the National Aeronautics and Space Administration in carrying out manned space operations; he held the title of chief financial officer at the time of his retirement in 1998; and

WHEREAS, Though he made his home in a variety of locations as a result of his career, Mr. Peale was always involved in community affairs; a member of Rotary International and a supporter of the Boy Scouts of America, he also played an active role in the churches he attended, helping with financial matters, teaching Sunday school, and assisting building committees; in his leisure time, he loved to golf, play tennis, and travel, and he took great satisfaction in devoting himself to his family; and

WHEREAS, Honorable, humble, and widely admired, Mundy Peale lived a caring and purposeful life, and he will forever be remembered with great affection by those who were privileged to share in his love and friendship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the memory of Mundy Ingalls Peale, Jr., and extend sincere condolences to the members of his family: to his wife, Pat; to his children, Mundy Ingalls Peale III, Lalon Crawford Peale, and Danielle Peale Rook; to his grandchildren, Mundy Peale IV, Jon Peale, Hannah Rook, Hunter Rook, Hayden Rook, Holden Rook, and Julia Peale; to his sisters, Sandra Farwell Eike and Betsey Peale Hardman; and to his other relatives and friends; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family, and that when the Texas Senate adjourns this day, it do so in memory of Mundy Ingalls Peale, Jr.

ESTES

**In Memory
of
Elmer Kelton**

Senate Resolution 542

WHEREAS, The Lone Star State lost an accomplished native son with the passing of novelist and journalist Elmer Kelton of San Angelo on August 22, 2009, at the age of 83; and

WHEREAS, Born on April 29, 1926, at Horse Camp in Andrews County, Elmer Stephen Kelton was descended from cowboys and ranchers; his great-grandfather came to West Texas in the 1870s with a covered wagon and a string of horses, and his father, Robert William "Buck" Kelton, was the foreman and eventual manager of the McElroy Ranch in Crane and Upton Counties; and

WHEREAS, Elmer Kelton was the oldest of four sons and, by his own admission, the worst cowboy of the bunch; he decided at an early age that if he couldn't be a cowboy, he would at least write about them, and he was encouraged in this endeavor by his mother, Neta Beatrice "Bea" Kelton, a former schoolteacher; he entered The University of Texas at Austin at the age of 16 and enrolled in journalism classes; and

WHEREAS, In the mid-1940s, Mr. Kelton served in Europe as an infantryman during the final months of World War II; while stationed in Austria, he met his future wife, Anni Lipp, whom he married in 1947; he went on to earn his bachelor's degree in journalism from UT the following year; and

WHEREAS, Mr. Kelton was the farm-and-ranch editor for the *San Angelo Standard-Times* from 1948 to 1963; he later spent five years as associate editor of *Sheep and Goat Raisers' Magazine* and more than two decades as editor of *Livestock Weekly* before retiring in 1990; and

WHEREAS, His career as a Western writer began in 1948, when he sold a story to *Ranch Romances* magazine for \$50; he published his first novel, *Hot Iron*, in 1955, and writing mainly in his spare time, he went on to author or contribute to more than 60 books, including several volumes of Western art, a memoir, *Sandhills Boy*, and many works of fiction; and

WHEREAS, Insightful portrayals of West Texans, Mr. Kelton's novels were admired by readers and critics alike for their keen attention to detail, moral complexity, and psychological realism; he wasn't interested in writing simplistic Western characters who were "seven feet tall and invincible," he once said, adding, "my characters are five-eight and nervous"; and

WHEREAS, In *The Time It Never Rained*, he vividly evoked the struggles of a rancher during a devastating drought in the 1950s; in *The Good Old Boys*, which was made into a television movie directed by and starring Tommy Lee Jones, he told the story of an aging cowboy grappling with changing times at the turn of the 20th century; and

WHEREAS, Often bestsellers, his books also won numerous accolades; seven of his titles earned the Spur Award from the Western Writers of America, and three received Western Heritage Awards from the National Cowboy and Western Heritage Museum; Mr. Kelton himself was honored with both the Owen Wister Award for lifetime achievement and the Lone Star Award for Lifetime Achievement from the Larry McMurtry Center for Arts and Humanities at Midwestern State University; in 1995, he was voted the best Western writer of all time by members of the Western Writers of America; and

WHEREAS, Throughout a long and prolific career, Mr. Kelton enjoyed the love and support of his wife of 62 years as well as their three children, Gary, Stephen, and Kathy; moreover, his family included four grandchildren, five great-grandchildren, and a great-great-granddaughter; and

WHEREAS, Elmer Kelton wrote with deep reverence and compassion about the people and landscape he loved; whether he was evoking the stark beauty of the high plains or the pride and dignity of hardworking people, he celebrated a rich culture and left a lasting legacy that will endure as long as the wind blows over West Texas; now, therefore, be it

RESOLVED, That the Senate of the 82nd Texas Legislature hereby pay tribute to the life and accomplishments of Elmer Kelton; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas Senate adjourns this day, it do so in memory of Elmer Kelton.

DUNCAN

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY- EIGHTH DAY

(Monday, March 21, 2011)

The Senate met at 1:42 p.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

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

Absent-excused: Estes.

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

The Reverend Gary M. Renfro, Corinth Missionary Baptist Church, Austin, offered the invocation as follows:

Dear heavenly Father, our maker and creator, our ruler and keeper, our provider and protector, we give You thanks for the opportunity and privilege to see the beauty of this day. We thank You for our life, health, and strength on this day. We pause to acknowledge You as the Members of the Senate of the great State of Texas begin the business of this day. Thank You for the foundations of government that You have ordained for the care and concerns of society. Let the discussions, decisions, and deliberations of this body be for the common good of the citizens of this state. Let justice be the standard and truth be the guide on this day and throughout this session. This is my prayer. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Estes was granted leave of absence for today on account of important business.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, March 21, 2011 - 1

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 73 Hughes

In memory of Jean Glaze of Gilmer.

HCR 100 Branch

Commemorating the 100th anniversary of the founding of the Texas State University System.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

March 17, 2011

Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be the Director of the Office of State-Federal Relations for a term at the pleasure of the Governor:

Charles E. "Chip" Roy

McKinney, Texas

Mr. Roy is replacing Antonio "Ed" Perez of Alexandria, Virginia who resigned.

Respectfully submitted,

/s/Rick Perry

Governor

PHYSICIAN OF THE DAY

Senator Lucio was recognized and presented Dr. Luis Calo of Harlingen as the Physician of the Day.

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

SENATE RESOLUTION 491

Senator Watson offered the following resolution:

SR 491, Recognizing March 21, 2011, as World Down Syndrome Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate World Down Syndrome Day representatives: Molly, Kirsten, Sara, and Dean Polacheck; Linda Kirkland; Gerard Jimenez, Government Affairs Chair, Down Syndrome Association of Central Texas; Margie and Issie Moore; and Dinah Street.

The Senate welcomed its guests.

SENATE BILL 701 REREFERRED (Motion In Writing)

Senator Watson submitted a Motion In Writing requesting that **SB 701** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Open Government.

The Motion In Writing prevailed without objection.

GUESTS PRESENTED

Senator Fraser, on behalf of Senator Estes, was recognized and introduced to the Senate a Cross Trail Outfitters delegation.

The Senate welcomed its guests.

(Senator Eltife in Chair)

SENATE RESOLUTION 556

Senator Shapiro offered the following resolution:

SR 556, Recognizing March 21, 2011, as Educational Technology Day at the Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro, joined by Senator Patrick, was recognized and introduced to the Senate an Educational Technology Day delegation.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer at 1:59 p.m. announced the conclusion of morning call.

SENATE BILL 647 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 647** at this time on its second reading:

SB 647, Relating to the continuation and operation of the office of public insurance counsel.

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: Estes.

SENATE BILL 647 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 647** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

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 647**, 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 647** 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.

WENTWORTH

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

Absent-excused: Estes.

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Houston Independent School District Superintendent Paula Harris.

The Senate welcomed its guest.

(President in Chair)**SENATE BILL 309 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 309** at this time on its second reading:

SB 309, Relating to the events eligible to receive funding through a major events trust fund.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 309** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 5A(a)(4), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 1, line 27), immediately following "Music Awards," insert "the National Cutting Horse Association Triple Crown,".

(2) In SECTION 1 of the bill, in amended Section 5A(a)(5), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 1, line 42), between "Music;" and "or", insert the following:

(D) the National Cutting Horse Association;

(3) In SECTION 1 of the bill, in amended Section 5A(a)(5), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 1, line 43), reletter the paragraphs of Subdivision (5) accordingly.

The amendment to **SB 309** 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: Estes.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 309** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ____ . Section 5A, Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended by adding Subsection (w) to read as follows:

(w) Not later than 18 months after the last day of an event eligible for disbursements from the Major Events trust fund for costs associated with the event, the comptroller using existing resources shall:

(1) complete a study in the market area of the event on the measurable economic impact directly attributable to the preparation for and presentation of the event and related activities; and

(2) post on the comptroller's Internet website the results of the study conducted under Subdivision (1) of this subsection.

The amendment to **SB 309** 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: Estes.

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

SB 309 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: Estes.

SENATE BILL 309 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 309** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

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 309**, 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 309** 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.

WENTWORTH

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

Absent-excused: Estes.

**COMMITTEE SUBSTITUTE
SENATE BILL 822 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 822** at this time on its second reading:

CSSB 822, Relating to expedited credentialing of certain physicians by managed care plans.

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: Estes.

**COMMITTEE SUBSTITUTE
SENATE BILL 822 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 822** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

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 822**, 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 822** 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.

WENTWORTH

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

Absent-excused: Estes.

**COMMITTEE SUBSTITUTE
SENATE BILL 809 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 809** at this time on its second reading:

CSSB 809, Relating to judicial review in district court of certain workers' compensation disputes.

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: Estes.

**COMMITTEE SUBSTITUTE
SENATE BILL 809 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 **CSSB 809** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

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 809**, 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 809** 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.

WENTWORTH

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

Absent-excused: Estes.

SENATE BILL 304 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 304** at this time on its second reading:

SB 304, Relating to employment services programs for certain residents receiving services from public hospitals or hospital districts.

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: Estes.

SENATE BILL 304 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 304** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

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 304**, 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 304** 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.

WENTWORTH

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

Absent-excused: Estes.

SENATE BILL 987 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 987** at this time on its second reading:

SB 987, Relating to the term of office and qualifications for a director of the Colorado County Groundwater Conservation District.

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

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

Absent-excused: Estes.

SENATE BILL 987 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 987** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

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 987**, 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 987** 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.

WENTWORTH

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

Absent-excused: Estes.

**COMMITTEE SUBSTITUTE
SENATE BILL 341 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSSB 341** at this time on its second reading:

CSSB 341, Relating to the appointment of a conservator for and authorizing the dissolution of the Bexar Metropolitan Water District; providing a penalty.

The motion prevailed.

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

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 341** (Senate Committee Report) as follows:

(1) In SECTION 4.01 of the bill, in added Section 53(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 62), between "cause," and "if" insert "as defined by the System's standards of conduct for all employees,".

(2) In SECTION 4.01 of the bill, in added Section 53, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, between lines 66 and 67), insert the following:

(b) For a five-year period following the transfer of the employment of any employee of the former District, the System may not terminate that employee, except for cause, as defined by the System's standards of conduct for all employees, if:

(1) the employee meets the requirements of Subsections (a)(1) and (2) of this section; and

(2) the sum of the years of service of the employee and the employee's age is equal to or greater than 80.

(3) In SECTION 4.01 of the bill, in added Section 53(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 67), strike "(b)" and substitute "(c)".

(4) In SECTION 4.01 of the bill, in added Section 53(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 67), strike "Subsection (a)" and substitute "Subsection (a) or (b)".

(5) In SECTION 4.01 of the bill, in added Section 53(c), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 9, line 2), strike "(c)" and substitute "(d)".

The amendment to **CSSB 341** 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: Estes.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 341** (Senate committee report) as follows:

(1) In SECTION 1.02 of the bill, in added Section 37(b)(1)(A), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 2, line 31), between "in" and "or", insert ";".

(2) In SECTION 1.02 of the bill, in added Section 37(b)(1)(A), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 2, line 32), between "of" and "the", insert ";".

(3) In SECTION 1.02 of the bill, in added Section 38, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 3, line 19), between "quarterly" and "on", insert ", or as requested by the Commission or the Committee,".

(4) In SECTION 2.01(b) of the bill (page 3, lines 36 through 39), strike "following the date of preclearance under Section 5 of the federal Voting Rights Act of 1965 (42 U.S.C. Section 1973c) of all provisions of the Act enacting this section that are subject to preclearance, the commission" and substitute "the commission, after consultation with the secretary of state,".

(5) In SECTION 2.01(b) of the bill (page 3, lines 42-45), strike "If the commission determines that preclearance under Section 5 of the federal Voting Rights Act of 1965 is not required, the commission shall hold the election on the next uniform election date after the date the commission makes that determination."

(6) In SECTION 2.01(c) of the bill (page 3, line 46), strike "another entity" and substitute "one or more entities".

(7) In SECTION 2.01(e) of the bill (page 3, line 59), between "date of" and "the", insert "the beginning of early voting for".

(8) In SECTION 2.01(f) of the bill (page 3, line 65), strike "of" and substitute "owned by".

(9) In SECTION 2.02(b)(2) of the bill (page 4, line 9), strike "officially declared" and substitute "certified".

(10) In SECTION 2.02(c)(1) of the bill (page 4, line 13), strike "officially declared" and substitute "certified".

(11) In the recital to SECTION 4.01 of the bill (page 8, line 1), strike "and 57" and substitute "57, and 58".

(12) In SECTION 4.01 of the bill, in added Section 50(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 3), strike "of the canvass of the election" and substitute "the election results are certified to the secretary of state as".

(13) In SECTION 4.01 of the bill, in added Section 50(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8), strike lines 6 through 9 and substitute the following:

(b) On the date the election results are certified to the secretary of state, the System assumes control of the operation and management of the District, except as provided by Sections 52 and 53 of this Act and other law applicable to the System.

(c) Not later than the 90th day after the date the election results are certified to the secretary of state, the conservator, under the oversight of the Commission and the Committee, shall transfer or assign the:

(14) In SECTION 4.01 of the bill, in added Section 50(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, lines 10 through 11), strike "associated with the provision of water services".

(15) In SECTION 4.01 of the bill, in added Section 50(c), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 18), strike "(c)" and substitute "(d)".

(16) In SECTION 4.01 of the bill, in added Section 50(c), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 19), strike "(b)" and substitute "(c)".

(17) In SECTION 4.01 of the bill, in added Section 50(d), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 22), strike "(d)" and substitute "(e)".

(18) In SECTION 4.01 of the bill, in added Section 50(e), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 27), strike "(e)" and substitute "(f)".

(19) In SECTION 4.01 of the bill, in added Section 52(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8), strike lines 42-44 and substitute the following:

(3) prudent utility practices and fiscal policies;

(4) costs and revenue; and

(5) potential impacts on the customers of the District and the System.

(20) In SECTION 4.01 of the bill, in added Section 52(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 45), after "(b)", strike "The" and substitute "During the integration period described by Subsection (a), the".

(21) In SECTION 4.01 of the bill, in added Section 52(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, lines 47 through 50), strike ". If the System fails to comply with the requirements of this section, the Commission may assess a penalty against the System in the manner provided by Section 13.4151, Water Code." and substitute "of not more than three additional years."

(22) In SECTION 4.01 of the bill, in added Section 52(d), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, lines 56 and 57), strike "and at least until the date specified in Subsection (a) of this section,".

(23) In SECTION 4.01 of the bill, in added Section 52(d), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 59), between "District" and the period, insert "under the System's certificate of convenience and necessity".

(24) In SECTION 4.01 of the bill, in added Section 52, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, between lines 59 and 60), insert the following:

(e) After the integration described by Subsection (a) is complete, the System shall provide water service to former ratepayers of the District in the same manner the System provides water service to other ratepayers of the System. The integration is considered complete if:

(1) the areas of service located in the former District are no longer operated as a special project within the System;

(2) the ratepayers of the former District pay the same rates for services provided by the System as other similarly situated ratepayers of the System; and

(3) the ratepayers of the former District receive water service that meets the requirements of the Commission.

(f) If the System fails to integrate the services and infrastructure of the District into the System in accordance with Subsection (a), the Commission may find the System in violation of the obligation under the System's certificate of convenience and necessity to provide continuous and adequate service. The Commission may bring an enforcement action against the System, including the imposition of an administrative penalty under Section 13.4151, Water Code.

(25) In SECTION 4.01 of the bill, in added Section 55(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 9, line 21), between "into" and "during", insert ", amended, or renewed".

(26) In SECTION 4.01 of the bill, in added Section 57, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 9, line 40), between "pending" and "shall", insert "against the District".

(27) In SECTION 4.01 of the bill, in added Section 57, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 9, line 40), strike "District" and substitute "System".

(28) In SECTION 4.01 of the bill, following added Section 57, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 9, between lines 42 and 43), insert the following:

Sec. 58. (a) In this section, "advisory committee" means a committee appointed under Subsection (b) of this section.

(b) Not later than the 60th day after the date the District is dissolved under Section 50 of this Act, the System shall work cooperatively with the commissioners court of each county in which the former District was wholly or partly located to establish an advisory committee to advise the System regarding the integration of the services and infrastructure of the former District, including service integration issues and the delivery of water services by the System, in specific areas or water systems located in the area outside the corporate boundaries of the largest municipality served by the System.

(c) The advisory committee shall include one representative from each county served by the System who resides in the boundaries of the former District or the owner or operator of a business located in the boundaries of the former District.

(d) Until the integration described by Section 52 of this Act is complete, the board of directors of the System shall:

(1) consult with the advisory committee about the matters described by Subsection (b) of this section at least quarterly, during a regularly scheduled or specially called board meeting of the System; and

(2) on request by the advisory committee chair, provide members of the advisory committee an opportunity to address the System's board of trustees on matters relating to the duties of the advisory committee.

(29) In the heading to ARTICLE 5 of the bill (page 9, line 43), between "5." and "NOTICE;", insert "DEADLINES;".

(30) In ARTICLE 5 of the bill (page 9), between lines 43 and 44, insert the following SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION 5.01. If a deadline established in Articles 1 through 4 of this Act cannot be met because of a requirement imposed by the federal Voting Rights Act of 1965 (42 U.S.C. Section 1973c or any other provisions of that act), the deadline is the next available date after the requirement is met.

The amendment to **CSSB 341** 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: Estes.

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

CSSB 341 as amended was passed to engrossment by a viva voce vote.

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

Nays: Zaffirini.

Absent-excused: Estes.

COMMITTEE SUBSTITUTE SENATE BILL 341 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 341** be placed on its third reading and final passage.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams.

Nays: Wentworth, Zaffirini.

Absent-excused: Estes.

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 341**, 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 341** 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.

WENTWORTH

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

Nays: Zaffirini.

Absent-excused: Estes.

SENATE BILL 520 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 520** at this time on its second reading:

SB 520, Relating to the creation, administration, powers, and duties of a county assistance district.

The bill was read second time.

Senator Hegar offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 520** (introduced version), in SECTION 4 of the bill, as follows:

- (1) In the heading (page 6, line 11), strike "and adding Subsection (c)".
- (2) Strike added Section 387.007(c), Local Government Code (page 6, lines 18-24).

The amendment to **SB 520** was read and was adopted by a viva voce vote.

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

Absent-excused: Estes.

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

SB 520 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: Estes.

SENATE BILL 520 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 520** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

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 520**, 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 520** 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.

WENTWORTH

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

Absent-excused: Estes.

COMMITTEE SUBSTITUTE SENATE BILL 116 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 116** at this time on its second reading:

CSSB 116, Relating to protective orders against dating violence.

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: Estes.

COMMITTEE SUBSTITUTE SENATE BILL 116 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 116** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

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 116**, 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 116** 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.

WENTWORTH

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

Absent-excused: Estes.

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 Finance Subcommittee on Fiscal Matters might meet tomorrow.

CO-AUTHOR OF SENATE BILL 27

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-author of **SB 27**.

CO-AUTHOR OF SENATE BILL 34

On motion of Senator Zaffirini, Senator Ellis will be shown as Co-author of **SB 34**.

CO-AUTHOR OF SENATE BILL 69

On motion of Senator Zaffirini, Senator Davis will be shown as Co-author of **SB 69**.

CO-AUTHORS OF SENATE BILL 116

On motion of Senator Uresti, Senators Davis and Lucio will be shown as Co-authors of **SB 116**.

CO-AUTHOR OF SENATE BILL 152

On motion of Senator Huffman, Senator Shapiro will be shown as Co-author of **SB 152**.

CO-AUTHOR OF SENATE BILL 181

On motion of Senator Shapiro, Senator Fraser will be shown as Co-author of **SB 181**.

CO-AUTHOR OF SENATE BILL 296

On motion of Senator Wentworth, Senator Van de Putte will be shown as Co-author of **SB 296**.

CO-AUTHOR OF SENATE BILL 329

On motion of Senator Watson, Senator Carona will be shown as Co-author of **SB 329**.

CO-AUTHOR OF SENATE BILL 331

On motion of Senator Shapiro, Senator Van de Putte will be shown as Co-author of **SB 331**.

CO-AUTHOR OF SENATE BILL 355

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 355**.

CO-AUTHOR OF SENATE BILL 629

On motion of Senator Hegar, Senator Wentworth will be shown as Co-author of **SB 629**.

CO-AUTHORS OF SENATE BILL 766

On motion of Senator Estes, Senators Birdwell and Deuell will be shown as Co-authors of **SB 766**.

CO-AUTHOR OF SENATE BILL 794

On motion of Senator Nelson, Senator West will be shown as Co-author of **SB 794**.

CO-AUTHOR OF SENATE BILL 842

On motion of Senator Patrick, Senator Shapiro will be shown as Co-author of **SB 842**.

CO-AUTHOR OF SENATE BILL 903

On motion of Senator Patrick, Senator Shapiro will be shown as Co-author of **SB 903**.

CO-AUTHORS OF SENATE BILL 945

On motion of Senator Patrick, Senators Birdwell, Hinojosa, Huffman, West, and Zaffirini will be shown as Co-authors of **SB 945**.

CO-AUTHOR OF SENATE BILL 1590

On motion of Senator Ogden, Senator Hinojosa will be shown as Co-author of **SB 1590**.

CO-AUTHOR OF SENATE BILL 1655

On motion of Senator Watson, Senator Hegar will be shown as Co-author of **SB 1655**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 10

On motion of Senator Ellis, Senators Davis and Watson will be shown as Co-authors of **SCR 10**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 51

On motion of Senator Duncan, Senator Ogden will be shown as Co-author of **SJR 51**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 554 by Shapiro, Commending Jaci Walker for being named Miss Texas Junior Pre-teen 2010.

SR 557 by Fraser, Recognizing Coleen and Lyle McGuffin of Kerrville on the occasion of their 75th wedding anniversary and Lyle's 100th birthday.

SR 559 by Jackson, Recognizing Leadership Friendswood for its contributions to the community.

SR 560 by Jackson, Recognizing the Deer Park Chamber of Commerce for its work in behalf of its community.

SR 561 by Huffman, Commending Jeffrey Pagonis for achieving the rank of Eagle Scout.

SR 562 by Huffman, Commending Jillian Ross for earning a Girl Scout Gold Award.

SR 563 by Jackson, Recognizing James R. Borup on the occasion of his retirement as a Galveston-Texas City Pilot.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:48 p.m. adjourned, in memory of Arturo Jose Iniguez, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 21, 2011

INTERGOVERNMENTAL RELATIONS — **CSSB 311**

CRIMINAL JUSTICE — **SJR 9, CSSB 24, SB 144, SB 153, SB 166, CSSB 623, SB 1436**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 19**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 58, SB 356, SB 431**

INTERGOVERNMENTAL RELATIONS — **CSSB 349**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 99, CSSB 639, CSSB 966**

INTERNATIONAL RELATIONS AND TRADE — **SB 1220**

BILLS ENGROSSED

March 17, 2011

SB 41, SB 43, SB 67, SB 74, SB 78, SB 79, SB 81, SB 85, SB 118, SB 131, SB 140, SB 155, SB 156, SB 160, SB 173, SB 176, SB 179, SB 187, SB 189, SB 190, SB 191, SB 192, SB 209, SB 244, SB 247, SB 263, SB 312, SB 316, SB 322, SB 323, SB 328, SB 350, SB 361, SB 370, SB 386, SB 391, SB 396, SB 416, SB 422, SB 425, SB 426, SB 428, SB 436, SB 472, SB 489, SB 508, SB 509, SB 510, SB 527, SB 528, SB 539, SB 566, SB 605, SB 735, SB 747, SB 748, SB 781, SB 796

RESOLUTIONS ENROLLED

March 17, 2011

SR 447, SR 465, SR 530, SR 531, SR 532, SR 533, SR 535, SR 542, SR 546, SR 547, SR 548, SR 549, SR 550, SR 551, SR 552, SR 553, SR 555

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-NINTH DAY

(Tuesday, March 22, 2011)

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

The roll was called and the following Senators were present: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Van de Putte.

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

Rabbi Eliezer Langer, Congregation Tiferet Israel, Austin, offered the invocation as follows:

Scripture teaches: When there is no plan, the city falls. However, salvation may be found in much counsel. *Avinu Shebashamyim*, heavenly Father, we are today at an unprecedented time in history. We are still numb and in shock from the devastation and cruel loss of life from natural disasters and unnatural, brutal terrorism. The challenge as temporal leaders is how, at a time of shrinking budgets and increasing needs, to equitably allocate our limited resources for the greatest good. You, our officials, must make agonizing choices that are hard and, yes, at times, even painful. We yearn for Your hand, O Lord, to show us the way, as You once showed the children of Israel the way through the Red Sea and the wilderness to the promised land. We are fallible creatures. We all have our good sides and our bad, our nobler and our baser instincts. Lord, grant our elected leaders the wisdom to deploy their noblest and most selfless instincts as they counsel together to consider and plan for the future of our great state. Let them be ever conscious that they, as leaders, are responsible not only to the voters but also to You. Heavenly Father, as the psalmist said so long ago: If the Lord does not build the house, in vain do its builders labor on it. If the Lord does not protect the city, all the efforts to protect it will be in vain. Heavenly Father, bless and shed Your spirit on the counsels of our leaders, inspire them to act with wisdom and compassion, bless their efforts with moral success, and grant us all that the decisions on the great issues

discussed in this august Chamber result in a Texas whose citizens will enjoy peace, prosperity, safety, and mutual respect, thereby deserving of Your continued blessing. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Van de Putte was granted leave of absence for today on account of important business.

MESSAGES FROM THE GOVERNOR

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

March 21, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be members of the Texas State University System Board of Regents for terms to expire February 1, 2017:

Jaime R. Garza
San Antonio, Texas
(replacing Ron Blatchley of Bryan whose term expired)

Maria "Rossanna" Salazar
Austin, Texas
(replacing Robert Wilkinson of Dallas whose term expired)

Donna N. Williams
Arlington, Texas
(Ms. Williams is being reappointed)

To be members of the Commission on Jail Standards for terms to expire January 31, 2017:

Allan D. Cain
Carthage, Texas
(replacing Albert Black of Austin whose term expired)

Stanley Egger
Tuscola, Texas
(Commissioner Egger is being reappointed)

Michael M. Seale
Houston, Texas
(Dr. Seale is being reappointed)

Respectfully submitted,
/s/Rick Perry
Governor

PHYSICIAN OF THE DAY

Senator Nichols was recognized and presented Dr. Ron McMurry of Jasper as the Physician of the Day.

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

(President Pro Tempore Ogden in Chair)

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate a Parker County delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 537

Senator Wentworth offered the following resolution:

SR 537, Commending Ray Benson on being named the 2011 Texan of the Year by the Texas Legislative Conference.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate Ray Benson, 2011 Texan of the Year; Julian Read, member of the Texas Legislative Conference Advisory Committee; Bob Gray, Government Affairs Committee Chair; and Michelle Valles.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Harmony Science Academy delegation. She also introduced a group of advocates from the FocusDriven organization.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a Wharton County delegation.

The Senate welcomed its guests.

(Senator Eltife in Chair)

SENATE RESOLUTION 515

Senator Ogden offered the following resolution:

SR 515, Commending the College of Agriculture and Life Sciences at Texas A&M University on the occasion of its centennial.

The resolution was read and was adopted without objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:33 a.m. announced the conclusion of morning call.

SENATE BILL 832 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 832** at this time on its second reading:

SB 832, Relating to voter eligibility and registration in El Paso County Water Improvement District No. 1.

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: Van de Putte.

SENATE BILL 832 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 832** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Van de Putte.

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 832**, 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 832** 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.

WENTWORTH

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

Absent-excused: Van de Putte.

(President Pro Tempore Ogden in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 313 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 313** at this time on its second reading:

CSSB 313, Relating to priority groundwater management areas.

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: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 313 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 **CSSB 313** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Van de Putte.

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 313**, 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 313** 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.

WENTWORTH

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

Absent-excused: Van de Putte.

SENATE BILL 240 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **SB 240** at this time on its second reading:

SB 240, Relating to examination requirements for certain applicants for a license to practice medicine.

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 and was passed to engrossment by the following vote: Yeas 29, Nays 1.

Nays: Ogden.

Absent-excused: Van de Putte.

SENATE BILL 240 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 240** be passed on its third reading and final passage.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Ogden, Wentworth.

Absent-excused: Van de Putte.

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 240**, 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 240** 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.

WENTWORTH

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

Nays: Ogden.

Absent-excused: Van de Putte.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 576 ON SECOND READING**

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 576** at this time on its second reading:

CSSB 576, Relating to reports filed with the comptroller regarding certain alcoholic beverage sales; providing a penalty.

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

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

Absent-excused: Van de Putte.

**COMMITTEE SUBSTITUTE
SENATE BILL 576 ON THIRD READING**

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 576** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Van de Putte.

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 576**, 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 576** 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.

WENTWORTH

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

Absent-excused: Van de Putte.

SENATE BILL 493 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 493** at this time on its second reading:

SB 493, Relating to the idling of motor vehicles.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 493** (senate committee printing) in SECTION 1 of the bill, in added Section 382.0191(b), Health and Safety Code (page 1, line 18), between "engine" and "that", by inserting "or liquefied or compressed natural gas engine".

The amendment to **SB 493** 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: Van de Putte.

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

SB 493 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: Van de Putte.

SENATE BILL 493 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 493** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Van de Putte.

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 493**, 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 493** 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.

WENTWORTH

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

Absent-excused: Van de Putte.

SENATE BILL 461 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 461** at this time on its second reading:

SB 461, Relating to the design and issuance of license plates for United States paratroopers.

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: Van de Putte.

SENATE BILL 461 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 461** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Van de Putte.

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 461**, 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 461** 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.

WENTWORTH

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

Absent-excused: Van de Putte.

SENATE BILL 411 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 411** at this time on its second reading:

SB 411, Relating to the amount of wine certain wineries may sell directly to consumers.

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: Van de Putte.

SENATE BILL 411 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 411** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Van de Putte.

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 411**, 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 411** 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.

WENTWORTH

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

Absent-excused: Van de Putte.

SENATE BILL 777 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 777** at this time on its second reading:

SB 777, Relating to re-creating the scholarship trust fund for fifth-year accounting students as a trust fund outside the state treasury.

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: Van de Putte.

SENATE BILL 777 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 777** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Van de Putte.

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 777**, 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 777** 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.

WENTWORTH

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

Absent-excused: Van de Putte.

SENATE RESOLUTION 481

Senator Ogden offered the following resolution:

SR 481, In memory of Val Shepperd of Austin.

The resolution was read.

On motion of Senator Ogden, **SR 481** was adopted by a rising vote of the Senate.

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

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate Colleen Forrest, Val Shepperd's soul mate and partner; Pat Shepperd, his mother; Corey Shepperd, his brother; Cody Shepperd, his nephew; and Vicki Bothner, his sister.

The Senate welcomed its guests and extended its sympathy.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 47.**

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Member, Assistive and Rehabilitative Services Council: Judy Castle Scott, Dallas County.

Commissioner, Canadian River Compact Commission: James Edward Herring, Potter County.

Member, Board of Directors, North Texas Tollway Authority: Robert Kelly Shepard, Parker County.

Independent Ombudsman, Office of Independent Ombudsman for State Supported Living Centers: George Peter Bithos, Travis County.

Member, State Commission on Judicial Conduct: David Bradford Gaultney, Montgomery County.

Members, State Soil and Water Conservation Board: Larry D. Jacobs, Montgomery County; Joe L. Ward, Fannin County.

Member, Texas Alcoholic Beverage Commission: Jose Cuevas, Midland County.

Members, Texas Board of Criminal Justice: Lawrence James Gist, Jefferson County; Thomas Richard Mechler, Randall County; Leopoldo R. Vasquez, Harris County.

Members, Texas Historical Commission: Earl Paul Broussard, Travis County; Matthew Ferdinand Kreisle, Travis County; Frank Thomas Perini, Taylor County; Judy Carolyn Richardson, Burleson County; Daisy Sloan White, Harris County.

Members, Board of Regents, Texas Southern University: Gary Lynn Bledsoe, Travis County; Samuel Lee Bryant, Travis County; Richard Knight, Dallas County; Marilyn Agatha Rose, Harris County.

Members, Texas Veterans Commission: Richard Alexander McLeon, Victoria County; Daniel Patrick Moran, Harris County; James Henry Scott, Bexar County.

Members, Board of Regents, Texas Woman's University: Deborah Sue Gibson, Harris County; Melissa D. Tonn, Dallas County; Mary Pincoffs Wilson, Travis County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

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 today:

SB 644, SB 646, SB 655.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

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

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:17 p.m. agreed to adjourn, in memory of Val Shepperd, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions, filed on or before Friday, March 11, 2011, were introduced, read first time, and referred to the committees indicated:

SB 1326 by Watson

Relating to procedures applicable to adoption of the public school curriculum by the State Board of Education.

To Committee on Education.

SB 1327 by Watson

Relating to the confidentiality of information obtained by a compliance office of an institution of higher education.

To Committee on Open Government.

SB 1328 by Watson

Relating to optional dispute resolution methods for school districts and parents of students seeking or receiving special education services.

To Committee on Education.

SB 1329 by Watson

Relating to the prosecution of the offense of online harassment.

To Committee on Criminal Justice.

SB 1330 by Watson

Relating to the driver safety courses for individuals under the age of 25 and to the driving course requirements for those individuals when receiving deferred adjudication of certain traffic offenses.

To Committee on Transportation and Homeland Security.

SB 1331 by Watson

Relating to criminal offenses regarding the possession or consumption of alcoholic beverages by a minor and providing alcoholic beverages to a minor.

To Committee on Criminal Justice.

SB 1332 by Deuell

Relating to the waiver and release of a mechanic's, contractor's, or materialman's lien or payment bond claim.

To Committee on Business and Commerce.

SB 1333 by Deuell

Relating to a supplemental payment for retirees of the Teacher Retirement System of Texas and the unfunded actuarial liabilities allowed under that system.

To Committee on State Affairs.

SB 1334 by Deuell

Relating to the dismissal of complaints against property tax professionals.

To Committee on Finance.

SB 1335 by Deuell

Relating to certification requirements for certain property tax professionals.

To Committee on Finance.

SB 1336 by Van de Putte

Relating to charitable immunity of a licensed marriage and family therapist.

To Committee on State Affairs.

SB 1337 by Van de Putte

Relating to the operation and regulation of certain consolidated insurance programs; providing administrative penalties.

To Committee on State Affairs.

SB 1338 by Eltife

Relating to the membership, powers, and duties of the State Preservation Board.

To Committee on Administration.

SB 1339 by West

Relating to the authority of advanced practice registered nurses to make medical diagnoses and to prescribe and order prescription drugs and devices.

To Committee on Finance.

SB 1340 by Carona

Relating to the creation of the Energy Efficiency Council and to statewide energy efficiency; providing penalties.

To Committee on Natural Resources.

SB 1341 by Seliger

Relating to the participation by a taxing unit in a suit to compel an appraisal review board to order a change in an appraisal roll.

To Committee on Intergovernmental Relations.

SB 1342 by Seliger

Relating to the use of bingo proceeds by licensed authorized organizations, including the use of proceeds to provide health insurance or health insurance benefits to certain employees.

To Committee on State Affairs.

SB 1343 by Eltife

Relating to archeological cemeteries.

To Committee on Administration.

SB 1344 by Davis

Relating to the dedication of certain unclaimed state lottery prize money to support education.

To Committee on Finance.

SB 1345 by Davis

Relating to the crediting of appropriated funds from the collection of taxes imposed on the sale of sporting goods.

To Committee on Finance.

SB 1346 by Davis

Relating to the deposit of fees for oversize and overweight vehicle permits in the state highway fund.

To Committee on Transportation and Homeland Security.

SB 1347 by Van de Putte

Relating to the exclusion of certain flow-through funds by qualified courier and logistics companies in determining total revenue for purposes of the franchise tax.

To Committee on Finance.

SB 1348 by Van de Putte

Relating to higher education curriculum review teams to review public school curriculum standards for college readiness purposes.

To Committee on Higher Education.

SB 1349 by Van de Putte

Relating to a requirement that a person hold a license issued by the appropriate state agency to be employed as a marriage and family therapist by a school district.

To Committee on Education.

SB 1350 by Watson

Relating to land excluded from the Hill Country Priority Groundwater Management Area.

To Committee on Natural Resources.

SB 1351 by Watson

Relating to the civil service status of emergency medical services personnel in certain municipalities.

To Committee on Intergovernmental Relations.

SB 1352 by Watson

Relating to the powers of certain hospital districts regarding district properties and facilities.

To Committee on Intergovernmental Relations.

SB 1353 by Eltife, Deuell, Fraser, Huffman, Nichols, Williams

Relating to certain claims against persons licensed as real estate brokers and salespersons.

To Committee on Business and Commerce.

SB 1354 by Carona, Rodriguez

Relating to the regulation of off-premise signs in the unincorporated area of a county.

To Committee on Transportation and Homeland Security.

SB 1355 by Duncan

Relating to allowing for countywide polling places as an alternative election system.

To Committee on State Affairs.

SB 1356 by Estes

Relating to the repeal of certain laws regulating the registration of animal tattoo marks with the Department of Public Safety.

To Committee on Agriculture and Rural Affairs.

SB 1357 by Estes

Relating to the redemption and impoundment of estrays.

To Committee on Agriculture and Rural Affairs.

SB 1358 by Lucio

Relating to electronically transmitting a warrant for emergency detention.

To Committee on Criminal Justice.

SB 1359 by Harris

Relating to the DNA database at the University of North Texas Health Science Center at Fort Worth.

To Committee on Criminal Justice.

SB 1360 by Harris

Relating to the treatment of tick-borne diseases.

To Committee on Health and Human Services.

SB 1361 by Estes

Relating to the audit report exemption for districts created pursuant to the Water Code.

To Committee on Natural Resources.

SB 1362 by Lucio

Relating to county building code standards for new residential construction; providing a penalty.

To Committee on Intergovernmental Relations.

SB 1363 by Lucio

Relating to authorizing certain counties and municipalities to regulate land development; providing a penalty.

To Committee on International Relations and Trade.

SB 1364 by Lucio

Relating to authorizing certain border counties and municipalities in those counties to regulate land development; providing a penalty.

To Committee on International Relations and Trade.

SB 1365 by Ellis, Gallegos, Hegar, Huffman, Nichols, Patrick, Whitmire, Williams

Relating to the distribution of money appropriated from the national research university fund.

To Committee on Higher Education.

SB 1366 by West

Relating to the prosecution and registration of, and regulation concerning, sex offenders in this state.

To Committee on Criminal Justice.

SB 1367 by West

Relating to the publication of a list of certain residential property claimed without record title.

To Committee on Intergovernmental Relations.

SB 1368 by West

Relating to the authority of a co-owner of residential property to encumber the property.

To Committee on Intergovernmental Relations.

SB 1369 by West

Relating to the boundaries and financing of a public improvement district.

To Committee on Intergovernmental Relations.

SB 1370 by West

Relating to meetings and records of and certain information provided by or concerning a property owners' association.

To Committee on Intergovernmental Relations.

SB 1371 by Carona

Relating to the regulation of the towing, booting, and storage of vehicles.

To Committee on Transportation and Homeland Security.

SB 1372 by Carona

Relating to the renewal of electrical sign apprentice licenses.

To Committee on Business and Commerce.

SB 1373 by Carona

Relating to the regulation of manufactured housing.

To Committee on Business and Commerce.

SB 1374 by Carona

Relating to the regulation of weather modification operations.

To Committee on Intergovernmental Relations.

SB 1375 by Estes

Relating to who may participate in certain local option elections to prohibit or authorize the sale of alcoholic beverages.

To Committee on Business and Commerce.

SB 1376 by Shapiro

Relating to prohibiting the sale and use of certain radar interference devices; creating an offense.

To Committee on Transportation and Homeland Security.

SB 1377 by Lucio

Relating to the amount of certain general obligation bonds authorized to be issued to provide financial assistance for colonia access roadway projects to serve border colonias.

To Committee on Finance.

SB 1378 by Nichols

Relating to the authority of the Alabama-Coushatta Indian Tribe to commission peace officers.

To Committee on Criminal Justice.

SB 1379 by Whitmire

Relating to a deferred retirement option for certain members of the Employees Retirement System of Texas.

To Committee on State Affairs.

SB 1380 by Ellis

Relating to designating October as Disability History and Awareness Month.

To Committee on Administration.

SB 1381 by Ellis

Relating to the requirement that certain mammography reports contain information regarding supplemental breast cancer screening.

To Committee on Health and Human Services.

SB 1382 by Wentworth

Relating to limitations on awards in an adjudication brought against a local governmental entity for breach of contract.

To Committee on Intergovernmental Relations.

SB 1383 by Shapiro, Patrick

Relating to an appraisal and professional development system for public school principals.

To Committee on Education.

SB 1384 by Lucio

Relating to the interest rate on a refund of ad valorem taxes made following the final determination of an appeal that decreases a property owner's tax liability.

To Committee on Intergovernmental Relations.

SB 1385 by Lucio

Relating to the authority of the chief appraiser of an appraisal district or the collector for a taxing unit to waive penalties for failing to file certain documents.

To Committee on Intergovernmental Relations.

SB 1386 by Lucio

Relating to the refusal to register motor vehicles by a county assessor-collector or the Texas Department of Motor Vehicles.

To Committee on Transportation and Homeland Security.

SB 1387 by Gallegos

Relating to the composition of the governing body of certain regional planning commissions.

To Committee on Intergovernmental Relations.

SB 1388 by Gallegos

Relating to certain prohibited dealings between a wholesaler and retailer of alcoholic beverages.

To Committee on Business and Commerce.

SB 1389 by Gallegos

Relating to safety training for employees of certain contractors with a governmental entity.

To Committee on State Affairs.

SB 1390 by Gallegos

Relating to the eligibility of the Texas ChalleNGe Academy to receive Foundation School Program funding.

To Committee on Education.

SB 1391 by Gallegos

Relating to refinancing low-rate home loans involving natural disaster recovery funds.

To Subcommittee on Flooding and Evacuations.

SB 1392 by Lucio

Relating to authorizing counties and municipalities to regulate land development; providing a penalty.

To Committee on Intergovernmental Relations.

SB 1393 by Seliger

Relating to the use of contracts by local governments to purchase electricity.

To Committee on Intergovernmental Relations.

SB 1394 by Williams

Relating to the authority of the Texas Department of Transportation to approve safety standards for high-speed rail; authorizing a fee.

To Committee on Transportation and Homeland Security.

SB 1395 by Williams

Relating to the administration, financing, and use of the State Infrastructure Bank.

To Committee on Transportation and Homeland Security.

SB 1396 by Patrick

Relating to measures to increase cost efficiency at public institutions of higher education and the Texas Higher Education Coordinating Board, including the elimination of certain reporting and other requirements imposed on institutions or the coordinating board.

To Committee on Higher Education.

SB 1397 by Patrick

Relating to creation of a study committee for the Interstate Health Care Compact.

To Committee on State Affairs.

SB 1398 by Patrick

Relating to verification of precinct and ballot styles during the public testing of direct recording electronic voting machine systems.

To Committee on State Affairs.

SB 1399 by Patrick

Relating to the regulation of foundation repair contractors; providing a penalty.

To Committee on Business and Commerce.

SB 1400 by Patrick

Relating to the regulation of certain private security companies and occupations.

To Committee on Business and Commerce.

SB 1401 by Williams

Relating to the organization, governance, duties, and functions of the Texas Department of Motor Vehicles.

To Committee on Transportation and Homeland Security.

SB 1402 by Williams

Relating to motor vehicles; providing penalties.

To Committee on Transportation and Homeland Security.

SB 1403 by Seliger

Relating to the administration to public school students in certain grades of state-administered assessment instruments.

To Committee on Education.

SB 1404 by Hinojosa

Relating to the deadline for filing a suit to compel an appraisal review board to change an appraisal roll.

To Committee on Intergovernmental Relations.

SB 1405 by Hinojosa

Relating to the right of a person exempt from registration as a property tax consultant who files a protest with the appraisal review board on behalf of a property owner to receive notices from the board regarding the property subject to the protest.

To Committee on Intergovernmental Relations.

SB 1406 by Hinojosa

Relating to county regulation of property maintenance; imposing a penalty.

To Committee on Intergovernmental Relations.

SB 1407 by Lucio

Relating to importation and shipment of alcoholic beverages for personal consumption.

To Committee on Business and Commerce.

SB 1408 by Lucio

Relating to the administrative fee on the importation of certain alcoholic beverages for personal consumption.

To Committee on Business and Commerce.

SB 1409 by Lucio

Relating to importation and shipment of alcoholic beverages for personal consumption.

To Committee on Business and Commerce.

SB 1410 by Duncan

Relating to reporting student enrollment in tech-prep programs and evaluating tech-prep consortia.

To Committee on Education.

SB 1411 by Hegar

Relating to exemptions from the sales tax for certain firearms, hunting equipment, ammunition, and firearm or hunting accessories for a limited period.

To Committee on Finance.

SB 1412 by Hegar

Relating to the permitting of certain small commercial development sewage collection, treatment, and disposal systems as on-site sewage disposal systems.

To Committee on Natural Resources.

SB 1413 by Hegar

Relating to the authority of certain counties to impose a county hotel occupancy tax and to the rate of the tax.

To Committee on Economic Development.

SB 1414 by Duncan

Relating to sexual abuse and child molestation training for volunteers and employees of certain programs for minors held on campuses of institutions of higher education; providing penalties.

To Committee on Higher Education.

SB 1415 by Williams

Relating to the suitability of certain annuity transactions.

To Committee on State Affairs.

SB 1416 by Hinojosa

Relating to the creation of the offense of possession, manufacture, transportation, repair, or sale of a tire deflation device; providing criminal penalties.

To Committee on Criminal Justice.

SB 1417 by Hinojosa

Relating to the limitation of liability of certain landowners.
To Committee on State Affairs.

SB 1418 by Hinojosa

Relating to filling certain vacancies on the governing body of certain home-rule municipalities.
To Committee on State Affairs.

SB 1419 by Hinojosa

Relating to the establishment by the Texas Forensic Science Commission of a DNA laboratory audit program.
To Committee on Criminal Justice.

SB 1420 by Hinojosa, Hegar, Nichols

Relating to the continuation and functions of the Texas Department of Transportation; providing penalties.
To Committee on Government Organization.

SB 1421 by Nelson

Relating to the awarding of grants provided by the Cancer Prevention and Research Institute of Texas.
To Committee on Open Government.

SB 1422 by Nelson

Relating to coordinated county transportation authorities; creating an offense.
To Committee on Transportation and Homeland Security.

SB 1423 by Van de Putte

Relating to adding certain synthetic compounds to Penalty Group 2 of the Texas Controlled Substances Act.
To Committee on Criminal Justice.

SB 1424 by Wentworth

Relating to the issuance of cease and desist orders by the Texas Medical Board.
To Committee on Health and Human Services.

SB 1425 by Wentworth

Relating to certain deposits in a construction account.
To Committee on Business and Commerce.

SB 1426 by West

Relating to the notice given a juvenile concerning the sealing of the juvenile's records in a juvenile adjudication.
To Committee on Criminal Justice.

SB 1427 by West

Relating to eligibility to file for compensation by persons wrongfully imprisoned.
To Committee on State Affairs.

SB 1428 by Ogden

Relating to authorizing the designation of an area adjacent to a state highway project as a transportation finance zone, and authorizing the revenue from the state sales and use taxes imposed in the zone to be deposited in a revolving fund and used to repay financial assistance provided from the fund for highway projects.

To Committee on Finance.

SB 1429 by Hinojosa

Relating to regulating certain persons that generate or transport scrap tires; providing a civil penalty.

To Committee on Natural Resources.

SB 1430 by Duncan

Relating to the regulation of certain exclusive provider benefit plans.

To Committee on State Affairs.

SB 1431 by Carona

Relating to the functions of insurance holding company systems.

To Committee on Business and Commerce.

SB 1432 by Carona

Relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association.

To Committee on Business and Commerce.

SB 1433 by Carona

Relating to insurer receivership.

To Committee on Business and Commerce.

SB 1434 by Carona

Relating to certain low-income weatherization programs.

To Committee on Business and Commerce.

SB 1435 by Lucio

Relating to the possession of fish in the tidal water of this state.

To Committee on Agriculture and Rural Affairs.

SB 1437 by Van de Putte

Relating to the administration of certain immunizations or vaccinations by a pharmacist.

To Committee on Health and Human Services.

SB 1438 by Van de Putte

Relating to the program for impaired pharmacists and disciplinary proceedings conducted by the Texas State Board of Pharmacy.

To Committee on Health and Human Services.

SB 1439 by Van de Putte

Relating to a criminal defendant's incompetency to stand trial, to certain related time credits, and to the maximum period allowed for restoration of the defendant to competency.

To Committee on Criminal Justice.

SB 1440 by Ellis

Relating to the requirement to prepay ad valorem taxes as a prerequisite to determining certain motions or protests and the authority of an appraisal review board to determine compliance with the requirement.

To Committee on Intergovernmental Relations.

SB 1441 by Ellis

Relating to the correction of an ad valorem tax appraisal roll.

To Committee on Intergovernmental Relations.

SB 1442 by Shapiro

Relating to the application requirements for a local project permit.

To Committee on Open Government.

SB 1443 by Zaffirini

Relating to the mailing of notices, decisions, and reports by the Texas Ethics Commission.

To Committee on State Affairs.

SB 1444 by Zaffirini

Relating to the amount of a tuition equalization grant.

To Committee on Higher Education.

SB 1445 by Zaffirini

Relating to the contents of reports of political contributions and expenditures.

To Committee on State Affairs.

SB 1446 by Zaffirini

Relating to modifications of eligibility criteria, processes, and systems used in certain state benefits programs designed to improve efficiency.

To Committee on Health and Human Services.

SB 1447 by Zaffirini

Relating to the regulation of chemical dependency counselors.

To Committee on Health and Human Services.

SB 1448 by Zaffirini

Relating to consent for treatment for chemical dependency in a treatment facility and required training for the facility's intake personnel.

To Committee on Health and Human Services.

SB 1449 by Zaffirini

Relating to an alternative method of satisfying certain licensing and program participation requirements for chemical dependency treatment facilities.

To Committee on Health and Human Services.

SB 1450 by Zaffirini

Relating to the regulation of crafted precious metal dealers; providing a criminal penalty.

To Committee on Business and Commerce.

SB 1451 by Zaffirini

Relating to direct campaign expenditures by corporations and labor organizations.
To Committee on State Affairs.

SB 1452 by Zaffirini

Relating to unannounced on-site surveys of Home and Community-based Services provider homes.
To Committee on Health and Human Services.

SB 1453 by Lucio

Relating to the authority of a pharmacist to accelerate refills.
To Committee on Health and Human Services.

SB 1454 by Lucio

Relating to the membership and duties of the interagency obesity council.
To Committee on Health and Human Services.

SB 1455 by Carona

Relating to the protection of trade secrets.
To Committee on Business and Commerce.

SB 1456 by Carona

Relating to the reasonable relation of qualified transactions to particular jurisdictions.
To Committee on Business and Commerce.

SB 1457 by Harris

Relating to administrative procedures for title insurance hearings, licensing, and enforcement.
To Committee on Business and Commerce.

SB 1458 by Harris

Relating to a study regarding the reenactment of the franchise tax credit for research and development expenditures.
To Committee on Finance.

SB 1459 by Harris

Relating to prohibiting certain private transfer fees and the preservation of private real property rights; providing penalties.
To Committee on Business and Commerce.

SB 1460 by Harris

Relating to energy savings performance contracts.
To Committee on Government Organization.

SB 1461 by Lucio

Relating to the creation of the disaster reconstruction coordination office within the governor's office; creating the disaster contingency account.
To Committee on International Relations and Trade.

SB 1462 by Lucio

Relating to the enforcement of subdivision platting requirements in certain counties near the international border of this state.
To Committee on International Relations and Trade.

SB 1463 by Hinojosa

Relating to the processing fee charged for a dishonored payment device.
To Committee on Business and Commerce.

SB 1464 by Williams

Relating to transferring certain functions of the Texas Department of Housing and Community Affairs to the Texas State Affordable Housing Corporation.
To Committee on Intergovernmental Relations.

SB 1465 by Williams

Relating to the administration of certain housing and energy assistance programs.
To Committee on Intergovernmental Relations.

SB 1466 by Lucio

Relating to the powers and duties of the Vehicle and Watercraft Crime Prevention Authority and to the creation of the vehicle and watercraft crime prevention account.
To Committee on Transportation and Homeland Security.

SB 1467 by Lucio

Relating to the assessment, collection, and distribution of a county or municipal occupation tax on certain coin-operated machines.
To Committee on State Affairs.

SB 1468 by Lucio

Relating to the eligibility of persons to participate in the public sale of certain real property and the purchase of that property; providing a penalty.
To Committee on Intergovernmental Relations.

SB 1469 by Lucio

Relating to the authority of the board of trustees to set rates for certain municipal utility systems.
To Committee on Intergovernmental Relations.

SB 1470 by Lucio

Relating to the designation of a segment of U.S. Highway 77/83 and State Highway 4 as Jaime Zapata Memorial Boulevard.
To Committee on Transportation and Homeland Security.

SB 1471 by Hinojosa

Relating to land reclamation projects using tires.
To Committee on Natural Resources.

SB 1472 by Shapiro

Relating to the coordinated dissemination of online information regarding the operation and performance of certain for-profit educational entities.
To Committee on Economic Development.

SB 1473 by Hinojosa

Relating to the expunction of records and files relating to a person's arrest.
To Committee on Criminal Justice.

SB 1474 by Gallegos

Relating to the grievance procedure for firefighters and police officers in certain municipalities.

To Committee on Intergovernmental Relations.

SB 1475 by Shapiro

Relating to environmental and public health protections regarding smelter facilities at which lead-acid battery recycling activities are conducted.

To Committee on Natural Resources.

SB 1476 by Hegar

Relating to the minimum continuing legal education requirements for an attorney employed in the executive branch of state government.

To Committee on Jurisprudence.

SB 1477 by Hegar

Relating to differential pay and benefits for certain employees of emergency services districts who are members of the military.

To Committee on Veteran Affairs and Military Installations.

SB 1478 by Hegar

Relating to permit review timelines of the surface mining and reclamation division of the Railroad Commission of Texas.

To Committee on Natural Resources.

SB 1479 by Hegar

Relating to the coordination of uranium mining permitting activities by the Railroad Commission of Texas and the Texas Commission on Environmental Quality.

To Committee on Natural Resources.

SB 1480 by Hegar

Relating to the regulation of exotic aquatic species by the Parks and Wildlife Department; providing penalties.

To Committee on Agriculture and Rural Affairs.

SB 1481 by Seliger

Relating to allowing driver education courses to be delivered by course providers.

To Committee on Transportation and Homeland Security.

SB 1482 by Wentworth

Relating to the priority of ad valorem tax liens and certain security interests.

To Committee on Business and Commerce.

SB 1483 by Shapiro

Relating to the state virtual school network and virtual high schools.

To Committee on Education.

SB 1484 by Shapiro

Relating to authorizing open-enrollment charter schools to be awarded academic distinction designations.

To Committee on Education.

SB 1485 by West

Relating to the authority of a school district to implement a school bus monitoring system that records images, including images of vehicles that pass a stopped school bus; providing for the imposition of penalties.

To Committee on Transportation and Homeland Security.

SB 1486 by West

Relating to requirements regarding public school accountability.

To Committee on Education.

SB 1487 by West

Relating to the regulation of career schools and colleges and requiring the Texas Workforce Commission to submit a report to the legislature.

To Committee on Economic Development.

SB 1488 by West

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

To Committee on Higher Education.

SB 1489 by Whitmire

Relating to jurisdiction for the offenses of truancy and failure to attend school.

To Committee on Jurisprudence.

SB 1490 by Uresti

Relating to the recording of proceedings and the issuance of a warrant to take physical custody of a child in certain suits affecting the parent-child relationship; creating an offense.

To Committee on Jurisprudence.

SB 1491 by Uresti

Relating to the creation of the Terrell County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

To Committee on Natural Resources.

SB 1492 by Uresti

Relating to the election of directors of the Real-Edwards Conservation and Reclamation District.

To Committee on Natural Resources.

SB 1493 by Uresti

Relating to the qualifications of directors of a defense base management authority.

To Committee on Veteran Affairs and Military Installations.

SB 1494 by Uresti

Relating to reporting to the Texas Judicial Council the election or appointment of certain municipal officers.

To Committee on Jurisprudence.

SB 1495 by Uresti

Relating to payment of out-of-network ambulatory surgery benefits by certain health benefit plans.

To Committee on State Affairs.

SB 1496 by Uresti

Relating to scope and validity of correction instruments in the conveyance of real property.

To Committee on Intergovernmental Relations.

SB 1497 by Shapiro

Relating to certain responsibilities of education research centers and to a joint advisory board for education research centers.

To Committee on Higher Education.

SB 1498 by Watson

Relating to idling the diesel engine of a school bus while the bus is parked at a public school or in a school crossing zone.

To Committee on Transportation and Homeland Security.

SB 1499 by Watson

Relating to advancement of college readiness in the public school curriculum through evaluations and recommendations of vertical teams composed of faculty members of institutions of higher education.

To Committee on Higher Education.

SB 1501 by Watson

Relating to energy and efficiency conservation programs administered by the Texas Public Utility Commission.

To Committee on Business and Commerce.

SB 1502 by West

Relating to changing the composition of a board of a property owners' association in certain circumstances.

To Committee on Intergovernmental Relations.

SB 1503 by Huffman

Relating to procedures regarding certain criminal defendants who are or may be persons with mental illness or mental retardation.

To Committee on Criminal Justice.

SB 1504 by Seliger, Hinojosa

Relating to the disposal of nonparty compact low-level radioactive waste at the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility.

To Committee on Natural Resources.

SB 1505 by Uresti

Relating to the appraisal for ad valorem tax purposes of a real property interest in oil or gas in place.

To Committee on Finance.

SB 1506 by Uresti

Relating to the appraisal for ad valorem tax purposes of a real property interest in oil and gas in place.

To Committee on Finance.

SB 1507 by Ellis

Relating to the collection of certain foreclosure data by the Texas Department of Housing and Community Affairs.

To Committee on Intergovernmental Relations.

SB 1508 by Ellis

Relating to the right of certain debtors to elect to mediate a dispute before the debt is accelerated or a contract lien on real property is foreclosed; providing civil penalties.

To Committee on Business and Commerce.

SB 1509 by Carona

Relating to inspections and license renewals by the Texas Department of Licensing and Regulation.

To Committee on Business and Commerce.

SB 1510 by West

Relating to creation of the Texas Health Insurance Connector.

To Committee on State Affairs.

SB 1511 by West

Relating to the preparation, certification and working conditions of educators.

To Committee on Education.

SB 1512 by Deuell

Relating to fees for process server certification.

To Committee on Jurisprudence.

SB 1513 by Deuell

Relating to sign regulations applicable to certain signs in an area annexed by the municipality.

To Committee on Transportation and Homeland Security.

SB 1514 by Deuell

Relating to the creation of municipal courts of record in the city of Mesquite.

To Committee on Jurisprudence.

SB 1515 by Deuell, Van de Putte

Relating to motor vehicle inspections that employ remote sensing equipment.

To Committee on Natural Resources.

SB 1516 by Deuell

Relating to the collection of artifacts from public waterways.

To Committee on Natural Resources.

SB 1517 by Van de Putte

Relating to the sterilization of dogs and cats; providing a penalty.

To Committee on State Affairs.

SB 1518 by Eltife

Relating to the powers and duties of the Texas Historical Commission; imposing a penalty.

To Committee on Administration.

SB 1519 by Uresti

Relating to the definition of tangible personal property.

To Committee on Finance.

SB 1520 by Uresti

Relating to the consideration of applications for permits for certain commercial solid waste processing or treatment facilities.

To Committee on Natural Resources.

SB 1521 by Uresti

Relating to the distribution of money appropriated from a municipal court building security fund

To Committee on Jurisprudence.

SB 1522 by Hinojosa

Relating to the entering of a plea in a criminal case by a defendant confined in a penal institution.

To Committee on Criminal Justice.

SB 1523 by Hinojosa

Relating to the liability of the state for a violation of the federal Americans with Disabilities Act.

To Committee on State Affairs.

SB 1524 by Hinojosa

Relating to the payment and distribution of consumer assistance funds in an action by the attorney general.

To Committee on Finance.

SB 1525 by Hinojosa

Relating to the district court records archive fee.

To Committee on Jurisprudence.

SB 1526 by Hinojosa

Relating to discovery in a criminal case.

To Committee on Criminal Justice.

SB 1527 by Hinojosa

Relating to the monitoring of compliance with low-income and moderate-income housing ad valorem tax exemptions.

To Committee on Finance.

SB 1528 by Hinojosa

Relating to taxation of property owned or controlled by a public facility corporation.

To Committee on Finance.

SB 1529 by Hinojosa

Relating to the date by which law enforcement agencies must report arrests to the Department of Public Safety.

To Committee on Criminal Justice.

SB 1530 by Hinojosa

Relating to procedures for certain persons charged with certain new offenses or an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision.

To Committee on Criminal Justice.

SB 1531 by Hinojosa

Relating to the amount of a surcharge assessed on conviction of certain offenses relating to the operating of a motor vehicle while intoxicated against the driver's license of persons who complete an alcohol or drug treatment program.

To Committee on Transportation and Homeland Security.

SB 1532 by Hinojosa

Relating to a photograph on a personal identification certificate, driver's license, or commercial driver's license.

To Committee on Transportation and Homeland Security.

SB 1533 by Hinojosa

Relating to restrictions on school districts making available to students food containing industrially produced trans fat.

To Committee on Education.

SB 1534 by Shapiro

Relating to the operation and certification of career schools or colleges.

To Committee on Economic Development.

SB 1535 by Watson

Relating to unclaimed property.

To Committee on Finance.

SB 1536 by Watson

Relating to retirement under public retirement systems for employees of certain municipalities.

To Committee on State Affairs.

SB 1537 by Watson

Relating to the fiscal note associated with certain proposed state agency rules.

To Committee on Finance.

SB 1538 by Watson

Relating to the abolition of the Texas Facilities Commission and the transfer of its duties to the General Land Office.

To Committee on Finance.

SB 1539 by Watson

Relating to the goal of installing additional capacity for generating renewable energy.

To Committee on Natural Resources.

SB 1540 by Watson

Relating to the size of paper supplies and filing cabinets that may be purchased by the legislature and legislative agencies.

To Committee on Administration.

SJR 39 by Lucio

Proposing a constitutional amendment regarding the authorization of certain general obligation bonds or notes to provide financial assistance to counties for roadway projects to serve colonias.

To Committee on Finance.

SJR 40 by Lucio

Proposing a constitutional amendment authorizing a county to regulate land development if approved by a majority vote in a countywide election.

To Committee on International Relations and Trade.

SJR 41 by Hinojosa

Proposing a constitutional amendment authorizing a home-rule municipality to provide in its charter the procedure to fill a vacancy on its governing body for which the unexpired term is 24 months or less.

To Committee on State Affairs.

SJR 42 by Ogden

Proposing a constitutional amendment authorizing the legislature to permit the Texas Transportation Commission, subject to legislative review and approval, to designate the area adjacent to a state highway project as a transportation finance zone and authorizing the revenue from the state sales and use taxes imposed in the zone to be deposited in a revolving fund and used to repay financial assistance provided from the fund for certain purposes.

To Committee on Finance.

SJR 43 by Rodriguez

Proposing a constitutional amendment to establish certain principles and procedures for the drawing of congressional districts.

To Committee on Redistricting.

SJR 44 by Ellis

Proposing a constitutional amendment authorizing the governor to grant one or more reprieves in a capital case.

To Committee on Criminal Justice.

SJR 45 by Duncan

Proposing a constitutional amendment for filling vacancies in appellate judicial offices by appointment, for partisan elections for all judicial offices, and for subsequent nonpartisan retention elections for all judicial offices.

To Committee on State Affairs.

CO-AUTHOR OF SENATE BILL 26

On motion of Senator Zaffirini, Senator Rodriguez will be shown as Co-author of **SB 26**.

CO-AUTHOR OF SENATE BILL 260

On motion of Senator West, Senator Shapiro will be shown as Co-author of **SB 260**.

CO-AUTHOR OF SENATE BILL 348

On motion of Senator Estes, Senator Shapiro will be shown as Co-author of **SB 348**.

CO-AUTHOR OF SENATE BILL 630

On motion of Senator Hegar, Senator Wentworth will be shown as Co-author of **SB 630**.

CO-AUTHOR OF SENATE BILL 968

On motion of Senator Nelson, Senator Huffman will be shown as Co-author of **SB 968**.

CO-AUTHOR OF SENATE BILL 1220

On motion of Senator Hinojosa, Senator Rodriguez will be shown as Co-author of **SB 1220**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 569 by Williams, In memory of Kyle Matthew Holder of The Woodlands.

SR 570 by Williams, In memory of Beverly Stoerner Wise of Montgomery County.

SR 577 by Ellis, In memory of A. Louis Patterson III.

Congratulatory Resolutions

SR 565 by Hinojosa, Recognizing H-E-B on the occasion of its 80th year in Corpus Christi.

SR 566 by Hinojosa, Recognizing Gloria Galvan for her selection as the 2010-2011 Faculty Representative of the Year by the Texas Classroom Teachers' Association.

SR 567 by Jackson, Recognizing the Pearland High School Oilers football team for winning the 2010 Class 5A Division I state championship title.

SR 568 by Uresti, Recognizing the McCollum High School Cowboy cheerleaders for winning their third consecutive National Championship.

SR 571 by Gallegos, Recognizing Alicia Erminia Pedraza on the occasion of her 16th birthday.

SR 578 by Ellis, Commending Gabriella Denson for earning a Girl Scout Gold Award.

SR 579 by Ellis, Commending Angela Mosley for earning a Girl Scout Gold Award.

SR 580 by Nichols, Recognizing Doris Howdeshell on the occasion of her retirement from the Texas Department of Transportation.

SR 581 by Nichols, Recognizing the Texas Forestry Association on the occasion of its seedling giveaway.

SR 584 by Lucio, Recognizing Incarnate Word Academy in Corpus Christi on the occasion of its 140th anniversary.

SR 585 by Lucio, Recognizing Andres Maldonado on the occasion of his retirement from the Texas Department of Public Safety.

Official Designation Resolutions

SR 558 by Estes, Recognizing March 22, 2011, as Parker County Day at the State Capitol.

SR 572 by Zaffirini, Recognizing March 23, 2011, as McMullen County Day at the State Capitol.

SR 576 by Birdwell and Davis, Celebrating March 29, 2011, as Burleson Chamber Day at the Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:50 p.m. adjourned, in memory of Val Shepperd, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 22, 2011

INTERNATIONAL RELATIONS AND TRADE — **CSSB 992**

BUSINESS AND COMMERCE — **SB 249, SB 855, SB 864, SB 1008, SB 1166**

BILLS ENGROSSED

March 21, 2011

SB 116, SB 304, SB 309, SB 341, SB 520, SB 647, SB 809, SB 822, SB 987

RESOLUTIONS ENROLLED

March 21, 2011

SR 491, SR 554, SR 556, SR 557, SR 559, SR 559, SR 560, SR 561, SR 562, SR 563

SIGNED BY GOVERNOR

March 18, 2011

SCR 19, SCR 22

**In Memory
of
Val Shepperd
Senate Resolution 481**

WHEREAS, Officials and employees of state government lost an admired and respected friend with the passing of longtime Legislative Budget Board employee Val Shepperd of Austin on August 22, 2010, at the age of 50; and

WHEREAS, Born on November 8, 1959, in Graham and raised in Texas, Oklahoma, and Kansas, Val Shepperd graduated from Kansas State University in 1982 and from Auburn University in 1984, earning bachelor's and master's degrees in biology; after graduation, he went to work in the Dominican Republic and Indonesia as an aquatic biologist working on projects for the United States Agency for International Development; and

WHEREAS, Mr. Shepperd later returned to Texas and joined the staff of the Legislative Budget Board as an analyst in 1998, and his ability to see the big picture while paying close attention to detail later earned him a promotion to the position of manager of the public safety and criminal justice team; well known in the legislative community for the depth of his knowledge, he was also appreciated for his warm and caring personality; and

WHEREAS, Outside the office, Mr. Shepperd was a nature lover and outdoorsman, and he delighted in scuba diving, kayaking, and taking trips to Big Bend National Park and Olympic National Park; with his partner of eight years, Colleen, he also traveled the world, visiting Thailand, the Cayman Islands, Mexico, Costa Rica, Bonaire, Australia, Canada, Egypt, and Jordan; and

WHEREAS, During his time on this earth, Val Shepperd lived a life rich in adventure and accomplishment, and he will always be remembered with great affection by all those who were privileged to know him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the memory of Val Shepperd and extend sincere condolences to the members of his family: to his mother, Pat; to his brothers, Scott, Dan, Mark, and Corey; to his sister, Vicki; to his soul mate and partner, Colleen; and to his other relatives and many friends; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family, and that when the Texas Senate adjourns this day, it do so in memory of Val Shepperd.

OGDEN

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTIETH DAY

(Wednesday, March 23, 2011)

The Senate met at 11:09 a.m. pursuant to adjournment and was called to order by the President.

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

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

Father Jayme Mathias, Cristo Rey Catholic Church, Austin, offered the invocation as follows:

All powerful God, we thank You for the many gifts You continue to shower upon us: Your gifts of life and health, family and friends, and the great responsibility of shepherding the people of this great state. We ask You to bless us today as we begin this legislative session. Enlighten us, that we might act wisely to ensure the brightest possible future for the people of our state. We ask this in Your name, You who live and reign forever and ever. Amen.

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

The motion prevailed without objection.

PHYSICIAN OF THE DAY

Senator Nichols was recognized and presented Dr. Keith Miller of Center as the Physician of the Day.

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

SENATE RESOLUTION 573

Senator Duncan offered the following resolution:

SR 573, Recognizing March 21 through 25, 2011, as Texas Retired Teachers Week.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate a Texas Retired Teachers Association delegation: Mary Sexton, Herbert Norris, Maridell Fryar, Mary Jane Hamilton, and Tim Lee.

The Senate welcomed its guests.

MESSAGES FROM THE GOVERNOR

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

March 22, 2011

Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be Judge of the Court of Criminal Appeals, Place 8, for a term until the next General Election and until her successor shall be duly elected and qualified:

Elsa Alcala
Houston, Texas

Justice Alcala is replacing Judge Charles Holcomb pursuant to the Texas Constitution, Article 5, Section 1-a(1).

To be members of the Upper Colorado River Authority for terms to expire February 1, 2017:

Jeffie Harmon Roberts
Robert Lee, Texas
(Ms. Roberts is being reappointed)

Hyman D. Sauer
Eldorado, Texas
(Mr. Sauer is being reappointed)

Hugh "Che" Stone, III
San Angelo, Texas
(replacing A. J. Jones of Miles whose term expired)

To be a member of the One Call Board for a term to expire August 31, 2011:

Jay S. Zeidman
Houston, Texas
Mr. Zeidman is replacing Barbara Mathis of Lufkin who resigned.

To be members of the Texas Public Finance Authority for terms to expire as indicated:

To Expire February 1, 2015:

Mark W. Eidman
Austin, Texas
(replacing Gary Wood of Lakeway who resigned)

To Expire February 1, 2017:

Billy M. Atkinson, Jr.

Sugar Land, Texas

(replacing Macedonio Villarreal of Sugar Land whose term expired)

Robert Thomas Roddy, Jr.

San Antonio, Texas

(Mr. Roddy is being reappointed)

Respectfully submitted,

/s/Rick Perry

Governor

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

SENATE CONCURRENT RESOLUTIONS

The President laid before the Senate the following resolutions:

SCR 28, Commending Joe E. Gonzales for his career in education and for his contributions to the success of Austin Can! Academy.

WATSON

The resolution was again read.

SCR 29, Recognizing Austin Can! Academy, a dropout recovery charter high school serving at-risk students of Travis County.

WATSON

The resolution was again read.

SCR 28 and **SCR 29** were previously adopted on Monday, March 14, 2011.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Joe Gonzales, Principal, Austin Can! Academy; Yolanda Cruz-Wilder, Superintendent, Texas Can! Academies; Kevin Cunningham, social studies teacher; Joe Rodriguez and Kimberly Smith, students; and Ryan D. Hutchison, Austin Can! Academy Development Coordinator.

The Senate welcomed its guests.

SENATE RESOLUTION 132

Senator Ogden offered the following resolution:

SR 132, Recognizing March 23, 2011, as Hutto Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate a City of Hutto delegation: Debbie Holland, Mayor Pro Tempore; Doug Gaul, President, Hutto ISD Board of Trustees; Glenn Trubee, President, Williamson County Emergency Services District #3 Board of Commissioners; Byron Borchers, former Chairman of the Board, Hutto Area Chamber of Commerce; and Anne Cano, Hutto Economic Development Corporation Board of Directors.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, March 23, 2011 - 1

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 314 Hardcastle

Relating to the designation of a portion of U.S. Highway 81 as the Corporal David Slaton Memorial Highway.

HCR 114 Craddick

Designating April 2011 as Distracted Driving Awareness Month in Texas.

HCR 118 Taylor, Van

Honoring Congressman Sam Johnson on the 38th anniversary of his release as a North Vietnamese Prisoner of War.

SCR 28 Watson

Sponsor: Dukes

Commending Joe E. Gonzales for his career in education and for his contributions to the success of Austin Can! Academy.

SCR 29 Watson

Sponsor: Dukes

Recognizing Austin Can! Academy, a dropout recovery charter high school serving at-risk students of Travis County.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

(President Pro Tempore Ogden in Chair)**GUESTS PRESENTED**

Senator Nichols was recognized and introduced to the Senate a Texas Forestry Association delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a Robson Ranch delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate a Parent Association for the Retarded of Texas delegation.

Senator Estes was again recognized and introduced to the Senate a State Firemen's and Fire Marshals' Association of Texas delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 172

Senator Deuell offered the following resolution:

SR 172, Celebrating March 23, 2011, as Sunnyvale Day at the Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 7, 2011.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a Sunnyvale 4A Economic Development Corporation delegation: Lawrence Boyd, President; Rachel Doyle, Vice-president; Terri Shatter, Secretary; and David Carlile, Treasurer; accompanied by David Byrd, Mayor of Sunnyvale.

The Senate welcomed its guests.

SENATE RESOLUTION 564

Senator West offered the following resolution:

SR 564, Recognizing March 20 through 26, 2011, as Early College High School Week.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Early College High School participants.

The Senate welcomed its guests.

SENATE RESOLUTION 392

Senator Harris offered the following resolution:

SR 392, In memory of Tom Vandergriff of Arlington.

HARRIS
DAVIS

The resolution was again read.

The resolution was previously adopted on Monday, February 28, 2011.

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

GUESTS PRESENTED

Senator Harris was recognized and introduced to the Senate Tom Vandergriff's family: his son, Victor Vandergriff; his daughter and son-in-law, Valerie and Paul Kelton; his daughter-in-law, Kristin Vandergriff; and his grandson, Parker Vandergriff.

The Senate welcomed its guests and extended its sympathy.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 12:23 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 329 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 329** at this time on its second reading:

CSSB 329, Relating to the sale, recovery, and recycling of certain television equipment; providing administrative penalties.

The motion prevailed.

Senators Birdwell and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Birdwell, Patrick.

COMMITTEE SUBSTITUTE SENATE BILL 329 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 329** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick, 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 329**, 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 329** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick.

COMMITTEE SUBSTITUTE SENATE BILL 24 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 24** at this time on its second reading:

CSSB 24, Relating to the prosecution, punishment, and certain criminal and civil consequences of offenses involving or related to the trafficking of persons and to certain protections for victims of those offenses.

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 24 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 24** 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 24**, 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 24** 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.

WENTWORTH

(President in Chair)

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

SENATE RESOLUTION 615

Senator Seliger offered the following resolution:

SR 615, Recognizing March 23, 2011, as Salad Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate representatives of Texas McDonald's owner operators.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 248 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 248** at this time on its second reading:

CSSB 248, Relating to the regulation of public grain warehouse operators.

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 248 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 248** 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 248**, 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 248** 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.

WENTWORTH

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

SENATE JOINT RESOLUTION 9 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 9** at this time on its second reading:

SJR 9, Proposing a constitutional amendment authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision.

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.

SENATE JOINT RESOLUTION 9 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 **SJR 9** 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 **SJR 9**, 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 9** 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.

WENTWORTH

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

SENATE BILL 144 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 144** at this time on its second reading:

SB 144, Relating to allowing a person who successfully completes a term of deferred adjudication community supervision to be eligible for a pardon.

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 144 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 144** 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 144**, 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 144** 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.

WENTWORTH

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

SENATE BILL 524 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 524** at this time on its second reading:

SB 524, Relating to the issuance of certain permits for the movement of oversize or overweight 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.

SENATE BILL 524 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 524** 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 524**, 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 524** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 181 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 181** at this time on its second reading:

CSSB 181, Relating to the calculation and reporting of water usage by municipalities and water utilities for state water planning and other purposes.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 181** (senate committee report) as follows:

(1) In SECTION 2 of the committee substitute, in added Section 16.403(b)(1), Water Code (page 2, line 67), between "calculating" and "water", insert "total water use by a municipality or water utility, including water billed and non-revenue water used, and a method of calculating".

(2) In SECTION 2 of the committee substitute, in added Section 16.403(b), Water Code (page 2, between lines 68 and 69), insert the following new Subdivision (2) and renumber the remaining subdivisions in proposed Section 16.403(b) accordingly:

"(2) a method of calculating total water use by a municipality or water utility in gallons per capita per day;"

The amendment to **CSSB 181** 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 Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 181 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 181 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 **CSSB 181** 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 181**, 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 181** 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.

WENTWORTH

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

SENATE BILL 390 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 390** at this time on its second reading:

SB 390, Relating to the continuing issuance of freshwater fishing stamps by the Parks and Wildlife Department.

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 390 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 390** 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 390**, 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 390** 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.

WENTWORTH

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

SENATE BILL 801 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 801** at this time on its second reading:

SB 801, Relating to the authority of the seawall commission in Matagorda County to build and maintain recreational facilities near the seawall.

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 801 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 801** 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 801**, 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 801** 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.

WENTWORTH

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

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President 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 Deuell.

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

The President 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 31, Nays 0.

Member, Assistive and Rehabilitative Services Council: Judy Castle Scott, Dallas County.

Commissioner, Canadian River Compact Commission: James Edward Herring, Potter County.

Member, Board of Directors, North Texas Tollway Authority: Robert Kelly Shepard, Parker County.

Independent Ombudsman, Office of Independent Ombudsman for State Supported Living Centers: George Peter Bithos, Travis County.

Member, State Commission on Judicial Conduct: David Bradford Gaultney, Montgomery County.

Members, State Soil and Water Conservation Board: Larry D. Jacobs, Montgomery County; Joe L. Ward, Fannin County.

Member, Texas Alcoholic Beverage Commission: Jose Cuevas, Midland County.

Members, Texas Board of Criminal Justice: Lawrence James Gist, Jefferson County; Thomas Richard Mechler, Randall County; Leopoldo R. Vasquez, Harris County.

Members, Texas Historical Commission: Earl Paul Broussard, Travis County; Matthew Ferdinand Kreisler, Travis County; Frank Thomas Perini, Taylor County; Judy Carolyn Richardson, Burleson County; Daisy Sloan White, Harris County.

Members, Board of Regents, Texas Southern University: Gary Lynn Bledsoe, Travis County; Samuel Lee Bryant, Travis County; Richard Knight, Dallas County; Marilyn Agatha Rose, Harris County.

Members, Texas Veterans Commission: Richard Alexander McLeon, Victoria County; Daniel Patrick Moran, Harris County; James Henry Scott, Bexar County.

Members, Board of Regents, Texas Woman's University: Deborah Sue Gibson, Harris County; Melissa D. Tonn, Dallas County; Mary Pincoffs Wilson, Travis County.

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 today:

SB 49, SB 290, SB 596, SB 597, SB 778, SB 949.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a McMullen County delegation.

The Senate welcomed its guests.

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Eltife 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 8:30 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 Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting today and tomorrow during the Local and Uncontested Calendar Session.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Mat Sexwale and his son, Ragina.

The Senate welcomed its guests.

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 **SB 655** today.

MOTION TO RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:15 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading, until 8:30 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Tom Vandergriff, upon conclusion of the Local and Uncontested Calendar Session, until 10:00 a.m. tomorrow.

SENATE BILLS ON FIRST READING

The following bills, filed on or before Friday, March 11, 2011, were introduced, read first time, and referred to the committees indicated:

SB 846 by Patrick

Relating to the scope of practice of advanced practice nurses at certain sites serving medically underserved populations.

To Committee on Finance.

SB 858 by Van de Putte

Relating to the regulation of the practice of dental hygiene.

To Committee on Finance.

SB 891 by Carona

Relating to certain investments by insurance companies and related organizations.

To Committee on Economic Development.

SB 961 by Uresti

Relating to the authority of physicians and physician assistants to form certain entities.

To Committee on State Affairs.

SB 1056 by Carona

Relating to regulation of the practice of therapeutic optometry.

To Committee on Finance.

SB 1143 by Uresti

Relating to the regulation of orthotists and prosthetists.

To Committee on Finance.

SB 1260 by Ellis

Relating to licensing of advanced practice registered nurses and the authority of those nurses to prescribe and order prescription drugs.

To Committee on Finance.

SB 1264 by Uresti

Relating to the practice of podiatry.

To Committee on Finance.

SB 1319 by Lucio

Relating to home loans that are not federally related mortgage loans; providing civil penalties.

To Committee on Business and Commerce.

SB 1320 by Lucio

Relating to deceptive trade practices in connection with executing and filing deeds in lieu of foreclosure.

To Committee on Business and Commerce.

SB 1500 by Watson

Relating to liability for the death of a pet.

To Committee on State Affairs.

SB 1541 by Watson

Relating to the inclusion of certain emissions reduction projects or activities in the cost of a transportation project of a regional mobility authority.

To Committee on Transportation and Homeland Security.

SB 1542 by Watson

Relating to a limited waiver of sovereign immunity for state and local governmental entities in certain employment lawsuits filed by nurses.

To Committee on State Affairs.

SB 1543 by Wentworth

Relating to the authority of independent school districts to invest in corporate bonds.

To Committee on Education.

SB 1544 by Patrick

Relating to a determination on granting assault leave to a certified educator where there has been a juvenile or criminal conviction.

To Committee on Education.

SB 1545 by Patrick

Relating to the liability of a volunteer health care practitioner who conducts a physical examination or medical screening of a student athlete.

To Committee on State Affairs.

SB 1546 by Patrick

Relating to scheduling property tax appeal hearings and legal fees for judicial appeals.

To Committee on Intergovernmental Relations.

SB 1547 by Patrick

Relating to the foreclosure of certain property associations' assessment liens.

To Committee on Intergovernmental Relations.

SB 1548 by Patrick

Relating to the creation of DNA records for the DNA database system and to an offense involving the release of a DNA sample to an unauthorized recipient.

To Committee on Criminal Justice.

SB 1549 by Rodriguez, Ellis

Relating to the eligibility of and requirements applicable to certain persons for supplemental nutrition assistance.

To Committee on Health and Human Services.

SB 1550 by Rodriguez

Relating to the use of seclusion by community centers.

To Committee on Health and Human Services.

SB 1551 by Rodriguez

Relating to missing children and missing persons; providing a criminal penalty.

To Committee on Jurisprudence.

SB 1552 by Rodriguez

Relating to reimbursement for certain emergency services provided to persons enrolled in the Medicaid managed care program.

To Committee on Health and Human Services.

SB 1553 by Rodriguez

Relating to criminal history record information checks of employees of residential dwelling projects, including employees of public housing authorities.

To Committee on Intergovernmental Relations.

SB 1554 by Rodriguez

Relating to the designation of certain municipal housing authority employees as peace officers.

To Committee on Criminal Justice.

SB 1555 by Rodriguez

Relating to the investment of the permanent university fund and other funds under the management and control of the board of regents of The University of Texas System.

To Committee on Higher Education.

SB 1556 by Rodriguez

Relating to requirements for reapportionment of congressional districts.

To Committee on Redistricting.

SB 1557 by Carona

Relating to the establishment of the Texas High Performance Schools Consortium.

To Committee on Education.

SB 1558 by Carona

Relating to change order approval requirements for certain political subdivisions of the state.

To Committee on Intergovernmental Relations.

SB 1559 by Carona

Relating to requirements for certain arrangements or agreements of certain regional transportation authorities.

To Committee on Transportation and Homeland Security.

SB 1560 by Ellis

Relating to liability of certain local emergency management or homeland security organizations.

To Committee on State Affairs.

SB 1561 by Davis

Relating to state agency purchasing.

To Committee on State Affairs.

SB 1562 by Williams

Relating to the designation of a segment of Texas State Highway 75 as the 75th Ranger Regiment Highway.

To Committee on Transportation and Homeland Security.

SB 1563 by West

Relating to the methodology for the certification of funds to support satisfactory performance on certain state assessments.

To Committee on Education.

SB 1564 by West

Relating to developmental education courses and the assessment of student readiness under the Texas Success Initiative for public institutions of higher education.

To Committee on Higher Education.

SB 1565 by Ellis, Eltife

Relating to encouraging public participation by citizens by protecting a person's right to petition, right of free speech, and right of association from meritless lawsuits arising from actions taken in furtherance of those rights.

To Committee on State Affairs.

SB 1566 by Uresti

Relating to the licensure of anesthesiologist assistants; providing penalties.

To Committee on Finance.

SB 1567 by Uresti

Relating to the threshold amount at which public utilities are required to report a transaction.

To Committee on Business and Commerce.

SB 1568 by Estes

Relating to shareholder standing after mergers.

To Committee on Business and Commerce.

SB 1569 by Estes

Relating to the remediation of underground storage tanks and the fee on delivery of certain petroleum products.

To Committee on Natural Resources.

SB 1570 by Estes

Relating to the sale of surplus leased land by a governmental entity to a private party.
To Committee on State Affairs.

SB 1571 by Watson

Relating to information subject to the public information law.
To Committee on Open Government.

SB 1572 by Watson

Relating to intelligence data standards and protected personal information.
To Committee on Transportation and Homeland Security.

SB 1573 by Watson

Relating to emergency services districts.
To Committee on Intergovernmental Relations.

SB 1574 by Watson

Relating to the use of money in a tax increment fund to pay costs related to public improvements used for social services programs that promote the development or redevelopment of a reinvestment zone.
To Committee on Economic Development.

SB 1575 by Watson

Relating to authorizing certain brewers and manufacturers to sell beer and ale to ultimate consumers.
To Committee on Business and Commerce.

SB 1576 by Ellis

Relating to requirements related to the reporting of emissions events by certain regulated entities under the Clean Air Act.
To Committee on Natural Resources.

SB 1577 by Ellis

Relating to the hotel occupancy tax on the price paid for a hotel room.
To Committee on Intergovernmental Relations.

SB 1578 by Williams

Relating to the addition of a county to a freight rail district.
To Committee on Transportation and Homeland Security.

SB 1579 by Ogden

Relating to state fiscal matters related to general government.
To Committee on Finance.

SB 1580 by Ogden

Relating to state fiscal matters related to health and human services and state agencies administering health and human services programs.
To Committee on Finance.

SB 1581 by Ogden

Relating to state fiscal matters related to public and higher education.
To Committee on Finance.

SB 1582 by Ogden

Relating to state fiscal matters related to the judiciary.

To Committee on Finance.

SB 1583 by Ogden

Relating to state fiscal matters related to law enforcement and criminal justice.

To Committee on Finance.

SB 1584 by Ogden

Relating to state fiscal matters related to natural resources and the environment.

To Committee on Finance.

SB 1585 by Ogden

Relating to state fiscal matters regarding business and economic development.

To Committee on Finance.

SB 1586 by Ogden

Relating to state fiscal matters related to certain regulatory agencies.

To Committee on Finance.

SB 1587 by Ogden

Relating to the remittance and allocation of certain taxes and fees.

To Committee on Finance.

SB 1588 by Ogden

Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

To Committee on Finance.

SB 1589 by Ogden

Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

To Committee on Finance.

SB 1590 by Ogden

Relating to the Texas Economic Development Act.

To Committee on Finance.

SB 1591 by Duncan

Relating to the goal of installing additional capacity for generating landfill gas energy.

To Committee on Natural Resources.

SB 1592 by Wentworth

Relating to the expiration of a county burn ban.

To Committee on Intergovernmental Relations.

SB 1593 by Wentworth

Relating to the admissibility of certain evidence obtained solely as the direct result of a request for emergency medical services for an overdose.

To Committee on Criminal Justice.

SB 1594 by Wentworth

Relating to offers of settlement in civil cases.

To Committee on State Affairs.

SB 1595 by Wentworth

Relating to species-protection programs for the Edwards Aquifer, the Guadalupe River Basin, the San Antonio River Basin, and the San Antonio Bay and estuary system; imposing a tax.

To Committee on Natural Resources.

SB 1596 by Wentworth

Relating to changes in participation in public utility agencies.

To Committee on Intergovernmental Relations.

SB 1597 by Wentworth

Relating to competitive bid requirements for public utility agencies that award construction contracts.

To Committee on Intergovernmental Relations.

SB 1598 by Carona

Relating to the inspection of portable fire extinguishers.

To Committee on Business and Commerce.

SB 1599 by Carona

Relating to the requirements for an insurance adjuster license.

To Committee on Business and Commerce.

SB 1600 by Whitmire

Relating to the registration of peace officers as private security officers.

To Committee on Criminal Justice.

SB 1601 by Seliger

Relating to the licensing and regulation of chiropractors.

To Committee on Finance.

SB 1602 by Seliger

Relating to the exemption from the sales and use tax for certain agricultural items.

To Committee on Finance.

SB 1603 by Seliger

Relating to the basis for apportioning annual per capita payments from the available school fund.

To Committee on Education.

SB 1604 by Seliger

Relating to weight limits on a vehicle loaded with certain agricultural products.

To Committee on Transportation and Homeland Security.

SB 1605 by Seliger

Relating to the Texas Low-Level Radioactive Waste Disposal Compact Commission.

To Committee on Natural Resources.

SB 1606 by Seliger

Relating to reporting requirements regarding groundwater withdrawals for water wells.

To Committee on Natural Resources.

SB 1607 by Carona

Relating to the duties and responsibilities of certain county officials and the functions of county government.

To Committee on Jurisprudence.

SB 1608 by Carona

Relating to operating a motor vehicle without a driver's license; creating an offense.

To Committee on Transportation and Homeland Security.

SB 1609 by Carona

Relating to fees charged for the management and preservation of the county clerk's records.

To Committee on Intergovernmental Relations.

SB 1610 by Lucio, Williams

Relating to seat belt requirements for certain vehicles.

To Committee on Transportation and Homeland Security.

SB 1611 by Wentworth

Relating to the funding of projects in the boundaries of an intermunicipal commuter rail district.

To Committee on Transportation and Homeland Security.

SB 1612 by Ogden

Relating to the monitoring, oversight, and funding of certain public retirement systems.

To Committee on State Affairs.

SB 1613 by Ogden

Relating to public meetings and information disclosure exemptions for public power utilities.

To Committee on Open Government.

SB 1614 by Van de Putte

Relating to payment of and disclosures related to certain ambulatory surgical center charges.

To Committee on State Affairs.

SB 1615 by West

Relating to the creation of the offense of electronic transmission of certain visual material depicting a minor.

To Committee on Criminal Justice.

SB 1616 by West

Relating to the collection, storage, preservation, retrieval, and destruction of biological evidence.

To Committee on Criminal Justice.

SB 1617 by Harris

Relating to the discretionary transfer from a juvenile court to a criminal court of certain alleged offenses arising out of a single criminal transaction.

To Committee on Jurisprudence.

SB 1618 by Seliger

Relating to electronic reporting by certain state entities and to the review of continual report requirements.

To Committee on Government Organization.

SB 1619 by Duncan

Relating to the calculation of average daily attendance for a public school student participating in the college credit program.

To Committee on Education.

SB 1620 by Duncan

Relating to an approval process for substitution of certain career and technology courses for mathematics and science courses otherwise required under the recommended and advanced high school programs.

To Committee on Education.

SB 1621 by Van de Putte

Relating to establishing veterans resource centers at certain institutions of higher education.

To Committee on Veteran Affairs and Military Installations.

SB 1622 by Van de Putte

Relating to a secondary-level English language learners' program for public school students of limited English proficiency.

To Committee on Education.

SB 1623 by Van de Putte

Relating to transfer of a student of limited English proficiency out of a public school bilingual education or special language program.

To Committee on Education.

SB 1624 by Hegar

Relating to Prairie View A&M University's eligibility to participate in the research development fund.

To Committee on Higher Education.

SB 1625 by Hegar

Relating to the administration, powers, duties, and operation of the Edwards Aquifer Authority.

To Committee on Natural Resources.

SB 1626 by Hegar

Relating to the punishment for criminal mischief involving cattle, horses, and exotic livestock.

To Committee on Criminal Justice.

SB 1627 by Hegar

Relating to creation and administration of a program to provide grants for certain elementary and secondary students for academic achievement.
To Committee on Education.

SB 1628 by Birdwell

Relating to the population of a county required to operate a juvenile justice alternative education program.
To Committee on Jurisprudence.

SB 1629 by Birdwell

Relating to the applicability of provisions concerning bond approval by the Texas Commission on Environmental Quality to certain water entities.
To Committee on Natural Resources.

SB 1630 by Birdwell

Relating to the regulation of residential appliance installation under the Texas Electrical Safety and Licensing Act.
To Committee on Business and Commerce.

SB 1631 by Birdwell

Relating to the determination of resident status of students by public institutions of higher education.
To Committee on Higher Education.

SB 1632 by Birdwell

Relating to certain do-not-resuscitate orders and advance directives; providing penalties.
To Committee on State Affairs.

SB 1633 by Davis

Relating to the adoption of rules by the Railroad Commission of Texas regulating the exploration for and production of natural gas in the unincorporated areas of certain counties.
To Committee on Natural Resources.

SB 1634 by Davis

Relating to the sealing of the records of juveniles who are the victims of human trafficking and have been adjudicated to have engaged in certain delinquent conduct.
To Committee on Criminal Justice.

SB 1635 by Davis

Relating to contributions to the fund for veterans' assistance.
To Committee on Veteran Affairs and Military Installations.

SB 1636 by Davis

Relating to the collection, analysis, and preservation of sexual assault or DNA evidence.
To Committee on Criminal Justice.

SB 1637 by Davis

Relating to assisting foster children in obtaining and understanding the child's credit report.

To Committee on Health and Human Services.

SB 1638 by Davis

Relating to the exception of certain personal information from required disclosure under the public information law.

To Committee on Open Government.

SB 1639 by Davis

Relating to certain exceptions and permits granted by the Railroad Commission.

To Committee on Natural Resources.

SB 1640 by Davis

Relating to payment by the Benbrook Water Authority for certain damages caused by the authority's operation of a sanitary sewer system.

To Committee on Intergovernmental Relations.

SB 1641 by Davis

Relating to the location for conducting certain hearings of the Railroad Commission of Texas.

To Committee on Natural Resources.

SB 1642 by Davis

Relating to transferring primary authority for the adoption of the public school curriculum and textbooks from the State Board of Education to the commissioner of education.

To Committee on Education.

SB 1643 by Uresti

Relating to mandatory dismissal deadlines and extended jurisdiction in suits affecting the parent child relationship to which the Department of Family and Protective Services is a party.

To Committee on Jurisprudence.

SB 1644 by Uresti

Relating to the prescription of tamper-resistant opioid analgesic drugs; providing an administrative penalty.

To Committee on Health and Human Services.

SB 1645 by Uresti

Relating to the authority to create and operate a defense base management authority.

To Committee on Veteran Affairs and Military Installations.

SB 1646 by Uresti

Relating to the powers and duties of a defense base management authority.

To Committee on Veteran Affairs and Military Installations.

SB 1647 by Uresti

Relating to the payment of ad valorem taxes on mineral interests held by an entity other than the owner.

To Committee on Finance.

SB 1648 by Watson

Relating to the establishment of an academic health center by a university system.

To Committee on Higher Education.

SB 1649 by Watson

Relating to a grant program to support the prosecution of certain crimes.

To Committee on Transportation and Homeland Security.

SB 1650 by Watson

Relating to certain comprehensive development agreements of regional mobility authorities.

To Committee on Transportation and Homeland Security.

SB 1651 by Watson

Relating to comprehensive development agreements of the Texas Department of Transportation that include the financing, design, and construction of a project.

To Committee on Transportation and Homeland Security.

SB 1652 by Watson

Relating to the implementation of new technology and new processes for the purposes of budget transparency, fiscal responsibility, and open government.

To Committee on Finance.

SB 1653 by Watson

Relating to the format of the general appropriations bill.

To Committee on Finance.

SB 1654 by Watson, Harris

Relating to local government authority to develop public infrastructure and facilities.

To Committee on Intergovernmental Relations.

SB 1655 by Watson

Relating to the transparency and propagation of information regarding personal automobile and residential property insurance rates, policies, and complaints.

To Committee on Business and Commerce.

SB 1656 by Watson

Relating to prohibition on certain underwriting and rating actions based on consumer inquiries.

To Committee on Business and Commerce.

SB 1657 by Hinojosa

Relating to claims for and distribution of unclaimed land grant mineral proceeds.

To Committee on Finance.

SB 1658 by Hinojosa

Relating to the membership and duties of, and the investigations conducted by, the Texas Forensic Science Commission, the administrative attachment of the Texas Forensic Science Commission to the Department of Public Safety, and the accreditation of criminal laboratories by the Department of Public Safety.

To Committee on Criminal Justice.

SB 1659 by Lucio

Relating to the provision of water and certain equipment by water supply or sewer service corporations for use in fire suppression and the liability of those corporations.

To Committee on Natural Resources.

SB 1660 by Lucio

Relating to certain unclaimed property of veterans and veterans' families.

To Committee on Veteran Affairs and Military Installations.

SB 1661 by Duncan

Relating to health organizations certified by the Texas Medical Board under Subchapter A, Chapter 162, Occupations Code.

To Committee on State Affairs.

SB 1662 by West

Relating to the payment of certain costs associated with certain educational programs of Prairie View A&M University.

To Committee on Higher Education.

SB 1663 by Ellis

Relating to the repeal of state sales tax and franchise tax refunds for certain ad valorem tax payers.

To Committee on Finance.

SB 1664 by Duncan

Relating to the powers and duties of and benefits available under the Employees Retirement System of Texas.

To Committee on State Affairs.

SB 1665 by Duncan

Relating to the expiration of certain investment authority of the Teacher Retirement System of Texas.

To Committee on State Affairs.

SB 1666 by Duncan

Relating to the authority of the Teacher Retirement System of Texas to invest in hedge funds.

To Committee on State Affairs.

SB 1667 by Duncan

Relating to the administration of and benefits payable by the Teacher Retirement System of Texas and to certain domestic relations orders.

To Committee on State Affairs.

SB 1668 by Duncan

Relating to purchase of service credit in the Teacher Retirement System of Texas.
To Committee on State Affairs.

SB 1669 by Duncan

Relating to the resumption of service by retirees under the Teacher Retirement System of Texas.
To Committee on State Affairs.

SB 1670 by Duncan

Relating to the definition of "school year" for purposes of the Teacher Retirement System of Texas.
To Committee on State Affairs.

SB 1671 by Duncan

Relating to the Teacher Retirement System of Texas.
To Committee on State Affairs.

SB 1672 by Ellis

Relating to authorizing the issuance of revenue bonds for a library at Texas Southern University.
To Committee on Finance.

SB 1673 by Gallegos

Relating to the composition of the Texas Commission on Fire Protection and the disposition of certain fees collected by the commission.
To Committee on Intergovernmental Relations.

SB 1674 by Gallegos

Relating to the composition of the board of directors of certain tax increment financing reinvestment zones.
To Committee on Economic Development.

SB 1675 by Duncan

Relating to the inclusion in the results of an election of ballots that were mistakenly not counted.
To Committee on State Affairs.

SB 1676 by Ellis

Relating to educational and training requirements for certain peace officers on ethical decision making.
To Committee on Criminal Justice.

SB 1677 by Ellis

Relating to court costs imposed on conviction and deposited to the municipal court building security fund.
To Committee on Jurisprudence.

SB 1678 by Ellis

Relating to court costs imposed on conviction and deposited to the municipal court technology fund.
To Committee on Jurisprudence.

SB 1679 by Ellis

Relating to consideration of a bidder's principal place of business in awarding certain municipal contracts.

To Committee on Intergovernmental Relations.

SB 1680 by Ellis

Relating to certain evidence in a prosecution of fraud or theft involving Medicaid or Medicare benefits.

To Committee on Criminal Justice.

SB 1681 by Ellis

Relating to the appointment of counsel and the rights of an accused and other requirements for the purposes of appellate proceedings or community supervision revocation proceedings.

To Committee on Criminal Justice.

SB 1682 by Ellis

Relating to the creation of managed assigned counsel programs.

To Committee on Jurisprudence.

SB 1683 by Ellis

Relating to the eligibility of certain inmates for release on mandatory supervision.

To Committee on Criminal Justice.

SB 1684 by Ellis

Relating to procedures applicable to an applicant entitled to habeas corpus under certain circumstances.

To Committee on Criminal Justice.

SB 1685 by Ellis

Relating to the time for correcting an application for compensation for wrongful imprisonment that is denied.

To Committee on State Affairs.

SB 1686 by Ellis

Relating to group health insurance coverage for persons wrongfully imprisoned.

To Committee on State Affairs.

SB 1687 by Ellis

Relating to information on turnover among county jail personnel.

To Committee on Criminal Justice.

SB 1688 by Ellis

Relating to the authority of the governor to grant one or more reprieves in a capital case.

To Committee on Criminal Justice.

SB 1689 by Duncan

Relating to the process for refusing to renew an organization report for an operator that fails to plug an inactive oil or gas well.

To Committee on Natural Resources.

SB 1690 by Lucio

Relating to the consideration of and action on applications for financial assistance for water supply and sewer service projects in economically distressed areas.

To Subcommittee on Flooding and Evacuations.

SB 1691 by Lucio

Relating to the establishment of the rural housing land assemblage program.

To Committee on International Relations and Trade.

SB 1692 by Lucio

Relating to municipal and county budgets on the Internet.

To Committee on Open Government.

SB 1693 by Carona

Relating to periodic rate adjustments by electric utilities.

To Committee on Business and Commerce.

SB 1694 by Williams

Relating to the use of a mobile tracking device without a court order in the course of a criminal investigation.

To Committee on Transportation and Homeland Security.

SB 1695 by Williams

Relating to penalties for engaging in organized criminal activity.

To Committee on Transportation and Homeland Security.

SB 1696 by Williams

Relating to an automatic license plate reader pilot program.

To Committee on Transportation and Homeland Security.

SB 1697 by Williams

Relating to duties and restrictions regarding the special Texas Rangers.

To Committee on Transportation and Homeland Security.

SB 1698 by Williams

Relating to reporting on the population of and the housing costs for certain inmates in county jails.

To Committee on Transportation and Homeland Security.

SB 1699 by Williams

Relating to authorizing the use of an image verification system to determine whether an applicant for a driver's license or personal identification certificate is a fugitive from justice.

To Committee on Transportation and Homeland Security.

SB 1700 by Williams

Relating to checkpoints to ensure the validity of licenses and financial responsibility of vehicle operators.

To Committee on Transportation and Homeland Security.

SB 1701 by Williams

Relating to procedures for and evidence that may be presented at a criminal asset forfeiture hearing and to the forfeiture of substitute assets under certain circumstances.
To Committee on Transportation and Homeland Security.

SB 1702 by Williams

Relating to the establishment of a task force to enhance the prosecution and tracking of money laundering in this state.
To Committee on Transportation and Homeland Security.

SB 1703 by Williams

Relating to the declaration of local disaster.
To Committee on Transportation and Homeland Security.

SB 1704 by Shapiro

Relating to educator preparation programs.
To Committee on Education.

SB 1705 by Lucio

Relating to temporary housing between academic terms for certain postsecondary students who have been under the conservatorship of the Department of Family and Protective Services.
To Committee on Higher Education.

SB 1706 by Lucio

Relating to certain comprehensive development agreements of regional mobility authorities.
To Committee on Transportation and Homeland Security.

SB 1707 by Lucio

Relating to certain comprehensive development agreements of regional mobility authorities.
To Committee on Transportation and Homeland Security.

SB 1708 by Lucio

Relating to certain comprehensive development agreements of regional mobility authorities.
To Committee on Transportation and Homeland Security.

SB 1709 by Lucio

Relating to certain comprehensive development agreements of regional mobility authorities.
To Committee on Transportation and Homeland Security.

SB 1710 by Lucio

Relating to certain comprehensive development agreements of regional mobility authorities.
To Committee on Transportation and Homeland Security.

SB 1711 by Lucio

Relating to certain comprehensive development agreements of regional mobility authorities.

To Committee on Transportation and Homeland Security.

SB 1712 by Jackson

Relating to providing notice of foreclosure to certain lien holders.

To Committee on Intergovernmental Relations.

SB 1713 by Whitmire

Relating to the use of the compensation to victims of crime fund to reimburse the reasonable costs of a forensic medical exam for family violence.

To Committee on Criminal Justice.

SB 1714 by Duncan

Relating to certain actions against an employer by an employee who is not covered by workers' compensation insurance.

To Committee on State Affairs.

SB 1715 by Duncan

Relating to regulation of the management and disposal of certain drinking water treatment residuals through underground injection.

To Committee on Natural Resources.

SB 1716 by Duncan

Relating to voidability of contracts procured through barratry and liability arising from conduct constituting barratry; providing a civil penalty.

To Committee on State Affairs.

SB 1717 by Duncan

Relating to the operation and administration of the judicial branch of state government.

To Committee on Jurisprudence.

SB 1718 by Duncan

Relating to filling vacancies in appellate judicial offices by appointment, partisan elections for all judicial offices, and nonpartisan elections for the retention or rejection for all judicial offices.

To Committee on State Affairs.

SB 1719 by Williams

Relating to certain comprehensive development agreements of the Texas Department of Transportation.

To Committee on Transportation and Homeland Security.

SB 1720 by Duncan

Relating to state fiscal matters; creating an offense.

To Committee on Finance.

SB 1721 by Duncan

Relating to the exemption from the sales and use tax for tangible personal property or a taxable service that is resold or otherwise transferred.

To Committee on Finance.

SB 1722 by Hinojosa

Relating to the confidentiality of certain information pertaining to the State Commission on Judicial Conduct.

To Committee on Jurisprudence.

SB 1723 by Zaffirini

Relating to tuition and fee exemptions for certain military personnel and their spouses and dependent children for under-enrolled undergraduate classes at public institutions of higher education.

To Committee on Veteran Affairs and Military Installations.

SB 1724 by Zaffirini

Relating to conditions on the receipt of tuition and fee exemptions at public institutions of higher education.

To Committee on Higher Education.

SB 1725 by Zaffirini

Relating to a tuition exemption at a four-year public institution of higher education based on a student's academic performance and timely progress toward completion of a baccalaureate degree program.

To Committee on Higher Education.

SB 1726 by Zaffirini

Relating to the development of measurable learning outcomes for undergraduate courses at public institutions of higher education.

To Committee on Higher Education.

SB 1727 by Zaffirini

Relating to a fixed tuition rate program for certain students who transfer to a state university after completing an associate degree program.

To Committee on Higher Education.

SB 1728 by Zaffirini

Relating to a requirement that developmental coursework required for entering undergraduate students at four-year public institutions of higher education be completed at a public junior college.

To Committee on Higher Education.

SB 1729 by Zaffirini

Relating to the Texas Science, Technology, Engineering, and Mathematics (T-STEM) Challenge Scholarship program.

To Committee on Higher Education.

SB 1730 by Zaffirini

Relating to requiring the Texas Higher Education Coordinating Board to create a tool to allow prospective students to compare institutions of higher education by certain criteria.

To Committee on Higher Education.

SB 1731 by Zaffirini

Relating to requiring public junior colleges to offer an academic associate degree program.

To Committee on Higher Education.

SB 1732 by Van de Putte

Relating to authorizing the adjutant general to establish post exchanges on state military property.

To Committee on Veteran Affairs and Military Installations.

SB 1733 by Van de Putte

Relating to the occupational licensing of spouses of members of the military.

To Committee on Veteran Affairs and Military Installations.

SB 1734 by Van de Putte

Relating to tuition and fee exemptions at public institutions of higher education for certain Texas military veterans.

To Committee on Veteran Affairs and Military Installations.

SB 1735 by Van de Putte

Relating to limited purpose subsidiary life insurance companies.

To Committee on State Affairs.

SB 1736 by Van de Putte

Relating to the establishment of the College Credit for Heroes program.

To Committee on Veteran Affairs and Military Installations.

SB 1737 by Van de Putte

Relating to the use and accrual of leaves of absence for military training or duty for officers and employees of the state

To Committee on Veteran Affairs and Military Installations.

SB 1738 by Harris

Relating to insurance premium and maintenance taxes, and payment of excess losses of the Windstorm Insurance Association.

To Committee on Business and Commerce.

SB 1739 by Davis, Van de Putte

Relating to the use of the fund for veterans' assistance.

To Committee on Veteran Affairs and Military Installations.

SB 1740 by Fraser

Relating to the Texas Windstorm Insurance Association.

To Committee on Business and Commerce.

SB 1741 by Fraser

Relating to tree mitigation fees imposed by municipalities.

To Committee on Natural Resources.

SB 1742 by Fraser

Relating to the operation of plug-in electric motor vehicles.

To Committee on Transportation and Homeland Security.

SB 1743 by Fraser

Relating to access by members of electric cooperatives to meetings of the boards of directors and certain information of the electric cooperatives.

To Committee on Business and Commerce.

SB 1744 by Eltife

Relating to the certification of a certified capital company.

To Committee on Economic Development.

SB 1745 by Gallegos

Relating to enforcement by a local government of fire safety standards at certain child-care facilities.

To Committee on Health and Human Services.

SB 1746 by Gallegos

Relating to the conditions of employment for firefighters employed by fire departments created by an interlocal agreement between two or more political subdivisions of this state; providing penalties.

To Committee on Intergovernmental Relations.

SB 1747 by Gallegos

Relating to the conditions of employment for firefighters employed by certain emergency services districts; providing penalties.

To Committee on Intergovernmental Relations.

SB 1748 by Gallegos

Relating to the licensing and regulation of fire protection sprinkler technicians; providing a penalty.

To Committee on Business and Commerce.

SB 1749 by Uresti

Relating to the admissibility of certain statements made by a child in a juvenile justice or criminal proceeding.

To Committee on Criminal Justice.

SB 1750 by Uresti

Relating to a physician's authority to delegate prescribing acts to physician assistants.

To Committee on Finance.

SB 1751 by Uresti

Relating to calculation of the net resources of a person ordered to pay child support.

To Committee on Jurisprudence.

SB 1752 by Uresti

Relating to confidentiality of Class C misdemeanor records related to the conviction of a child.

To Committee on Jurisprudence.

SB 1753 by Duncan

Relating to the designation of the San Angelo State Supported Living Center as a forensic state supported living center.

To Committee on Health and Human Services.

SB 1754 by Van de Putte

Relating to the closed formulary for workers' compensation pharmaceutical benefits.

To Committee on State Affairs.

SB 1755 by Van de Putte

Relating to the issuance of Distinguished Service Medal specialty license plates.

To Committee on Veteran Affairs and Military Installations.

SB 1756 by Uresti

Relating to the substitution by a pharmacist of certain opioid analgesic drugs.

To Committee on Health and Human Services.

SB 1757 by Uresti

Relating to the exemption from ad valorem taxation of property used by a charitable organization that promotes the academic development of boys or girls under the age of 18 years.

To Committee on Finance.

SB 1758 by Lucio

Relating to the provision of affordable housing in this state.

To Committee on Intergovernmental Relations.

SB 1759 by Lucio

Relating to the application process for single family housing loans offered by the Texas Department of Housing and Community Affairs.

To Committee on Intergovernmental Relations.

SB 1760 by Lucio

Relating to notice of water and wastewater requirements before certain sales of certain residential properties.

To Committee on Intergovernmental Relations.

SB 1761 by Hinojosa

Relating to the name, organization, and powers of the Port of Corpus Christi Authority of Nueces County, Texas.

To Committee on International Relations and Trade.

SB 1762 by Hinojosa

Relating to state financing of public transportation.

To Committee on Transportation and Homeland Security.

SB 1763 by Rodriguez

Relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Higher Education Coordinating Board
To Committee on Higher Education.

SB 1764 by Rodriguez

Relating to workers' compensation supplemental income benefits.
To Committee on State Affairs.

SB 1765 by Rodriguez

Relating to rest breaks for employees of certain contractors with a governmental entity.
To Committee on Business and Commerce.

SB 1766 by Rodriguez

Relating to the Texas Code of Military Justice.
To Committee on Veteran Affairs and Military Installations.

SB 1767 by Rodriguez

Relating to the appointment of the board of managers of the El Paso County Hospital District.
To Committee on Intergovernmental Relations.

SB 1768 by Williams

Relating to recovery of uncompensated hospital care costs.
To Committee on Transportation and Homeland Security.

SB 1769 by Rodriguez

Relating to the maintenance by certain hospitals of records regarding certain uncompensated care costs.
To Committee on Health and Human Services.

SB 1770 by Williams

Relating to contracts between advanced practice registered nurses and health maintenance organizations, preferred provider benefit plans or other insurers.
To Committee on State Affairs.

SB 1771 by Williams

Relating to the provision of information by tax officials related to ad valorem tax rates.
To Committee on Finance.

SB 1772 by Williams

Relating to computation of the volume of components blended with taxable diesel for the exemption from motor fuels tax.
To Committee on Finance.

SB 1773 by Williams

Relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings certain appraisal review board determinations.
To Committee on Finance.

SB 1774 by Williams

Relating to the procedure for the adoption of an ad valorem tax rate.

To Committee on Finance.

SB 1777 by Williams

Relating to the composition and appointment of the board of directors of a corporation to which the board of regents of The University of Texas System delegates investment authority for the permanent university fund or other funds under the control of the board of regents.

To Committee on Higher Education.

SB 1778 by Williams

Relating to the creation and administration of a grant program to reward eligible students at elementary and secondary schools for continuing academic progress.

To Committee on Finance.

SB 1779 by Williams

Relating to reports and complaints filed with and notices provided by the Texas Ethics Commission.

To Committee on State Affairs.

SB 1780 by Williams

Relating to delivering, dispensing or distributing a controlled substance; creating a penalty.

To Committee on Criminal Justice.

SB 1781 by Whitmire

Relating to the conditions for release on bond of a defendant charged with certain intoxication offenses.

To Committee on Criminal Justice.

SB 1782 by Ellis

Relating to regulation of health benefit plan issuers in this state.

To Committee on State Affairs.

SB 1783 by Ellis

Relating to a warning notice posted outside of certain buildings that permit smoking; providing a penalty.

To Committee on Health and Human Services.

SB 1784 by Huffman

Relating to workers' compensation insurance coverage for certain workplaces; providing administrative penalties.

To Committee on State Affairs.

SB 1785 by Patrick

Relating to the creation of the Texas Department of Health Professions to regulate certain health professions, the transfer of certain powers and duties to the department, and the abolishment of certain state agencies and other licensing entities.

To Committee on Health and Human Services.

SB 1786 by Patrick

Relating to the coverage by health benefit plans of expenses or procedures that violate certain religious convictions.

To Committee on State Affairs.

SB 1787 by Patrick

Relating to the information provided by a peace officer before requesting a specimen to determine intoxication.

To Committee on Criminal Justice.

SB 1788 by Patrick

Relating to the development of a model individualized education program form by the Texas Education Agency.

To Committee on Education.

SB 1789 by Patrick

Relating to platting requirements affecting subdivision golf courses in certain counties.

To Committee on Intergovernmental Relations.

SB 1790 by Patrick

Relating to distributing or prescribing abortion-inducing drugs; providing penalties.

To Committee on Health and Human Services.

SB 1791 by Patrick

Relating to requiring certain state retirees from the elected class to contribute toward the cost of health insurance.

To Committee on State Affairs.

SB 1792 by Patrick

Relating to unenforceable restrictive covenants affecting residential homes.

To Committee on Intergovernmental Relations.

SB 1793 by Patrick

Relating to liability of certain public utilities that allow recreational use of land that the public utility owns, occupies, or leases.

To Committee on State Affairs.

SB 1794 by Gallegos

Relating to the employment of physicians by hospital districts.

To Committee on State Affairs.

SB 1795 by Gallegos

Relating to the authority of certain local governmental entities in certain populous counties to appoint, contract for, or employ physicians.

To Committee on Intergovernmental Relations.

SB 1796 by Van de Putte, Rodriguez

Relating to the creation of the Texas Veterans Council.

To Committee on Veteran Affairs and Military Installations.

SB 1797 by Ellis

Relating to the operation of the Texas Windstorm Insurance Association.
To Committee on Business and Commerce.

SB 1798 by West

Relating to a presumption that certain retailers are engaged in business in this state for the purpose of the use tax.
To Committee on Finance.

SB 1799 by West

Relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.
To Committee on Higher Education.

SB 1800 by Seliger

Relating to the enforcement of the requirements regarding plugging of inactive oil or gas wells.
To Committee on Natural Resources.

CO-AUTHORS OF SENATE BILL 329

On motion of Senator Watson, Senators Davis and West will be shown as Co-authors of **SB 329**.

CO-AUTHOR OF SENATE BILL 390

On motion of Senator Hegar, Senator Nichols will be shown as Co-author of **SB 390**.

CO-AUTHOR OF SENATE BILL 469

On motion of Senator Nelson, Senator Davis will be shown as Co-author of **SB 469**.

CO-AUTHOR OF SENATE BILL 615

On motion of Senator Rodriguez, Senator Wentworth will be shown as Co-author of **SB 615**.

CO-AUTHOR OF SENATE BILL 715

On motion of Senator Harris, Senator Huffman will be shown as Co-author of **SB 715**.

CO-AUTHOR OF SENATE BILL 763

On motion of Senator Ellis, Senator Davis will be shown as Co-author of **SB 763**.

CO-AUTHOR OF SENATE BILL 945

On motion of Senator Patrick, Senator Rodriguez will be shown as Co-author of **SB 945**.

CO-AUTHOR OF SENATE BILL 1365

On motion of Senator Ellis, Senator Davis will be shown as Co-author of **SB 1365**.

CO-AUTHOR OF SENATE RESOLUTION 392

On motion of Senator Harris, Senator West will be shown as Co-author of **SR 392**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 617 by Watson, In memory of Ale H. "Jim" Hooser.

SR 620 by Wentworth, In memory of Claudia Hudspeth Abbey Ball of San Antonio and Hudspeth County.

Congratulatory Resolutions

SR 602 by Van de Putte, Recognizing John M. Anderson for his participation in the United States Army's Senior Service College Fellows Program.

SR 603 by Van de Putte, Recognizing William Bailey for his participation in the United States Army's Senior Service College Fellows Program.

SR 604 by Van de Putte, Recognizing Timothy R. Baxter for his participation in the United States Army's Senior Service College Fellows Program.

SR 605 by Van de Putte, Recognizing David M. Kaczmarski for his participation in the United States Army's Senior Service College Fellows Program.

SR 606 by Van de Putte, Recognizing William Phillips for his participation in the United States Army's Senior Service College Fellows Program.

SR 607 by Van de Putte, Recognizing Robert G. McVay for his participation in the United States Army's Senior Service College Fellows Program.

SR 608 by Van de Putte, Recognizing Richard J. Noriega for his participation in the United States Army's Senior Service College Fellows Program.

SR 609 by Van de Putte, Recognizing Kurt J. Pinkerton for his participation in the United States Army's Senior Service College Fellows Program.

SR 610 by Van de Putte, Recognizing James H. Raymer for his participation in the United States Army's Senior Service College Fellows Program.

SR 611 by Van de Putte, Recognizing Willie Rios III for his participation in the United States Army's Senior Service College Fellows Program.

SR 612 by Van de Putte, Recognizing Dale B. Rivers for his participation in the United States Army's Senior Service College Fellows Program.

SR 613 by Van de Putte, Recognizing William M. Robare for his participation in the United States Army's Senior Service College Fellows Program.

SR 614 by Van de Putte, Recognizing Maria T. Zumwalt for her participation in the United States Army's Senior Service College Fellows Program.

SR 618 by Wentworth, Recognizing the San Antonio Executives Association on the occasion of its 75th anniversary.

Official Designation Resolutions

SR 619 by Wentworth, Recognizing the Hill Country BBQ and Chili Cook-off as a Texas State Barbecue Championship competition.

SR 621 by Eltife, Recognizing April 12, 2011, as Panola County Day at the State Capitol.

SR 622 by Hinojosa, Recognizing the barbecue cook-off at the Hispanic Heritage Fiesta as a Texas State Barbecue Championship competition.

RECESS

Pursuant to a previously adopted motion, the Senate at 2:03 p.m. recessed until 8:30 a.m. tomorrow for the Local and Uncontested Calendar Session.

In Memory
of
Tom Vandergriff
Senate Resolution 392

WHEREAS, The Senate of the State of Texas joins the citizens of Arlington in mourning the loss of longtime mayor and civic icon Tom Vandergriff, who died December 30, 2010, at the age of 84; and

WHEREAS, Tom Vandergriff played a vital role in transforming Arlington from a small town to a thriving city that is home to major industry and a key destination for sports and recreation; and

WHEREAS, Born January 29, 1926, in Carrollton, Mr. Vandergriff was a 1943 graduate of Arlington High School, where he was voted most likely to succeed; he went on to attend Northwestern University and Southern Methodist University before earning a degree from the University of Southern California; and

WHEREAS, Mr. Vandergriff entered public life at the young age of 23 as president of the Arlington Chamber of Commerce; he learned that General Motors was seeking to build a new assembly plant and ran for mayor to better represent Arlington's interests in acquiring this important addition to its economy; thanks to his untiring efforts, General Motors chose Arlington as the site for its new facility; and

WHEREAS, Mr. Vandergriff served as Arlington's mayor for 26 years and was active in bringing numerous recreational attractions to the city; he was instrumental in the creation of Six Flags Over Texas, and he successfully courted the Washington Senators, who relocated to Arlington and became the Texas Rangers; and

WHEREAS, He oversaw the fund-raising campaign to build Arlington Memorial Hospital and served as chair of its board for 37 years; he also worked to expand Arlington State College into the four-year institution that became The University of Texas at Arlington, and he was instrumental in the formation of the North Central Texas Council of Governments, serving as its first president and as a board member for 15 years; and

WHEREAS, Mr. Vandergriff served a term in the United States House of Representatives and later won election as a Tarrant County judge, a position he held until his retirement; his longstanding commitment to public service has served as an example to all who had the privilege of knowing him; and

WHEREAS, He was a man of vision, strength, and untiring energy, and he gave generously to others; his dedication to his hometown and his ability to relate to people from all walks of life played an important part in creating the legacy of leadership for which he will be long remembered; and

WHEREAS, He was a devoted husband, father, and grandfather, and his family and friends will forever cherish the treasured memories of his life and his many achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family and friends of Tom Vandergriff: his children, Victor Vandergriff, Vanessa Watters, Valerie Kelton, and Viveca Vandergriff; his sister, Virginia Deering; and his five grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for 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 Tom Vandergriff.

HARRIS
DAVIS

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTIETH DAY

(Continued)

(Thursday, March 24, 2011)

AFTER RECESS

The Senate met at 8:30 a.m. and was called to order by Senator Eltife.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Eltife yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

SB 37 (Zaffirini)

Relating to the duration of the interagency task force on ensuring appropriate care settings for persons with disabilities.

(viva voce vote) (31-0) (31-0)

CSSB 61 (Zaffirini)

Relating to juvenile case managers.

(viva voce vote) (31-0) (31-0)

CSSB 72 (Nelson)

Relating to streamlining of and utilization management in Medicaid long-term care waiver programs.

(viva voce vote) (31-0) (31-0)

CSSB 77 (Nelson)

Relating to certain requirements for certain sponsoring organizations and other institutions participating in the Child and Adult Care Food Program.

(viva voce vote) (31-0) (31-0)

SB 80 (Nelson)

Relating to public health laboratories administered by the Department of State Health Services.

(viva voce vote) (31-0) (31-0)

CSSB 101 (Van de Putte)

Relating to the regulation of nonjudicial foreclosure on residences owned by certain members of the military, including foreclosure by a property owners' association.

(viva voce vote) (31-0) (31-0)

SB 132 (Wentworth)

Relating to registration with the Selective Service System of certain applicants for a driver's license or personal identification certificate.

(viva voce vote) (31-0) (31-0)

CSSB 193 (Nelson)

Relating to the regulation of the practice of nursing.

(viva voce vote) (31-0) (31-0)

SB 221 (Nelson)

Relating to the Department of Family and Protective Services, including protective services and investigations of alleged abuse, neglect, or exploitation for certain adults who are elderly or disabled; providing a criminal penalty.

(viva voce vote) (31-0) (31-0)

SB 228 (Nelson)

Relating to reporting requirements for institutions of higher education conducting human stem cell research.

(viva voce vote) (31-0) (31-0)

SB 250 (Zaffirini)

Relating to protective orders for stalking victims.

(viva voce vote) (31-0) (31-0)

SB 256 (Nelson)

Relating to requiring a private autopsy facility to post a notice for filing a complaint against a physician; providing a penalty.

(viva voce vote) (31-0) (31-0)

SB 279 (Davis)

Relating to inclusion of pets and other companion animals in protective orders; providing a penalty.

(viva voce vote) (31-0) (31-0)

CSSB 282 (Zaffirini)

Relating to eliminating certain reporting, planning, student developmental, and other requirements imposed on the Texas Higher Education Coordinating Board or public institutions of higher education.

(viva voce vote) (31-0) (31-0)

SB 283 (Harris)

Relating to the appointment of associate judges in child protective services cases.

(viva voce vote) (31-0) (31-0)

SB 286 (Harris)

Relating to attorney's fees and other amounts taxed as costs in guardianship proceedings.

(viva voce vote) (31-0) (31-0)

SB 333 (Fraser)

Relating to election procedures and qualifications of members of boards of directors for water supply or sewer service corporations.

(viva voce vote) (31-0) (31-0)

SB 335 (Fraser)

Relating to an exemption from regulation as health spas for certain governmental hospitals and clinics.

(viva voce vote) (31-0) (31-0)

SB 351 (Williams)

Relating to the maximum capacity of a container of wine sold to a retail dealer.

(viva voce vote) (31-0) (31-0)

SB 360 (Fraser)

Relating to the composition and use of money in the rural water assistance fund.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)**SB 398** (Duncan)

Relating to the board of hospital managers of the Lubbock County Hospital District.

(viva voce vote) (31-0) (31-0)

SB 400 (Shapiro)

Relating to the entities eligible to make purchases using the cooperative purchasing program administered by the comptroller.

(viva voce vote) (31-0) (31-0)

SB 439 (Van de Putte)

Relating to an exclusion from unemployment compensation chargebacks for certain employers of uniformed service members.

(viva voce vote) (31-0) (31-0)

SB 458 (Seliger)

Relating to initial claims under the unemployment compensation system.

(viva voce vote) (31-0) (31-0)

SB 481 (Harris)

Relating to the removal of a guardian of an incapacitated person ordered by a court.

(viva voce vote) (31-0) (31-0)

SB 485 (Huffman)

Relating to proper venue for certain criminal prosecutions of mortgage fraud.

(viva voce vote) (31-0) (31-0)

CSSB 488 (Van de Putte)

Relating to criminal background checks on users of online dating services and to disclosures of online dating safety measures; providing a civil penalty.

(viva voce vote) (31-0) (31-0)

SB 490 (Fraser)

Relating to the Hamilton County Hospital District.

(viva voce vote) (31-0) (31-0)

SB 494 (Fraser)

Relating to the authority of certain local governmental entities to borrow money for a public hospital.

(viva voce vote) (31-0) (31-0)

SB 502 (West)

Relating to determinations of paternity; creating an offense.

(viva voce vote) (31-0) (31-0)

SB 503 (Jackson)

Relating to coverage for certain towing and storage expenses under a motor vehicle insurance policy.

(viva voce vote) Birdwell, Estes "Nay" (29-2) Birdwell, Estes "Nay" (29-2)
Birdwell, Estes "Nay"

CSSB 542 (Hegar)

Relating to the regulation of law enforcement officers by the Commission on Law Enforcement Officer Standards and Education.

(viva voce vote) (31-0) (31-0)

SB 543 (Hegar)

Relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.

(viva voce vote) (31-0) (31-0)

CSSB 545 (Seliger)

Relating to employment records for law enforcement officers, including procedures to correct employment termination reports; providing an administrative penalty.

(viva voce vote) (31-0) (31-0)

SB 558 (Duncan)

Relating to the Swisher Memorial Hospital District.

(viva voce vote) (31-0) (31-0)

SB 559 (Duncan)

Relating to the Rankin County Hospital District.

(viva voce vote) (31-0) (31-0)

SB 563 (Jackson)

Relating to information regarding job matching services provided by the Texas Workforce Commission; providing a criminal penalty.

(viva voce vote) (31-0) (31-0)

SB 567 (Williams)

Relating to the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

(viva voce vote) (31-0) (31-0)

SB 582 (Harris)

Relating to service of process on certain domestic and foreign entities for the collection of delinquent property taxes.

(viva voce vote) (31-0) (31-0)

SB 594 (Van de Putte)

Relating to certain procedures applicable to electronic prescriptions for Schedule II controlled substances.

(viva voce vote) (31-0) (31-0)

SB 633 (Hinojosa)

Relating to the educational scope of Texas A&M University–Corpus Christi.

(viva voce vote) (31-0) (31-0)

CSSB 638 (Jackson)

Relating to the computation of a surplus credit for certain successor employing units.

(viva voce vote) (31-0) (31-0)

CSSB 716 (Harris)

Relating to the periodic review of the child support guidelines.

(viva voce vote) (31-0) (31-0)

CSSB 761 (West)

Relating to the employment of physicians by certain hospitals associated with nonprofit fraternal organizations.

(viva voce vote) (31-0) (31-0)

SB 764 (Williams)

Relating to a prohibition against use of school district resources for a hotel.

(viva voce vote) (31-0) (31-0)

CSSB 785 (Harris)

Relating to the termination of the parent-child relationship and the duty to pay child support in circumstances involving mistaken paternity.

(viva voce vote) (31-0) (31-0)

SB 792 (Duncan)

Relating to the duties of the secretary of state.

(viva voce vote) (31-0) (31-0)

SB 799 (Nelson)

Relating to the definition of "first sale" for purposes of the taxes imposed on certain liquor.

(viva voce vote) (31-0) (31-0)

CSSB 850 (Zaffirini)

Relating to formula funding for certain semester credit hours earned for dual course credit.

(viva voce vote) (31-0) (31-0)

CSSB 851 (Zaffirini)

Relating to a uniform deadline for student financial assistance for public institutions of higher education other than public junior colleges.

(viva voce vote) (31-0) (31-0)

SB 859 (Duncan)

Relating to small and large employer health group cooperatives.

(viva voce vote) (31-0) (31-0)

SB 886 (Carona)

Relating to the execution docket and other records of certain court clerks.

(viva voce vote) (31-0) (31-0)

SB 890 (Carona)

Relating to certain promotional activities for certain alcoholic beverage permit holders.

(viva voce vote) (31-0) (31-0)

SB 892 (Carona)

Relating to the approval of designs, plans, and specifications of industrialized housing and buildings.

(viva voce vote) (31-0) (31-0)

SB 918 (Wentworth)

Relating to immunity for reporting insurance fraud.

(viva voce vote) (31-0) (31-0)

SB 944 (Jackson)

Relating to the creation of an advisory committee to make recommendations to the commissioner of insurance regarding certain automobile insurance claims.

(viva voce vote) (31-0) (31-0)

SB 983 (Carona)

Relating to the elimination of certain requirements for certain customer-specific communications contracts.

(viva voce vote) (31-0) (31-0)

SCR 11 (Hegar)

Designating May 22 of each year from 2011 through 2020 as William Elmo Merrem Day in honor of the first Eagle Scout from Texas.

(viva voce vote)

SCR 16 (Nelson)

Designating the month of March each year from 2011 through 2020 as Women Veterans Month in tribute to the immeasurable contributions that women in the military have made to this nation.

(viva voce vote)

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 9:00 a.m. adjourned, in memory of Tom Vandergriff, until 10:00 a.m. today.

APPENDIX

COMMITTEE REPORTS

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

March 23, 2011

JURISPRUDENCE — **SB 480, SB 587, SB 786, SB 519**

NATURAL RESOURCES — **SCR 20, SB 353, SB 385, SB 512, SB 691, SB 692, SB 728, SB 914, SB 1003**

BUSINESS AND COMMERCE — **CSSB 438, CSSB 579**

JURISPRUDENCE — **CSSB 285, CSSB 473, CSSB 482, CSSB 483, CSSB 819**

BILLS ENGROSSED

March 22, 2011

SB 240, SB 313, SB 411, SB 461, SB 493, SB 576, SB 777, SB 832

RESOLUTIONS ENROLLED

March 22, 2011

SR 481, SR 515, SR 537, SR 558, SR 565, SR 566, SR 567, SR 568, SR 569, SR 570, SR 571, SR 572, SR 576, SR 577, SR 578, SR 579, SR 580, SR 581, SR 584, SR 585

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FIRST DAY

(Thursday, March 24, 2011)

The Senate met at 10:09 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

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

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

Pastor Joseph Parker, Jr., David Chapel Missionary Baptist Church, Austin, was introduced by Senator Watson and offered the invocation as follows:

Almighty God, today I pray for our Senators as they discuss, debate, deliberate, and decide. May they do justice, love mercy, and walk humbly before You, as they resource and help those hurting and in need. It is not easy for them to represent the diverse people of Texas whose many wants cannot all be satisfied. It is not easy to discern which actions will produce the greatest good for the greatest number. It is not easy to withstand the personal temptations that come with power. So bless them with stamina, compassion, and integrity to fight for and legislate what is right in Your sight. Protect them from losing their wits, nerve, mutual respect, or souls in the heady atmosphere of governmental affairs so that Texans may flourish in a state blessed with liberty, peace, and justice. In this setting I am aware there may be those who do not pray or who do pray but in the names of Yahweh, Allah, Buddha, or some other name; I pray in Jesus' name. Amen.

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

The motion prevailed without objection.

MESSAGES FROM THE GOVERNOR

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

March 23, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be the Inspector General for Health and Human Services for a term to expire February 1, 2012:

Douglas C. Wilson
Pflugerville, Texas

Mr. Wilson is replacing Kelly "Bart" Bevers of Round Rock whose term expired.

To be a member of the Judicial Districts Board for a term to expire December 31, 2014:

Craig T. Enoch
Austin, Texas

Justice Enoch is being reappointed.

To be a member of the Cancer Prevention and Research Institute of Texas Oversight Committee for a term to expire January 31, 2017:

Faith Johnson
Cedar Hill, Texas

Judge Johnson is being reappointed.

To be members of the Texas Board of Professional Geoscientists for terms to expire February 1, 2017:

Becky L. Johnson
Fort Worth, Texas
(replacing Glenn Lowenstein of Houston whose term expired)

Judy A. Reeves
Grapevine, Texas
(replacing Yale Clark of Dallas whose term expired)

Gregory C. Ulmer
Houston, Texas
(Mr. Ulmer is being reappointed)

Respectfully submitted,

/s/Rick Perry
Governor

RESOLUTIONS SIGNED

The President Pro Tempore announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 28, SCR 29.**

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 10:15 a.m. announced the conclusion of morning call.

SENATE BILL 430 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 430** at this time on its second reading:

SB 430, Relating to written notice to a groundwater conservation district of groundwater contamination.

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 430 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 430** 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 430**, 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 430** 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.

WENTWORTH

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

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Tamara Dominguez of San Antonio as the Physician of the Day.

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

GUESTS PRESENTED

Senator Nelson, joined by Senators Davis and Harris, was recognized and introduced to the Senate the Leadership Fort Worth Class 2011.

The Senate welcomed its guests.

SENATE BILL 356 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 356** at this time on its second reading:

SB 356, Relating to awards for certain members of the state military forces inducted into federal service in support of Operations Iraqi Freedom, New Dawn, and Enduring Freedom.

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 356 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 **SB 356** 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 356**, 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 356** 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.

WENTWORTH

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

SENATE BILL 478 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 478** at this time on its second reading:

SB 478, Relating to the protection of stray bison.

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 478 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 478** 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 478**, 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 478** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 762 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 762** at this time on its second reading:

CSSB 762, Relating to the transfer of an ad valorem tax lien; providing for the imposition of an administrative penalty.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 762 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 762** 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 762**, 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 762** 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.

WENTWORTH

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

SENATE BILL 798 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 798** at this time on its second reading:

SB 798, Relating to the amounts of administrative penalties assessed or imposed against certain health facilities.

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 798 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 798** 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 798**, 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 798** 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.

WENTWORTH

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

SENATE BILL 945 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 945** at this time on its second reading:

SB 945, Relating to authorizing a public junior college to award an associate degree to a student enrolled in a four-year public institution of higher education who previously attended the junior college.

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 945 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 945** 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 945**, 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 945** 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.

WENTWORTH

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

SENATE BILL 117 ON SECOND READING

Senator Uresti moved to suspend the regular order of business to take up for consideration **SB 117** at this time on its second reading:

SB 117, Relating to allowing municipally owned utility systems in certain cities to fund a program to aid low-income residents in paying their bills.

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

Nays: Ogden.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 117** (senate committee report) in SECTION 1 of the bill, amended Section 1502.056(a), Government Code (page 1, line 21), between "million" and the comma, by inserting "but less than two million".

The amendment to **SB 117** 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 Uresti and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 117 as amended was passed to engrossment by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

SENATE BILL 117 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 117** be placed on its third reading and final passage.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Ogden, 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 117**, 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 117** 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.

WENTWORTH

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

Nays: Ogden.

SENATE RESOLUTION 624

Senator Harris offered the following resolution:

SR 624, In memory of Senator Don Kennard of Arlington.

The resolution was read.

On motion of Senator Harris, **SR 624** was adopted by a rising vote of the Senate.

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

GUESTS PRESENTED

Senator Harris was recognized and introduced to the Senate Don Kennard's family: his wife, Mary Jo; their daughter, Paige Smith; and their granddaughter, Vivian Smith.

The Senate welcomed its guests and extended its sympathy.

HOUSE CONCURRENT RESOLUTION 62

The President Pro Tempore laid before the Senate the following resolution:

HCR 62, Congratulating the Regents School of Austin football team on winning the 2010 TAPPS Division III state championship.

WATSON

The resolution was read.

On motion of Senator Watson, 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.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Regents School Head Coach Beck Brydon; Craig Doerksen, Headmaster of the Upper School; and senior team members: Brian Hine, Walker Netherton, and Carson Rice.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 966 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 966** at this time on its second reading:

CSSB 966, Relating to high school diplomas for certain military veterans.

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 966 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 966** 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 966**, 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 966** 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.

WENTWORTH

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

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 622 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 622** at this time on its second reading:

CSSB 622, Relating to the privacy of protected health information and personal information; providing civil and criminal penalties.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 622** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 181.001(b), Health and Safety Code, is amended by amending Subdivisions (1), (3), and (4) and adding Subdivision (2-a) to read as follows:

(1) "Commission" [~~"Commissioner"~~] means the Health and Human Services Commission [~~commissioner of health and human services~~].

(2-a) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(3) "Health Insurance Portability and Accountability Act and Privacy Standards" means the privacy requirements in existence on September 1, 2011 [~~August 14, 2002~~], of the Administrative Simplification subtitle of the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) contained in 45 C.F.R. Part 160 and 45 C.F.R. Part 164, Subparts A and E.

(4) "Marketing" means:

(A) making a communication about a product or service that encourages a recipient of the communication to purchase, ~~[or]~~ use, or request the product or service, unless the communication is made:

(i) to describe a health-related product or service or the payment for a health-related product or service that is provided by, or included in a plan of benefits of, the covered entity making the communication, including communications about:

(a) the entities participating in a health care provider network or health plan network;

(b) replacement of, or enhancement to, a health plan; or

(c) health-related products or services available only to a health plan enrollee that add value to, but are not part of, a plan of benefits;

(ii) for treatment of the individual;

(iii) for case management or care coordination for the individual, or to direct or recommend alternative treatments, therapies, health care providers, or settings of care to the individual; or

(iv) by a covered entity to an individual that encourages a change to a prescription drug included in the covered entity's drug formulary or preferred drug list; and

~~(B) [an arrangement between a covered entity and any other entity under which the covered entity discloses protected health information to the other entity, in exchange for direct or indirect remuneration, for the other entity or its affiliate to make a communication about its own product or service that encourages recipients of the communication to purchase or use that product or service; and~~

~~[(C)] notwithstanding Paragraphs (A)(ii) and (iii), a product-specific written communication to a consumer that encourages a change in products.~~

SECTION 2. Section 181.005, Health and Safety Code, is amended to read as follows:

Sec. 181.005. DUTIES OF THE EXECUTIVE COMMISSIONER. (a) The executive commissioner shall administer this chapter and may adopt rules consistent with the Health Insurance Portability and Accountability Act and Privacy Standards to administer this chapter.

(b) The executive commissioner shall review amendments to the definitions in 45 C.F.R. Parts 160 and 164 that occur after September 1, 2011 ~~[August 14, 2002]~~, and determine whether it is in the best interest of the state to adopt the amended federal regulations. If the executive commissioner determines that it is in the best interest of the state to adopt the amended federal regulations, the amended regulations shall apply as required by this chapter.

(c) In making a determination under this section, the executive commissioner must consider, in addition to other factors affecting the public interest, the beneficial and adverse effects the amendments would have on:

(1) the lives of individuals in this state and their expectations of privacy; and

(2) governmental entities, institutions of higher education, state-owned teaching hospitals, private businesses, and commerce in this state.

(d) The executive commissioner shall prepare a report of the executive commissioner's determination made under this section and shall file the report with the presiding officer of each house of the legislature before the 30th day after the date the determination is made. The report must include an explanation of the reasons for the determination.

SECTION 3. Chapter 181, Health and Safety Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. ACCESS TO AND USE OF PROTECTED HEALTH INFORMATION

Sec. 181.101. COMMISSION RULES. The executive commissioner shall adopt rules consistent with the Health Insurance Portability and Accountability Act and Privacy Standards relating to sharing or exchanging protected health information.

Sec. 181.102. TRAINING REQUIRED. (a) Each covered entity shall provide a training program to employees of the covered entity regarding the state and federal law concerning protected health information as it relates to:

- (1) the covered entity's particular course of business; and
- (2) each employee's scope of employment.

(b) An employee of a covered entity must complete training described by Subsection (a) not later than the 60th day after the date the employee is hired by the covered entity.

(c) An employee of a covered entity shall receive training described by Subsection (a) at least once every two years.

(d) A covered entity shall require an employee of the entity who attends a training program described by Subsection (a) to sign, electronically or in writing, a statement verifying the employee's attendance at the training program. The covered entity shall maintain the signed statement.

Sec. 181.103. NOTIFICATION AND ACCEPTANCE REQUIRED. (a) Except as provided by Subsection (c), before a state agency electronically disseminates protected health information to another person or allows the other person to electronically access protected health information maintained by the agency:

(1) the state agency in writing must notify the other person of legal restrictions on the use and disclosure of the protected health information to be disseminated or accessed; and

(2) the person who receives notice from the state agency under Subdivision (1) must acknowledge, electronically or in writing, receipt, understanding, and acceptance of the restrictions on use and disclosure of the protected health information to be received or accessed.

(b) The written notice and acknowledgment required by Subsection (a) may be satisfied by an existing written agreement between a state agency and a person.

(c) The written notice and acknowledgment required by Subsection (a) is not required for a disclosure of protected health information from a state agency to:

- (1) the individual whose protected health information is being disclosed; or
- (2) a legally authorized representative of the individual described by

Subdivision (1).

Sec. 181.104. CONSUMER ACCESS TO ELECTRONIC HEALTH RECORDS. (a) Except as provided by Subsection (b), if a health care provider is using an electronic health records system that is capable of fulfilling the request, the health care provider, not later than the 15th business day after the date the health care provider receives a written request from a person for the person's electronic health record, shall provide the requested record to the person in electronic form unless the person agrees to accept the record in another form.

(b) A health care provider is not required to provide access to a person's protected health information that is excepted from access, or to which access may be denied, under 45 C.F.R. Section 164.524.

(c) For purposes of Subsection (a), the executive commissioner, in consultation with the Department of State Health Services, the Texas Medical Board, and the Texas Department of Insurance, by rule may recommend a standard electronic format for the release of requested health records. The standard electronic format recommended under this section must be consistent, if feasible, with federal law regarding the release of electronic health records.

Sec. 181.105. CONSUMER INFORMATION WEBSITE. The attorney general shall maintain an Internet website that provides:

(1) information concerning a consumer's privacy rights regarding protected health information under federal and state law;

(2) a list of the state agencies, including the Department of State Health Services, the Texas Medical Board, and the Texas Department of Insurance, that regulate covered entities in this state and the types of entities each agency regulates;

(3) detailed information regarding each agency's complaint enforcement process; and

(4) contact information, including the address of the agency's Internet website, for each agency listed under Subdivision (2) for reporting a violation of this chapter.

Sec. 181.106. CONSUMER COMPLAINT REPORT BY ATTORNEY GENERAL. (a) The attorney general annually shall submit to the legislature a report describing:

(1) the number and types of complaints received by the attorney general and by the state agencies receiving consumer complaints under Section 181.105; and

(2) the enforcement action taken in response to each complaint reported under Subdivision (1).

(b) Each state agency that receives consumer complaints under Section 181.105 shall submit to the attorney general, in the form required by the attorney general, the information the attorney general requires to compile the report required by Subsection (a).

(c) The attorney general shall deidentify protected health information from the individual to whom the information pertains before including the information in the report required by Subsection (a).

SECTION 4. Subchapter D, Chapter 181, Health and Safety Code, is amended by adding Section 181.153 to read as follows:

Sec. 181.153. SALE OF PROTECTED HEALTH INFORMATION PROHIBITED; REMUNERATION OF AGENTS AND CONTRACTORS AUTHORIZED. (a) Except as provided by Subsection (b), a covered entity may not disclose protected health information to any person in exchange for direct or indirect remuneration.

(b) A covered entity may disclose protected health information in exchange for remuneration only:

(1) for purposes of:

(A) treatment;

(B) payment;

(C) health care operations;

(D) public health activities;

(E) research or clinical investigation, as described by 42 U.S.C. Section 17935(d)(2)(B) and 21 C.F.R. Section 312.3; or

(F) providing the protected health information to the individual who is the subject of the protected health information; or

(2) as otherwise permitted or required by state or federal law.

(c) This section does not prohibit a covered entity from disclosing protected health information to and giving remuneration to an agent or contractor of the covered entity in exchange for engaging in an activity authorized by state or federal law involving the exchange of protected health information that the agent or contractor undertakes on behalf of and at the specific request of the covered entity pursuant to an agreement.

SECTION 5. Sections 181.201(b) and (c), Health and Safety Code, are amended to read as follows:

(b) In addition to the injunctive relief provided by Subsection (a), the attorney general may institute an action for civil penalties against a covered entity for a violation of this chapter. A civil penalty assessed under this section may not exceed:

(1) \$5,000 [~~\$3,000~~] for each violation committed negligently;

(2) \$25,000 for each violation committed knowingly or intentionally; or

(3) \$250,000 for each violation in which the covered entity knowingly or intentionally uses protected health information for financial gain.

(c) If the court in which an action under Subsection (b) is pending finds that the violations have occurred with a frequency as to constitute a pattern or practice, the court may assess a civil penalty in an amount the court finds necessary to deter future violations of this chapter [~~not to exceed \$250,000~~].

SECTION 6. Section 521.053, Business & Commerce Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A person who conducts business in this state and owns or licenses computerized data that includes sensitive personal information shall disclose any breach of system security, after discovering or receiving notification of the breach, to any individual [~~resident of this state~~] whose sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made as quickly as possible, except as provided by Subsection (d) or as necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

(b-1) Notwithstanding Subsection (b), the requirements of Subsection (b) apply only if the individual whose sensitive personal information was or is reasonably believed to have been acquired by an unauthorized person is a resident of this state or another state that does not require a person described by Subsection (b) to notify the individual of a breach of system security. If the individual is a resident of a state that requires a person described by Subsection (b) to provide notice of a breach of system security, the notice of the breach of system security provided under that state's law satisfies the requirements of Subsection (b).

SECTION 7. Section 521.151, Business & Commerce Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) In addition to penalties assessed under Subsection (a), a person who fails to take reasonable action to comply with Section 521.053(b) is liable to this state for a civil penalty of not more than \$100 for each individual to whom notification is due under that subsection for each consecutive day that the person fails to take reasonable action to comply with that subsection. Civil penalties under this section may not exceed \$250,000 for all individuals to whom notification is due after a single breach. The attorney general may bring an action to recover the civil penalties imposed under this subsection.

SECTION 8. Section 522.002(b), Business & Commerce Code, is amended to read as follows:

(b) An offense under this section is a Class B misdemeanor, except that the offense is a state jail felony if the information accessed, read, scanned, stored, or transferred by the person was protected health information as defined by the Health Insurance Portability and Accountability Act and Privacy Standards, as defined by Section 181.001, Health and Safety Code.

SECTION 9. Section 531.001, Government Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Protected health information" has the meaning assigned by the Health Insurance Portability and Accountability Act and Privacy Standards, as defined by Section 181.001, Health and Safety Code.

SECTION 10. Section 531.0315(a), Government Code, is amended to read as follows:

(a) Each health and human services agency and every other state agency that acts as a health care provider or a claims payer for the provision of health care shall[-

~~[(+)] process information related to health care in compliance with national data interchange standards adopted under Subtitle F, Title II, Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.), and its subsequent amendments, within the applicable deadline established under federal law or federal regulations[-~~ or

~~[(2) demonstrate to the commission the reasons the agency should not be required to comply with Subdivision (1), and obtain the commission's approval, to the extent allowed under federal law;~~

~~[(A) to comply with the standards at a later date; or~~

~~[(B) to not comply with one or more of the standards].~~

SECTION 11. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0994 to read as follows:

Sec. 531.0994. STUDY; ANNUAL REPORT. (a) The commission, in consultation with the Department of State Health Services, the Texas Medical Board, and the Texas Department of Insurance, shall explore and evaluate new developments in safeguarding protected health information.

(b) Not later than December 1 each year, the commission shall report to the legislature on new developments in safeguarding protected health information and recommendations for the implementation of safeguards within the commission.

SECTION 12. Section 31.03(f), Penal Code, is amended to read as follows:

(f) An offense described for purposes of punishment by Subsections (e)(1)-(6) is increased to the next higher category of offense if it is shown on the trial of the offense that:

(1) the actor was a public servant at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of his status as a public servant;

(2) the actor was in a contractual relationship with government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of the contractual relationship;

(3) the owner of the property appropriated was at the time of the offense:

(A) an elderly individual; or

(B) a nonprofit organization; ~~or~~

(4) the actor was a Medicare provider in a contractual relationship with the federal government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of the contractual relationship; or

(5) the property appropriated was a document containing protected health information, as that term is defined by the Health Insurance Portability and Accountability Act and Privacy Standards, as defined by Section 181.001, Health and Safety Code.

SECTION 13. Section 32.51(c-1), Penal Code, is amended to read as follows:

(c-1) An offense described for purposes of punishment by Subsections (c)(1)-(3) is increased to the next higher category of offense if it is shown on the trial of the offense that:

(1) the offense was committed against an elderly individual as defined by Section 22.04; or

(2) the information obtained, possessed, transferred, or used in the commission of the offense was protected health information, as that term is defined by the Health Insurance Portability and Accountability Act and Privacy Standards, as defined by Section 181.001, Health and Safety Code.

SECTION 14. Section 33.02(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a Class B misdemeanor unless in committing the offense the actor knowingly obtains a benefit, defrauds or harms another, or alters, damages, or deletes property, in which event the offense is:

(1) a Class A misdemeanor if the aggregate amount involved is less than \$1,500;

(2) a state jail felony if:

(A) the aggregate amount involved is \$1,500 or more but less than \$20,000; ~~or~~

(B) the aggregate amount involved is less than \$1,500 and the defendant has been previously convicted two or more times of an offense under this chapter; or

(C) the actor accesses protected health information, as that term is defined by the Health Insurance Portability and Accountability Act and Privacy Standards, as defined by Section 181.001, Health and Safety Code;

(3) a felony of the third degree if the aggregate amount involved is \$20,000 or more but less than \$100,000;

(4) a felony of the second degree if the aggregate amount involved is \$100,000 or more but less than \$200,000; or

(5) a felony of the first degree if the aggregate amount involved is \$200,000 or more.

SECTION 15. Section 35A.02, Penal Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) Except as provided by Subsection (b-2), the punishment prescribed for an offense under this section is increased to the punishment prescribed for the next highest category of offense if it is shown on the trial of the offense that protected health information, as that term is defined by the Health Insurance Portability and Accountability Act and Privacy Standards, as defined by Section 181.001, Health and Safety Code, was used in the commission of the offense.

(b-2) The punishment for an offense described by this section may not be increased under Subsection (b-1) if the offense is punishable as a felony of the first degree.

SECTION 16. Section 531.0315(b), Government Code, is repealed.

SECTION 17. Not later than May 1, 2012, the executive commissioner of the Health and Human Services Commission shall adopt rules as required by Section 181.101, Health and Safety Code, as added by this Act.

SECTION 18. (a) Not later than May 1, 2012, the attorney general shall establish the Internet website required by Section 181.105, Health and Safety Code, as added by this Act.

(b) Not later than December 1, 2013, the attorney general shall submit the initial report required by Section 181.106, Health and Safety Code, as added by this Act.

SECTION 19. Not later than December 1, 2013, the Health and Human Services Commission shall submit the initial report required by Section 531.0994, Government Code, as added by this Act.

SECTION 20. The changes in law made by Section 181.201, Health and Safety Code, as amended by this Act, Section 521.053, Business & Commerce Code, as amended by this Act, and Section 521.151(a-1), Business & Commerce Code, as added by this Act, apply only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 21. The changes in law made by Section 522.002, Business & Commerce Code, and Sections 31.03, 32.51, and 33.02, Penal Code, as amended by this Act, and Sections 35A.02(b-1) and (b-2), Penal Code, as added by this Act, apply only to an offense committed on or after the effective date of this Act. An offense

committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 22. This Act takes effect January 1, 2012.

The amendment to **CSSB 622** 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 Nelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 622 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 622 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 622** 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 622**, 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 622** 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.

WENTWORTH

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

SENATE RESOLUTION 616

Senator Watson offered the following resolution:

SR 616, Recognizing March of 2011 as Child Identity Theft Protection and Awareness Month.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Jeffrey Richard, CEO and President, Austin Area Urban League; and Doris and Donnie Aldridge and Gary Thomas, representing Kid Gloves.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a Leadership Friendswood Class delegation.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 219 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 219** at this time on its second reading:

CSSB 219, Relating to health and mental health services for children in foster care and kinship care.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 219** (Senate committee printing) in SECTION 1 of the bill by striking added Section 264.015(d), Family Code (page 1, lines 39 through 41).

The amendment to **CSSB 219** 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 Nelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 219 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 219 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 219** 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 219**, 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 219** 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.

WENTWORTH

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

SENATE BILL 387 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 387** at this time on its second reading:

SB 387, Relating to the sale and consumption in this state of raw oysters harvested from Texas waters.

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 387 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 387** 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 387**, 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 387** 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.

WENTWORTH

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

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 690 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 690** at this time on its second reading:

CSSB 690, Relating to the enforcement of a self-service storage facility lien; providing a penalty.

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

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

Absent: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 690 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 690** be placed on its third reading and final passage.

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

Nays: 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 690**, 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 690** 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.

WENTWORTH

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

Absent: Williams.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate a Graham County delegation.

Senator Estes was again recognized and introduced to the Senate a Wilbarger County and City of Vernon delegation.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, March 24, 2011 - 1

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:

SB 14 Fraser Sponsor: Harless
Relating to requirements to vote, including presenting proof of identification;
providing criminal penalties.
(Committee Substitute/Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 889 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 889** at this time on its second reading:

SB 889, Relating to assignment of rents to holders of certain security interests in real property.

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 889 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 889** 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 889**, 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 889** 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.

WENTWORTH

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

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

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

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:03 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, in memory of Senator Don Kennard, until 1:30 p.m. Monday, March 28, 2011.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions, filed on or before Friday, March 11, 2011, were introduced, read first time, and referred to the committees indicated:

SB 1801 by Lucio

Relating to benefits from the Employees Retirement System of Texas for certain peace officers and custodial officers.

To Committee on State Affairs.

SB 1802 by Lucio

Relating to subcontracting opportunities for historically underutilized businesses under certain state purchasing contracts.

To Committee on State Affairs.

SB 1803 by Lucio

Relating to investments in Texas businesses by certain public retirement systems in this state.

To Committee on State Affairs.

SB 1804 by Lucio

Relating to residential property and personal lines automobile insurance.

To Committee on Business and Commerce.

SB 1805 by Lucio

Relating to required use by insurers of certain standard insurance policy forms for residential property insurance.

To Committee on Business and Commerce.

SB 1806 by Lucio

Relating to timely filing of surplus lines policy; providing penalties.

To Committee on Business and Commerce.

SB 1807 by Lucio

Relating to the 444th Judicial District.

To Committee on Jurisprudence.

SB 1808 by Lucio

Relating to pediatric equipment and supplies for emergency medical services vehicles and pediatric care training for emergency medical services personnel.

To Committee on Health and Human Services.

SB 1809 by Lucio

Relating to a study by the comptroller of public accounts of the economic impact of the Texas-Mexico border wall in the State of Texas.

To Committee on International Relations and Trade.

SB 1810 by Carona

Relating to the exemption of certain retirement accounts from access by creditors.
To Committee on Business and Commerce.

SB 1811 by Duncan

Relating to state fiscal matters.
To Committee on Finance.

SB 1812 by Nichols

Relating to criminal history record information of certain applicants for a certificate of registration issued by the Texas Real Estate Commission.
To Committee on Business and Commerce.

SB 1813 by Zaffirini

Relating to the state definition of public school.
To Committee on Education.

SB 1814 by Zaffirini

Relating to the time permitted for the abatement of a public nuisance.
To Committee on Criminal Justice.

SB 1815 by Zaffirini

Relating to electioneering on the premises of certain privately owned polling places.
To Committee on State Affairs.

SB 1816 by Zaffirini

Relating to county and municipal land development regulation.
To Committee on International Relations and Trade.

SB 1817 by Zaffirini

Relating to the Children's Policy Council, including the transfer of the duties and activities of the consortium that oversees the Texas Integrated Funding Initiative to the Children's Policy Council.
To Committee on Health and Human Services.

SB 1818 by Zaffirini

Relating to consent for inclusion in the statewide Internet-based registry of organ, tissue, and eye donors.
To Committee on Health and Human Services.

SB 1819 by Ellis

Relating to charity care provided by certain nonprofit hospitals.
To Committee on Health and Human Services.

SB 1820 by Ellis

Relating to the authority of the attorney general to recover a civil penalty from certain nonprofit hospitals.
To Committee on State Affairs.

SB 1821 by Ellis

Relating to the creation of the Texas HIV Medication Advisory Committee.
To Committee on Health and Human Services.

SB 1822 by Patrick

Relating to the administration of certain supplemental student loan programs and the issuance of private activity bonds by qualified nonprofit corporations.

To Committee on Higher Education.

SB 1823 by Patrick, Hinojosa

Relating to guaranteed student loans and alternative education loans.

To Committee on Higher Education.

SB 1824 by Harris

Relating to the regulation of title insurance; providing criminal and administrative penalties.

To Committee on Business and Commerce.

SB 1825 by Gallegos

Relating to the design and installation of signs at low-water crossings.

To Subcommittee on Flooding and Evacuations.

SB 1826 by Gallegos

Relating to the definition in the open meetings law of the term "deliberation."

To Committee on Open Government.

SB 1827 by Gallegos

Relating to inspections of flood-prone areas by political subdivisions.

To Subcommittee on Flooding and Evacuations.

SB 1828 by Wentworth

Relating to the regulation of structural engineers.

To Committee on Business and Commerce.

SB 1829 by Wentworth

Relating to excluding certain entities from the definition of a governmental body for the purposes of the public information law.

To Committee on Open Government.

SB 1830 by Wentworth

Relating to increasing certain fees for preservation and archiving of district court records.

To Committee on Jurisprudence.

SB 1831 by Wentworth

Relating to the designation of the El Camino Real de los Tejas National Historic Trail as a historic highway.

To Committee on Transportation and Homeland Security.

SB 1832 by Ellis

Relating to notice to inmates and their attorneys of lethal substance or substances to be used in lethal injection.

To Committee on Criminal Justice.

SB 1833 by Ellis

Relating to liability insurance requirements for daycare facilities.

To Committee on Health and Human Services.

SB 1834 by Ellis

Relating to the payment of excess proceeds from ad valorem tax foreclosure sales to the comptroller for deposit to the credit of the fair defense account.

To Committee on Finance.

SB 1835 by Ellis

Relating to the creation of a commission to investigate and prevent wrongful convictions.

To Committee on Criminal Justice.

SB 1836 by Van de Putte, Davis

Relating to revision of open-enrollment charter school charters to add charter schools under certain circumstances.

To Committee on Education.

SB 1837 by Van de Putte

Relating to exemptions to persons required to hold a limited property and casualty license.

To Committee on Business and Commerce.

SB 1838 by Van de Putte

Relating to the transfer of housing funds from the Texas Department of Housing and Community Affairs to the Texas Veterans Commission.

To Committee on Veteran Affairs and Military Installations.

SB 1839 by Van de Putte

Relating to an annual report of the private entity granted care and custody of the Alamo.

To Committee on Administration.

SB 1840 by Van de Putte

Relating to the preservation and maintenance of the Alamo and the financial accountability and transparency of persons granted care and custody over certain historic state real properties.

To Committee on Administration.

SB 1841 by Van de Putte

Relating to the preservation and maintenance of the Alamo by the Texas Historical Commission.

To Committee on Administration.

SB 1842 by Fraser

Relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association.

To Committee on Business and Commerce.

SB 1843 by Carona

Relating to providing resources designed to combat crimes against children, especially crimes regarding child exploitation and child pornography trafficking involving the Internet.

To Committee on Criminal Justice.

SB 1844 by Lucio

Relating to specifying the precinct in a notice to appear before a magistrate issued to a person arrested for a traffic violation.

To Committee on Transportation and Homeland Security.

SB 1845 by Lucio

Relating to the change of the name of Texas A&M University–Kingsville to Texas A&I University.

To Committee on Higher Education.

SB 1846 by Lucio

Relating to immunity and liability issues regarding unincorporated charitable organizations, charitable organizations that utilize self-insured retentions in their insurance coverage, and charitable organizations that utilize Lloyd's plans and indemnity policies.

To Committee on Business and Commerce.

SB 1847 by Lucio

Relating to a franchise or insurance premium tax credit for contributions made to certain educational assistance organizations.

To Committee on Finance.

SB 1848 by Hegar

Relating to the distribution of the emergency service fee for wireless telecommunications connections and the prepaid 9-1-1 emergency service fee.

To Committee on Business and Commerce.

SB 1849 by Hegar

Relating to furthering stability and affordable service in the communications industry.

To Committee on Business and Commerce.

SB 1850 by Van de Putte

Relating to appeals regarding cruelly treated animals.

To Committee on Criminal Justice.

SB 1851 by Gallegos

Relating to oversight of emergency services districts.

To Committee on Intergovernmental Relations.

SB 1852 by Gallegos

Relating to the recovery and storage of vessels following natural disasters; providing penalties.

To Subcommittee on Flooding and Evacuations.

SB 1853 by Deuell

Relating to hospital and emergency medical services lien notice requirements.

To Committee on State Affairs.

SB 1854 by Deuell

Relating to the women's health program.

To Committee on Health and Human Services.

SB 1855 by Deuell

Relating to the authority of certain foreign insurers to engage in the business of health and accident insurance in this state.

To Committee on State Affairs.

SB 1856 by Deuell

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

To Committee on State Affairs.

SB 1857 by Zaffirini

Relating to the administration of medications for persons with intellectual and developmental disabilities.

To Committee on Health and Human Services.

SB 1858 by Duncan

Relating to public school finance matters, including the imposition of a state ad valorem tax for elementary and secondary school purposes.

To Committee on Finance.

SB 1859 by Ellis

Relating to certain health and safety matters regarding appropriate places of employment and places that are accessible to the public.

To Committee on Health and Human Services.

SB 1860 by Wentworth, Zaffirini

Relating to funding for transportation needs in certain counties.

To Committee on Transportation and Homeland Security.

SB 1861 by Van de Putte

Relating to the ability of a nonexempt employee to participate in certain academic, extracurricular, and developmental activities of the employee's child.

To Committee on Economic Development.

SB 1862 by Davis, West

Relating to the requirements for certain extensions of credit to consumers.

To Committee on Business and Commerce.

SB 1863 by Davis

Relating to authorizing certain brewers and manufacturers to conduct tours of their premises after which beer or ale is provided to ultimate consumers for off-premises consumption.

To Committee on Business and Commerce.

SB 1864 by Davis

Relating to the awarding of contracts by the Texas Department of Transportation to private sector providers.

To Committee on Transportation and Homeland Security.

SB 1865 by Davis

Relating to contract award considerations by certain conservation and reclamation districts.

To Committee on Natural Resources.

SB 1866 by Davis

Relating to the selection of providers of professional services by governmental entities.

To Committee on State Affairs.

SB 1867 by Lucio

Relating to premarital education courses.

To Committee on Health and Human Services.

SB 1868 by Davis

Relating to an allotment under the public school finance system for dropout prevention.

To Committee on Education.

SB 1869 by Davis

Relating to the creation, fines, and funding of the Railroad Commission of Texas operating account.

To Committee on Finance.

SB 1870 by Davis

Relating to the regulation of mineral interest pooling by the Railroad Commission of Texas.

To Committee on Natural Resources.

SB 1871 by Davis

Relating to a contracted services program for certain students with pervasive developmental disorder or intellectual disability.

To Committee on Education.

SB 1872 by Van de Putte, Davis, Shapiro

Relating to revision of open-enrollment charter school charters to add charter schools under certain circumstances.

To Committee on Education.

SB 1873 by Davis

Relating to the creation and funding of the well inspection fund.

To Committee on Natural Resources.

SB 1874 by Zaffirini

Relating to requiring a public institution of higher education to make certain faculty information available to the public on the institution's Internet website.

To Committee on Higher Education.

SB 1875 by Hinojosa

Relating to the governing body of the Agua Special Utility District.

To Committee on Intergovernmental Relations.

SB 1876 by Uresti

Relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1877 by Hegar

Relating to the creation of the Oatman Hill Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1880 by Huffman

Relating to the powers and duties of the Imperial Redevelopment District; providing authority to impose a tax and issue bonds.

To Committee on Intergovernmental Relations.

SB 1881 by Wentworth

Relating to certain financial powers and duties of the Travis-Creedmoor Municipal Utility District.

To Committee on Intergovernmental Relations.

SB 1882 by Patrick

Relating to the creation of Harris County Improvement District No. 22; providing authority to levy an assessment, impose a tax, and issue bonds.

To Committee on Intergovernmental Relations.

SJR 46 by Williams

Proposing a constitutional amendment relating to county delegation of authority regarding the disposition of county school lands and proceeds of a county permanent school fund.

To Committee on Education.

SJR 47 by Williams

Proposing a constitutional amendment revising the order of legislative business to permit either house to act on bills and resolutions after the first 15 days of a regular session.

To Committee on Administration.

SJR 48 by Williams

Proposing a constitutional amendment revising the order of legislative business to permit legislative committees to consider matters during the first 60 days of a regular session.

To Committee on Administration.

SJR 49 by Patrick

Proposing a constitutional amendment relating to an individual's or a religious organization's free exercise of religion.

To Committee on State Affairs.

SJR 50 by West

Proposing a constitutional amendment providing for the issuance of general obligation bonds to finance educational loans to students and for authority to enter into bond enhancement agreements with respect to general obligation bonds issued for that purpose.

To Committee on Higher Education.

SJR 51 by Duncan

Proposing a constitutional amendment imposing a state property tax for public education, authorizing the legislature to establish for purposes of that tax a limit on the maximum appraised value of a residence homestead of 105 percent of the appraised value of the property for the preceding tax year, prohibiting school district property taxes for maintenance purposes, and authorizing school district property taxes for educational enrichment.

To Committee on Finance.

CO-AUTHOR OF SENATE BILL 117

On motion of Senator Uresti, Senator Van de Putte will be shown as Co-author of **SB 117**.

CO-AUTHOR OF SENATE BILL 170

On motion of Senator Ellis, Senator Lucio will be shown as Co-author of **SB 170**.

CO-AUTHOR OF SENATE BILL 385

On motion of Senator Williams, Senator Fraser will be shown as Co-author of **SB 385**.

CO-AUTHOR OF SENATE BILL 726

On motion of Senator Rodriguez, Senator Hinojosa will be shown as Co-author of **SB 726**.

CO-AUTHOR OF SENATE BILL 819

On motion of Senator Harris, Senator Uresti will be shown as Co-author of **SB 819**.

CO-AUTHORS OF SENATE BILL 945

On motion of Senator Patrick, Senators Davis and Lucio will be shown as Co-authors of **SB 945**.

CO-AUTHORS OF SENATE BILL 966

On motion of Senator Uresti, Senators Hinojosa and Zaffirini will be shown as Co-authors of **SB 966**.

CO-AUTHOR OF SENATE BILL 1311

On motion of Senator Lucio, Senator Zaffirini will be shown as Co-author of **SB 1311**.

CO-AUTHOR OF SENATE BILL 1360

On motion of Senator Harris, Senator Hinojosa will be shown as Co-author of **SB 1360**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 16

On motion of Senator Nelson, Senator Uresti will be shown as Co-author of **SCR 16**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 628 by Eltife, In memory of Dorothy Faye "Dot" Johnson of Omaha, Texas.

SR 629 by Eltife, In memory of Vicki Lynne Johnson.

Congratulatory Resolutions

SR 582 by Van de Putte, Recognizing William C. Davis on the occasion of his 80th birthday.

SR 583 by Van de Putte, Recognizing Rudi R. Rodriguez for receiving the 2010 Texas Historical Commission Award of Excellence in Preserving History.

SR 586 by Van de Putte, Recognizing Elva Adams for her induction into the San Antonio Women's Hall of Fame for her achievements in athletics.

SR 587 by Van de Putte, Recognizing Bett Butler for her induction into the San Antonio Women's Hall of Fame for her work in the creative arts.

SR 588 by Van de Putte, Recognizing Rebecca Q. Cedillo for her induction into the San Antonio Women's Hall of Fame for her work as a civic leader.

SR 589 by Van de Putte, Recognizing Anna Maria Chavez for her induction into the San Antonio Women's Hall of Fame for her work on behalf of the girls of South Texas.

SR 590 by Van de Putte, Recognizing Nora W. Chavez for her induction into the San Antonio Women's Hall of Fame for her work in the field of business and finance.

SR 591 by Van de Putte, Recognizing Kathleen Coughlin for her induction into the San Antonio Women's Hall of Fame for her work in the field of higher education.

SR 592 by Van de Putte, Recognizing Evangelina G. Flores for her induction into the San Antonio Women's Hall of Fame for her work in the field of business and finance.

SR 593 by Van de Putte, Recognizing Geraldine J. Garcia for her induction into the San Antonio Women's Hall of Fame for her work in public service.

SR 594 by Van de Putte, Recognizing Marilyn Harrington for her induction into the San Antonio Women's Hall of Fame for her work in the health professions.

SR 595 by Van de Putte, Recognizing Sarita G. Jimenez for her induction into the San Antonio Women's Hall of Fame for her work in the field of agriculture and ranching.

SR 596 by Van de Putte, Recognizing Maria R. Montecel for her induction into the San Antonio Women's Hall of Fame for her work in the field of education.

SR 597 by Van de Putte, Recognizing Donna Muslin for her induction into the San Antonio Women's Hall of Fame for her work in fashion management and career development.

SR 598 by Van de Putte, Recognizing Sylvia Rodriguez for her induction into the San Antonio Women's Hall of Fame for her work as a volunteer and community organizer.

SR 599 by Van de Putte, Recognizing Mary Roman for her induction into the San Antonio Women's Hall of Fame for her work in the legal field.

SR 600 by Van de Putte, Recognizing Kausi Subramanian for her induction into the San Antonio Women's Hall of Fame for her work in the creative arts.

SR 625 by Harris, Recognizing Sammy Andrews for his contributions to the sport of rodeo and the Professional Rodeo Cowboys Association.

SR 627 by Van de Putte, Uresti, Wentworth, and Zaffirini, Recognizing Louis Agnese for his 25 years of service as president of the University of the Incarnate Word.

Official Designation Resolution

HCR 114 (Wentworth), Designating April 2011 as Distracted Driving Awareness Month in Texas.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:38 p.m. adjourned, in memory of Senator Don Kennard, until 1:30 p.m. Monday, March 28, 2011.

APPENDIX

COMMITTEE REPORTS

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

March 24, 2011

GOVERNMENT ORGANIZATION — **SB 327, SB 631, SB 632, SB 867**

BUSINESS AND COMMERCE — **CSSB 871, CSSB 982, CSSB 1165, CSSB 17, CSSB 782, CSSB 981, CSSB 1124, CSSB 1133, CSSB 1167**

EDUCATION — **SB 49, SB 778**

NATURAL RESOURCES — **CSSCR 2, CSSB 727**

TRANSPORTATION AND HOMELAND SECURITY — **SB 182, SB 534, SB 743, SB 876, SB 888, SB 990, SB 1007**

EDUCATION — **CSSB 290**

JURISPRUDENCE — **CSSB 680**

HIGHER EDUCATION — **SB 873, SB 1020, SB 1121, SB 419**

BILLS AND RESOLUTION ENGROSSED

March 23, 2011

SB 24, SB 144, SB 181, SB 248, SB 329, SB 390, SB 524, SB 801, SJR 9

RESOLUTIONS ENROLLEDMarch 23, 2011**SCR 28, SCR 29, SR 132, SR 564, SR 573, SR 602, SR 603, SR 604, SR 605, SR 606, SR 607, SR 608, SR 609, SR 610, SR 611, SR 612, SR 613, SR 614, SR 615, SR 617, SR 618, SR 619, SR 620, SR 621, SR 622****SENT TO GOVERNOR**March 24, 2011**SCR 28, SCR 29**

In Memory
of
Don Kennard
Senate Resolution 624

WHEREAS, Our former colleague Senator Don Kennard passed away in Austin on March 17, 2011, and we are saddened to lose him and his mischievous smile; we are warmed, however, by the opportunity to memorialize him for the proud legacy he leaves behind to the people of Texas; and

WHEREAS, Donley C. Kennard was born on May 6, 1929, in Houston; at the age of 13, he moved with his family to Fort Worth and became a star football player at Arlington Heights High School; he attended the University of North Texas and Texas Christian University and earned a bachelor's degree from The University of Texas at Austin; he went on to become a longtime Texas lawmaker and a nationally known conservationist; and

WHEREAS, Senator Kennard was inspired to seek public service while still a young man; in 1952, during his senior year at The University of Texas, he ran for election to the Texas House of Representatives and won his seat; at the time, he declared to the *Fort Worth Star-Telegram*, "I want to go to Austin to represent all the people, not just the few"; and

WHEREAS, He served in the House for 10 years, from 1953 to 1963, and became known as a dedicated and respected voice for education and as a strong advocate for the preservation of our state's natural resources; and

WHEREAS, In 1962, the voters of Tarrant County elected him to the Texas Senate, where he served with distinction for another 10 years on behalf of the people of District 10; he was elected president pro tempore by his colleagues in 1969 for the Regular Session of the 61st Legislative Session; and

WHEREAS, His reputation as a warrior for education was solidified with his filibuster of 29 hours and 22 minutes in the Senate Chamber, which resulted in the votes needed to pass the measure that elevated Arlington State College to the four-year institution that became The University of Texas at Arlington; and

WHEREAS, His passion for our natural resources was demonstrated by the courageous and successful crusade he led in 1971 to pass a tax bill that secured funding to maintain state parks for the people of Texas; it was a crusade that ultimately led to his reelection defeat; and

WHEREAS, After leaving the Senate, "by popular demand," as he liked to say, he established and served as the director of The Natural Areas Surveys with the Lyndon B. Johnson School of Public Affairs; the extensive reports from these studies ultimately led to the preservation of Enchanted Rock and several other natural Texas sites; and

WHEREAS, Senator Kennard appropriately will be laid to rest in the Texas State Cemetery on Saturday, March 26, alongside a host of giants of Texas history that form a prominent path back to the days of Stephen F. Austin; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby express gratitude, admiration, and affection for the Honorable Don Kennard and pay tribute to his dedicated service and historic contributions toward the betterment of his beloved state and its people; and, be it further

RESOLVED, That a copy of this Resolution be prepared in his honor, and that when the Senate adjourns this day, it do so in honor and in memory of the Honorable Don Kennard.

HARRIS

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-SECOND DAY

(Monday, March 28, 2011)

The Senate met at 1:38 p.m. pursuant to adjournment and was called to order by the President.

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

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

The Most Reverend James A. Tamayo, Bishop, Roman Catholic Diocese of Laredo, was introduced by Senator Zaffirini and offered the invocation as follows:

Heavenly Father, God of all creation, God of all peoples and nations, in Your wisdom and love, You created man and woman and called us to be stewards of Your creation. As this new day begins for the Senate of the State of Texas, we invoke Your presence in our deliberations and activities. We represent communities from diverse parts of this great state. Although we travel to our State Capitol from different directions, as legislators of this state, let us be steadfast in our solidarity to seek the common path that leads to the betterment of all people in our state. Strengthen our resolve to do good. We accept the challenge to listen to one another, to support one another, and to respond generously to those most in need. This we pray in Your holy name. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, March 28, 2011 - 1

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 451 Lucio III

Relating to the creation of a Don't Mess with Texas Water program to prevent illegal dumping that affects the surface waters of this state.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Ogden was recognized and presented Dr. Kurtis W. Davis of Bryan as the Physician of the Day.

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

SENATE RESOLUTION 623

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the members of the delegation of Leadership Southeast Texas to the Capitol and to designate March 28, 2011, Leadership Southeast Texas Day at the State Capitol; and

WHEREAS, Leadership Southeast Texas is a regional educational nonprofit corporation serving the counties of Chambers, Hardin, Jasper, Jefferson, Liberty, Newton, Orange, and Tyler and the Bolivar Peninsula portion of Galveston County; and

WHEREAS, Founded in 1992, the organization aims to identify and motivate leaders in the Southeast Texas region and to provide opportunities for leadership development and networking, while contributing to regional economic advancement; and

WHEREAS, The members of Leadership Southeast Texas identify and study issues that are of ongoing significance to area businesses and seek ways to encourage communication between regional citizens and the prominent leaders of our state; and

WHEREAS, The organization has recognized that the future of the region is determined by its young people, and early this year, it launched Youth Leadership Southeast Texas with an inaugural conference that attracted 94 high school student participants and 40 faculty liaisons; and

WHEREAS, Leadership Southeast Texas Day is an opportunity for alumni and new members to gather together and celebrate the organization's achievements and the positive impact it has had on the communities of Southeast Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the members of Leadership Southeast Texas on their accomplishments and extend best wishes to them for a productive and memorable Leadership Southeast Texas Day at the State Capitol; and, be it further

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

WILLIAMS
HUFFMAN
NICHOLS

SR 623 was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate a Leadership Southeast Texas delegation: Dr. Joe Burns, Lequin Hilderbrand, Kim McMurray, Danny Osborne, and Sherri Drodody.

The Senate welcomed its guests.

SENATE RESOLUTION 248

Senator Deuell offered the following resolution:

SR 248, Recognizing March 28, 2011, as Miss Texas Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Tuesday, February 15, 2011.

GUESTS PRESENTED

Senator Deuell, joined by Senator Davis, was recognized and introduced to the Senate Miss Texas 2010, Ashley Melnick, and Miss Teen Texas 2010, Madison Fuller, and a delegation of Miss Texas scholarship pageant participants.

The Senate welcomed its guests.

SENATE RESOLUTION 574

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Gabriel Thomas McDowell and Drew Christian McDowell on their initiative and hard work in learning about the legislative process; and

WHEREAS, While working together in a family setting studying the state's official symbols, Gabriel and Drew, aged eight and six respectively, noted the absence of an official state cupcake; and

WHEREAS, These two determined young Texans set out to find the state's best cupcake, combining their quest with the Magnolia, Texas, Relay for Life, an all-night event whose purpose is to raise money for cancer research; and

WHEREAS, Their team, Craving a Cure, sought contestants from bakeries, cupcakeries, and individual bakers across the state and received more than 300 donated cupcakes, with 20 different flavors entered in the bake-off in service of this worthy cause; and

WHEREAS, Gabriel and Drew are truly deserving of recognition for their perseverance and their hard work, not only in raising money for cancer research, but in their pursuit of knowledge about the legislative process in our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend Gabriel Thomas McDowell and Drew Christian McDowell on their initiative and resolve and extend to them best wishes for continued success in their quest for knowledge; and, be it further

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

SR 574 was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams, joined by Senator Shapiro, was recognized and introduced to the Senate Gabriel Thomas McDowell, Drew Christian McDowell, and Lisa Britten.

The Senate welcomed its guests.

PERMISSION TO INTRODUCE BILLS AND RESOLUTIONS

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

SB 1878, SB 1883, SB 1884, SB 1885, SB 1886, SCR 34, SCR 35, SCR 36, SCR 37, SJR 4.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 1878 by Deuell

Relating to the program of all-inclusive care for the elderly.
To Committee on Health and Human Services.

SB 1879 by Huffman

Relating to the option of providing electronic recordings of proceedings in the municipal court of record for the City of Houston.
To Committee on Jurisprudence.

SB 1883 by West

Relating to the factors to be considered by the Board of Pardons and Paroles in establishing parole guidelines.
To Committee on Criminal Justice.

SB 1884 by Wentworth

Relating to the marketing, hosting, and sale of specialty and personalized license plates.
To Committee on Transportation and Homeland Security.

SB 1885 by Watson

Relating to certain comprehensive development agreements of regional mobility authorities.

To Committee on Transportation and Homeland Security.

SB 1886 by Deuell

Relating to the Fannin County Juvenile Board.

To Committee on Jurisprudence.

SCR 34 by Duncan

Congratulating the City of Lamesa on the occasion of its first Original Chicken-Fried Steak Festival.

To Committee on Administration.

SCR 35 by Wentworth

Designating western swing as the official State Music of Texas.

To Committee on Administration.

SCR 36 by Williams, Fraser, Hinojosa, Huffman, Lucio, Ogden

Urging the members of the Texas congressional delegation to provide to the legislature a cost analysis of the exact funding necessary for full enforcement of all immigration laws in Texas and to immediately report back to the legislature as to the status of that funding and directing the lieutenant governor and the speaker of the house to send a delegation of members from both chambers to meet with members of Congress and members of the executive branch to discuss the border security crisis.

To Committee on Transportation and Homeland Security.

SCR 37 by Hinojosa

Designating August 7 as Purple Heart Day for a 10-year period beginning in 2011.

To Committee on Veteran Affairs and Military Installations.

SCR 38 by Hinojosa

Requesting the lieutenant governor and speaker to provide for a joint interim legislative study on the availability of medical treatment for patients with Lyme disease in Texas.

To Committee on Administration.

SJR 4 by Hinojosa, Fraser, Hegar

Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

To Committee on Finance.

SR 506 by Rodriguez

Expressing support for the conservation of Castner Range.

To Committee on Veteran Affairs and Military Installations.

CONCLUSION OF MORNING CALL

The President at 2:04 p.m. announced the conclusion of morning call.

SENATE BILL 728 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 728** at this time on its second reading:

SB 728, Relating to a groundwater conservation district's recovery of expenses in closing or capping a well.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 728** (Senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 12), strike "Subsection (e-1)" and substitute "Subsections (e-1) and (e-2)".

(2) In SECTION 1 of the bill, in added Section 36.118(e-1), Water Code (page 1, line 13), strike "In" and substitute "Except as provided by Subsection (e-2), in".

(3) In SECTION 1 of the bill, in Section 36.118, Water Code (page 1, between lines 16 and 17), insert the following:

(e-2) An entity that drills a well to develop subsurface resources not owned by the landowner is liable for expenses incurred in closing or capping the well, unless the landowner assumes responsibility for the well.

The amendment to **SB 728** 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 728 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 728 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 728** 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 728**, 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 728** 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.

WENTWORTH

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

SENATE BILL 587 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 587** at this time on its second reading:

SB 587, Relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts.

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 587 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 587** 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 587**, 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 587** 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.

WENTWORTH

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 Rodriguez 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 the services included in a retail price list provided by a funeral establishment.

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 Rodriguez 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.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE BILL 766 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 766** at this time on its second reading:

CSSB 766, Relating to the liability of a sport shooting range and the regulation of firearms, ammunition, firearm supplies, and sport shooting ranges.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 766** (senate committee report) as follows:

(1) In SECTION 4 of the bill, in added Section 128.052(a), Civil Practice and Remedies Code (page 2, line 29), strike "lawful".

(2) In SECTION 4 of the bill, in added Section 128.052(b)(2), Civil Practice and Remedies Code (page 2, line 37), strike "unlawful".

(3) In SECTION 4 of the bill, in added Section 128.052(b)(3), Civil Practice and Remedies Code (page 2, line 38), strike "unlawful".

The amendment to **CSSB 766** 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.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 766** (senate committee report) as follows:

(1) In SECTION 5 of the bill, in existing Section 229.001(b)(5), Local Government Code (page 3, line 61), strike "or" and substitute "[~~or~~]".

(2) In SECTION 5 of the bill, in existing Section 229.001(b)(6)(D), Local Government Code (page 4, line 2), between "event" and the period, insert the following:

"; or

(7) regulate the hours of operation of a sport shooting range, except that the hours of operation may not be more limited than the least limited hours of operation of any other business in the municipality other than a business permitted or licensed to sell or serve alcoholic beverages for on-premises consumption".

(3) In SECTION 6 of the bill, in added Section 236.002, Local Government Code (page 4, lines 12 and 13), strike "Section 43.002 of this code and".

(4) In SECTION 6 of the bill, in added Chapter 236, Local Government Code (page 4, between lines 19 and 20), insert a new Section 236.003 to read as follows:

Sec. 236.003. REGULATION OF OUTDOOR SPORT SHOOTING RANGE. Notwithstanding Section 236.002, a county may regulate the discharge of a firearm at an outdoor sport shooting range as provided by Subchapter B, Chapter 235.

The amendment to **CSSB 766** 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 Ogden offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 766**, in SECTION 4 of the bill, in added Section 128.052(c), Civil Practice and Remedies Code (senate committee report page 2, line 48), by striking "with wilful and wanton negligence".

The amendment to **CSSB 766** 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.

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

CSSB 766 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 766 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 766** 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 766**, 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 766** 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.

WENTWORTH

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

SENATE BILL 58 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 58** at this time on its second reading:

SB 58, Relating to the designation of segments of State Highway 359, State Highway 16, and State Highway 285 as the Veterans of the Korean War Memorial Highway.

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 58 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 58** 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 58**, 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 58** 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.

WENTWORTH

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

SENATE BILL 38 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 38** at this time on its second reading:

SB 38, Relating to the inclusion of certain private postsecondary educational institutions and career schools and colleges in the higher education accountability system of the Texas Higher Education Coordinating Board.

The motion prevailed.

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

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 38** as follows:

On page 1, line 15, committee report printing Senate Bill 38 strike new language "HIGHER EDUCATION ACCOUNTABILITY SYSTEM" and restore stricken language "REVIEW OF INSTITUTIONAL GROUPINGS".

The amendment to **SB 38** 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 Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 38 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: Fraser.

SENATE BILL 38 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 38** be placed on its third reading and final passage.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, 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 38**, 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 38** 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.

WENTWORTH

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

Nays: Fraser.

SENATE BILL 988 REREFERRED (Motion In Writing)

Senator Van de Putte submitted a Motion In Writing requesting that **SB 988** be withdrawn from the Committee on Transportation and Homeland Security and rereferred to the Committee on Economic Development.

The Motion In Writing prevailed without objection.

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

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Finance Subcommittee on Public Safety might meet today.

CO-AUTHOR OF SENATE BILL 38

On motion of Senator Zaffirini, Senator Davis will be shown as Co-author of **SB 38**.

CO-AUTHOR OF SENATE BILL 49

On motion of Senator Zaffirini, Senator West will be shown as Co-author of **SB 49**.

CO-AUTHORS OF SENATE BILL 58

On motion of Senator Zaffirini, Senators Hinojosa and Lucio will be shown as Co-authors of **SB 58**.

CO-AUTHOR OF SENATE BILL 441

On motion of Senator Lucio, Senator Van de Putte will be shown as Co-author of **SB 441**.

CO-AUTHOR OF SENATE BILL 726

On motion of Senator Rodriguez, Senator Carona will be shown as Co-author of **SB 726**.

CO-AUTHOR OF SENATE BILL 766

On motion of Senator Estes, Senator Nichols will be shown as Co-author of **SB 766**.

CO-AUTHOR OF SENATE BILL 873

On motion of Senator Duncan, Senator West will be shown as Co-author of **SB 873**.

CO-AUTHORS OF SENATE BILL 876

On motion of Senator Watson, Senators Davis and Ellis will be shown as Co-authors of **SB 876**.

CO-AUTHORS OF SENATE BILL 1085

On motion of Senator Wentworth, Senators Carona and Rodriguez will be shown as Co-authors of **SB 1085**.

CO-AUTHOR OF SENATE BILL 1436

On motion of Senator Van de Putte, Senator Lucio will be shown as Co-author of **SB 1436**.

CO-AUTHORS OF SENATE BILL 1524

On motion of Senator Hinojosa, Senators Carona and Rodriguez will be shown as Co-authors of **SB 1524**.

CO-AUTHORS OF SENATE BILL 1848

On motion of Senator Hegar, Senators Estes and Watson will be shown as Co-authors of **SB 1848**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 634 by Van de Putte and Uresti, In memory of Maria Louisa Rodriguez Gonzalez of San Antonio.

Congratulatory Resolutions

SR 630 by West, Recognizing Peyton Phelps of Cedar Hill for being awarded the Royal Rangers Gold Medal of Achievement.

SR 631 by Jackson, Recognizing Marian Thomas for her service to Communities In Schools of Galveston County.

SR 632 by Jackson, Recognizing Christopher Fields of the Lakeview Police Department for his service to his community.

SR 633 by Van de Putte, Recognizing Margaret Q. Lambert on the occasion of her retirement from civil service.

SR 635 by Davis, Congratulating Victoria and Bernie Scheffler on the birth of their son, Roman Victor Alan Scheffler.

SR 636 by West, Recognizing Leora Kemp on the occasion of her retirement as librarian at the University of North Texas at Dallas.

SR 637 by Patrick, Recognizing Louis Bernard Marks on the occasion of his 87th birthday.

SR 638 by Shapiro, Recognizing Nell Burks Elementary School in McKinney for being named the first Healthy Zone School.

SR 639 by Van de Putte, Recognizing Robert E. O'Malley for his service to this nation as a member of the United States Marine Corps during the Vietnam War.

SR 640 by Van de Putte, Recognizing James P. Fleming for his service to this nation as a member of the United States Air Force during the Vietnam War.

SR 641 by Van de Putte, Recognizing Robert F. Foley for his service to this nation as a member of the United States Army during the Vietnam War.

SR 642 by Van de Putte, Recognizing Clarence E. Sasser for his service to this nation as a member of the United States Army during the Vietnam War.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:32 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 28, 2011

HEALTH AND HUMAN SERVICES — **SB 544, SB 821, SB 874, SB 901, SB 957, CSSB 688**

CRIMINAL JUSTICE — **SB 377, SB 887, SB 882, SB 364, SB 159, SB 158, CSSB 122, CSSB 779, CSSB 331, CSSB 82**

EDUCATION — **CSSB 596, CSSB 597**

HEALTH AND HUMAN SERVICES — **CSSB 71, CSSB 229, CSSB 420, CSSB 795**

GOVERNMENT ORGANIZATION — **CSSB 646**

NATURAL RESOURCES — **CSSJR 28, CSSB 332, CSSB 403, CSSB 497, CSSB 737, CSSB 875, CSSB 893**

HEALTH AND HUMAN SERVICES — **CSSB 501**

ECONOMIC DEVELOPMENT — **SB 804, SB 1185, CSSB 803, CSSB 1176, CSSB 1069, CSSB 1047**

HEALTH AND HUMAN SERVICES — **CSSB 969**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 246, CSSB 548, CSSB 731, CSSB 934, CSSB 959, CSSB 1017, CSSB 1144, CSSB 1145**

EDUCATION — **CSSB 949**

GOVERNMENT ORGANIZATION — **CSSB 644**

INTERGOVERNMENTAL RELATIONS — **SJR 26, SB 628, SB 759, SB 760, SB 765, SB 847, CSSB 900, CSSB 978, CSSB 630**

INTERNATIONAL RELATIONS AND TRADE — **SB 815, SB 816**

HIGHER EDUCATION — **CSSB 28**

STATE AFFAIRS — **SB 258, SB 371, SB 423, SB 642, SB 729, SB 997**

HIGHER EDUCATION — **CSSB 1009**

STATE AFFAIRS — **SB 1160, SB 1226, SB 1714**

BILLS ENGROSSED

March 24, 2011

SB 37, SB 61, SB 72, SB 77, SB 80, SB 101, SB 117, SB 132, SB 193, SB 219, SB 221, SB 228, SB 250, SB 256, SB 279, SB 282, SB 283, SB 286, SB 333, SB 335, SB 351, SB 356, SB 360, SB 387, SB 398, SB 400, SB 430, SB 439, SB 458, SB 478, SB 481, SB 485, SB 488, SB 490, SB 494, SB 502, SB 503, SB 542, SB 543, SB 545, SB 558, SB 559, SB 563, SB 567, SB 582, SB 594, SB 622, SB 633, SB 638, SB 690, SB 716, SB 761, SB 762, SB 764, SB 785, SB 792, SB 798, SB 799, SB 850, SB 851, SB 859, SB 886, SB 889, SB 890, SB 892, SB 918, SB 944, SB 945, SB 966, SB 983

RESOLUTIONS ENROLLED

March 24, 2011

SR 582, SR 583, SR 586, SR 587, SR 588, SR 589, SR 590, SR 591, SR 592, SR 593, SR 594, SR 595, SR 596, SR 597, SR 598, SR 599, SR 600, SR 616, SR 624, SR 625, SR 627, SR 628, SR 629

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-THIRD DAY

(Tuesday, March 29, 2011)

The Senate met at 11:07 a.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend Chris Heinold, Saint James Lutheran Church, Ganado, offered the invocation as follows:

Almighty God, I give You thanks for this day. And I give You thanks for trusting us to care for our communities and this great state. Many people are represented by the men and women of this assembly, many lives, many faces, many futures, many hands. I ask that each individual here would embrace and respect that great responsibility entrusted to them. Guide them; may the work that they do be of virtue and justice for all people. Amen.

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

The motion prevailed without objection.

SENATE RESOLUTION 388

Senator Deuell offered the following resolution:

SR 388, Celebrating March 29, 2011, as Hopkins County Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 28, 2011.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a Hopkins County delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate a Wichita County delegation: Mayor Carl Law, Burkburnett, and Mayor Glenn Barham, Wichita Falls.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. Todd Howell of Fredericksburg as the Physician of the Day.

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

SENATE RESOLUTION 560

Senator Jackson offered the following resolution:

SR 560, Recognizing the Deer Park Chamber of Commerce for its work in behalf of its community.

The resolution was again read.

The resolution was previously adopted on Monday, March 21, 2011.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a Deer Park Chamber of Commerce delegation: Tim Culp, President and CEO; Jerry Mouton, Chair, Board of Directors; Arnold Adair, Superintendent, Deer Park ISD; Chad Burke, President and CEO, Economic Alliance Houston Port Region; and Greg Grigg, Chief of Police, City of Deer Park.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate a New Danville, Montgomery County, delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Birdwell, joined by Senator Davis, was recognized and introduced to the Senate a City of Burleson delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a Goliad County delegation.

The Senate welcomed its guests.

SENATE RULE 3.04 SUSPENDED
(Posters, Placards, Banners, and Signs)

On motion of Senator Hinojosa and by unanimous consent, Senate Rule 3.04 was suspended to allow the display of a maquette of the proposed Vietnam veterans monument during the deliberation of **SR 649**.

SENATE RESOLUTIONS

Senator Van de Putte offered the following resolution:

SR 648, Commending the veterans of our nation's armed forces who served during the Vietnam War.

The resolution was read.

Senator Hinojosa offered the following resolution:

SR 649, Recognizing March 29, 2011, as Vietnam Veterans Day at the State Capitol.

HINOJOSA
DAVIS
URESTI
VAN DE PUTTE

The resolution was read.

SR 648 and **SR 649** were adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Sue Sullivan, Mary Parrish, Ken Wallingford, Patrick Brady, and Joyce Stevens.

Senator Lucio was recognized and introduced to the Senate Bob Pinkerton.

Senator Hinojosa was recognized and introduced to the Senate Robert Floyd, Chair, Board of Directors, Capitol of Texas Vietnam Veterans Monument, Incorporated; Duke Sundt, monument artist; and Terry Burkett, Chair, Veterans Outreach Committee; joined by Representatives Leo Berman, Joe Farias, Dan Flynn, Bill Zedler, Wayne Smith, and Jerry Madden.

Senator Van de Putte was again recognized and introduced to the Senate representatives of the Texas Veterans Commission: Rufus T. Coburn III, Winston A. L. Cover, Joe Dougherty, and Craig Hardwick.

She also acknowledged representatives of the following organizations: Department of Texas Veterans of Foreign Wars; Department of Texas American Legion; San Antonio Coalition for Veterans; Military Order of the Purple Heart; Texas Coalition of Veterans Organizations; Texas Capitol Vietnam War Monument Committee; Grace After Fire; Vietnam Veterans of America, Texas Association of Vietnam Veterans; Catholic War Veterans; Reserve Officers Association, Military Officers Association of America; National Association of Uniformed Services; Disabled American Veterans; Paralyzed Veterans of America;

Texas Military Forces; Texas Veterans Commission; Hope for Heroes; American GI Forum; MOAA, Texas Council of Chapters; Texas Commission on Environmental Quality; Texas Department of Agriculture; and Texas Department of Transportation.

The Senate welcomed its guests.

AT EASE

The President at 12:04 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 12:08 p.m. called the Senate to order as In Legislative Session.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Commission on Jail Standards: Allan D. Cain, Panola County; Stanley Dewayne Egger, Taylor County; Michael Morris Seale, Harris County.

Members, Board of Trustees, Teacher Retirement System of Texas: Todd F. Barth, Harris County; Christopher S. Moss, Angelina County; F. Nanette Sissney, Cooke County.

Commissioner of Education, Texas Education Agency: Robert P. Scott, Travis County.

Members, Board of Directors, Texas Public Finance Authority: Billy Morris Atkinson, Fort Bend County; Mark Warner Eidman, Travis County; Robert Thomas Roddy, Bexar County.

Members, Board of Regents, Texas State University System: Jaime R. Garza, Bexar County; Maria Isabel Salazar, Travis County; Donna N. Williams, Tarrant County.

Members, Board of Directors, Texas Underground Facility Notification Corporation: Dean Donald Bernal, Travis County; Joseph Francis Berry, Brazoria County; Barry Calhoun, Dallas County; Julio Cerda, Hidalgo County; Judith Hardaway Devenport, Midland County; Jason Hartgraves, Denton County; John William Linton, Hidalgo County; Janie Lou Walenta, Wood County; Jay Solomon Zeidman, Harris County.

Members, Texas Water Development Board: Billy Ray Bradford, Cameron County; Monte Dean Cluck, Hansford County.

Members, Board of Directors, Upper Colorado River Authority: Eva W. Horton, Tom Green County; Jeffie Harmon Roberts, Coke County; Hyman Dale Sauer, Schleicher County; Hugh Lamar Stone, Tom Green County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

CONCLUSION OF MORNING CALL

The President at 12:12 p.m. announced the conclusion of morning call.

GUESTS PRESENTED

Senator Harris, joined by Senator West, was recognized and introduced to the Senate a Harmony Science Academy delegation.

The Senate welcomed its guests.

SENATE BILL 691 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 691** at this time on its second reading:

SB 691, Relating to the exemption from permitting by groundwater conservation districts for certain water wells used for domestic, livestock, and poultry watering purposes.

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 691 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 691** 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 691**, 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 691** 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.

WENTWORTH

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

SENATE RESOLUTION 652

Senator Hinojosa offered the following resolution:

SR 652, In memory of Colton Wesley Rusk of Orange Grove.

The resolution was read.

On motion of Senator Hinojosa, **SR 652** was adopted by a rising vote of the Senate.

In honor of the memory of Colton Wesley Rusk, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Darrell, Kathy, Cody, and Brady Rusk.

The Senate welcomed its guests and extended its sympathy.

COMMITTEE SUBSTITUTE SENATE BILL 727 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 727** at this time on its second reading:

CSSB 727, Relating to groundwater conservation district management plans.

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 727 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 **CSSB 727** 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 727**, 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 727** 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.

WENTWORTH

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

SENATE BILL 876 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **SB 876** at this time on its second reading:

SB 876, Relating to the fee for a personal identification certificate for a homeless individual.

The motion prevailed.

Senators Birdwell, Fraser, Jackson, Patrick, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Birdwell, Fraser, Jackson, Patrick, Shapiro.

SENATE BILL 876 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 **SB 876** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Jackson, Patrick, Shapiro, 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 876**, 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 876** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Jackson, Patrick, Shapiro.

COMMITTEE SUBSTITUTE SENATE BILL 19 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 19** at this time on its second reading:

CSSB 19, Relating to the development, financing, construction, and operation of certain toll projects.

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 19 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 19** 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 19**, 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 19** 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.

WENTWORTH

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

SENATE BILL 888 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **SB 888** at this time on its second reading:

SB 888, Relating to the authority of a regional transportation authority to create a local government corporation.

The motion prevailed.

Senator West 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: West.

SENATE BILL 888 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 888** 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: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Whitmire, Williams, Zaffirini.

Nays: Wentworth.

Present-not voting: West.

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 888**, 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 888** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: West.

(President Pro Tempore Ogden in Chair)

SENATE BILL 1007 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration **SB 1007** at this time on its second reading:

SB 1007, Relating to certain comprehensive development agreements of the Texas Department of Transportation.

The motion prevailed.

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

(President in Chair)

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: Fraser.

SENATE BILL 1007 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1007** be placed on its third reading and final passage.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, 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 1007**, 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 1007** 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.

WENTWORTH

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

Nays: Fraser.

SENATE BILL 166 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 166** at this time on its second reading:

SB 166, Relating to the sex offender civil commitment program and to the creation of a state agency to perform the functions relating to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment.

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 166 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 166** 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 166**, 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 166** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 17 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 17** at this time on its second reading:

CSSB 17, Relating to the regulation of residential mortgage loan servicers; providing an administrative penalty.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 17 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 17** 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 17**, 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 17** 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.

WENTWORTH

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

SENATE BILL 431 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 431** at this time on its second reading:

SB 431, Relating to the use of fraudulent or fictitious military records; creating an offense.

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 431 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 431** 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 431**, 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 431** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 1165 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 1165** at this time on its second reading:

CSSB 1165, Relating to certain enforcement powers of the banking commissioner; providing administrative penalties.

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 1165 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 1165** 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 1165**, 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 1165** 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.

WENTWORTH

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

SENATE BILL 1310 REREFERRED (Motion In Writing)

Senator Shapiro submitted a Motion In Writing requesting that **SB 1310** be withdrawn from the Committee on Administration and rereferred to the Committee on Economic Development.

The Motion In Writing prevailed without objection.

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

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Higher Education might meet tomorrow at 7:30 a.m.

CO-AUTHOR OF SENATE BILL 17

On motion of Senator Carona, Senator Davis will be shown as Co-author of **SB 17**.

CO-AUTHOR OF SENATE BILL 204

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-author of **SB 204**.

CO-AUTHOR OF SENATE BILL 290

On motion of Senator Watson, Senator Davis will be shown as Co-author of **SB 290**.

CO-AUTHOR OF SENATE BILL 356

On motion of Senator Watson, Senators Hinojosa will be shown as Co-author of **SB 356**.

CO-AUTHOR OF SENATE BILL 420

On motion of Senator Deuell, Senator West will be shown as Co-author of **SB 420**.

CO-AUTHOR OF SENATE BILL 423

On motion of Senator Lucio, Senator Hegar will be shown as Co-author of **SB 423**.

CO-AUTHOR OF SENATE BILL 497

On motion of Senator Jackson, Senator Hinojosa will be shown as Co-author of **SB 497**.

CO-AUTHORS OF SENATE BILL 544

On motion of Senator Seliger, Senators Nelson and West will be shown as Co-authors of **SB 544**.

CO-AUTHOR OF SENATE BILL 596

On motion of Senator Shapiro, Senator West will be shown as Co-author of **SB 596**.

CO-AUTHOR OF SENATE BILL 639

On motion of Senator Zaffirini, Senator Davis will be shown as Co-author of **SB 639**.

CO-AUTHOR OF SENATE BILL 688

On motion of Senator Nichols, Senator Nelson will be shown as Co-author of **SB 688**.

CO-AUTHOR OF SENATE BILL 779

On motion of Senator Whitmire, Senator Huffman will be shown as Co-author of **SB 779**.

CO-AUTHOR OF SENATE BILL 949

On motion of Senator Ellis, Senator West will be shown as Co-author of **SB 949**.

CO-AUTHOR OF SENATE BILL 1001

On motion of Senator Carona, Senator Van de Putte will be shown as Co-author of **SB 1001**.

CO-AUTHOR OF SENATE BILL 1081

On motion of Senator Van de Putte, Senator Birdwell will be shown as Co-author of **SB 1081**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 36

On motion of Senator Williams, Senators Carona, Deuell, Eltife, Jackson, Nelson, Shapiro, and Wentworth will be shown as Co-authors of **SCR 36**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 643 by Van de Putte, In memory of the life of Farrell Sullivan.

SR 654 by Van de Putte, In memory of Roland M. "Rollie" Meffert.

SR 655 by Ellis, In memory of Paula Yuvern Dunn of Houston.

Congratulatory Resolutions

SR 644 by Van de Putte, Recognizing Michael E. Thornton for his service to this nation as a member of the United States Navy during the Vietnam War.

SR 645 by Van de Putte, Recognizing Patrick Henry Brady for his service to this nation as a member of the United States Army during the Vietnam War.

SR 646 by Van de Putte, Recognizing Ken Wallingford for his service to this nation as a member of the United States Army during the Vietnam War.

SR 647 by Van de Putte, Recognizing Mary Parrish for her service to this nation as a member of the United States Air Force during the Vietnam War.

SR 658 by Seliger, Recognizing Dan Sheperd for his service to this nation as a member of the United States Army.

SR 659 by Seliger, Recognizing Nicholas Orchowski for his service to this nation as a member of the United States Army.

SR 660 by Seliger, Recognizing Matthew Keil for his service to this nation as a member of the United States Army.

SR 661 by Seliger, Recognizing Shawn L. Walton for his service to this nation as a member of the United States Army.

Official Designation Resolution

SR 650 by Uresti, Recognizing April of 2011 as Foot Health Awareness Month.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:18 p.m. adjourned, in memory of Colton Wesley Rusk, Ashley Brown, and Alicia Bonura, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 29, 2011

FINANCE — SB 551, SB 899, SB 432, SB 326

GOVERNMENT ORGANIZATION — SB 648, CSSB 655

BUSINESS AND COMMERCE — SB 1150

INTERGOVERNMENTAL RELATIONS — CSSB 413

STATE AFFAIRS — CSSB 29, CSSB 372, CSSB 1034, CSSB 894, CSSB 1716, CSSB 1109

BILLS ENGROSSEDMarch 28, 2011**SB 38, SB 58, SB 587, SB 728, SB 766, SB 864****RESOLUTIONS ENROLLED**March 28, 2011**SR 574, SR 623, SR 630, SR 631, SR 632, SR 633, SR 634, SR 635, SR 636,
SR 637, SR 638, SR 639, SR 640, SR 641, SR 642**

In Memory
of
Colton Wesley Rusk
Senate Resolution 652

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Private First Class Colton Wesley Rusk, who died December 6, 2010, at the age of 20 while serving his country in Afghanistan; and

WHEREAS, Colton Wesley Rusk was born September 23, 1990, in Corpus Christi; he was a 2009 graduate of Orange Grove High School, where he was elected by his fellow students as Mr. Orange Grove High School and earned all-district honors in football and baseball; and

WHEREAS, Colton fulfilled a longtime dream when he enlisted in the United States Marine Corps; he was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, as an improvised explosive device dog handler; he and his dog, Eli, played a vital role in securing the safety of his fellow Marines in Afghanistan; and

WHEREAS, A young man of courage, strength, and determination, he gave generously to others, and his radiant smile and enthusiasm for living each day to the fullest will not be forgotten by those who knew him; and

WHEREAS, He was a devoted son, brother, and grandson, and he leaves behind memories that will be treasured forever by his family and his many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family and friends of Colton Wesley Rusk; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate.

HINOJOSA

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FOURTH DAY

(Wednesday, March 30, 2011)

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: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

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

The Reverend Dr. Edmund Robb, The Woodlands United Methodist Church, The Woodlands, was introduced by Senator Williams and offered the invocation as follows:

O God, we come before You at the beginning of today's session remembering that You are the source of all life. You are almighty and everlasting, slow to anger, and abounding in steadfast love. Help us to remember that our days of this Earth are numbered and that all of us shall stand in judgment of You. May that knowledge keep us on the right path. I ask, O Lord, that You would extend an extra measure of Your guidance to these Senators as they deliberate the business of our state during these tough economic times. Give them strength for the task and sensitive hearts for the weak and those most in need. And finally, gracious God, I pray that You will give these Senators patience with one another. Enable them to work together as colleagues and friends, believing the best about one another, as they make difficult decisions during the days ahead. Amen.

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

The motion prevailed without objection.

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Fred Merian of Wimberley as the Physician of the Day.

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

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 62, HCR 114.**

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate a Marshall delegation.

The Senate welcomed its guests.

MESSAGES FROM THE GOVERNOR

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

March 29, 2011

Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be members of the Texas Diabetes Council for terms to expire February 1, 2017:

Maria O. Duarte-Gardea
El Paso, Texas

John W. Griffin, Jr.
Victoria, Texas

Don E. Yarborough
Garland, Texas

The individuals listed above are being reappointed.

To be a member of the Statewide Health Coordinating Council for a term to expire August 1, 2015:

Abigail Blackburn
Austin, Texas

Dr. Blackburn is replacing Richard Smith of Amarillo whose term expired.

To be members of the Texas State Appraiser Licensing and Certification Board for terms to expire January 31, 2013:

Walker R. Beard
El Paso, Texas
(Mr. Beard is being reappointed)

Sheryl R. Swift
Galveston, Texas
(Ms. Swift is being reappointed)

Donna L. Walz
Lubbock, Texas
(Ms. Walz is being reappointed)

Jamie S. Wickliffe
Midlothian, Texas
(replacing James Ratliff of Garland whose term expired)

To be members of the Lower Colorado River Authority for terms to expire
February 1, 2017:

J. Scott Arbuckle
El Campo, Texas
(replacing Linda Raun of El Campo whose term expired)

Stephen K. Balas
Eagle Lake, Texas
(Mr. Balas is being reappointed)

John M. Franklin
Burnet, Texas
(replacing Ida Carter of Marble Falls whose term expired)

Bobby L. Limmer
Llano, Texas
(replacing Woody McCasland of Horseshoe Bay whose term expired)

To be members of the Texas Commission on Fire Protection for terms to expire
February 1, 2017:

Elroy Carson
Ransom Canyon, Texas

Christopher M. Connealy
Cedar Park, Texas

John K. Gillette, III
Frisco, Texas

John W. Green
San Leon, Texas

The individuals listed above are being reappointed.

To be members of the Texas Board of Physical Therapy Examiners for terms to
expire January 31, 2017:

Robert Gary Gray
Midland, Texas

Kathleen A. Luedtke-Hoffmann
Garland, Texas

Daniel Reyna
Waco, Texas

The individuals listed above are being reappointed.

To be members of the Texas Optometry Board for terms to expire January 31, 2017:

John Coble
Rockwall, Texas
(Dr. Coble is being reappointed)

Larry W. Fields
Carthage, Texas
(Judge Fields is being reappointed)

Mario Gutierrez
San Antonio, Texas
(replacing Carolyn Carman of Mansfield whose term expired)

Respectfully submitted,

/s/Rick Perry
Governor

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, March 30, 2011 - 1

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 79 Aliseda
In memory of U.S. Marine Corps Lance Corporal Colton Wesley Rusk of Orange Grove.

HCR 123 Scott
Honoring the Vietnam Veterans Memorial Fund and the National Park Service for their collaboration on The Education Center at The Wall.

HCR 125 Hughes
Recognizing March 30, 2011 as Marshall Day at the State Capitol.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate a Leadership Gainesville delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 575

Senator Williams offered the following resolution:

SR 575, Recognizing March 30, 2011, as Montgomery County Day at the State Capitol.

WILLIAMS
NICHOLS

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams, joined by Senator Nichols, was recognized and introduced to the Senate a Montgomery County delegation: Charlie Irvine, Gary Gardner, Karen Smith, Diane Holland, and Nina Marino.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate his wife, Licia Green-Ellis, and Rod Paige.

The Senate welcomed its guests.

SENATE RESOLUTION 651

Senator Huffman offered the following resolution:

SR 651, Recognizing March 30, 2011, as Pachyderm Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Huffman was recognized and introduced to the Senate a Greater Houston Pachyderm Club delegation: J. D. Joyce, Carolyn Lightfoot, Linda Vega, Chris Mauer, and Bernadette McLeroy.

The Senate welcomed its guests.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President 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 Deuell.

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

The President 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 31, Nays 0.

Members, Commission on Jail Standards: Allan D. Cain, Panola County; Stanley Dewayne Egger, Taylor County; Michael Morris Seale, Harris County.

Members, Board of Trustees, Teacher Retirement System of Texas: Todd F. Barth, Harris County; Christopher S. Moss, Angelina County; F. Nanette Sissney, Cooke County.

Commissioner of Education, Texas Education Agency: Robert P. Scott, Travis County.

Members, Board of Directors, Texas Public Finance Authority: Billy Morris Atkinson, Fort Bend County; Mark Warner Eidman, Travis County; Robert Thomas Roddy, Bexar County.

Members, Board of Regents, Texas State University System: Jaime R. Garza, Bexar County; Maria Isabel Salazar, Travis County; Donna N. Williams, Tarrant County.

Members, Board of Directors, Texas Underground Facility Notification Corporation: Dean Donald Bernal, Travis County; Joseph Francis Berry, Brazoria County; Barry Calhoun, Dallas County; Julio Cerda, Hidalgo County; Judith Hardaway Devenport, Midland County; Jason Hartgraves, Denton County; John William Linton, Hidalgo County; Janie Lou Walenta, Wood County; Jay Solomon Zeidman, Harris County.

Members, Texas Water Development Board: Billy Ray Bradford, Cameron County; Monte Dean Cluck, Hansford County.

Members, Board of Directors, Upper Colorado River Authority: Eva W. Horton, Tom Green County; Jeffie Harmon Roberts, Coke County; Hyman Dale Sauer, Schleicher County; Hugh Lamar Stone, Tom Green County.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate Juliet Stipetche and Katherine Vialta.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 11:29 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 290 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 290** at this time on its second reading:

CSSB 290, Relating to including a personal financial literacy component in public school mathematics instruction.

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 290 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 290** 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 290**, 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 290** 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.

WENTWORTH

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

(President Pro Tempore Ogden in Chair)

SENATE BILL 544 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 544** at this time on its second reading:

SB 544, Relating to unlawful acts against and criminal offenses involving the Medicaid program.

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 544 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 544** 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 544**, 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 544** 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.

WENTWORTH

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

GUESTS PRESENTED

Senator Davis was recognized and introduced to the Senate a National Association of Hispanic Firefighters and Texas Hispanic Firefighters delegation.

The Senate welcomed its guests.

SENATE BILL 158 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 158** at this time on its second reading:

SB 158, Relating to the fraudulent obtaining of a controlled substance from a practitioner; providing a penalty.

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

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

SENATE BILL 158 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 158** 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 158**, 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 158** 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.

WENTWORTH

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

SENATE BILL 159 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 159** at this time on its second reading:

SB 159, Relating to the diversion of a controlled substance by certain persons who have access to the substance by virtue of the persons' profession or employment; providing penalties.

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 159 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 159** 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 159**, 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 159** 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.

WENTWORTH

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

SENATE BILL 377 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **SB 377** at this time on its second reading:

SB 377, Relating to the murder of a child as a capital offense.

The motion prevailed by the following vote: Yeas 28, Nays 2, Present-not voting 1.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Ellis, Rodriguez.

Present-not voting: Van de Putte.

The bill was read second time and was passed to engrossment by the following vote: Yeas 28, Nays 2, Present-not voting 1. (Same as previous roll call)

SENATE BILL 377 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 377** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3, Present-not voting 1.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Ellis, Rodriguez, Wentworth.

Present-not voting: Van de Putte.

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 377**, 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 377** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2, Present-not voting 1.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Ellis, Rodriguez.

Present-not voting: Van de Putte.

REASON FOR VOTE

Senator Van de Putte submitted the following reason for vote on **SB 377**:

I respectfully vote "Present-not voting" on Senate Bill 377:

I have voted "Present-not voting" on Senate Bill 377 for the following reasons. My vote on the bill was a very difficult decision, as a mother of six and a grandmother of 2, I can only begin to imagine the pain and suffering over the death of a child. I prayed over my decision and I agree that a person who commits such a heinous crime should be punished harshly, however, our capital punishment process is not without flaws and I cannot vote for a bill that expands the death penalty at this time. In recent years, several persons have been exonerated after serving time on death row because of DNA testing.

I did support the bill that included capital punishment for a person who commits murder of a child under six. However, without the necessary safeguards in our legal system to absolutely prevent an innocent person from being placed on death row, I cannot vote "Aye" at this time. For these reasons I respectfully vote "Present-not voting" on Senate Bill 377.

VAN DE PUTTE

REASON FOR VOTE

Senator Lucio submitted the following reason for vote on **SB 377**:

Despite having great personal concerns about the use of the death penalty, I voted in support of SB 377, specifically because I feel that the current statute regarding Murder of a Child needed to be raised from 6-years old to 10-years old. The current statute does not ensure that someone who murders a precious child will remain in prison for good. By expanding the statute, Texas juries will now have the option of Life Without Parole, a concept I authored and fully support in such cases. However, I remain deeply troubled about the use of the death penalty. I have full faith in Texas juries, but recent exonerations, inadequate defense counsel, and tainted crime lab results continue to show how deeply flawed the system remains. It is my hope that Texas juries will make full use of the Life Without Parole option to put murderers away for good, but I also recognize that we must continue to work for a fairer and more certain justice system.

LUCIO

COMMITTEE SUBSTITUTE SENATE BILL 331 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 331** at this time on its second reading:

CSSB 331, Relating to designating certain synthetic cannabinoids as controlled substances under the Texas Controlled Substances Act; providing penalties and establishing certain criminal consequences or procedures.

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 331 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 **CSSB 331** 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 331**, 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 331** 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.

WENTWORTH

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

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 473 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 473** at this time on its second reading:

CSSB 473, Relating to adverse possession of real property by a cotenant heir against other cotenant heirs.

The motion prevailed.

Senators Nichols and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 473** (senate committee printing), in SECTION 1 of the bill, in added Section 16.0265, Property Code (page 1, line 49, through page 2, line 7), by striking Subsection (c) and substituting the following:

(c) To make a claim of adverse possession against a cotenant heir under this section, the cotenant heir or heirs claiming adverse possession must:

(1) file in the deed records of the county in which the real property is located an affidavit of heirship in the form prescribed by Section 52A, Texas Probate Code, and an affidavit of adverse possession that complies with the requirements of Subsection (c-1);

(2) publish notice of the claim in a newspaper of general circulation in the county in which the property is located for the four consecutive weeks immediately following the date the affidavits required by Subdivision (1) are filed; and

(3) provide written notice of the claim to the last known addresses of all other cotenant heirs by certified mail, return receipt requested.

(c-1) The affidavits required by Subsection (c) may be filed separately or combined into a single instrument. The affidavit of adverse possession must include:

(1) a legal description of the property that is the subject of the adverse possession;

(2) an attestation that each affiant is a cotenant heir of the property who has been in peaceable and exclusive possession of the property for a continuous, uninterrupted period during the 10 years preceding the filing of the affidavit;

(3) an attestation of cultivation, use, or enjoyment of the property by each affiant during the 10 years preceding the filing of the affidavit;

(4) evidence of payment by the affiant or affiants of all property taxes on the property as provided by Subsection (b) during the 10 years preceding the filing of the affidavit; and

(5) an attestation that there has been no action described by Subsection (b)(2) by another cotenant heir during the 10 years preceding the filing of the affidavit.

The amendment to **CSSB 473** 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 473 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: Nichols, Patrick.

COMMITTEE SUBSTITUTE SENATE BILL 473 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 473** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, Patrick, 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 473**, 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 473** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, Patrick.

(Senator Carona in Chair)

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 332 ON SECOND READING

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSSB 332** at this time on its second reading:

CSSB 332, Relating to the vested ownership interest in groundwater beneath the surface of land, the right to produce that groundwater, and the management of groundwater in this state.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams.

Nays: Rodriguez, Watson, Zaffirini.

The bill was read second time and was passed to engrossment by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 332 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 332** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, West, Whitmire, Williams.

Nays: Rodriguez, Watson, Wentworth, Zaffirini.

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 332**, 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 332** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, West, Whitmire, Williams.

Nays: Rodriguez, Watson, Zaffirini.

COMMITTEE SUBSTITUTE SENATE BILL 246 ON SECOND READING

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 246** at this time on its second reading:

CSSB 246, Relating to toll collection services provided by a regional tollway authority.

The motion prevailed.

Senator Harris 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: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 246 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 **CSSB 246** be placed on its third reading and final passage.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Harris, 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 246**, 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 246** 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.

WENTWORTH

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

Nays: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 737 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 737** at this time on its second reading:

CSSB 737, Relating to the management of groundwater production by groundwater conservation districts.

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 737 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 737** 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 737**, 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 737** 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.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE BILL 646 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 646** at this time on its second reading:

CSSB 646, Relating to the continuation and functions of the Texas Forest Service.

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 646 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 646** 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 646**, 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 646** 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.

WENTWORTH

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

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Josh Gallant, Denny Hamrick, and Christian Manrique, serving today as Honorary Senate Pages.

The Senate welcomed its guests.

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Eltife 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 8:30 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 Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting tomorrow during the Local and Uncontested Calendar Session.

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 Natural Resources might meet today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:55 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 10:00 a.m. tomorrow.

CO-AUTHOR OF SENATE BILL 326

On motion of Senator Duncan, Senator West will be shown as Co-author of **SB 326**.

CO-AUTHOR OF SENATE BILL 331

On motion of Senator Shapiro, Senator West will be shown as Co-author of **SB 331**.

CO-AUTHOR OF SENATE BILL 332

On motion of Senator Fraser, Senator Duncan will be shown as Co-author of **SB 332**.

CO-AUTHORS OF SENATE BILL 377

On motion of Senator Huffman, Senators Estes and Uresti will be shown as Co-authors of **SB 377**.

CO-AUTHOR OF SENATE BILL 473

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 473**.

CO-AUTHOR OF SENATE BILL 551

On motion of Senator Williams, Senator West will be shown as Co-author of **SB 551**.

CO-AUTHOR OF SENATE BILL 899

On motion of Senator Ogden, Senator West will be shown as Co-author of **SB 899**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 36

On motion of Senator Williams, Senator Estes will be shown as Co-author of **SCR 36**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 37

On motion of Senator Hinojosa, Senator Birdwell will be shown as Co-author of **SCR 37**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 663 by Hinojosa, In memory of Jeff Bell.

SR 668 by Jackson and Watson, In memory of Charles Durham Nash of Austin.

SR 673 by Watson, In memory of Anthony "Biff" Johnson.

HCR 79 (Hinojosa), In memory of U.S. Marine Corps Lance Corporal Colton Wesley Rusk of Orange Grove.

Congratulatory Resolutions

SR 662 by Hinojosa, Recognizing Larry Gallardo for being named the 2010 Constable of the Year by the National Constables Association.

SR 664 by Nelson, Recognizing Lake Grapevine Runners and Walkers on the occasion of the organization's 12th Annual Hound Dog Hustle.

SR 669 by West, Commending Dru M. Robinson for achieving the rank of Eagle Scout.

SR 670 by West, Recognizing the National Council of Negro Women, Incorporated, Minnie H. Goodlow Page Section, on the occasion of its Ninth Annual Spring Hat Extravaganza and Tea.

SR 672 by Watson, Recognizing Daniel Delarosa on the occasion of his retirement from the Texas Department of Criminal Justice.

SR 674 by Watson, Recognizing Richard Dale McClain on the occasion of his 70th birthday.

HCR 123 (Hinojosa), Honoring the Vietnam Veterans Memorial Fund and the National Park Service for their collaboration on The Education Center at The Wall.

Official Designation Resolutions

SR 657 by Zaffirini, Recognizing April 6, 2011, as Atascosa County Day at the State Capitol.

SR 665 by Uresti, Celebrating Reeves County Day at the State Capitol.

SR 666 by Uresti, Celebrating Loving County Day at the Capitol.

SR 667 by Uresti, Celebrating Ward County Day at the State Capitol.

HCR 125 (Eltife), Recognizing March 30, 2011 as Marshall Day at the State Capitol.

RECESS

On motion of Senator Whitmire, the Senate at 12:55 p.m. recessed until 8:30 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:

March 30, 2011

INTERGOVERNMENTAL RELATIONS — CSSB 142

ADMINISTRATION — **SB 1343, SB 1518, SB 1147, SB 1303**

AGRICULTURE AND RURAL AFFAIRS — **SB 460, SB 498, CSSB 499**

JURISPRUDENCE — **SB 715, SB 789, SB 1025, SB 1098, SB 1187, SB 1228, SB 1236, SB 1241, SB 1242, SB 1267, SB 1308, SB 1322, SB 1476**

STATE AFFAIRS — **CSSB 626, CSSB 800**

NATURAL RESOURCES — **SB 907, SB 908, SB 1151**

BUSINESS AND COMMERCE — **CSSB 1230**

FINANCE — **CSSB 201**

EDUCATION — **SB 54, SB 217**

BILLS ENGROSSED

March 29, 2011

SB 17, SB 19, SB 166, SB 431, SB 691, SB 727, SB 876, SB 888, SB 1007, SB 1165

RESOLUTIONS ENROLLED

March 29, 2011

SR 643, SR 644, SR 645, SR 646, SR 647, SR 648, SR 649, SR 650, SR 652, SR 654, SR 655, SR 658, SR 659, SR 660, SR 661

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FOURTH DAY

(Continued)

(Thursday, March 31, 2011)

AFTER RECESS

The Senate met at 8:30 a.m. and was called to order by Senator Eltife.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Eltife yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

SB 36 (Zaffirini)

Relating to methods for increasing student success and degree completion at public institutions of higher education.

(viva voce vote) (31-0) (31-0)

SB 86 (Nelson)

Relating to municipal contracts for enforcement of outstanding traffic violation arrest warrants.

(viva voce vote) (31-0) (31-0)

SB 199 (West)

Relating to agricultural projects in certain schools, including the eligibility of nonprofit organizations that partner with schools to receive grants.

(viva voce vote) (31-0) (31-0)

CSSB 238 (West)

Relating to the regulation by a property owners' association of the installation of solar energy devices on property.

(viva voce vote) (31-0) (31-0)

CSSB 310 (Seliger)

Relating to the Dallam-Hartley Counties Hospital District.

(viva voce vote) (31-0) (31-0)

CSSB 311 (Seliger)

Relating to the authority of the board of directors of the Ochiltree County Hospital District to employ physicians and other health care providers.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)

CSSB 349 (Eltife)

Relating to the hotel occupancy tax rate in certain municipalities.

(viva voce vote) (31-0) (31-0)

SB 410 (Eltife)

Relating to the name and powers of the Red River Redevelopment Authority.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)

CSSB 438 (Nelson)

Relating to the number of days a winery may sell wine under a winery festival permit.

(viva voce vote) (31-0) (31-0)

SB 475 (Patrick)

Relating to the creation of the Harris County Municipal Utility District No. 524; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

SB 479 (Estes)

Relating to limiting the liability of certain persons for farm animal activities.

(viva voce vote) (31-0) (31-0)

SB 480 (Hegar)

Relating to certain appeals from judgments of municipal courts of record.

(viva voce vote) (31-0) (31-0)

CSSB 482 (Harris)

Relating to authorization agreements between parents and nonparent relatives of a child.

(viva voce vote) (31-0) (31-0)

CSSB 483 (Harris)

Relating to the powers and duties of criminal law magistrates in Tarrant County.

(viva voce vote) (31-0) (31-0)

SB 512 (Hegar)

Relating to the qualification of supervisors of a fresh water supply district.

(viva voce vote) (31-0) (31-0)

SB 519 (Hegar)

Relating to the period during which a motion for a new trial in a criminal proceeding in a justice or municipal court must be made.

(viva voce vote) (31-0) (31-0)

SB 525 (Deuell)

Relating to the protection of water quality in certain bodies of water.

(viva voce vote) (31-0) (31-0)

SB 564 (Uresti)

Relating to the election of members of the board of directors of the Middle Pecos Groundwater Conservation District.

(viva voce vote) (31-0) (31-0)

SB 569 (Jackson)

Relating to the rates charged by certain conservation and reclamation districts for potable water or wastewater service to recreational vehicle parks.

(viva voce vote) (31-0) (31-0)

CSSB 579 (Hegar)

Relating to the total benefit amount under a prepaid funeral contract.

(viva voce vote) (31-0) (31-0)

CSSB 623 (Whitmire)

Relating to the disqualification of a district or county attorney who is the subject of a criminal investigation.

(viva voce vote) (31-0) (31-0)

SB 629 (Hegar)

Relating to the Ranch at Clear Fork Creek Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

SB 683 (Huffman)

Relating to the composition of the board of directors of the Gulf Coast Water Authority.

(viva voce vote) (31-0) (31-0)

CSSB 684 (Huffman)

Relating to the transfer of the assets of and the dissolution of the Fort Bend County Water Control and Improvement District No. 1.

(viva voce vote) (31-0) (31-0)

CSSB 791 (Duncan)

Relating to electronic notification of certain state officials and agencies of certain rules and rulemaking filings.

(viva voce vote) (31-0) (31-0)

SB 802 (Hegar)

Relating to allowing the Aransas County Commissioners Court to charge interest on assessments for certain county road improvements.

(viva voce vote) (31-0) (31-0)

SB 813 (Gallegos)

Relating to the creation of the Harris County Municipal Utility District No. 528; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

CSSB 819 (Harris)

Relating to family violence and protective orders.

(viva voce vote) (31-0) (31-0)

SB 855 (Duncan)

Relating to assistance provided by the Office of Public Utility Counsel to interested parties on certain electricity matters involving certificates of convenience and necessity.

(viva voce vote) (31-0) (31-0)

SB 1008 (Carona)

Relating to the composition of the Finance Commission of Texas.

(viva voce vote) (31-0) (31-0)

SB 1166 (Carona)

Relating to prepaid funeral benefits contracts and the prepaid funeral contract guaranty fund.

(viva voce vote) (31-0) (31-0)

SB 1220 (Hinojosa)

Relating to the advisory committee on Medicaid and child health plan program rate and expenditure disparities between the Texas-Mexico border region and other areas of the state.

(viva voce vote) (31-0) (31-0)

SCR 10 (Ellis)

Designating February 21 through 27 of each year from 2011 through 2020 as Barbara Jordan Freedom Week.

(viva voce vote)

SCR 18 (Hegar)

Designating a portion of the city of Gonzales as the official Texas History Museum District.

(viva voce vote)

Senator Hegar offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend **SCR 18**, on page 1, line 52, after "as" and before "official"; strike "the" and replace with "an."

The amendment to **SCR 18** was read and was adopted by a viva voce vote.

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

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

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Van de Putte, author of the bill, requested in writing that **SB 99** be removed from the Local and Uncontested Calendar.

Senator Birdwell, author of the bill, requested in writing that **SB 353** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:44 a.m. adjourned until 10:00 a.m. today.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FIFTH DAY

(Thursday, March 31, 2011)

The Senate met at 10:12 a.m. pursuant to adjournment and was called to order by the President.

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

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

Pastor Tim Williams, Northside Baptist Church, Victoria, offered the invocation as follows:

Heavenly Father, we thank You that You are a God who gives strength in our weakness, who calls us to cast our cares upon You. You have blessed us and carried us through many trials in the past. We praise You today for being that one who is an ever present help in time of trouble. Our state stands in need of You and Your help to face the challenges before us. These women and men have a huge task before them in leading our state, we pray today for wisdom, we pray for courage, we pray for strength that will enable them to know what is right and to do what is right. Grant them a power this day to make decisions that You will bless in days to come, so that someday those who come after us may look back on these people gathered here and say of them, "They stood the test." The pressures on them are great, the expectations keep rising, the demands on them are endless, and the different ways that they are pulled are countless; they need a strength that only You can provide, but You do provide. Give them the ability to receive the help that You offer for each of them for their own unique burdens, bless them in their relationships with their families, bless them in their work with each other, and bless them as they seek to make our state a better place. We ask this in the name of the one You sent to save us by Your mercy and through Your love. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, March 31, 2011 - 1

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 74 Flynn

Relating to persons authorized to control the disposition of the remains of certain members of the United States armed forces.

HB 92 Cook

Relating to the regulation of slaughterers by certain counties.

HB 149 Raymond

Relating to the appointment of a parenting coordinator or parenting facilitator in a suit affecting the parent-child relationship.

HB 200 Parker

Relating to the notification of the release of certain inmates given to certain courts and law enforcement agencies.

HB 315 Flynn

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

HB 350 Walle

Relating to discharging fines and costs assessed against certain juvenile defendants through community service or tutoring.

HB 361 Otto

Relating to the agricultural advisory board of an appraisal district.

HB 367 Orr

Relating to the designation of State Highway 121 in Tarrant and Johnson Counties as the Chisholm Trail Parkway.

HB 370 Hochberg

Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.

HB 378 Guillen

Relating to stationary tow trucks on a highway; providing a penalty.

- HB 388** Raymond
Relating to the designation of segments of State Highways 359, 16, and 285 as the Veterans of the Korean War Memorial Highway.
- HB 422** Guillen
Relating to certain oversize and overweight permits issued by the Texas Department of Transportation.
- HB 434** Parker
Relating to the minimum standards for licensed child-care facilities and registered family homes.
- HB 447** Menendez
Relating to the powers of a defense base development authority.
- HB 457** Craddick
Relating to restrictions on the promotion and operation of charitable raffles.
- HB 462** Kleinschmidt
Relating to the assignment of special judges in county courts in certain counties.
- HB 478** Orr
Relating to certain court costs associated with the offense of failing to secure a child passenger in a motor vehicle.
- HB 549** Dutton
Relating to the disposition of a decedent's remains.
- HB 591** Miller, Doug
Relating to naming a segment of Interstate Highway 10 in Kendall County the Trooper Kurt David Knapp Memorial Highway.
- HB 646** Orr
Relating to reporting requirements for salvage motor vehicles by insurance companies.
- HB 699** Deshotel
Relating to the Port Authority Advisory Committee and funding of port security, transportation, and facility projects and port studies.
- HB 801** Anderson, Charles "Doc"
Relating to the territory and dissolution requirements of the Southern Trinity Groundwater Conservation District.
- HB 805** Callegari
Relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.
- HB 824** Villarreal
Relating to an outreach campaign to promote fathers' involvement with their children before birth.
- HB 831** Craddick
Relating to the authority of certain local governmental entities to borrow money for a public hospital.

- HB 843** Geren
Relating to the use of electronic means for the delivery of ad valorem tax bills to certain property owners and agents.
- HB 848** Guillen
Relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.
- HB 850** Craddick
Relating to the Rankin County Hospital District.
- HB 861** Patrick, Diane
Relating to membership of the state continuing advisory committee for special education services.
- HB 885** Rodriguez, Eddie
Relating to the operation and movement of a vehicle when certain traffic-control signals do not display an indication.
- HB 904** Thompson
Relating to court costs imposed on conviction and deposited to the municipal court building security fund.
- HB 905** Thompson
Relating to the admissibility of certain hearsay statements of a child in hearings on an application for a protective order.
- HB 906** Thompson
Relating to appointments made in and the appeal of certain suits affecting the parent-child relationship.
- HB 984** Truitt
Relating to agreements between contiguous municipalities regarding jurisdiction of cases in municipal courts.
- HB 993** Rodriguez, Eddie
Relating to the closure of a road or highway by certain firefighters.
- HB 1110** Craddick
Relating to the contracting authority of the Midland County Hospital District.
- HB 1130** Huberty
Relating to information provided by the Texas Education Agency to school districts regarding placement of students receiving special education services.
- HB 1209** Taylor, Larry
Relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.
- HB 1251** Deshotel
Relating to the election of the members of the Board of Port Commissioners of the Port of Port Arthur Navigation District of Jefferson County.
- HB 1286** Howard, Donna
Relating to adoption of rules by the University Interscholastic League.

- HB 1383** Quintanilla
Relating to the territory of the El Paso County Water Control and Improvement District No. 4.
- HB 1409** Flynn
Relating to the designation of a segment of State Highway 243 in Van Zandt County as the Veterans Memorial Parkway.
- HB 1481** Truitt
Relating to the use of person first respectful language in reference to individuals with disabilities.
- HB 1510** Hamilton
Relating to the regulation of manufactured housing.
- HB 1551** Aycock
Relating to the power of the Bell County Water Control and Improvement District No. 1 to issue bonds.
- HB 1674** Jackson, Jim
Relating to procedures for establishment, modification, and enforcement of child support obligations.
- HB 1703** Martinez Fischer
Relating to the schedule for administration of state-administered assessment instruments in public schools.
- HB 1844** Guillen
Relating to storage of local government records by the Texas State Library and Archives Commission.
- HCR 33** Raymond
Authorizing the burial of Susana I. Aleman in the State Cemetery.
- HCR 45** Kleinschmidt
Designating Giddings as the official Depot Capital of Texas.
- HCR 64** Aycock
Recognizing April 13, 2011, as Leadership Highland Lakes Day at the State Capitol.
- HCR 65** Aycock
Recognizing April 13, 2011, as Leadership Killeen Day at the State Capitol.
- HCR 77** Zerwas
Recognizing March 1, 2011, as Donate Life Texas Day at the State Capitol.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate David Keith of the National Association to Protect Children and Ed Smart of The Surviving Parents Coalition.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Michael Dominguez of San Antonio as the Physician of the Day.

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

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 in the Betty King Committee Room and consider **SB 1416** today.

SENATE RESOLUTION 601

Senator Van de Putte offered the following resolution:

SR 601, Commending the participants in the United States Army's Senior Service College Fellows Program.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate members of the United States Army's Senior Service College Fellows Program delegation: William Bailey, Timothy Baxter, Robert McVay, Kurt Pinkerton, William Robare, Richard Noriega, James Raymer, Dale Rivers, Maria Zumwalt, John Anderson, David Kaczmariski, William Phillips, and Willie Rios III.

The Senate welcomed its guests.

(Senator Eltife in Chair)

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a West Texas Coalition delegation: Reeves County Judge W. J. Bang, Loving County Judge Skeet Lee Jones, and Ward County Judge Greg Holly.

The Senate welcomed its guests.

SENATE RESOLUTION 508

Senator Jackson offered the following resolution:

SR 508, Recognizing the National Aeronautics and Space Administration for its leadership and accomplishments in the State of Texas.

The resolution was again read.

The resolution was previously adopted on Tuesday, March 15, 2011.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate Kirk Shireman, Deputy Program Manager, International Space Station Program; Annise Parker, Mayor, City of Houston; Bob Mitchell, President, Bay Area Houston Economic Partnership; Doug Wheelock, NASA Astronaut; Hannah Bradley, Texas Aerospace Scholars Program and University of Texas student; and Mike Kincaid, Director, External Relations, Johnson Space Center.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Huffman, on behalf of Senator Eltife, was recognized and introduced to the Senate a Mount Pleasant, Titus County, delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a Texas Association for Symphony Orchestras delegation: Jan Bradley, President; Jan St. Hilaire, President-elect; Sherri Davis; Mary Padgett; Tiffany Ammerman; Laura Hyde; Annette Findley; LaVerne Gollob; Joi Smith; Emma Jean Tanner; Cynthia Lancaster; Connie Ware; and former Secretary of the Texas Senate, Betty King.

The Senate welcomed its guests.

SENATE RESOLUTION 677

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize John W. Griffin, Jr., for his dedicated service as chairman of the board of the American Diabetes Association; and

WHEREAS, A graduate of Austin College and the University of Missouri School of Law, Mr. Griffin serves as managing partner for the firm of Marek, Griffin, and Knaupp; and

WHEREAS, Over the course of his career, Mr. Griffin has been a tireless advocate for those with disabilities; among the many cases he has brought to trial was his successful argument in *Kapche v. City of San Antonio* that persuaded the Fifth Circuit Court of Appeals to revisit its blanket exclusion of people with insulin-treated diabetes from employment; and

WHEREAS, Mr. Griffin is active in numerous civic and professional organizations, including the Victoria Chamber of Commerce, the College of the State Bar of Texas, the Texas Diabetes Council, and the Texas Center for Legal Ethics and Professionalism; he is truly deserving of recognition for his outstanding efforts on behalf of the American Diabetes Association; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend John W. Griffin, Jr., on his exemplary service as chairman of the board of the American Diabetes Association and extend to him best wishes for continued success in 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.

LUCIO
HEGAR

SR 677 was read and was adopted without objection.

GUEST PRESENTED

Senator Lucio, joined by Senators Duncan and Hegar, was recognized and introduced to the Senate John W. Griffin, Jr., of the American Diabetes Association.

The Senate welcomed its guest.

PERMISSION TO INTRODUCE BILL AND RESOLUTION

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

SB 1889, SCR 39.

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 1887 by Harris

Relating to the appointment of bailiffs in certain county criminal courts of Tarrant County.

To Committee on Jurisprudence.

SB 1888 by Hegar

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

To Committee on Intergovernmental Relations.

SB 1889 by Jackson

Relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association.

To Committee on Business and Commerce.

SCR 39 by Shapiro

Designating the month of April each year from 2011 through 2020 as Genocide Awareness and Prevention Month.

To Committee on Administration.

SENATE RESOLUTION 671

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize March 31, 2011, as Natural Gas Vehicle Day at the Capitol; and

WHEREAS, Natural gas vehicles operate on one of two varieties of natural gas, compressed natural gas or liquefied natural gas, and look like most other vehicles; and

WHEREAS, In America, natural gas is an abundant resource, and domestic reserves of natural gas are estimated to be twice that of petroleum-based reserves; and

WHEREAS, As a transportation fuel, natural gas burns more cleanly than gasoline and diesel, and Texas is the largest producer of natural gas in the nation; and

WHEREAS, An increased use of natural gas as a transportation fuel offers Texas an opportunity to harness a domestic resource that will significantly reduce vehicle emissions and provide jobs and economic value to our state; and

WHEREAS, On average, natural gas costs one-third less than conventional gasoline at the pump, and its use reduces tailpipe emissions by up to 95 percent; natural gas vehicles have received some of the highest rankings for environmental performance, have earned an excellent safety record, and are in widespread use around the world; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the developers and supporters of natural gas vehicle technology for the roles they have played in educating the public and in encouraging the increased use of clean-burning natural gas for transportation in this state and proclaim March 31, 2011, as Natural Gas Vehicle Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Natural Gas Vehicle Day at the Capitol.

SR 671 was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate representatives of Greater Houston Natural Gas Vehicle Alliance, Metroplex Gas Vehicle Consortium, and America's Natural Gas Alliance.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:51 a.m. announced the conclusion of morning call.

SENATE BILL 364 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 364** at this time on its second reading:

SB 364, Relating to statistical information on the prosecution of certain offenses relating to the operating of a motor vehicle while intoxicated.

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 364 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 **SB 364** 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 364**, 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 364** 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.

WENTWORTH

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

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate a Shelby County delegation and the family of County Judge John E. Tomlin: his wife, Ann, and his daughter, Suzanne.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Wentworth was recognized and introduced to the Senate Lyle Lovett.

The Senate welcomed its guest.

SENATE BILL 887 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 887** at this time on its second reading:

SB 887, Relating to the penalty for theft of an automated teller machine or the contents or components of an automated teller machine.

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 887 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 887** 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 887**, 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 887** 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.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 28 ON SECOND READING**

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 28** at this time on its second reading:

CSSJR 28, Proposing a constitutional amendment relating to the provision of parks and recreational facilities by conservation and reclamation districts in El Paso County.

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.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 28 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 28** 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 **CSSJR 28**, 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 **CSSJR 28** 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.

WENTWORTH

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

SENATE BILL 957 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 957** at this time on its second reading:

SB 957, Relating to the clarification of terminology relating to the Waco Center for Youth.

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 957 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 957** be passed 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 957**, 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 957** 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.

WENTWORTH

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

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 497 ON SECOND READING**

Senator Jackson moved to suspend the regular order of business to take up for consideration **CSSB 497** at this time on its second reading:

CSSB 497, Relating to notice of the construction or expansion of a wind-powered electric generation facility located near a federally owned or operated radar installation or military installation.

Senator Jackson withdrew the motion to suspend the regular order of business.

**COMMITTEE SUBSTITUTE
SENATE BILL 934 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 934** at this time on its second reading:

CSSB 934, Relating to the enforcement of tax laws; providing a criminal penalty.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 934 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 934** 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 934**, 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 934** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 548 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 548** at this time on its second reading:

CSSB 548, Relating to the environmental review process for transportation projects.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 548** (senate committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) Chapter 201, Transportation Code, is amended by adding Subchapter I-1 to read as follows:

SUBCHAPTER I-1. ENVIRONMENTAL REVIEW PROCESS

Sec. 201.751. DEFINITIONS. In this subchapter:

(1) "Day" means a calendar day.
(2) "Federal Highway Administration" means the United States Department of Transportation Federal Highway Administration.

(3) "Highway project" means a highway or related improvement that is:
(A) part of the state highway system; or

(B) not part of the state highway system but funded wholly or partly by federal money.

(4) "Local government sponsor" means a political subdivision of the state that:

(A) elects to participate in the planning, development, design, funding, or financing of a highway project; and

(B) is a municipality or a county, a group of adjoining counties, a county acting under Chapter 284, a regional tollway authority operating under Chapter 366, a regional mobility authority operating under Chapter 370, a local government corporation, or a transportation corporation created under Chapter 431.

Sec. 201.752. STANDARDS. (a) The commission by rule shall establish standards for processing an environmental review document for a highway project. The standards must increase efficiency, minimize delays, and encourage collaboration and cooperation by the department with a local government sponsor, with a goal of prompt approval of legally sufficient documents.

(b) The standards apply regardless of whether the environmental review document is prepared by the department or a local government sponsor. The standards apply to work performed by the sponsor and to the department's review process and environmental decision.

(c) The standards must address, for each type of environmental review document:

(1) the issues and subject matter to be included in the project scope prepared under Section 201.754;

(2) the required content of a draft environmental review document;

(3) the process to be followed in considering each type of environmental review document; and

(4) review deadlines, including the deadlines in Section 201.759.

(d) The standards must include a process for resolving disputes arising under this subchapter, provided that the dispute resolution process must be concluded not later than the 60th day after the date either party requests dispute resolution.

Sec. 201.753. ENVIRONMENTAL REVIEW LIMITED TO CERTAIN PROJECTS. (a) A local government sponsor or the department may prepare an environmental review document for a highway project only if the highway project is:

(1) identified in the financially constrained portion of the approved state transportation improvement program or the financially constrained portion of the approved unified transportation program; or

(2) identified by the commission as being eligible for participation under this subchapter.

(b) Notwithstanding Subsection (a), a local government sponsor may prepare an environmental review document for a highway project that is not identified by the commission or in a program described by Subsection (a) if the sponsor submits with its notice under Section 201.755 a fee in an amount established by commission rule, but not to exceed the actual cost of reviewing the environmental review document.

(c) A fee received by the department under Subsection (b) must be deposited in the state highway fund and used to pay costs incurred under this subchapter.

Sec. 201.754. SCOPE OF PROJECT. If an environmental review document is prepared by a local government sponsor, the local government sponsor must prepare a detailed scope of the project in collaboration with the department before the department may process the environmental review document.

Sec. 201.755. NOTICE TO DEPARTMENT. (a) A local government sponsor may submit notice to the department proposing that the local government sponsor prepare the environmental review document for a highway project.

(b) The notice must include:

- (1) the project scope prepared under Section 201.754; and
- (2) a request for classification of the project.

Sec. 201.756. LOCAL GOVERNMENT SPONSOR RESPONSIBILITIES. A local government sponsor that submits notice under Section 201.755 is responsible for preparing all materials for:

- (1) project scope determination;
- (2) environmental reports;
- (3) the environmental review document;
- (4) environmental permits and conditions;
- (5) coordination with resource agencies; and
- (6) public participation.

Sec. 201.757. DETERMINATION OF ADMINISTRATIVELY COMPLETE ENVIRONMENTAL REVIEW DOCUMENT. (a) A local government sponsor's submission of an environmental review document must include a statement from the local government sponsor that the document is administratively complete, ready for technical review, and compliant with all applicable requirements.

(b) Not later than the 20th day after the date the department receives a local government sponsor's environmental review document, the department shall either:

- (1) issue a letter confirming that the document is administratively complete and ready for technical review; or
- (2) decline to issue a letter confirming that the document is administratively complete and ready for technical review, in accordance with Section 201.758.

Sec. 201.758. DEPARTMENT DECLINES TO CONFIRM THAT DOCUMENT IS ADMINISTRATIVELY COMPLETE. (a) The department may decline to issue a letter confirming that a document is administratively complete and ready for technical review only if the department sends a written response to the local government sponsor specifying in reasonable detail the basis for its conclusions, including a listing of any required information determined by the department to be missing from the document.

(b) If the department provides notice under Subsection (a), the department shall undertake all reasonable efforts to cooperate with the local government sponsor in a timely manner to ensure that the document is administratively complete.

(c) The local government sponsor may resubmit any environmental review document determined by the department under Section 201.757 not to be administratively complete, and the department shall issue a determination letter on the resubmitted document not later than the 20th day after the date the document is resubmitted.

Sec. 201.759. REVIEW DEADLINES. (a) The following deadlines must be included in the standards adopted under Section 201.752:

(1) the department shall issue a classification letter not later than the 30th day after the date the department receives notice from a local government sponsor under Section 201.755;

(2) for a project classified as a programmatic categorical exclusion, the environmental decision must be rendered not later than the 60th day after the date the supporting documentation is received by the department;

(3) for a project classified as a categorical exclusion, the environmental decision must be rendered not later than the 90th day after the date the supporting documentation is received by the department;

(4) for a project that requires the preparation of an environmental assessment:

(A) the department must provide all department comments on a draft environmental assessment not later than the 90th day after the date the draft is received by the department; and

(B) the department must render the environmental decision on the project not later than the 60th day after the later of:

(i) the date the revised environmental assessment is submitted to the department; or

(ii) the date the public involvement process concludes;

(5) the department must render the environmental decision on any reevaluation not later than the 120th day after the date the supporting documentation is received by the department; and

(6) for a project that requires the preparation of an environmental impact statement, the department shall render the environmental decision not later than the 120th day after the date the draft final environmental impact statement is submitted.

(b) Review deadlines under this section specify the date by which the department will render the environmental decision on a project or the time frames by which the department will make a recommendation to the Federal Highway Administration, as applicable.

(c) A deadline that falls on a weekend or official state holiday is considered to occur on the next business day.

Sec. 201.760. SUSPENSION OF TIME PERIODS. The computation of review deadlines under Section 201.759 does not begin until an environmental review document is determined to be administratively complete, and is suspended during any period in which:

(1) the document that is the subject of the review is being revised by or on behalf of the local government sponsor in response to department comments;

(2) the highway project is the subject of additional work, including a change in design of the project, and during the identification and resolution of new significant issues; or

(3) the local government sponsor is preparing a response to any issue raised by legal counsel for the department concerning compliance with applicable law.

Sec. 201.761. AGREEMENT BETWEEN LOCAL GOVERNMENT SPONSOR AND DEPARTMENT. Notwithstanding any provision of this subchapter or any other law, a local government sponsor and the department may enter into an agreement that defines the relative roles and responsibilities of the parties in the preparation and review of environmental review documents for a specific project. For a project for which an environmental decision requires the approval of the Federal Highway Administration and to the extent otherwise permitted by law, the Federal Highway Administration may also be a party to an agreement between a local government sponsor and the department under this section.

Sec. 201.762. REPORTS TO COMMISSION AND LEGISLATURE. (a) Not later than June 30 and December 31 of each year, the department shall submit a report to the commission at a regularly scheduled commission meeting identifying projects being processed under the procedures of this subchapter and the status of each project, including:

(1) how the project was classified for environmental review;

(2) the current status of the environmental review;

(3) the date on which the department is required to make an environmental decision under applicable deadlines;

(4) an explanation of any delays; and

(5) any deadline under Section 201.759 missed by the department.

(b) Not later than December 1 of each year, the department shall submit a report to the members of the standing legislative committees with primary jurisdiction over matters related to transportation regarding the implementation of this subchapter, including a status report for the preceding 12-month period that contains the information described in Subsection (a).

(c) The department shall post copies of the reports required under this section on its Internet website and shall provide a copy of the report required by Subsection (b) to each member of the legislature who has at least one project covered by the report in the member's district.

(d) The department shall make available on its Internet website and update regularly the status of projects being processed under this subchapter.

(b) The Texas Transportation Commission shall adopt rules to implement Subchapter I-1, Chapter 201, Transportation Code, as added by this Act, not later than March 1, 2012.

(c) Subchapter I-1, Chapter 201, Transportation Code, as added by this Act, applies only to a notice of a local government sponsor proposing the sponsor's preparation of an environmental review document that is received by the Texas Department of Transportation on or after the effective date of this Act. Submissions to the Texas Department of Transportation received before the effective date of this Act are governed by the law in effect on the date the submission was received, and that law is continued in effect for that purpose.

The amendment to **CSSB 548** 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 Nichols and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 548 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 548 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 548** 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 548**, 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 548** 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.

WENTWORTH

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

SENATE BILL 642 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **SB 642** at this time on its second reading:

SB 642, Relating to optional annuity increases for certain retirees and beneficiaries of the Texas Municipal Retirement System.

The motion prevailed.

Senators Davis, Gallegos, Hinojosa, Van de Putte, Watson, and Zaffirini 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: Davis, Gallegos, Hinojosa, Van de Putte, Watson, Zaffirini.

SENATE BILL 642 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 642** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, West, Whitmire, Williams.

Nays: Davis, Gallegos, Van de Putte, Watson, Wentworth, Zaffirini.

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 642**, 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 642** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Wentworth, West, Whitmire, Williams.

Nays: Davis, Gallegos, Hinojosa, Lucio, Van de Putte, Watson, Zaffirini.

SENATE BILL 1020 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1020** at this time on its second reading:

SB 1020, Relating to a feasibility study regarding the establishment of a dental school at the Texas Tech University Health Sciences Center at El Paso.

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 1020 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1020** 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 1020**, 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 1020** 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.

WENTWORTH

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

MOTION TO PLACE

SENATE JOINT RESOLUTION 26 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SJR 26** at this time on its second reading:

SJR 26, Proposing a constitutional amendment authorizing the legislature to allow cities or counties to enter into interlocal contracts with other cities or counties without the imposition of a tax or the provision of a sinking fund.

Senator West withdrew the motion to suspend the regular order of business.

**COMMITTEE SUBSTITUTE
SENATE BILL 1124 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 1124** at this time on its second reading:

CSSB 1124, Relating to licensing and regulation of certain persons involved in residential mortgage lending pursuant to the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009; providing penalties.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1124** (senate committee printing) in SECTION 14 of the bill, in added Section 156.202(a-1), Finance Code (page 4, line 61), by striking "The following persons are exempt from this chapter:" and substituting "The following individuals or entities, and employees of those entities when acting for the benefit of those entities, [persons] are exempt from this chapter:".

The amendment to **CSSB 1124** 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 1124 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 1124 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 1124** 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 1124**, 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 1124** 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.

WENTWORTH

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

SENATE BILL 1003 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1003** at this time on its second reading:

SB 1003, Relating to penalties for, and emergency orders suspending, the operation of a rock crusher or certain concrete plants without a current permit under the Texas Clean Air Act.

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 1003 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1003** 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 1003**, 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 1003** 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.

WENTWORTH

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

SENATE JOINT RESOLUTION 26 ON SECOND READING

Senator West again moved to suspend the regular order of business to take up for consideration **SJR 26** at this time on its second reading:

SJR 26, Proposing a constitutional amendment authorizing the legislature to allow cities or counties to enter into interlocal contracts with other cities or counties without the imposition of a tax or the provision of a sinking fund.

The motion prevailed without objection.

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.

SENATE JOINT RESOLUTION 26 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 **SJR 26** 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 **SJR 26**, 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 26** 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.

WENTWORTH

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

SENATE BILL 760 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 760** at this time on its second reading:

SB 760, Relating to the term of interlocal contracts.

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 760 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 760** 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 760**, 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 760** 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.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE BILL 731 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 731** at this time on its second reading:

CSSB 731, Relating to the attorney general's legal sufficiency review of a comprehensive development agreement.

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 731 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 731** 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 731**, 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 731** 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.

WENTWORTH

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

SENATE BILL 1160 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 1160** at this time on its second reading:

SB 1160, Relating to the liability of a landowner for harm to a trespasser.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1160** (senate committee printing) in SECTION 1 of the bill, in added Section 75.007, Civil Practice and Remedies Code, as follows:

(1) In Subsection (c) (page 1, lines 21 and 22), strike "younger than 16 years of age".

(2) In Subsection (c)(3), between "injured child" and "did not discover" (page 1, line 32), insert ", because of the child's youth,".

(3) Strike Subsection (d) (page 1, lines 42 through 46).

(4) In Subsection (f) (page 1, line 50), strike "Sections 75.001," and substitute "Section 75.001,".

(5) Reletter subsections of Section 75.007 appropriately.

The amendment to **SB 1160** 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 1160 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 1160 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 1160** 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 1160**, 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 1160** 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.

WENTWORTH

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

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 Education might meet and consider the following bills today:

SB 6, SB 226, SB 1042, SB 1484.

CO-AUTHOR OF SENATE BILL 26

On motion of Senator Zaffirini, Senator Hinojosa will be shown as Co-author of **SB 26.**

CO-AUTHOR OF SENATE BILL 58

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-author of **SB 58.**

CO-AUTHORS OF SENATE BILL 201

On motion of Senator Uresti, Senators Hinojosa and West will be shown as Co-authors of **SB 201.**

CO-AUTHOR OF SENATE BILL 290

On motion of Senator Watson, Senator Nelson will be shown as Co-author of **SB 290.**

CO-AUTHOR OF SENATE BILL 332

On motion of Senator Fraser, Senator Davis will be shown as Co-author of **SB 332.**

CO-AUTHOR OF SENATE BILL 364

On motion of Senator Ogden, Senator Davis will be shown as Co-author of **SB 364.**

CO-AUTHOR OF SENATE BILL 377

On motion of Senator Huffman, Senator Nelson will be shown as Co-author of **SB 377.**

CO-AUTHOR OF SENATE BILL 726

On motion of Senator Rodriguez, Senator Deuell will be shown as Co-author of **SB 726.**

CO-AUTHOR OF SENATE BILL 1442

On motion of Senator Shapiro, Senator Wentworth will be shown as Co-author of **SB 1442.**

CO-AUTHOR OF SENATE BILL 1490

On motion of Senator Uresti, Senator Harris will be shown as Co-author of **SB 1490.**

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 681 by Nichols, In memory of John E. Tomlin of Shelby County.

Congratulatory Resolutions

SCR 40 by Fraser, Recognizing Wayne and Eileen Hurd for their contributions to the Horseshoe Bay community.

SR 675 by Jackson, Recognizing the Pearland High School girls' softball team for winning the University Interscholastic League Class 5A state championship title for 2010.

SR 676 by Harris, Recognizing Billy Mills for his 35 years of service as Judge of County Criminal Court Number 3 in Tarrant County.

SR 678 by Watson, Recognizing Temple Beth Shalom of Austin on the occasion of its 10th anniversary.

SR 680 by Deuell, Recognizing the 70th anniversary of the Lend-Lease Act in Terrell.

SR 683 by Harris, Commending Harmony Science Academy of Grand Prairie for its achievements.

Official Designation Resolutions

SR 679 by Deuell, Recognizing March, 2011, as Brain Injury Awareness Month in Texas.

SR 682 by Nichols, Recognizing March 31, 2011, as Shelby County Day at the State Capitol.

SR 684 by Zaffirini, Recognizing April 13, 2011, as Live Oak County Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:20 p.m. adjourned, in memory of John E. Tomlin, until 1:30 p.m. Monday, April 4, 2011.

APPENDIX

COMMITTEE REPORTS

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

March 31, 2011

HEALTH AND HUMAN SERVICES — **CSSB 620**

GOVERNMENT ORGANIZATION — **CSSB 1068**

FINANCE — **CSSB 73**

JURISPRUDENCE — **CSSB 1106**

BUSINESS AND COMMERCE — **CSSB 937, CSSB 984, CSSB 985**

GOVERNMENT ORGANIZATION — **CSSB 654, CSSB 656**

HIGHER EDUCATION — **SB 324, SB 1272**

NATURAL RESOURCES — **CSSB 1097**

EDUCATION — **CSSB 27, CSSB 1094**

GOVERNMENT ORGANIZATION — **CSSB 660**

TRANSPORTATION AND HOMELAND SECURITY — **SB 1292, SB 315, SB 1702, CSSB 1701**

NATURAL RESOURCES — **CSSB 833, CSSB 693**

OPEN GOVERNMENT — **SB 470, SB 701, SB 1327, SB 550, SB 1270, SB 711**

BILLS ENGROSSED

March 30, 2011

SB 158, SB 159, SB 246, SB 290, SB 331, SB 332, SB 377, SB 473, SB 544, SB 646, SB 737

RESOLUTIONS ENROLLED

March 30, 2011

SR 575, SR 651, SR 657, SR 662, SR 663, SR 664, SR 665, SR 666, SR 667, SR 668, SR 669, SR 670, SR 672, SR 673, SR 674

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-SIXTH DAY

(Monday, April 4, 2011)

The Senate met at 1:39 p.m. pursuant to adjournment and was called to order by the President.

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

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

Pastor Betsy Buhler, Community Bible Church, San Antonio, offered the invocation as follows:

Our Father in heaven, I come to You today with a grateful heart. I thank You for this nation, our freedom, and allowing our dreams to become a reality. I thank You for every man and woman who serve our great country. Today I especially thank You for these who serve here in our Texas State Capitol. I ask that You give wisdom and discernment as they deal with challenges and make decisions that not only affect today but our future generations. Let each one have conviction in their hearts to do what is right. Help them to walk in one accord with each other. I ask as they serve here that You protect their homes and families. Give them peace and joy in their journey. God, You said in Your word to trust You with all our heart and lean not on our understanding, and in all our ways submit to You, and You will make our paths straight. Today we lay it at Your feet and put our trust in You. With respect to all faiths, I pray in Jesus' name. Amen.

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

The motion prevailed without objection.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 79, HCR 123, HCR 125.**

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 4, 2011 - 1

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 1 Pitts

General Appropriations Bill.

HB 4 Pitts

Relating to making supplemental appropriations and giving direction and adjustment authority regarding appropriations.

HB 71 Martinez, "Mando"

Relating to the fee charged for the Texas Airport Directory.

HB 215 Gallego

Relating to photograph and live lineup identification procedures in criminal cases.

HB 275 Pitts

Relating to making an appropriation of money from the economic stabilization fund for expenditure during the current state fiscal biennium.

HB 338 Aycock

Relating to disclaimers by certain entities promulgating lists of noxious or invasive terrestrial plant species.

HB 563 Pickett

Relating to the purposes and designation of a transportation reinvestment zone.

HB 612 Hopson

Relating to the criminal penalty for failure of a trustee to pay the beneficiaries of the trust the purchase price for timber sold by the trustee.

HB 613 Hopson

Relating to the unauthorized harvesting of standing timber; providing for the imposition of a criminal penalty.

HB 1404 Sheffield

Relating to certain temporary orders in a suit affecting the parent-child relationship during a parent's military deployment.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be temporarily postponed.

There was no objection.

SENATE RESOLUTION 695

Senator Lucio offered the following resolution:

SR 695, Recognizing April 4, 2011, as Maggie's Hope Day at the State Capitol.

LUCIO
SHAPIRO

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio, joined by Senator Shapiro, was recognized and introduced to the Senate representatives from Maggie's Hope: Lisa Scarbrough, Al Hernandez, Maggie Scarbrough, Mia Scarbrough, and Loriana Hernandez.

The Senate welcomed its guests.

SENATE RESOLUTION 656

Senator Shapiro offered the following resolution:

SR 656, Recognizing April 2, 2011, as World Autism Awareness Day at the State Capitol.

SHAPIRO RODRIGUEZ
DAVIS WHITMIRE
LUCIO ZAFFIRINI
NELSON

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate an Autism Speaks delegation: Cameron Whitney, Traci Whitney, Max Whitney, Tanya Gonzales, and Jordan Gonzales.

The Senate welcomed its guests.

PHYSICIANS OF THE DAY

Senator Hinojosa was recognized and presented Drs. Chris Casso and Melva Palacios of Edinburg as the Physicians of the Day.

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

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate the Zapata High School Mariachi Halcon.

The Senate welcomed its guests.

SENATE RESOLUTION 567

Senator Jackson offered the following resolution:

SR 567, Recognizing the Pearland High School Oilers football team for winning the 2010 Class 5A Division I state championship title.

The resolution was again read.

The resolution was previously adopted on Tuesday, March 22, 2011.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate members of the Pearland High School football team: Trey Anderson, Dustin Garrison, Myles Kanipes, and Sam Ukwuachu.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate members of the Wylie High School girls' basketball team.

The Senate welcomed its guests.

SENATE RESOLUTION 675

Senator Jackson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Pearland High School girls' softball team, which won the University Interscholastic League Class 5A state championship title for 2010; and

WHEREAS, After taking second place in 2009, the Pearland Lady Oilers came back to the finals in 2010 to win their second state title, defeating Austin's Bowie High School 4-0 and ending the season with a 37-6-1 record; and

WHEREAS, Members of the Pearland High School softball team exhibited perseverance, team unity, and respect for the highest ideals of sportsmanship; and

WHEREAS, Team members demonstrated their exceptional talent and the discipline instilled in them by head coach Laneigh Clark; and

WHEREAS, The citizens of Pearland are justifiably proud of the Lady Oilers for their hard work, their impressive skills, and their fine sportsmanship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the players, coaches, and support staff of the Pearland High School Lady Oilers softball team on their outstanding achievements and extend congratulations to them on winning the 2010 University Interscholastic League Class 5A state softball championship title; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the team as a memento of this significant accomplishment.

SR 675 was again read.

The resolution was previously adopted on Thursday, March 31, 2011.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate members of the Pearland High School girls' softball team: Kirstie Barrick, Brooke Dubois, Jessica Bowden, Sara Clements, Lauren Langner, Chelsea Bennett, and Leandra Maly.

The Senate welcomed its guests.

SENATE RESOLUTION 694

Senator Harris offered the following resolution:

SR 694, Recognizing April 2011, as Scottish Heritage Month and celebrating National Tartan Day on April 6.

HARRIS
DAVIS

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Harris was recognized and introduced to the Senate a Scottish Heritage Month delegation: Carol Terry and Dorene Goodson.

The Senate welcomed its guests.

SENATE RESOLUTION 700

Senator Watson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Brenda Sisco Vaughan, who is being awarded a doctorate in educational administration by The University of Texas at Austin; and

WHEREAS, A native of Honey Grove, Brenda Vaughan has for many years served the Texas Senate with distinction; from serving on the staff of Senator Jeff Wentworth to tracking legislation as a bill clerk to managing up to 100 employees as messenger supervisor, she has performed her duties with exceptional efficiency and dedication, and she has won the respect and admiration, not to mention the affection and gratitude, of all those with whom she has worked; and

WHEREAS, In pursuit of her doctorate, she received the Alexander Caswell Ellis Fellowship in Education three times; she has also earned a master of science in architectural studies degree with certification in historic preservation from The University of Texas at Austin School of Architecture; as an undergraduate at Texas A&M University–Commerce, she studied interior design and business; and

WHEREAS, Brenda Vaughan has served as an example to all who know her with her perseverance and her determination to succeed in the difficult process of earning a doctorate, and she is truly deserving of recognition for this impressive achievement; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend Brenda Sisco Vaughan on her outstanding service to the Texas Senate and extend congratulations to her on receiving her doctorate in educational administration from The University of Texas at Austin; and, be it further

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

SR 700 was read and was adopted without objection.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Brenda Sisco Vaughan; her son, Sam Vaughan; and his fiancée, Vanessa Vargas.

The Senate welcomed its guests.

(Senator Hegar in Chair)

CONCLUSION OF MORNING CALL

The Presiding Officer at 2:25 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 76 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 76** at this time on its second reading:

CSSB 76, Relating to certain providers of subsidized child care.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 76** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 301.192(c), Labor Code (page 2, lines 57 and 58) strike "a hearing" and substitute "appeal the proposed corrective action".

(2) In SECTION 5 of the bill, in proposed Section 42.054(g)(4), Human Resources Code (page 3, line 34) between "42.0523" and the period insert "in which the relative child-care provider cares for the child in the child's own home".

The amendment to **CSSB 76** 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 Nelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 76 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 76 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 76** 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 76**, 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 76** 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.

WENTWORTH

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

SENATE BILL 1150 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 1150** at this time on its second reading:

SB 1150, Relating to requiring certain non-ERCOT utilities to comply with energy efficiency goals.

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 1150 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 1150** 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 1150**, 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 1150** 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.

WENTWORTH

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

(Senator Eltife in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 871 ON SECOND READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 871** at this time on its second reading:

CSSB 871, Relating to a stay of the requirement to provide refunds or discounts on excessive or unfairly discriminatory residential property premium rates.

The motion prevailed.

Senators Harris, Huffman, Nelson, and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 871** (senate committee printing) by striking SECTIONS 1 and 2 of the bill (page 1, lines 14-60), substituting the following, and renumbering the subsequent SECTION of the bill accordingly:

SECTION 1. Section 2254.003, Insurance Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) This section applies to a rate for personal automobile insurance or residential property insurance filed on or after the effective date of Chapter 206, Acts of the 78th Legislature, Regular Session, 2003.

(a-1) If the department provides an insurer with formal written notice that a rate is excessive or unfairly discriminatory, then the insurer may file a new rate or take other corrective action to substantially address the department's concerns. The new rate or other corrective action must be filed on or before the 60th day following the date of formal written notice. At the commissioner's discretion, the commissioner may extend the deadline to file by an additional 30 days. If the department accepts the new rate or other corrective action, then the insurer shall, according to commissioner order, refund or issue a premium discount directly to each affected policyholder on the

portion of the premium found to be excessive or unfairly discriminatory, plus interest on that amount. The interest rate to be paid on refunds or discounts under this subsection is the sum of six percent and the prime rate for the calendar year in which formal written notice is given. For purposes of this subsection, the prime rate is the prime rate as published in The Wall Street Journal for the first day of the calendar year that is not a Saturday, Sunday, or legal holiday.

(a-2) If the insurer does not file or take, or the department does not accept, a new rate or other corrective action as provided under Subsection (a-1), and the commissioner issues an order disapproving the rate as excessive or unfairly discriminatory under Section 2251.104, then the insurer must refund or issue a premium discount directly to each affected policyholder on the portion of the premium found to be excessive or unfairly discriminatory, plus interest on that amount. The interest rate to be paid on refunds or discounts under this subsection is 18 percent. An insurer is not required to pay any interest penalty if the insurer prevails in an appeal of the commissioner's order under Subchapter D, Chapter 36.

(a-3) The period for the refund and interest begins on the date the department first provides the insurer with formal written notice that the insurer's filed rate is excessive or unfairly discriminatory, and interest continues to accrue until the refund or discount is paid or issued.

The amendment to **CSSB 871** 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 Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 871 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: Harris, Huffman, Nelson, Patrick.

COMMITTEE SUBSTITUTE SENATE BILL 871 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 871** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Huffman, Nelson, Patrick, 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 871**, 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 871** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Harris, Huffman, Nelson, Patrick.

SENATE BILL 385 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration **SB 385** at this time on its second reading:

SB 385, Relating to the creation of an alternative fuel program to be funded by the Texas emissions reduction plan fund.

The motion prevailed.

Senators Birdwell and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 385** (senate committee printing) in SECTION 3 of the bill, in added Section 393.006, Health and Safety Code, as follows:

(1) In Subdivision (1) (page 2, line 54), between "actual" and "costs", insert "eligible".

(2) In Subdivision (1) (page 2, line 55), strike "in one calendar year" and substitute "within deadlines established by the commission".

The amendment to **SB 385** 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 Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 385 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: Birdwell, Patrick.

SENATE BILL 385 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 385** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick, 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 385**, 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 385** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick.

SENATE BILL 899 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 899** at this time on its second reading:

SB 899, Relating to the legislature's consent or approval of a settlement of a claim or action against this state.

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 899 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 **SB 899** be passed 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 899**, 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 899** 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.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1034 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 1034** at this time on its second reading:

CSSB 1034, Relating to the authority of certain political subdivisions to change the date of their general elections.

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 1034 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 1034** 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 1034**, 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 1034** 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.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE BILL 497 ON SECOND READING**

Senator Jackson moved to suspend the regular order of business to take up for consideration **CSSB 497** at this time on its second reading:

CSSB 497, Relating to notice of the construction or expansion of a wind-powered electric generation facility located near a federally owned or operated radar installation or military installation.

The motion prevailed.

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

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 497** (senate committee printing) as follows:

(1) Strike the recital to SECTION 1 of the bill (page 1, lines 14-15), and substitute "SECTION 1. Subtitle B, Title 2, Utilities Code, is amended by adding Chapter 44 to read as follows:".

(2) In SECTIONS 1 and 2 of the bill, renumber Chapter 252, Utilities Code, as Chapter 44, Utilities Code, and renumber all sections, expansion clauses, and cross-references accordingly.

(3) In SECTION 1 of the bill, strike added Section 252.001, Utilities Code (page 1, lines 19-20), and renumber sections, expansion clauses, and cross-references accordingly.

(4) In SECTION 1 of the bill, in added Section 252.002(1), Utilities Code (page 1, lines 24-25), strike "the construction or expansion is estimated to cost at least \$10,000" and substitute "the construction or expansion includes a meteorological tower or a structure that will extend 200 feet or higher above ground level".

(5) In SECTION 1 of the bill, in added Section 252.101(a), Utilities Code (page 1, line 56), between "expansion" and the period, insert "not later than the 120th day before the date the construction or expansion begins".

(6) In SECTION 1 of the bill, in added Section 252.101(a), Utilities Code (page 1, lines 56-58), strike "The commission shall set a deadline by which the notification required by this section must be provided.".

(7) In SECTION 1 of the bill, in added Section 252.102, Utilities Code (page 2, line 30), strike "and".

(8) In SECTION 1 of the bill, in added Section 252.102, Utilities Code (page 2, line 31), strike the period and substitute "; and".

(9) In SECTION 1 of the bill, in added Section 252.102, Utilities Code (page 2, between lines 31 and 32), insert the following:

(8) the Energy Siting Clearinghouse of the United States Department of Defense.

(10) In SECTION 1 of the bill, in the heading to added Subchapter D, Chapter 252, Utilities Code (page 2, line 43), after "PROCEDURES", insert "AND DELEGATION".

(11) In SECTION 1 of the bill, in added Subchapter D, Chapter 252, Utilities Code (page 2, between lines 49 and 50), insert the following:

Sec. 44.152. DELEGATION. (a) For an area in the Electric Reliability Council of Texas power region, the commission may delegate a duty assigned to the commission under this chapter to an independent organization certified under Section 39.151.

(b) For an area in this state outside the Electric Reliability Council of Texas power region, the commission may delegate a duty assigned to the commission under this chapter to an appropriate electric utility that provides electric service to a wind-powered electric generation facility or to the area in which construction of a wind-powered electric generation facility is planned.

The amendment to **CSSB 497** 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.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 497** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in the heading to added Chapter 252, Utilities Code (page 1, line 16), strike "NOTIFICATION OF CONSTRUCTION OR EXPANSION OF".

(2) In SECTION 1 of the bill, in the heading to added Subchapter D, Chapter 252, Utilities Code (page 2, line 43), strike "PROCEDURES" and substitute "HAZARD TO AIR NAVIGATION".

(3) In SECTION 1 of the bill, in added Section 252.151, Utilities Code (page 2, line 44), between "252.151." and "CONSULTATION", insert the following:
FEDERAL AVIATION ADMINISTRATION DETERMINATION. A person may not begin construction or expansion of a wind-powered electric generation facility to which this chapter applies until the person files with the commission a determination issued by the Federal Aviation Administration under 14 C.F.R. Section 77.31 regarding whether the proposed construction or expansion would be a hazard to air navigation.

Sec. 252.152. EXCEPTION IN CASE OF EMERGENCY. (a) Section 252.151 does not apply to the emergency construction or expansion of a wind-powered electric generation facility to which this chapter applies that is prompted by an emergency involving essential public services, public health, or public safety.

(b) A person who begins emergency construction or expansion under Subsection (a) shall file the determination required by Section 252.151 not later than the fifth day after the date the person begins the construction or expansion.

Sec. 252.153. ADMINISTRATIVE PENALTY. The commission may implement penalties and other enforcement actions under Chapter 15 against a person who does not comply with this subchapter or a rule or order adopted under this subchapter.

Sec. 252.154. RULES. The commission may adopt rules and conduct proceedings necessary to administer and enforce this subchapter.

[Sections 252.155-252.200 reserved for expansion]

SUBCHAPTER E. PROCEDURES

Sec. 252.201.

HINOJOSA
DUNCAN

The amendment to **CSSB 497** 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:

Nays: Patrick, Seliger.

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

CSSB 497 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: Patrick.

COMMITTEE SUBSTITUTE SENATE BILL 497 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 497** be placed on its third reading and final passage.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Patrick, 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 497**, 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 497** 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.

WENTWORTH

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

Nays: Patrick.

SENATE BILL 990 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **SB 990** at this time on its second reading:

SB 990, Relating to regulation of high occupancy vehicle lanes operated, managed, or maintained by a regional transportation authority; providing penalties.

The motion prevailed.

Senator West 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: West.

SENATE BILL 990 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 990** 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: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Whitmire, Williams, Zaffirini.

Nays: Wentworth.

Present-not voting: West.

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 990**, 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 990** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: West.

(President in Chair)

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 875 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSSB 875** at this time on its second reading:

CSSB 875, Relating to compliance with state and federal environmental permits as a defense to certain actions for nuisance or trespass.

Senator Fraser withdrew the motion to suspend the regular order of business.

(Senator Carona in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1133 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1133** at this time on its second reading:

CSSB 1133, Relating to a report by the Public Utility Commission of Texas on the ability of electric generators to respond to abnormal weather conditions.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1133** (senate committee report) in SECTION 1 of the bill as follows:

(1) Strike added Section 186.007(a), Utilities Code (page 1, lines 17-36), and substitute the following:

(a) In this section, "commission" means the Public Utility Commission of Texas.

(a-1) The commission shall analyze emergency operations plans developed by electric utilities as defined by Section 31.002, power generation companies, municipally owned utilities, and electric cooperatives that operate generation facilities in this state and prepare a weather emergency preparedness report on power generation weatherization preparedness. In preparing the report, the commission shall:

(1) review the emergency operations plans currently on file with the commission;

(2) analyze and determine the ability of the electric grid to withstand extreme weather events in the upcoming year;

(3) consider the anticipated weather patterns for the upcoming year as forecasted by the National Weather Service or any similar state or national agency; and

(4) make recommendations on improving emergency operations plans and procedures in order to ensure the continuity of electric service.

(2) In added Section 186.007(b), Utilities Code (page 1, lines 37-38), strike "a power generation company or wholesale electric generator" and substitute "an electric generation entity subject to this section".

(3) In added Section 186.007(b), Utilities Code (page 1, lines 41-42), strike "company or generator can ensure the continuity of electric utility service in the event of a weather-related forced interruption" and substitute "electric generation entity can provide adequate electric generation services".

(4) In added Section 186.007(c), Utilities Code (page 1, lines 44-45), strike "and any other rules necessary to accomplish the purposes of the report".

(5) In added Section 186.007, Utilities Code (page 1, line 61, through page 2, line 3), strike Subsection (f) and substitute the following:

(f) The emergency operations plans submitted for the report described by Subsection (a-1) and any subsequent plans submitted under Subsection (e) are public information except for the portions of the plan considered confidential under Chapter 552, Government Code, or other state or federal law. If portions of a plan are designated as confidential, the plan shall be provided to the commission in a redacted form for public inspection with the confidential portions removed. An electric generation entity within the ERCOT power region shall provide the entity's plan to ERCOT in its entirety.

(6) In added Section 186.007, Utilities Code (page 2, lines 4-9), strike Subsection (g).

The amendment to **CSSB 1133** 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 Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1133 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 1133 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1133** 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 1133**, 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 1133** 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.

WENTWORTH

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

SENATE BILL 1187 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1187** at this time on its second reading:

SB 1187, Relating to the effect of indexing notices of lis pendens.

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 1187 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 **SB 1187** 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 1187**, 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 1187** 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.

WENTWORTH

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

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 655 ON SECOND READING**

Senator Hegar moved to suspend the regular order of business to take up for consideration **CSSB 655** at this time on its second reading:

CSSB 655, Relating to the abolition of the Railroad Commission of Texas, the creation of the Texas Oil and Gas Commission, and the transfer of the powers and duties of the railroad commission to the oil and gas commission.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Ogden, Seliger.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 655** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in amended Section 81.001(2), Natural Resources Code (page 1, lines 23 and 24), strike "the commissioner [~~any member~~]" and substitute "any member".

(2) In SECTION 3 of the bill, in added Section 81.003(2), Natural Resources Code (page 1, line 32), strike "the commissioner" and substitute "a member".

(3) In SECTION 5 of the bill, strike amended Section 81.01002, Natural Resources Code (page 1, lines 43 through 46), and substitute the following:

Sec. 81.01002. ELECTION AND TERMS OF COMMISSIONERS; CHAIRMAN. (a) The commission is governed by three elected commissioners.

(b) The commissioners serve staggered six-year terms, with the term of one commissioner expiring on January 1 of each odd-numbered year.

(c) The commissioners shall elect one commissioner as the chairman.

(4) Strike SECTIONS 6 and 7 of the bill (page 1, lines 47 through 61).

(5) In SECTION 8 of the bill, in added Section 81.010045(b), Natural Resources Code (page 2, line 4), strike "The commissioner" and substitute "A commissioner".

(6) In SECTION 8 of the bill, in added Section 81.010045(c), Natural Resources Code (page 2, line 13), strike "other than the commissioner" and substitute "other than a commissioner".

(7) In SECTION 8 of the bill, in added Section 81.010045(c)(1)(A), Natural Resources Code (page 2, line 19), strike "the commissioner's office" and substitute "a commissioner's office".

(8) In SECTION 9 of the bill, in amended Section 81.01005(a), Natural Resources Code (page 2, lines 29 and 30), strike "The commission is [~~commissioners are~~] known [~~collectively~~]" and substitute "The commissioners are known collectively".

(9) Strike SECTIONS 10, 11, 12, 13, 14, 15, and 16 of the bill (page 2, line 35, through page 3, line 9).

(10) Strike SECTIONS 20 and 21 of the bill (page 3, line 57, through page 4, line 14).

(11) In SECTION 50 of the bill, in amended Section 102.006(d), Utilities Code (page 12, line 36), strike "[~~a member of~~]" and substitute "a member of".

(12) In SECTION 55 of the bill (page 13, lines 48 through 52), strike Subsections (c) and (d) of the section and substitute the following:

(c) The initial elected commissioners of the Texas Oil and Gas Commission shall be elected at the general election for state and county officers in 2012. The members elected shall draw lots to determine which member's term expires January 1, 2015, which member's term expires January 1, 2017, and which member's term expires January 1, 2019.

(d) The initial elected commissioners of the Texas Oil and Gas Commission shall take office January 1, 2013.

(13) In SECTION 56 of the bill, in Subsection (a)(10) of the section (page 14, line 13), strike "the commissioner" and substitute "a member".

(14) Renumber the SECTIONS of the bill accordingly.

The amendment to **CSSB 655** was read.

On motion of Senator Hegar, Floor Amendment No. 1 was tabled by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Ogden, Seliger.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 655** (senate committee printing) as follows:

(1) Between SECTIONS 4 and 5 of the bill (page 1, between lines 40 and 41), insert the following:

SECTION 4A. (a) Section 81.01001, Natural Resources Code, is amended to read as follows:

Sec. 81.01001. SUNSET PROVISION. The Railroad Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished September 1, 2023 [~~2011~~].

(b) If Section 4 of this Act takes effect, that section prevails over this section to the extent of any conflict.

(2) Between SECTIONS 8 and 9 of the bill (page 2, between lines 26 and 27), insert the following:

SECTION 8A. (a) Subchapter B, Chapter 81, Natural Resources Code, is amended by adding Section 81.010045 to read as follows:

Sec. 81.010045. CERTAIN POLITICAL CONTRIBUTIONS RESTRICTED.
(a) In this section, "political contribution" has the meaning assigned by Section 251.001, Election Code.

(b) A commissioner may not knowingly accept a political contribution given or offered with the intention that it be used in connection with a campaign for or the holding of a statewide or federal office, including the office of commissioner, except:

(1) beginning one year before the date of the next general election at which the commissioner's office is filled; and

(2) ending on the 30th day before the date the first regular legislative session of the commissioner's succeeding term convenes.

(c) A person other than a commissioner may not knowingly accept a political contribution given or offered with the intention that it be used in connection with a campaign for the office of commissioner, except:

(1) during the period:

(A) beginning one year before the date of the next general election at which a commissioner's office is filled; and

(B) ending on the 30th day before the date the first regular legislative session of the commissioner's succeeding term convenes; or

(2) during the period beginning on the date a vacancy in the office of commissioner occurs and ending on the date that vacancy is filled.

(b) If Section 8 of this Act takes effect, that section prevails over this section to the extent of any conflict.

(3) Between SECTIONS 49 and 50 of the bill (page 12, between lines 4 and 5), insert the following:

SECTION 49A. (a) Section 756.126, Health and Safety Code, is amended to read as follows:

Sec. 756.126. SAFETY STANDARDS AND BEST PRACTICES. The Railroad Commission of Texas shall adopt and enforce safety standards and best practices, including those described by 49 U.S.C. Section 6105 et seq., relating to the prevention of damage by a person to a facility, including an interstate or intrastate pipeline facility, under the jurisdiction of the commission.

(b) If Section 49 of this Act takes effect, that section prevails over this section to the extent of any conflict.

(4) Between SECTIONS 50 and 51 of the bill (page 12, between lines 45 and 46), insert the following:

SECTION 50A. (a) Section 102.006, Utilities Code, is amended to read as follows:

Sec. 102.006. POWERS AND DUTIES OF STATE OFFICE OF ADMINISTRATIVE HEARINGS ~~[IN CONTESTED CASES]~~. (a) The ~~[railroad commission by rule shall provide for administrative hearings in contested cases to be conducted by one or more members of the railroad commission, by railroad commission hearings examiners, or by the utility division of the State Office of Administrative Hearings. The rules must provide for a railroad commission hearings examiner or the utility division of the]~~ State Office of Administrative Hearings shall ~~[to]~~ conduct each hearing in a contested case under this subtitle ~~[that is not conducted by one or more members of the railroad commission]~~. A hearing must be conducted in accordance with the rules and procedures adopted by the railroad commission.

(b) The railroad commission may delegate to ~~[a railroad commission hearings examiner or to the utility division of]~~ the State Office of Administrative Hearings the authority to make a final decision and to issue findings of fact, conclusions of law, and other necessary orders in a proceeding in which there is not a contested issue of fact or law.

(c) The railroad commission by rule shall define the procedures by which it delegates final decision-making authority under Subsection (b) ~~[to a railroad commission hearings examiner or to the utility division of the State Office of Administrative Hearings].~~

(d) For purposes of judicial review, an administrative law judge's [the] final decision [of a railroad commission hearings examiner or an administrative law judge of the State Office of Administrative Hearings in a matter delegated] under Subsection (b) has the same effect as a final decision of the railroad commission unless a member of the commission requests formal review of the decision.

~~[(e) The State Office of Administrative Hearings shall charge the railroad commission a fixed annual rate for hearings conducted by the office under this section only if the legislature appropriates money for that purpose. If the legislature does not appropriate money for the payment of a fixed annual rate under this section, the State Office of Administrative Hearings shall charge the railroad commission an hourly rate of not more than \$90 per hour for hearings conducted by the office under this section.]~~

(b) If Section 50 of this Act takes effect, that section prevails over this section to the extent of any conflict.

(5) In SECTION 55 of the bill, in Subsection (a) of the section (page 13, lines 35 and 36), strike "the effective date of this Act" and substitute "January 1, 2012".

(6) Strike SECTIONS 57 and 58 of the bill (page 14, lines 27 through 40) and substitute the following:

SECTION 57. (a) Except as otherwise provided by this Act, this Act takes effect September 1, 2011.

(b) Sections 1-4, 5-8, 9-16, 20, 21, 48, 49, 50, 55, and 56 of this Act take effect January 1, 2012, but only if the constitutional amendment proposed by the 82nd Legislature, Regular Session, 2011, repealing the provision of the Texas Constitution relating to the governance of the Railroad Commission of Texas is approved by the voters. If that amendment is not approved by the voters, Sections 1-4, 5-8, 9-16, 20, 21, 48, 49, 50, 55, and 56 of this Act have no effect.

The amendment to **CSSB 655** was read.

On motion of Senator Hegar, Floor Amendment No. 2 was tabled by the following vote: Yeas 24, Nays 7.

Yeas: Birdwell, Carona, Davis, Deuell, Ellis, Eltife, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Duncan, Estes, Fraser, Lucio, Ogden, Patrick, Seliger.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 655** (senate committee report) as follows:

(1) Between SECTIONS 48 and 49 of the bill (page 11, between lines 64 and 65), insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION _____. Effective January 1, 2012, Section 382.011(a), Health and Safety Code, is amended to read as follows:

- (a) Except as provided by Section 382.042, the [The] commission shall:
- (1) administer this chapter;
 - (2) establish the level of quality to be maintained in the state's air; and
 - (3) control the quality of the state's air.

SECTION _____. Effective January 1, 2012, Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.042 to read as follows:

Sec. 382.042. JURISDICTION OF TEXAS OIL AND GAS COMMISSION OVER EMISSIONS OF AIR CONTAMINANTS FROM OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION. (a) This section is effective on the date that delegation of authority under the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas has been transferred to the Texas Oil and Gas Commission and is published in the Texas Register. Not later than the 10th day after the date the executive director receives notice from the United States Environmental Protection Agency of the transfer of delegation of authority, the executive director shall provide the secretary of state with a copy of the notice for publication in the Texas Register.

(b) The Texas Oil and Gas Commission is the successor agency for all powers and duties under this chapter related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas previously under the jurisdiction of the commission.

(c) A reference in law to the commission relating to a power or duty described by Subsection (a) means the Texas Oil and Gas Commission.

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

SECTION _____. Section 81.051, Natural Resources Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The commission is the state's lead agency for the regulation of oil and gas development in this state. It is the intent of the legislature that the commission seek authorization for and be authorized to administer any federal law related to the exploration for and development and production of oil or gas in this state by delegation of that authority or other means.

(d) If the federal entity responsible for a delegation of authority under Subsection (c) does not timely respond to a commission request for the delegation, the attorney general shall institute an appropriate legal action seeking the delegation of authority to and for the commission.

(e) The commission shall comply with applicable federal requirements to submit for review and approval any rules or program revisions adopted by the commission under a federal law after authority is delegated to the commission to administer the federal law in this state.

SECTION _____. (a) The Texas Commission on Environmental Quality shall seek from the United States Environmental Protection Agency the transfer to the Texas Oil and Gas Commission of delegation of authority under the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas.

(b) If the United States Environmental Protection Agency does not timely respond to the request under Subsection (a) of this section for the transfer of delegation or rejects the request, the attorney general shall institute an appropriate legal action seeking the transfer to the Texas Oil and Gas Commission of delegation of authority under the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas.

SECTION _____. (a) In this section:

(1) "Commission on environmental quality" means the Texas Commission on Environmental Quality.

(2) "Oil and gas commission" means the Texas Oil and Gas Commission.

(b) On the 120th day after the effective date of Section 382.042, Health and Safety Code, as added by this Act, the following are transferred to the oil and gas commission:

(1) all powers, duties, functions, programs, activities, obligations, and liabilities of the commission on environmental quality under Chapter 382, Health and Safety Code, related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas;

(2) all equipment and property of the commission on environmental quality used solely for the administration of or in relation to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas;

(3) all unobligated and unspent funds appropriated to the commission on environmental quality designated for the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas; and

(4) all files and other records of the commission on environmental quality kept by that commission for the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas.

(c) A rule or form of the commission on environmental quality adopted before the date specified by Subsection (b) of this section relating to a power, duty, function, program, or activity transferred by that subsection is a rule or form of the oil and gas commission on that date and remains in effect until amended or repealed by the oil and gas commission.

(d) On delegation to the oil and gas commission of authority under the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas, a reference in law to the commission on environmental quality relating to a power, duty, function, program, activity, obligation, or liability transferred by Subsection (b) of this section means the oil and gas commission.

(e) On delegation to the oil and gas commission of authority under the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas, the commission on environmental quality and the oil and gas commission shall enter into a memorandum of understanding that:

(1) identifies in detail the applicable powers and duties that are transferred to the oil and gas commission by this Act; and

(2) establishes a plan for the identification and transfer of the records, personnel, property, and unspent appropriations of the commission on environmental quality that are used for the purposes of the commission's powers and duties related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas.

(f) In the period beginning on the effective date of this Act and ending on the 120th day after the effective date of Section 382.042, Health and Safety Code, as added by this Act, the commission on environmental quality shall continue to perform the functions and activities under Chapter 382, Health and Safety Code, related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas, and the former law is continued in effect for that purpose.

(g) The changes in law made by this Act that relate to the authority to conduct a hearing related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas apply only to a hearing for which a request is submitted to the oil and gas commission on or after the effective date of Section 382.042, Health and Safety Code, as added by this Act.

(h) A request for a hearing submitted to the commission on environmental quality related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas that was submitted before the effective date of Section 382.042, Health and Safety Code, as added by this Act, is governed:

(1) by the law in effect on the date the request was submitted, and that law is continued in effect for that purpose; or

(2) as provided by an interagency memorandum of understanding entered into by the commission on environmental quality and the oil and gas commission under Subsection (e) of this section.

The amendment to **CSSB 655** was read.

On motion of Senator Hegar, Floor Amendment No. 3 was tabled by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Carona, Davis, Deuell, Ellis, Eltife, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Rodriguez, Seliger, Shapiro, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Duncan, Estes, Lucio, Ogden, Patrick, Uresti, Wentworth, Williams.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 655** (senate committee printing) as follows:

(1) In SECTION 55 of the bill (page 13, lines 35-44), strike Subsection (a) of the section, substitute the following subsections, and reletter the subsequent subsections of SECTION 55 of the bill accordingly:

(a) On the effective date of this Act, the member of the Railroad Commission of Texas who was most recently elected to a six-year term as a member of that commission becomes the initial commissioner of the Texas Oil and Gas Commission. The initial commissioner serves until the person appointed by the governor to serve as the commissioner under Subsection (b) of this section takes office.

(b) As soon as possible after the effective date of this Act, the governor shall appoint a person to serve as the commissioner of the Texas Oil and Gas Commission for a term that expires January 1, 2013. The governor may appoint as the commissioner the person who becomes the initial commissioner under Subsection (a) of this section.

(2) In SECTION 56 of the bill, in Subsection (a) of the section (page 13, lines 53 and 54), strike "On the date the initial commissioner of the Texas Oil and Gas Commission takes office" and substitute "On the effective date of this Act".

(3) In SECTION 57 of the bill (page 14, line 27), strike "The Railroad Commission of Texas shall adopt" and substitute "The Texas Oil and Gas Commission shall adopt".

The amendment to **CSSB 655** 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:

Nays: Ogden, Seliger.

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

CSSB 655 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, Seliger.

COMMITTEE SUBSTITUTE SENATE BILL 655 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 655** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Ogden, Seliger, 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 655**, 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 655** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Ogden, Seliger.

SENATE BILLS ON FIRST READING

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

SB 1890 by Rodriguez

Relating to the creation of the Montecillo Municipal Management District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.
To Committee on Intergovernmental Relations.

SB 1891 by Hegar

Relating to the creation of North Fort Bend County Improvement District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.
To Committee on Intergovernmental Relations.

HOUSE BILLS ON FIRST READING

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

HB 1 to Committee on Finance.

HB 4 to Committee on Finance.

HB 74 to Committee on Veteran Affairs and Military Installations.

HB 275 to Committee on Finance.

HB 367 to Committee on Transportation and Homeland Security.

HB 699 to Committee on International Relations and Trade.

HB 801 to Committee on Natural Resources.

HB 861 to Committee on Education.

HB 1383 to Committee on Intergovernmental Relations.

HB 1409 to Committee on Transportation and Homeland Security.

HB 1510 to Committee on Business and Commerce.

COMMITTEE SUBSTITUTE
SENATE BILL 875 ON SECOND READING

Senator Fraser again moved to suspend the regular order of business to take up for consideration **CSSB 875** at this time on its second reading:

CSSB 875, Relating to compliance with state and federal environmental permits as a defense to certain actions for nuisance or trespass.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Rodriguez, Van de Putte, Watson, West, Zaffirini.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 875** (Senate Committee Report) as follows:

- 1) On line 1-15, after "TRESPASS." and before "A person." add "(a)"
- 2) On line 1-33 add a new subsection (b) to added Sec. 7.257 as follows
"(b) This section does not apply to nuisance actions related to a noxious odor."

The amendment to **CSSB 875** 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.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 875** (Senate Committee Report) as follows:

- 1) On line 1-25, after the word "in", strike "general" and insert "substantial".

The amendment to **CSSB 875** 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.

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

CSSB 875 as amended was passed to engrossment by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Rodriguez, Van de Putte, Watson, West, Zaffirini.

COMMITTEE SUBSTITUTE
SENATE BILL 875 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 875** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Whitmire, Williams.

Nays: Davis, Rodriguez, Watson, Wentworth, West, Zaffirini.

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 875**, 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 875** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Rodriguez, Van de Putte, Watson, West, Zaffirini.

SENATE RULE 7.12(a) SUSPENDED
(Printing of Bills)

On motion of Senator Eltife and by unanimous consent, Senate Rule 7.12(a) was suspended and the committee reports were ordered not printed for the following bills: **SB 1147, SB 1303**.

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

On motion of Senator Deuell and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Nominations might meet today.

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

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Finance Subcommittee on Higher Education Funding might meet tomorrow.

BIRTHDAY GREETINGS EXTENDED

The President, on behalf of the Senate, extended birthday greetings to Senator Patrick.

CO-AUTHOR OF SENATE BILL 26

On motion of Senator Zaffirini, Senator Uresti will be shown as Co-author of SB 26.

CO-AUTHOR OF SENATE BILL 73

On motion of Senator Nelson, Senator West will be shown as Co-author of SB 73.

CO-AUTHOR OF SENATE BILL 315

On motion of Senator Carona, Senator Zaffirini will be shown as Co-author of SB 315.

CO-AUTHOR OF SENATE BILL 1648

On motion of Senator Watson, Senator Hinojosa will be shown as Co-author of SB 1648.

CO-AUTHOR OF SENATE BILL 1843

On motion of Senator Carona, Senator Estes will be shown as Co-author of SB 1843.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 686 by Whitmire, In memory of Homer Leon O'Fallin, Jr.

SR 704 by Birdwell, In memory of the life of Alphonso Steele.

Congratulatory Resolutions

SR 685 by Whitmire, Recognizing Willie B. Baker of Houston on the occasion of his 69th birthday.

SR 687 by Jackson, Recognizing Ruth Hinkle Kicklighter on the occasion of her retirement from La Porte High School.

SR 690 by Wentworth, Recognizing the Daughters of the Republic of Texas for its stewardship of the Alamo.

SR 691 by Duncan, Recognizing the Paducah High School Dragons boys' basketball team for winning the University Interscholastic League Class 1A Division II state championship.

SR 692 by Zaffirini, Recognizing Poth Hermann Sons Lodge 272-2 on the occasion of its 100th anniversary.

SR 697 by Watson, Recognizing Brenda S. Kalapach on the occasion of her retirement from the Texas Department of Transportation.

SR 698 by Watson, Recognizing Harmony Public Schools on the occasion of its 10th anniversary.

SR 699 by Watson, Recognizing Patrick Swint for his service to his country.

HCR 150 (Carona), Honoring Sam Houston for his statesmanship on the 150th anniversary of his refusal to take the oath of allegiance to the Confederate States of America.

Official Designation Resolutions

SR 379 by Duncan, Recognizing April 4, 2011, as Leadership Plainview Day at the State Capitol.

SR 688 by Birdwell, Duncan, Eltife, Estes, Fraser, and Lucio, Recognizing April 7, 2011, as Texas State Technical College Day at the State Capitol.

HCR 64 (Fraser), Recognizing April 13, 2011, as Leadership Highland Lakes Day at the State Capitol.

HCR 65 (Fraser), Recognizing April 13, 2011, as Leadership Killeen Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 5:41 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 4, 2011

HEALTH AND HUMAN SERVICES — **CSSB 7**

ADMINISTRATION — **CSSB 202**

BUSINESS AND COMMERCE — **CSSB 980, CSSB 1501, CSSB 1153, CSSB 986**

HEALTH AND HUMAN SERVICES — **CSSB 8**

EDUCATION — **CSSB 1214**

BUSINESS AND COMMERCE — **CSSB 773, CSSB 1087**

NATURAL RESOURCES — **CSSB 694**

HEALTH AND HUMAN SERVICES — **CSSB 223, CSSB 797**

EDUCATION — **CSSB 226, SB 1042, SB 1484**

OPEN GOVERNMENT — **CSSB 442, CSSB 935, CSSB 1613**

HEALTH AND HUMAN SERVICES — **CSSB 293**

TRANSPORTATION AND HOMELAND SECURITY — **SB 922, SB 1578, SB 1719, CSSB 20, CSSB 295, CSSB 469, CSSB 650, CSSB 1650, SB 1885**

INTERGOVERNMENTAL RELATIONS — **SB 412, SB 577, SB 732, SB 915, SB 917, CSSB 233, CSSB 234, CSSB 402, CSSB 714, CSSB 1030, CSSB 1251, CSSB 1352**

EDUCATION — **CSSB 6**

BILLS AND RESOLUTIONS ENGROSSED

March 31, 2011

SB 36, SB 86, SB 199, SB 238, SB 310, SB 311, SB 349, SB 364, SB 410, SB 438, SB 475, SB 479, SB 480, SB 482, SB 483, SB 512, SB 519, SB 525, SB 548, SB 564, SB 569, SB 579, SB 623, SB 629, SB 642, SB 683, SB 684, SB 731, SB 760, SB 791, SB 802, SB 813, SB 819, SB 855, SB 887, SB 934, SB 957, SB 1003, SB 1008, SB 1020, SB 1124, SB 1160, SB 1166, SB 1220, SJR 26, SJR 28

RESOLUTIONS ENROLLED

March 31, 2011

SR 601, SR 671, SR 675, SR 676, SR 677, SR 678, SR 679, SR 680, SR 681, SR 682, SR 683, SR 684

SIGNED BY GOVERNOR

April 1, 2011

SCR 28, SCR 29

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-SEVENTH DAY

(Tuesday, April 5, 2011)

The Senate met at 11:09 a.m. pursuant to adjournment and was called to order by the President.

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

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

Pastor Jim Gray, First Baptist Church, Woodway, was introduced by Senator Birdwell and offered the invocation as follows:

God of the ages, we humbly enter Your presence today. Thank You for the many ways You bless us and for Your unconditional love for us. Thank You for the families and friends who pray for us and support us. Thank You for the nation and for the state in which we are blessed to live. I thank You, Lord, for these men and women who have answered the call to serve our great state as Senators. I lift them and their families and staffs up to You as they make difficult decisions which help us navigate these difficult days. During the birthing of our nation, Thomas Paine uttered the words, "These are the times that try men's souls." Those same words seem profoundly appropriate for today. I pray that these Senators will seek Your guidance as they make decisions, decisions that will impact our state not only in the short term but also for the ultimate benefit of future generations. God, help us as we face these challenging days. In the name above all names. Amen.

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

The motion prevailed without objection.

MESSAGES FROM THE GOVERNOR

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

April 4, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be members of the Brazos River Authority Board of Directors for terms to expire February 1, 2017:

Christopher S. Adams, Jr.
Granbury, Texas
(General Adams is being reappointed)

Cynthia Olson Bourland
Round Rock, Texas
(replacing Jon Sloan of Round Rock whose term expired)

Robert M. Christian
Marquez, Texas
(Colonel Christian is being reappointed)

Christopher D. DeCluitt
Waco, Texas
(Mr. DeCluitt is being reappointed)

Carolyn H. Johnson
Freeport, Texas
(Ms. Johnson is being reappointed)

Roberta Jean Killgore
Somerville, Texas
(Ms. Killgore is being reappointed)

To be a member of the Manufactured Housing Board for a term to expire January 31, 2017:

Anthony Burks
Fort Worth, Texas

Mr. Burks is replacing Devora Mitchell of Kermit who resigned.

Respectfully submitted,
/s/Rick Perry
Governor

April 4, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

On March 29, 2011, I submitted the name of Bobby L. Limmer for appointment to the Lower Colorado River Authority for a term to expire February 1, 2017.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Rick Perry
Governor

PHYSICIAN OF THE DAY

Senator Rodriguez was recognized and presented Dr. David Palafox of El Paso as the Physician of the Day.

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

GUESTS PRESENTED

Senator Rodriguez was recognized and introduced to the Senate an El Paso County Medical Society delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Eltife, joined by Senators Deuell and West, was recognized and introduced to the Senate a Lamar County delegation.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Judge, Court of Criminal Appeals: Elsa R. Alcalá, Harris County.

Member, Judicial Districts Board: Craig T. Enoch, Travis County.

Members, Board of Directors, Lower Colorado River Authority: James Scott Arbuckle, Wharton County; Steve K. Balas, Colorado County; John Mark Franklin, Burnet County; Jett Jay Johnson, Mills County.

Inspector General, Office of Inspector General, Health and Human Services Commission: Douglas Wilson, Travis County.

Director, Office of State-Federal Relations: Charles Eugene Roy, Collin County.

Members, Statewide Health Coordinating Council: James L. Alexander, Burleson County; Richard L. Beard, Dallas County; Abigail Hollis Blackburn, Travis County; Fred Sinclair Brinkley, Travis County; Janet Buckley Claborn, Bailey County; Brenda Dever-Armstrong, Bexar County; Steven Ngocthang Nguyen, Dallas County; Roger Michael Ragain, Lubbock County.

Members, Texas Appraiser Licensing and Certification Board: Walker Rankin Beard, El Paso County; Malachi Obadiah Boyuls, Dallas County; Luis F. De La Garza, Webb County; Laurie Carden Fontana, Harris County; Shannon K. McClendon, Hays County; Sheryl Rigsby Swift, Galveston County; Donna Lee Walz, Lubbock County; Jamie Lou Sanders Wickliffe, Ellis County.

Members, Texas Board of Physical Therapy Examiners: Robert Gary Gray, Midland County; Kathleen Ann Luedtke-Hoffmann, Dallas County; Daniel Reyna, McLennan County.

Members, Texas Board of Professional Geoscientists: Becky Lynn Johnson, Tarrant County; Justin Lynn McNamee, Dallas County; Judy Ann Reeves, Tarrant County; Gregory Clayton Ulmer, Harris County.

Members, Texas Commission on Fire Protection: Elroy Carson, Lubbock County; Christopher Martin Connealy, Williamson County; Louis Anthony Cortes, Bexar County; John Kelly Gillette, Collin County; John Weldon Green, Galveston County; John Tilden McMakin, Henderson County; Leonardo L. Perez, Cameron County.

Members, Texas Diabetes Council: Maria O. Duarte-Gardea, El Paso County; John W. Griffin, Victoria County; Don E. Yarborough, Dallas County.

Members, Texas Optometry Board: John Dale Coble, Rockwall County; Larry Wayne Fields, Panola County; Mario Gutierrez, Bexar County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE RESOLUTION 693

Senator Duncan offered the following resolution:

SR 693, Recognizing Randell Keith Resneder, founder and executive director of Disability Awareness Programs of Texas.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate a Disability Awareness Programs of Texas delegation: Randell Keith Resneder, Norma Resneder, Morris Arnold, Sheila Arnold, and Robert Resneder.

The Senate welcomed its guests.

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 15 to Committee on State Affairs.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a group of students from The University of Texas Southwestern Medical Center at Dallas.

The Senate welcomed its guests.

SENATE BILL 14 WITH HOUSE AMENDMENTS

Senator Fraser called **SB 14** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 14** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

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

SECTION 1. Section 13.002, Election Code, is amended by adding Subsection (i) to read as follows:

(i) An applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability must include with the person's application:

(1) written documentation:

(A) from the United States Social Security Administration evidencing the applicant has been determined to have a disability; or

(B) from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and

(2) a statement in a form prescribed by the secretary of state that the applicant does not have a form of identification acceptable under Section 63.0101.

SECTION 2. Section 15.001, Election Code, is amended by adding Subsection (c) to read as follows:

(c) A certificate issued to a voter who meets the certification requirements of Section 13.002(i) must contain an indication that the voter is exempt from the requirement to present identification other than the registration certificate before being accepted for voting.

SECTION 3. Effective September 1, 2011, Subchapter A, Chapter 15, Election Code, is amended by adding Section 15.005 to read as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS. (a) The voter registrar of each county shall provide notice of the identification requirements for voting prescribed by Chapter 63 and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 or renewal registration certificate issued under Section 14.001.

(b) The secretary of state shall prescribe the wording of the notice to be included on the certificate under this section.

SECTION 4. Section 15.022(a), Election Code, is amended to read as follows:

(a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1) after receipt of a notice of a change in registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;

(3) after receipt of a registration omissions list and any affidavits executed under Section 63.006 [~~63.007~~], following an election;

(4) after receipt of a voter's statement of residence executed under Section 63.0011;

(5) before the effective date of the abolishment of a county election precinct or a change in its boundary;

(6) after receipt of United States Postal Service information indicating an address reclassification;

(7) after receipt of a voter's response under Section 15.053; or

(8) after receipt of a registration application or change of address under Chapter 20.

SECTION 5. Effective September 1, 2011, Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The secretary of state and the voter registrar of each county that maintains a website shall provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website in each language in which voter registration materials are available. The secretary of state shall prescribe the wording of the notice to be included on the websites.

(b) The secretary of state shall conduct a statewide effort to educate voters regarding the identification requirements for voting prescribed by Chapter 63.

(c) The county clerk of each county shall post in a prominent location at the clerk's office a physical copy of the notice prescribed under Subsection (a) in each language in which voter registration materials are available.

SECTION 6. Effective September 1, 2011, Section 32.111, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The training standards adopted under Subsection (a) must include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 7. Effective September 1, 2011, Section 32.114(a), Election Code, is amended to read as follows:

(a) The county clerk shall provide one or more sessions of training using the standardized training program and materials developed and provided by the secretary of state under Section 32.111 for the election judges and clerks appointed to serve in elections ordered by the governor or a county authority. Each election judge shall complete the training program. Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 8. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location a list of the acceptable forms of identification. The list must be printed using a font that is at least 24-point. The notice required under this section must be posted separately from any other notice required by state or federal law.

SECTION 9. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g) and (h) to read as follows:

(b) Except as provided by Subsection (h), on [On] offering to vote, a voter must present to an election officer at the polling place one form of identification described by Section 63.0101 [the voter's voter registration certificate to an election officer at the polling place].

(c) On presentation of the documentation required under Subsection (b) [~~a registration certificate~~], an election officer shall determine whether the voter's name on the documentation [~~registration certificate~~] is on the list of registered voters for the precinct. If in making a determination under this subsection the election officer determines that the voter's name on the documentation is substantially similar to but does not match exactly with the name on the list, the voter shall be accepted for voting under Subsection (d) if the voter submits an affidavit stating that the voter is the person on the list of registered voters.

(d) If, as determined under Subsection (c), the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the documentation presented under Subsection (b), the voter shall be accepted for voting.

(f) After determining whether to accept a voter, an election officer shall return the voter's documentation [~~registration certificate~~] to the voter.

(g) If the requirements for identification prescribed by Subsection (b) are not met, the voter may be accepted for provisional voting only under Section 63.011. For a voter who is not accepted for voting under this section, an election officer shall:

(1) inform the voter of the voter's right to cast a provisional ballot under Section 63.011; and

(2) provide the voter with written information, in a form prescribed by the secretary of state, that:

(A) lists the requirements for identification;

(B) states the procedure for presenting identification under Section 65.0541;

(C) includes a map showing the location where identification must be presented; and

(D) includes notice that even if all procedures are followed, there is no guarantee that the voter's provisional ballot will be accepted.

(h) The requirements for identification prescribed by Subsection (b) do not apply to a voter who presents the voter's voter registration certificate on offering to vote and:

(1) was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the voter's voter registration certificate; or

(2) is disabled and the voter's voter registration certificate contains the indication described by Section 15.001(c).

SECTION 10. Section 63.0011(a), Election Code, is amended to read as follows:

(a) Before a voter may be accepted for voting, an election officer shall ask the voter if the voter's residence address on the precinct list of registered voters is current and whether the voter has changed residence within the county. If the voter's address is omitted from the precinct list under Section 18.005(c), the officer shall ask the voter if the voter's residence, if [as] listed, on identification presented by the voter under Section 63.001(b) [~~the voter's voter registration certificate~~] is current and whether the voter has changed residence within the county.

SECTION 11. Effective September 1, 2011, Chapter 63, Election Code, is amended by adding Section 63.0012 to read as follows:

Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO CERTAIN VOTERS. (a) An election officer shall distribute written notice of the identification that will be required for voting beginning with elections held after January 1, 2012, and information on obtaining identification without a fee under Section 521.422, Transportation Code, to each voter who, when offering to vote, presents a form of identification that will not be sufficient for acceptance as a voter under this chapter beginning with those elections.

(b) The secretary of state shall prescribe the wording of the notice and establish guidelines for distributing the notice.

(c) This section expires September 1, 2017.

SECTION 12. Section 63.006, Election Code, is amended to read as follows:

Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [~~CORRECT CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to vote, presents the documentation required under Section 63.001(b) [~~a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote.~~] but whose name is not on the precinct list of registered voters[.] shall be accepted for voting if the voter also presents a voter registration certificate indicating that the voter is currently registered:

(1) in the precinct in which the voter is offering to vote; or

(2) in a different precinct in the same county as the precinct in which the voter is offering to vote and the voter executes an affidavit stating that the voter:

(A) is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct;

(B) was a resident of the precinct in which the voter is offering to vote at the time the information on the voter's residence address was last provided to the voter registrar;

(C) did not deliberately provide false information to secure registration in a precinct in which the voter does not reside; and

(D) is voting only once in the election.

(b) After the voter is accepted, an election officer shall:

(1) indicate beside the voter's name on the poll list that the voter was accepted under this section; and

(2) enter the voter's name on the registration omissions list.

SECTION 13. Section 63.009, Election Code, is amended to read as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. A ~~[(a) Except as provided by Subsection (b), a]~~ voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011.

~~[(b) If an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavits required by Sections 63.007 and 63.008 are substituted for the affidavit required by Section 63.011 in complying with that section. After the voter is accepted under this subsection, an election officer shall also indicate beside the voter's name on the poll list that the voter was accepted under this section.]~~

SECTION 14. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The following documentation is an acceptable form ~~as proof~~ of photo identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety that has not ~~[or a similar document issued to the person by an agency of another state, regardless of whether the license or card has]~~ expired or that expired no earlier than 60 days before the date of presentation;

(2) a United States military identification card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation ~~[form of identification containing the person's photograph that establishes the person's identity];~~

~~(3) a [birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity;~~

[(4)] United States citizenship certificate [papers] issued to the person that contains the person's photograph;

(4) [(5)] a United States passport issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or

(5) a license to carry a concealed handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation

~~[(6) official mail addressed to the person by name from a governmental entity;~~

~~[(7) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or~~

~~[(8) any other form of identification prescribed by the secretary of state].~~

SECTION 15. Section 63.011, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A person to whom Section 63.001(g) ~~[63.008(b)]~~ or 63.009 ~~[63.009(a)]~~ applies may cast a provisional ballot if the person executes an affidavit stating that the person:

(1) is a registered voter in the precinct in which the person seeks to vote; and

(2) is eligible to vote in the election.

(b) A form for an affidavit required by this section must [~~shall~~] be printed on an envelope in which the provisional ballot voted by the person may be placed and must include:

(1) a space for entering the identification number of the provisional ballot voted by the person; and

(2) a space for an election officer to indicate whether the person presented a form of identification described by Section 63.0101.

(b-1) The affidavit form may include space for disclosure of any necessary information to enable the person to register to vote under Chapter 13. The secretary of state shall prescribe the form of the affidavit under this section.

SECTION 16. Section 64.012(b), Election Code, is amended to read as follows:

(b) An offense under this section is a felony of the second [~~third~~] degree unless the person is convicted of an attempt. In that case, the offense is a state jail felony [~~Class A misdemeanor~~].

SECTION 17. Section 65.054, Election Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A provisional ballot shall [~~may~~] be accepted [~~only~~] if the board determines that:

(1) [5] from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election; and

(2) the person:

(A) meets the identification requirements of Section 63.001(b) at the time the ballot was cast or in the period prescribed under Section 65.0541; or

(B) executes an affidavit under penalty of perjury stating that:

(i) the voter:

(a) is indigent and is unable to obtain proof of identification without the payment of a fee; or

(b) has a religious objection to being photographed; and

(ii) the voter has not been challenged and voted a provisional ballot solely because the voter did not meet the requirements for identification prescribed by Section 63.001(b).

(e) In this section, "indigent" has the meaning assigned by Section 51.941(e), Government Code.

SECTION 18. Subchapter B, Chapter 65, Election Code, is amended by adding Section 65.0541 to read as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election:

(1) present a form of identification described by Section 63.0101 to the voter registrar for examination; or

(2) execute an affidavit described by Section 65.054(b)(2)(B) in the presence of the voter registrar.

(b) The secretary of state shall prescribe procedures as necessary to implement this section.

SECTION 19. Section 66.0241, Election Code, is amended to read as follows:

Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4 must contain:

- (1) the precinct list of registered voters;
- (2) the registration correction list;
- (3) the registration omissions list;
- (4) any statements of residence executed under Section 63.0011; and
- (5) any affidavits executed under Section 63.006 [~~63.007~~] or 63.011.

SECTION 20. Section 521.422, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), the [The] fee for a personal identification certificate is:

- (1) \$15 for a person under 60 years of age;
- (2) \$5 for a person 60 years of age or older; and
- (3) \$20 for a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure.

(d) The department may not collect a fee for a personal identification certificate issued to a person who states that the person is obtaining the personal identification certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101, Election Code, and:

- (1) who is a registered voter in this state and presents a valid voter registration certificate; or
- (2) who is eligible for registration under Section 13.001, Election Code, and submits a registration application to the department.

SECTION 21. Sections 63.007 and 63.008, Election Code, are repealed.

SECTION 22. Effective September 1, 2011:

(1) as soon as practicable, the secretary of state shall adopt the training standards and develop the training materials required to implement the change in law made by this Act to Section 32.111, Election Code; and

(2) as soon as practicable, the county clerk of each county shall provide a session of training under Section 32.114, Election Code, using the standards adopted and materials developed to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 23. The change in law made by this Act in amending Section 64.012(b), Election Code, applies only to an offense committed on or after January 1, 2012. An offense committed before January 1, 2012, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before January 1, 2012, if any element of the offense occurs before that date.

SECTION 24. Effective September 1, 2011, state funds disbursed under Chapter 19, Election Code, for the purpose of defraying expenses of the voter registrar's office in connection with voter registration may also be used for additional expenses related to coordinating voter registration drives or other activities designed to expand voter registration. This section expires January 1, 2013.

SECTION 25. Except as otherwise provided by this Act, this Act takes effect January 1, 2012.

Floor Amendment No. 3

Amend **CSSB 14** (House committee printing) as follows:

(1) In the recital to SECTION 9 of the bill (page 5, line 1), strike "(g) and (h)" and substitute "(g), (h), and (i)".

(2) In SECTION 9 of the bill, in amended Section 63.001(b), Election Code (page 5, line 2), strike "Subsection (h)" and substitute "Subsection (h) or (i)".

(3) In SECTION 9 of the bill, following added Section 63.001(h), Election Code (page 6, between lines 23 and 24), add the following:

(i) A voter who would otherwise be accepted for voting under this chapter but for the requirements of Subsection (b) shall be accepted for voting if, instead of presenting the identification required by Subsection (b), the voter executes an affidavit under penalty of perjury that asserts that the voter's proof of identification meeting the requirements of Subsection (b) has been stolen and the voter presents to an election officer a copy of an official police report, dated not earlier than the 45th day before the date on which the voter seeks to vote, alleging that the voter was a victim of an offense described by Section 32.51, Penal Code. The voter may redact personal information on the report relating to the voter, other than the voter's name, address, or date of birth. A report presented under this section is not required to contain the voter's date of birth.

Floor Amendment No. 5

Amend **CSSB 14** on page 5, line 14, by inserting "under standards adopted by the secretary of state" between "list" and the comma.

Floor Amendment No. 7

Amend **CSSB 14** (house committee printing) in SECTION 9 of the bill, in added Section 63.001(h), Election Code (page 6, lines 17-21), by striking the following:

⋮

(1) was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the voter's voter registration certificate; or

(2)

Floor Amendment No. 10

Amend **CSSB 14** (House committee printing) by striking lines 12 through 14 of page 6 and substituting the following:

(D) includes notice that if all procedures are followed and the voter is found to be eligible to vote in the election, the voter's provisional ballot will be counted.

Floor Amendment No. 13

Amend **CSSB 14** (house committee printing) as follows:

(1) In SECTION 9 of the bill, in added Section 63.001(h), Election Code (page 6, line 20), strike "or".

(2) In SECTION 9 of the bill, following added Section 63.001(h)(2), Election Code (page 6, line 23), between "15.001(c)" and the period, insert the following:
; or

(3) executes an affidavit under penalty of perjury that asserts the voter does not have identification meeting the requirements of Subsection (b) as a result of a natural disaster declared by the president of the United States or the governor

Floor Amendment No. 20

Amend **CSSB 14** (house committee printing) in SECTION 14 of the bill as follows:

(1) In amended Section 63.0101, Election Code (page 10, line 13), strike "or".

(2) In amended Section 63.0101, Election Code (page 10, line 17), following "presentation", insert:
; or

(6) an identification card that contains the person's photograph and is issued or approved by this state

Floor Amendment No. 26

Amend **CSSB 14** as follows:

(1) In the recital to SECTION 15 of the bill (page 10, line 26), strike "Subsection (b-1)" and substitute "Subsections (b-1) and (f)".

(2) In SECTION 15 of the bill, add the following after added Section 63.011(b-1), Election Code (page 11, between lines 18 and 19):

(f) In addition to the affidavit required by this section, a person who casts a provisional ballot under this section and is described by Section 65.054(b)(2)(B) may execute an affidavit under that section at the polling place. Forms for affidavits under Section 65.054(b)(2)(B) must be available at each polling place.

(3) In SECTION 18 of the bill, in added Section 65.0541(a)(2), Election Code (page 13, line 4), between "presence of" and "the voter registrar", insert "an election officer at the polling place or".

Floor Amendment No. 27

Amend **CSSB 14** (House committee printing) in SECTION 5 of the bill, in added Section 31.012(b), Election Code (page 3, line 21), by adding after the period: "The statewide effort shall include education targeted at low-income and minority voters."

Floor Amendment No. 28

Amend **CSSB 14** (House committee printing) as follows:

(1) Strike SECTION 17 of the bill (page 11, line 24, through page 12, line 20) and substitute the following:

SECTION 17. Section 65.054(b), Election Code, is amended to read as follows:

(b) A provisional ballot shall [~~may~~] be accepted [~~only~~] if the board determines that:

(1) [~~5~~] from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election; and

(2) the person meets the identification requirements of Section 63.001(b) at the time the ballot was cast or in the period prescribed under Section 65.0541.

(2) In SECTION 18 of the bill, strike added Section 65.0541(a), Election Code (page 12, line 24, through page 13, line 4) and substitute the following:

(a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election, present a form of identification described by Section 63.0101 to the voter registrar for examination.

Floor Amendment No. 30

Amend **CSSB 14** as follows:

(1) In SECTION 14 of the bill, in amended Section 63.0101, Election Code (page 10, line 13), strike "or".

(2) In SECTION 14 of the bill, in amended Section 63.0101, Election Code, following added Subdivision (5) (page 10, line 17), insert the following:

; or

(6) a valid identification card that contains the person's photograph and is issued by a tribal organization

Floor Amendment No. 32

Amend **CSSB 14** on page 13, line 27, by striking "may" and substituting "shall".

Floor Amendment No. 45

Amend **CSSB 14** by adding the following appropriately numbered section and by renumbering the existing sections as appropriate:

SECTION _____. Section 521.424, Transportation Code, is amended to read as follows:

Sec. 521.424. **DUPLICATE LICENSE OR CERTIFICATE FEE.** (a) Except as provided by Subsection (b), the [The] fee for a duplicate driver's license or duplicate personal identification certificate is \$10.

(b) The department may not collect a fee for a duplicate personal identification certificate from a person who meets the requirements of Section 521.422(d).

Floor Amendment No. 48

Amend **CSSB 14** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Every provision in this Act and every application of the provisions in this Act are severable from each other. If any application of any provision in this Act to any person or group of persons or circumstances is found by a court to be invalid, the remainder of this Act and the application of the Act's provisions to all other persons and circumstances may not be affected. All constitutionally valid applications of this Act shall be severed from any applications that a court finds to be invalid, leaving the valid applications in force, because it is the legislature's intent and priority that the valid applications be allowed to stand alone.

Even if a reviewing court finds a provision of this Act invalid in a large or substantial fraction of relevant cases, the remaining valid applications shall be severed and allowed to remain in force.

Floor Amendment No. 53

Amend **CSSB 14** (House committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 521.124, Transportation Code, is amended to read as follows:

Sec. 521.124. TEMPORARY LICENSE[; ~~ISSUED WITHOUT PHOTOGRAPH~~]. (a) The department may issue a temporary license without a photograph of the license holder[;

[(+)] to an applicant who is out of state or a member of the armed forces of the United States[; ~~or~~

[(-) if the department otherwise determines that a temporary license is necessary].

(b) A temporary license issued under Subsection (a) is valid only until the applicant has time to appear and be photographed and a license with a photograph is issued.

(c) Except as provided by Subsection (a), a temporary license issued by the department must include the photograph of the person to whom the license is issued.

(d) If all application requirements are met, a temporary license must be issued by the department on the day of application.

(2) In SECTION 17 of the bill, in added Section 65.054(b)(2)(A), Election Code (page 12, line 7), between "Section 65.0541" and the underscored semicolon insert "or presents a temporary license issued by the Department of Public Safety that contains the voter's photograph in the period prescribed under Section 65.0541".

(3) In SECTION 18 of the bill, in added Section 65.0541(a)(1), Election Code (page 13, line 2), between "63.0101" and "to the voter registrar" insert "or a temporary license issued by the Department of Public Safety that contains the voter's photograph".

Floor Amendment No. 59

Amend **CSSB 14** (house committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 1.005, Election Code, is amended by adding Subdivision (25) to read as follows:

(25) "Early voting ballot board" means the early voting and provisional voting ballot board.

(2) In the recital to SECTION 17 of the bill (page 11, line 25), strike "Subsection (b)" and substitute "Subsections (a) and (b)".

(3) In SECTION 17 of the bill, before amended Section 65.054(b), Election Code (page 11, between lines 26 and 27), add the following:

(a) The early voting and provisional voting ballot board shall examine each affidavit executed under Section 63.011 and determine whether to accept the provisional ballot of the voter who executed the affidavit.

The amendments were read.

Senator Fraser moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 14** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Fraser, Chair; Huffman, Williams, Birdwell, and Van de Putte.

CONCLUSION OF MORNING CALL

The President at 11:31 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 656 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 656** at this time on its second reading:

CSSB 656, Relating to the abolition of the Coastal Coordination Council and the transfer of its functions to the General Land Office.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 656** (senate committee printing) as follows:

(1) In SECTION 11 of the bill, strike amended Section 33.205(c), Natural Resources Code (page 3, line 49, through page 4, line 3), and substitute the following:

(c) The commissioner [~~council~~] may [~~not~~] review a proposed agency or subdivision action subject to the requirements of Subsections (a) and (b) [~~of this section~~] for consistency with the goals and policies of the coastal management program if [~~unless~~]:

(1) the consistency determination for the proposed action was contested by:

(A) a [~~council~~] member of the committee or an agency that was a party in a formal hearing under Chapter 2001, Government Code, or in an alternative dispute resolution process; or

(B) another [~~a council member or other~~] person by the filing of written comments with the agency before the action was proposed if the proposed action is one for which a formal hearing under Chapter 2001, Government Code, is not available;

(2) a person described by Subdivision (1) [~~of this subsection~~] files a request for referral alleging a significant unresolved dispute regarding the proposed action's consistency with the goals and policies of the coastal management program; and

(3) any three members of the committee [~~council~~] other than the representative [~~director~~] of the Texas [~~A&M University~~] Sea Grant College Program agree that there is a significant unresolved dispute regarding the proposed action's consistency with the goals and policies of the coastal management program and the matter is referred to the commissioner for review [~~placed on the agenda for a council meeting~~].

(2) In SECTION 15 of the bill, in amended Section 33.206(g), Natural Resources Code (page 7, lines 15-19), strike the first sentence of the subsection and substitute the following:

Notwithstanding the other provisions of this subchapter, on request for referral, the commissioner may not review a consistency determination of the land office, the commissioner, or the board.

The amendment to **CSSB 656** 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 Huffman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 656 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 656 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 656** 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 656**, 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 656** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 1097 ON SECOND READING

Senator Eltife moved to suspend the regular order of business to take up for consideration **CSSB 1097** at this time on its second reading:

CSSB 1097, Relating to single certification in incorporated or annexed areas served by water or sewer utilities.

The motion prevailed.

Senators Birdwell, Estes, and Huffman 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: Birdwell, Estes, Huffman.

COMMITTEE SUBSTITUTE SENATE BILL 1097 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1097** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Harris, Hegar, Hinojosa, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Huffman, 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 1097**, 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 1097** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Harris, Hegar, Hinojosa, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Huffman.

SENATE BILL 315 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 315** at this time on its second reading:

SB 315, Relating to the agencies and entities responsible for compiling and maintaining information pertaining to criminal combinations and criminal street gangs.

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 315 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 315** 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 315**, 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 315** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 73 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 73** at this time on its second reading:

CSSB 73, Relating to debt issuance authority of and funding for the Cancer Prevention and Research Institute of Texas.

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 73 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 73** 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 73**, 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 73** 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.

WENTWORTH

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

SENATE BILL 907 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 907** at this time on its second reading:

SB 907, Relating to the management, operation, rulemaking authority, and oversight of groundwater conservation districts.

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 907 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 907** 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 907**, 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 907** 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.

WENTWORTH

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

(President Pro Tempore Ogden in Chair)**COMMITTEE SUBSTITUTE
SENATE BILL 142 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 142** at this time on its second reading:

CSSB 142, Relating to real property that is subject to restrictive covenants and the operation of property owners' associations of subdivisions that are subject to restrictive covenants.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 142** (senate committee printing) as follows:

(1) In SECTION 20 of the bill, insert the following appropriately designated subsection and redesignate subsections of the SECTION accordingly:

() Section 51.015, Property Code, as amended by this Act, applies only to the levy of an assessment or assessments as described by Section 51.015, Property Code, as amended by this Act, the effective date of which is on or after the effective date of this Act. A levy of an assessment or assessments the effective date of which is before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(2) Insert the following appropriately numbered SECTIONS in the bill and renumber SECTIONS of the bill accordingly:

SECTION ____ . Section 51.002, Property Code, is amended by adding Subsection (i) to read as follows:

(i) Notice served under Subsection (b)(3) or (d) must state the name and address of the sender of the notice and contain a statement that is conspicuous, printed in boldface or underlined type, and substantially similar to the following: "Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately."

SECTION ____ . Subsection (a), Section 51.015, Property Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Assessment" and "assessments" have the meanings assigned by Sections 82.113(a) and 209.002, as applicable.

SECTION ____ . Subsection (b), Section 51.015, Property Code, is amended to read as follows:

(b) This section applies only to an obligation:

(1) that is secured by a mortgage, deed of trust, or other contract lien, including a lien securing payment of an assessment or assessments, as applicable, on real property or personal property that is a dwelling owned by a military servicemember;

(2) that originates before the date on which the servicemember's active duty military service commences; and

(3) for which the servicemember is still obligated.

WEST
PATRICK
VAN DE PUTTE

The amendment to **CSSB 142** 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.

Senator West offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 142** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 5.012(g), Property Code (page 2, line 14), between "otherwise agreed" and the period, insert "by the purchaser and seller of the property".

(2) In SECTION 8 of the bill, in amended Section 207.003(c), Property Code (page 5, line 27), between "otherwise agreed" and the period, insert "by the purchaser and seller of the property".

(3) In SECTION 11 of the bill, strike added Sections 209.0041(g), (h), and (i), Property Code (page 5, line 68, through page 6, line 9), and substitute the following:

(g) Except as provided by this subsection, a declaration may be amended only by a vote of 67 percent of the total votes allocated to property owners in the property owners' association, in addition to any governmental approval required by law. If the declaration contains a lower percentage, the percentage in the declaration controls.

(h) A bylaw may not be amended to conflict with the declaration.

(4) In SECTION 12 of the bill, in amended Section 209.005(c), Property Code (page 6, lines 22 and 23), strike "an owner's agent" and substitute "a person designated in a writing signed by the owner as the owner's agent".

(5) In SECTION 12 of the bill, strike added Sections 209.005(i) and (j), Property Code (page 7, lines 23-45), and substitute the following:

(i) A property owners' association board must adopt a records production and copying policy that prescribes the costs the association will charge for the compilation, production, and reproduction of information requested under this section. The prescribed charges may include all reasonable costs of materials, labor, and overhead but may not exceed costs that would be applicable for an item under Section 552.261, Government Code. The policy required by this subsection must be recorded as a dedicatory instrument in accordance with Section 202.006. An association may not charge an owner for the compilation, production, or reproduction of information requested under this section unless the policy prescribing those costs has been recorded as required by this subsection. An owner is responsible for costs related to

the compilation, production, and reproduction of the requested information in the amounts prescribed by the policy adopted under this subsection. The association may require advance payment of the estimated costs of compilation, production, and reproduction of the requested information. If the estimated costs are lesser or greater than the actual costs, the association shall submit a final invoice to the owner on or before the 30th business day after the date the information is delivered. If the final invoice includes additional amounts due from the owner, the additional amounts, if not reimbursed to the association before the 30th business day after the date the invoice is sent to the owner, may be added to the owner's account as an assessment. If the estimated costs exceeded the final invoice amount, the owner is entitled to a refund, and the refund shall be issued to the owner not later than the 30th business day after the date the invoice is sent to the owner.

(j) A property owners' association must estimate costs under this section using amounts prescribed by the policy adopted under Subsection (i).

(6) In SECTION 12 of the bill, in added Section 209.005(k), Property Code (page 7, line 46), between "Subsection (l)" and the comma, insert "and to the extent the information is provided in the meeting minutes".

(7) In SECTION 12 of the bill, in added Section 209.005(k), Property Code (page 7, line 47), strike "other than in meeting minutes".

(8) In SECTION 13 of the bill, in the recital (page 8, line 48), strike "and 209.00592" and substitute "209.00592, and 209.00593".

(9) In SECTION 13 of the bill, in added Section 209.0051(b), Property Code (page 8, lines 58-61), strike the following:

⋮

(1) the gathering of a quorum of the board at a board workshop where formal action is not taken; or

(2)

(10) In SECTION 13 of the bill, in added Section 209.0051(c), Property Code (page 9, line 8), between "summarized orally" and the comma, insert "and placed in the minutes".

(11) In SECTION 13 of the bill, strike added Section 209.0051(h), Property Code (page 9, line 59, through page 10, line 9), and substitute the following:

(h) A board may meet by any method of communication, including electronic and telephonic, without prior notice to owners under Subsection (e), if each director may hear and be heard by every other director, or the board may take action by unanimous written consent to consider routine and administrative matters or a reasonably unforeseen emergency or urgent necessity that requires immediate board action. Any action taken without notice to owners under Subsection (e) must be summarized orally, including an explanation of any known actual or estimated expenditures approved at the meeting, and documented in the minutes of the next regular or special board meeting. The board may not, without prior notice to owners under Subsection (e), consider or vote on:

(1) fines;

(2) damage assessments;

(3) initiation of foreclosure actions;

(4) initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety;

(5) increases in assessments;

(6) levying of special assessments;

(7) appeals from a denial of architectural control approval; or

(8) a suspension of a right of a particular owner before the owner has an opportunity to attend a board meeting to present the owner's position, including any defense, on the issue.

(12) In SECTION 13 of the bill, strike added Section 209.0056(a), Property Code (page 10, lines 25-28), and substitute the following:

(a) Not later than the 10th day or earlier than the 60th day before the date of an election or vote, a property owners' association shall give written notice of the election or vote to:

(1) each owner of property in the property owners' association, for purposes of an association-wide election or vote; or

(2) each owner of property in the property owners' association entitled under the dedicatory instruments to vote in a particular representative election, for purposes of a vote that involves election of representatives of the association who are vested under the dedicatory instruments of the property owners' association with the authority to elect or appoint board members of the property owners' association.

(13) In SECTION 13 of the bill, in added Section 209.0057(d), Property Code (page 11, line 4), between "cost of the recount." and "Any action", insert "The property owners' association shall provide the results of the recount to each owner who requested the recount."

(14) In SECTION 13 of the bill, after added Section 209.00592, Property Code (page 12, between lines 24 and 25), insert the following:

Sec. 209.00593. ELECTION OF BOARD MEMBERS. (a) Notwithstanding any provision in a dedicatory instrument, any board member whose term has expired must be elected by owners who are members of the property owners' association. A board member may be appointed by the board only to fill a vacancy caused by a resignation, death, or disability. A board member appointed to fill a vacant position shall serve the unexpired term of the predecessor board member.

(b) The board of a property owners' association may amend the bylaws of the property owners' association to provide for elections to be held as required by Subsection (a).

(c) The appointment of a board member in violation of this section is void.

(d) This section does not apply to the appointment of a board member during a development period, as defined by Section 202.011.

(e) This section does not apply to a representative board whose members or delegates are elected or appointed by representatives of a property owners' association who are elected by owner members of a property owners' association.

(15) In SECTION 15 of the bill, in added Section 209.0062(c), Property Code (page 13, line 5), strike "12 months" and substitute "18 months".

(16) In SECTION 15 of the bill, in added Section 209.0063(a), Property Code (page 13, lines 23-24), strike "or otherwise provided in writing by the property owner at the time payment is made".

(17) In SECTION 15 of the bill, strike added Section 209.0064, Property Code (page 13, lines 45-58), and substitute the following:

Sec. 209.0064. THIRD PARTY COLLECTIONS. Before a property owners' association may assess the account of an owner for reimbursement of reasonable attorney's fees and other reasonable costs payable by the association to another party or billed by a third party to the association on a contingency basis and that are related to collecting assessments or other amounts owed the association by the owner, the association must provide a notice to the owner by certified mail, return receipt requested, that:

(1) specifies each delinquent amount and the total amount of the payment required to make the account current;

(2) describes the options the owner has to avoid liability for attorney's fees or other costs related to collection of those amounts, including information regarding the availability of a payment plan through the association; and

(3) provides a period of at least 30 days for the owner to cure the delinquency before further action is taken by the association.

(18) In SECTION 16 of the bill, in added Section 209.0091(a), Property Code (page 13, line 63), between "as provided by Subsection (c)" and the comma, insert "and subject to Section 209.009".

(19) Strike SECTION 3 of the bill.

(20) Insert the following appropriately numbered SECTION in the bill:

SECTION _____. Section 209.009, Property Code, is amended to read as follows:

Sec. 209.009. FORECLOSURE SALE PROHIBITED IN CERTAIN CIRCUMSTANCES. A property owners' association may not foreclose a property owners' association's assessment lien if the debt securing the lien consists solely of:

(1) fines assessed by the association; ~~or~~

(2) attorney's fees incurred by the association solely associated with fines assessed by the association; or

(3) amounts added to the owner's account as an assessment under Section 209.005(i).

(21) Renumber SECTIONS of the bill appropriately.

The amendment to **CSSB 142** 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 West offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 142** (senate committee printing) as follows:

(1) In SECTION 13 of the bill, strike added Section 209.00591(c), Property Code (page 11, lines 33-36), and substitute the following:

(c) The declaration may provide for a period of declarant control of the association during which a declarant, or persons designated by the declarant, may appoint and remove board members and the officers of the association, other than board members or officers elected by members of the property owners' association.

Regardless of the period of declarant control provided by the declaration, on or before the 120th day after the date 75 percent of the lots that may be created and made subject to the declaration are conveyed to owners other than a declarant, at least one-third of the board members must be elected by owners other than the declarant. If the declaration does not include the number of lots that may be created and made subject to the declaration, at least one-third of the board members must be elected by owners other than the declarant not later than the 10th anniversary of the date the declaration was recorded.

(2) In SECTION 18 of the bill, strike added Section 209.014, Property Code (page 14, lines 42-60), and substitute the following:

Sec. 209.014. MANDATORY ELECTION REQUIRED AFTER FAILURE TO CALL REGULAR MEETING. (a) Notwithstanding any provision in a dedicatory instrument, a board of a property owners' association shall call an annual meeting of the members of the association.

(b) If a board of a property owners' association does not call an annual meeting of the association members, an owner may demand that a meeting of the association members be called not later than the 30th day after the date of the owner's demand. The owner's demand must be made in writing and sent by certified mail, return receipt requested, to the registered agent of the property owners' association and to the association at the address for the association according to the most recently filed management certificate. A copy of the notice must be sent to each property owner who is a member of the association.

(c) If the board does not call a meeting of the members of the property owners' association on or before the 30th day after the date of a demand under Subsection (b), three or more owners may form an election committee. The election committee shall file written notice of the committee's formation with the county clerk of each county in which the subdivision is located.

(d) A notice filed by an election committee must contain:

(1) a statement that an election committee has been formed to call a meeting of owners who are members of the property owners' association for the sole purpose of electing board members;

(2) the name and residential address of each committee member; and

(3) the name of the subdivision over which the property owners' association has jurisdiction under a dedicatory instrument.

(e) Each committee member must sign and acknowledge the notice before a notary or other official authorized to take acknowledgments.

(f) The county clerk shall enter on the notice the date the notice is filed and record the notice in the county's real property records.

(g) Only one committee in a subdivision may operate under this section at one time. If more than one committee in a subdivision files a notice, the first committee that files a notice, after having complied with all other requirements of this section, is the committee with the power to act under this section. A committee that does not hold or conduct a successful election within four months after the date the notice is filed with the county clerk is dissolved by operation of law. An election held or conducted by a dissolved committee is ineffective for any purpose under this section.

(h) The election committee may call meetings of the owners who are members of the property owners' association for the sole purpose of electing board members. Notice, quorum, and voting provisions contained in the bylaws of the property owners' association apply to any meeting called by the election committee.

The amendment to **CSSB 142** 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.

(President in Chair)

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 142** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, strike the recital (page 2, lines 58-59) and substitute the following:

Section 202.004, Property Code, is amended by amending Subsection (c) and adding Subsections (d), (e), (f), (g), (h), and (i) to read as follows:

(2) In SECTION 5 of the bill, after amended Section 202.004(c), Property Code (page 2, between lines 66 and 67), insert the following:

(d) In evaluating an alleged or potential violation of a restrictive covenant, a property owners' association board may, notwithstanding any provision in a dedicatory instrument, elect to not enforce the restrictive covenant if the board, in the board's reasonable judgment, determines:

(1) the property owners' association's position is not sufficiently strong to justify taking any action or further action;

(2) the provision alleged to have been violated may be inconsistent with applicable law;

(3) the alleged violation is not of such a material or visible nature as to be objectionable to a reasonable person or to justify expending the property owners' association's resources;

(4) enforcement of the provision is not in the association's best interests, based on hardship, expense, or other reasonable criteria; or

(5) the facts of the particular circumstances, such as topography of the owner's land or unforeseen circumstances unique to the particular owner, justify the board's election to not enforce the restrictive covenant.

(e) In evaluating an alleged or potential violation of a restrictive covenant, a property owners' association board shall make reasonable accommodations with respect to persons with disabilities and, in the absence of a showing of compelling necessity, may not enforce a restrictive covenant in a manner that imposes an undue hardship on persons with disabilities.

(f) A determination by the property owners' association board to not enforce a restrictive covenant under Subsection (d) or (e) may not be considered a waiver of the association's authority to enforce any dedicatory instrument provision in the future.

(g) A property owners' association board shall document each election by the board to not enforce a restrictive covenant under Subsection (d) made by the board at a meeting by noting in the minutes of the board meeting at which the election was made:

- (1) the person who was not subjected to enforcement of the covenant;
- (2) the specific covenant the board did not enforce; and
- (3) the board's rationale for not enforcing the covenant.

(h) A property owners' association board shall document the following information in the minutes of the board meeting and provide a copy of the minutes to a person subject to an enforcement of a restrictive covenant under circumstances described by Subsection (e):

(1) the specific facts and circumstances constituting a compelling necessity under Subsection (e);

(2) the person subjected to the enforcement of the covenant; and

(3) the board members voting for and against the enforcement of the covenant.

(i) A determination made in violation of Subsection (e) or (h) is void and unenforceable.

The amendment to **CSSB 142** was read.

Senator Ellis withdrew Floor Amendment No. 4.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 142** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION ____ Chapter 209, Property Code, is amended by adding Section 209.0031 to read as follows:

Sec. 209.0031. DISCRIMINATION PROHIBITED; INJUNCTION. (a) A person may not refuse any person for membership in a property owners' association because of race, color, religion, sex, familial status, or national origin.

(b) A property owners' association may not bar a property owner from voting in an association election because of race, color, religion, sex, familial status, or national origin.

(c) If a property owners' association or other representative designated by the property owners' association has violated, is violating, or is threatening to violate this section, a person who is refused membership as described by Subsection (a), a property owner barred from voting as described by Subsection (b), or any member of the property owners' association may bring a civil action against the property owners' association for injunctive relief.

(d) A person described by Subsection (c) who prevails in an action brought under this section is entitled to recover reasonable attorney's fees and court costs.

(e) A remedy under this section is not exclusive and is in addition to any other remedy provided by other law.

The amendment to **CSSB 142** was read.

Senator Gallegos withdrew Floor Amendment No. 5.

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

CSSB 142 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 142 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 142** 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 142**, 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 142** 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.

WENTWORTH

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

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate a Montgomery County Teen Republicans delegation.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, April 5, 2011 - 1

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 68** Hunter

Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study human trafficking in Texas.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 1702 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1702** at this time on its second reading:

SB 1702, Relating to the establishment of a task force to enhance the prosecution and tracking of money laundering in this state.

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 1702 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1702** 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 1702**, 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 1702** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 1230 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1230** at this time on its second reading:

CSSB 1230, Relating to the construction and operation of combined heating and power facilities in certain municipalities.

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 1230 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1230** 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 1230**, 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 1230** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 27 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 27** at this time on its second reading:

CSSB 27, Relating to policies of school districts and open-enrollment charter schools for the care of certain students at risk for anaphylaxis.

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 and was passed to engrossment by a viva voce vote.

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

Nays: Ogden.

COMMITTEE SUBSTITUTE SENATE BILL 27 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 27** be placed on its third reading and final passage.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Ogden, 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 27**, 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 27** 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.

WENTWORTH

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

Nays: Ogden.

SENATE BILL 153 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 153** at this time on its second reading:

SB 153, Relating to the authority of a judge to suspend the imposition of a sentence and place a defendant on community supervision.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 153** (senate committee report) in SECTION 1 of the bill in amended Article 42.12(a), Code of Criminal Procedure (page 1, line 18), between "." and "A", insert "Where a defendant elects to have the jury assess the sentence,"

The amendment to **SB 153** 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 Huffman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 153 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 153 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 153** 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 153**, 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 153** 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.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE BILL 597 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 597** at this time on its second reading:

CSSB 597, Relating to the guarantee of open-enrollment charter school bonds by the permanent school fund.

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 597 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 **CSSB 597** 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 597**, 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 597** 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.

WENTWORTH

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

MOTION TO PLACE SENATE BILL 1308 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **SB 1308** at this time on its second reading:

SB 1308, Relating to the standards for attorneys representing indigent defendants in capital cases.

Senator Seliger withdrew the motion to suspend the regular order of business.

COMMITTEE SUBSTITUTE SENATE BILL 626 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 626** at this time on its second reading:

CSSB 626, Relating to lottery winnings, including assignment of winnings, periodic payments of winnings, and the deduction of child support delinquency amounts from winnings paid to a prize winner.

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 626 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 626** 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 626**, 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 626** 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.

WENTWORTH

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

SENATE BILL 1308 ON SECOND READING

Senator Seliger again moved to suspend the regular order of business to take up for consideration **SB 1308** at this time on its second reading:

SB 1308, Relating to the standards for attorneys representing indigent defendants in capital cases.

The motion prevailed without objection.

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 1308 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 1308** 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 1308**, 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 1308** 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.

WENTWORTH

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 Eltife 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. Thursday, April 7, 2011, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

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

On motion of Senator Williams and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Finance Subcommittee on Articles VI and VII might meet today.

CO-AUTHOR OF SENATE BILL 6

On motion of Senator Shapiro, Senator Van de Putte will be shown as Co-author of **SB 6**.

CO-AUTHOR OF SENATE BILL 27

On motion of Senator Zaffirini, Senator Davis will be shown as Co-author of **SB 27**.

CO-AUTHORS OF SENATE BILL 142

On motion of Senator West, Senators Davis and Nelson will be shown as Co-authors of **SB 142**.

CO-AUTHOR OF SENATE BILL 293

On motion of Senator Watson, Senator Nelson will be shown as Co-author of **SB 293**.

CO-AUTHOR OF SENATE BILL 469

On motion of Senator Nelson, Senator Harris will be shown as Co-author of **SB 469**.

CO-AUTHOR OF SENATE BILL 915

On motion of Senator Wentworth, Senator West will be shown as Co-author of **SB 915**.

CO-AUTHOR OF SENATE BILL 1309

On motion of Senator Hinojosa, Senator Eltife will be shown as Co-author of **SB 1309**.

CO-AUTHOR OF SENATE BILL 1572

On motion of Senator Watson, Senator Ellis will be shown as Co-author of **SB 1572**.

CO-AUTHOR OF SENATE BILL 1649

On motion of Senator Watson, Senator Davis will be shown as Co-author of **SB 1649**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 20

On motion of Senator Fraser, Senator Harris will be shown as Co-author of **SCR 20**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 36

On motion of Senator Williams, Senator Watson will be shown as Co-author of **SCR 36**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 703 by Hinojosa, Commending the Veterans Band of Corpus Christi and the Port of Corpus Christi for hosting an event for Vietnam veterans from South Texas.

SR 711 by Wentworth, Uresti, Van de Putte, and Zaffirini, Recognizing the groups and individuals who make possible Fiesta San Antonio.

SR 712 by Fraser, Recognizing the Students In Free Enterprise team from Central Texas College in Killeen for winning its 15th consecutive regional championship.

Official Designation Resolutions

SR 702 by Hinojosa, Recognizing the Alice Evening Lions Club's Barbeque Turkey Throwdown Cook-off as a Texas State Barbecue Championship competition.

SR 705 by Uresti, Recognizing Winkler County Day at the State Capitol.

SR 706 by Uresti, Celebrating Kinney County Day at the State Capitol.

SR 708 by Uresti, Proclaiming May 2011 as Community Action Month in the State of Texas.

SR 709 by Nelson and Uresti, Proclaiming April of 2011 to be Child Abuse Prevention Month in Texas.

SR 710 by Nelson, Celebrating April 6, 2011, as National Start! Walking Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:05 p.m. adjourned, in memory of Sergio Shearer and Flavia Hernandez, Senator Gallegos' aunt, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 5, 2011

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 565**

NATURAL RESOURCES — **SB 1625**

FINANCE — **CSSB 758, SJR 12, SJR 16**

ADMINISTRATION — **SB 1338**

STATE AFFAIRS — **SJR 37, SB 1545**

CRIMINAL JUSTICE — **CSSB 354**

AGRICULTURE AND RURAL AFFAIRS — **SB 897, SB 1044, SB 1157**

INTERNATIONAL RELATIONS AND TRADE — **SB 1462, SB 1364**

BILLS ENGROSSED

April 4, 2011

SB 76, SB 385, SB 497, SB 655, SB 871, SB 875, SB 899, SB 990, SB 1034, SB 1133, SB 1150, SB 1187

RESOLUTIONS ENROLLED

April 4, 2011

SR 379, SR 656, SR 685, SR 686, SR 687, SR 688, SR 690, SR 691, SR 692, SR 694, SR 695, SR 697, SR 698, SR 699, SR 700, SR 704

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-EIGHTH DAY

(Wednesday, April 6, 2011)

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: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

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

Bishop Daniel E. Flores, Catholic Diocese of Brownsville, was introduced by Senator Lucio and offered the invocation as follows:

Lord God, heavenly Father, we humbly invoke Your assistance over this legislative assembly and over each of its Members. We ask that the deliberations of the Senate of the State of Texas be imbued with a spirit of right judgment and wisdom and that the decisions made here reflect a selfless and disinterested concern for the public good. May each Senator act with generous concern for the good of all who dwell here, and may their votes be a reflection of a good and clear conscience. May they take to heart how their exercise of political judgment will affect the lives of the children, women, and men who form the communities, great and small, wealthy and poor, that make up the State of Texas. O Lord, bless all of us in this state to take up generously our responsibilities to one another, that ours may be a peaceable reflection of that kingdom of justice, compassion, and peace which, though not yet come to fulfillment, is yet destined by Your grace to renew the face of the Earth. Through Christ our Lord. Amen.

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

The motion prevailed without objection.

ACKNOWLEDGMENT

The President acknowledged the presence of the Catholic Bishops visiting the Capitol today.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, April 6, 2011 - 1

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 109 Brown

Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.

HB 252 Hilderbran

Relating to application and eligibility for an exemption from ad valorem taxation of the residence homestead of a person.

HB 371 Hochberg

Relating to prohibiting deferred adjudication community supervision for certain defendants convicted of murder.

HB 716 Miller, Sid

Relating to the taking of certain feral hogs and coyotes using a helicopter.

HCR 128 Aliseda

In memory of U.S. Marine Corps Sergeant Jose Luis Saenz III of Pleasanton.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 717

Senator Lucio offered the following resolution:

SR 717, Welcoming members of the Texas Catholic Conference delegation and recognizing April 6, 2011, as Texas Catholic Conference Advocacy Day at the State Capitol.

The resolution was read.

On motion of Senator Ogden and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Lucio, joined by Senator Zaffirini, was recognized and introduced to the Senate a Catholic Conference delegation: Archbishop Daniel Cardinal DiNardo, Galveston-Houston; Archbishop Gustavo Garcia-Siller, San Antonio; Bishop William Michael Mulvey, Corpus Christi; Bishop Daniel E. Flores, Brownsville; Bishop Placido Rodriguez, Lubbock; Bishop Kevin J. Farrell, Dallas; Bishop Kevin W. Vann, Fort Worth; Bishop Joe S. Vasquez, Austin; Bishop Mark Seitz, Dallas; and Bishop Oscar Cantu, San Antonio.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. C. Mark Chassay of Austin as the Physician of the Day.

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

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a Leadership Mainland delegation.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Uresti was recognized and introduced to the Senate his son, Carlos Uresti, Jr.

The Senate welcomed its guest.

SENATE RESOLUTION 709

Senator Nelson offered the following resolution:

SR 709, Proclaiming April of 2011 to be Child Abuse Prevention Month in Texas.

NELSON
URESTI

The resolution was again read.

The resolution was previously adopted on Tuesday, April 5, 2011.

GUESTS PRESENTED

Senator Nelson, joined by Senator Uresti, was recognized and introduced to the Senate a Texas Department of Family and Protective Services delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate members of the Tour 18 Women's Club of Flower Mound.

The Senate welcomed its guests.

SENATE RESOLUTION 713

Senator Fraser offered the following resolution:

SR 713, Recognizing April 6, 2011, as Burnet County Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate a Burnet County delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a 2011 Class of Leadership Big Valley delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 546

Senator Watson offered the following resolution:

SR 546, Recognizing Jane Smoot of Austin for her work as an educator.

The resolution was again read.

The resolution was previously adopted on Thursday, March 17, 2011.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate Jane Smoot and John Plyler.

The Senate welcomed its guests.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

April 5, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be members of the Guadalupe-Blanco River Authority Board of Directors for terms to expire as indicated:

To Expire February 1, 2013:

Myrna Patterson McLeroy

Gonzales, Texas

(Ms. McLeroy is being reappointed)

To Expire February 1, 2015:

Thomas O. Mathews, II

Boerne, Texas

(replacing Michael Schultz of Fair Oaks Ranch who resigned)

Dennis L. Patillo

Victoria, Texas

(replacing Clifton Thomas, Jr. of Victoria who resigned)

To Expire February 1, 2017:

Robert "Rusty" Brockman, Jr.

New Braunfels, Texas

(replacing Tilmon Lee Walker of New Braunfels whose term expired)

Oscar H. Fogle

Lockhart, Texas

(Mr. Fogle is being reappointed)

Arlene N. Marshall

Port Lavaca, Texas

(Judge Marshall is being reappointed)

Respectfully submitted,

/s/Rick Perry

Governor

HOUSE CONCURRENT RESOLUTION 128

The President laid before the Senate the following resolution:

HCR 128, In memory of U.S. Marine Corps Sergeant Jose Luis Saenz III of Pleasanton.

ZAFFIRINI

The resolution was read.

On motion of Senator Zaffirini, the resolution was considered immediately and was adopted by a rising vote of the Senate.

In honor of the memory of Jose Luis Saenz III, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate family members of Jose Luis Saenz III: his parents, Leonor Mata Saenz and Jose Luis Saenz, Jr.; his wife, Christy Heritage-Saenz; and his son, Jose Luis Saenz IV.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 657

Senator Zaffirini offered the following resolution:

WHEREAS, On April 6, 2011, residents from across Atascosa County are traveling to the State Capitol to celebrate their community's heritage and to share with fellow Texans their history, traditions, and achievements; and

WHEREAS, The name Atascosa, derived from the Spanish word for boggy terrain, was used to describe the area as early as 1788; during the first part of the 19th century, this grassy prairie region of South Texas attracted Spanish, Mexican, and Anglo-American settlers, and by the time of the Texas Revolution, its ranching industry was flourishing; and

WHEREAS, In 1856, the region was sufficiently populated to be sectioned off from Bexar County; the county seat, originally at Navatasco, was later permanently moved to the centrally located town of Jourdanton; and

WHEREAS, Situated near the famous Camino Real, the county has long benefited from its proximity to major transportation arteries linking it with the Gulf Coast, the Rio Grande Valley, and Mexico, as well as other major population centers; and

WHEREAS, Atascosa County enjoys the economic benefits reaped by an abundance of natural resources and, blessed with productive range and irrigated farmland, the area is known for its agricultural industries; and

WHEREAS, Proud of its ranching heritage, Pleasanton, the county's trading center, bills itself as the birthplace of the cowboy, a designation symbolized by a large bronze statue in front of city hall; in nearby Poteet, known to many as the Strawberry Capital of the World, a seven-foot, 1,600-pound monument to the fruit graces the front lawn of city hall, and a Strawberry Festival, the fourth-largest agricultural festival in the state, takes place in April; and

WHEREAS, Other resources such as oil and gas also play a significant role in the county's ongoing development, but the most important asset in the area's increasingly diverse economy is undoubtedly its industrious citizenry; and

WHEREAS, The residents of Atascosa County have made many notable contributions to the economy and culture of Texas, and they may take justifiable pride in the place that they call home; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby recognize April 6, 2011, as Atascosa County Day at the State Capitol and extend a warm welcome to all visitors from that fine county; and, be it further

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

SR 657 was again read.

The resolution was previously adopted on Wednesday, March 30, 2011.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Diana Bautista, Atascosa County Judge; Atascosa County Commissioners, Lon Gillespie and William Torans; Diane Gonzales, Atascosa County Clerk; Larry Pryor, Mayor of Jourdanton; Irene Ramos, Mayor of Poteet; and Ramon DeLeon, President of the Jourdanton ISD Board of Trustees.

The Senate welcomed its guests.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President 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 Deuell.

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

The President asked if there were requests to sever nominees.

Senator Watson requested that the following nominee be severed:

Director, Office of State-Federal Relations: Charles Eugene Roy, Collin County.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported yesterday by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Judge, Court of Criminal Appeals: Elsa R. Alcalá, Harris County.

Member, Judicial Districts Board: Craig T. Enoch, Travis County.

Members, Board of Directors, Lower Colorado River Authority: James Scott Arbuckle, Wharton County; Steve K. Balas, Colorado County; John Mark Franklin, Burnet County; Jett Jay Johnson, Mills County.

Inspector General, Office of Inspector General, Health and Human Services Commission: Douglas Wilson, Travis County.

Members, Statewide Health Coordinating Council: James L. Alexander, Burleson County; Richard L. Beard, Dallas County; Abigail Hollis Blackburn, Travis County; Fred Sinclair Brinkley, Travis County; Janet Buckley Claborn, Bailey County; Brenda Dever-Armstrong, Bexar County; Steven Ngocthang Nguyen, Dallas County; Roger Michael Ragain, Lubbock County.

Members, Texas Appraiser Licensing and Certification Board: Walker Rankin Beard, El Paso County; Malachi Obadiah Boyuls, Dallas County; Luis F. De La Garza, Webb County; Laurie Carden Fontana, Harris County; Shannon K. McClendon, Hays County; Sheryl Rigsby Swift, Galveston County; Donna Lee Walz, Lubbock County; Jamie Lou Sanders Wickliffe, Ellis County.

Members, Texas Board of Physical Therapy Examiners: Robert Gary Gray, Midland County; Kathleen Ann Luedtke-Hoffmann, Dallas County; Daniel Reyna, McLennan County.

Members, Texas Board of Professional Geoscientists: Becky Lynn Johnson, Tarrant County; Justin Lynn McNamee, Dallas County; Judy Ann Reeves, Tarrant County; Gregory Clayton Ulmer, Harris County.

Members, Texas Commission on Fire Protection: Elroy Carson, Lubbock County; Christopher Martin Connealy, Williamson County; Louis Anthony Cortes, Bexar County; John Kelly Gillette, Collin County; John Weldon Green, Galveston County; John Tilden McMakin, Henderson County; Leonardo L. Perez, Cameron County.

Members, Texas Diabetes Council: Maria O. Duarte-Gardea, El Paso County; John W. Griffin, Victoria County; Don E. Yarborough, Dallas County.

Members, Texas Optometry Board: John Dale Coble, Rockwall County; Larry Wayne Fields, Panola County; Mario Gutierrez, Bexar County.

CONCLUSION OF MORNING CALL

The President at 11:56 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 1501 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 1501** at this time on its second reading:

CSSB 1501, Relating to energy and efficiency conservation programs administered by the Public Utility Commission of Texas.

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 1501 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 1501** 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 1501**, 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 1501** 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.

WENTWORTH

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

SENATE BILL 1098 ON SECOND READING

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1098** at this time on its second reading:

SB 1098, Relating to certain offenses involving unauthorized recordings.

The bill was read second time.

(Senator Carona in Chair)

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1098** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 641.051, Business & Commerce Code, is amended by adding Subsection (e) to read as follows:

(e) This section does not apply to a person who, while engaged in radio or television broadcasting, transfers or causes to be transferred a recording:

(1) for or in connection with a broadcast or telecast transmission or for a related purpose; or

(2) for archival purposes.

The amendment to **SB 1098** 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 Huffman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1098 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 1098 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1098** 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 1098**, 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 1098** 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.

WENTWORTH

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

SENATE BILL 324 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 324** at this time on its second reading:

SB 324, Relating to the course levels offered by the University of Houston-Clear Lake.

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 324 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 324** 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 324**, 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 324** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 1094 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1094** at this time on its second reading:

CSSB 1094, Relating to the availability of online testing for high school equivalency examinations.

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 1094 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1094** 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 1094**, 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 1094** 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.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE BILL 122 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 122** at this time on its second reading:

CSSB 122, Relating to postconviction forensic DNA analysis.

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 122 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 122** 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 122**, 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 122** 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.

WENTWORTH

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

SENATE BILL 701 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 701** at this time on its second reading:

SB 701, Relating to high-value data sets of state agencies posted on the Internet.

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

SENATE BILL 701 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 **SB 701** 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 701**, 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 701** 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.

WENTWORTH

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

(Senator West in Chair)

GUESTS PRESENTED

Senator Whitmire, joined by Senators Gallegos and Patrick, was recognized and introduced to the Senate a Houston firefighters delegation.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE
SENATE BILL 1087 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1087** at this time on its second reading:

CSSB 1087, Relating to state-issued certificates of franchise authority to provide cable service and video service.

The motion prevailed.

Senators Birdwell, Harris, Nichols, Patrick, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1087** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in added Section 66.004(b-1), Utilities Code (page 1, line 35), strike "September" and substitute "October".

(2) In SECTION 5 of the bill, in amended Section 66.009(c), Utilities Code (page 4, line 5), strike "minimum" and substitute "maximum".

(3) In SECTION 5 of the bill, in amended Section 66.009(c), Utilities Code (page 4, line 8), between "furnish" and the colon, insert "at the request of the municipality".

(4) In SECTION 6(a) of the bill (page 4, line 29), strike "September 1, 2011" both times the phrase appears and substitute "October 1, 2011" for both occurrences.

The amendment to **CSSB 1087** 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:

Nays: Birdwell, Harris, Nichols, Patrick, Shapiro.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1087** (senate committee report) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, line 25), strike "Subsection (b-1)" and substitute "Subsections (b-1) and (b-2)".

(2) In SECTION 2 of the bill, in amended Section 66.004, Utilities Code (page 1, between lines 45 and 46) insert the following new Subsection:

(b-2) Notwithstanding Subsection (b-1), a cable service provider or video service provider that is subject to a municipal franchise in effect on August 31, 2011, in a municipality that by ordinance requires the provider to bury a new or existing component or facility may not terminate the municipal franchise under Subsection (b-1) unless the provider agrees to comply with the terms of the ordinance until the date the municipal franchise is otherwise scheduled to expire or a date agreed on by the provider and the municipality. The commission may not issue a state-issued certificate of franchise authority to a provider under Subsection (b-1) unless the

provider provides proof that the provider has agreed to comply with this subsection. A person or other entity holding a right reserved in this subsection may enforce that right by an action brought in a court of competent jurisdiction.

The amendment to **CSSB 1087** 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:

Nays: Birdwell, Harris, Nichols, Patrick, Shapiro.

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

CSSB 1087 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: Birdwell, Harris, Nichols, Patrick, Shapiro.

COMMITTEE SUBSTITUTE SENATE BILL 1087 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 1087** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Harris, Nichols, Patrick, Shapiro, 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 1087**, 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 1087** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Harris, Nichols, Patrick, Shapiro.

(President Pro Tempore Ogden in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 28 ON SECOND READING**

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **CSSB 28** at this time on its second reading:

CSSB 28, Relating to eligibility for a TEXAS grant and to administration of the TEXAS grant program.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Davis, Ellis, Harris, Patrick, Williams.

The bill was read second time.

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

Floor Amendment No. 1

Amend **CSSB 28** (senate committee printing) in SECTION 2 of the bill, in amended Section 56.303(e), Education Code (page 1, line 41), immediately after the period, by inserting the following new sentence:

In giving priority based on financial need as required by this subsection to students who meet the requirements for the highest priority as provided by Subsection (f), a general academic teaching institution shall determine financial need according to the relative expected family contribution of those students, beginning with students who have the lowest expected family contribution.

The amendment to **CSSB 28** was read and was adopted by the following vote: Yeas 21, Nays 10.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Gallegos, Hegar, Hinojosa, Lucio, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Estes, Harris, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Shapiro, Williams.

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

CSSB 28 as amended was passed to engrossment by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Davis, Ellis, Harris, Nelson, Patrick, Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 28 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 28** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Davis, Ellis, Harris, Nelson, Wentworth, 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 28**, 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 28** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 24, Nays 7.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Zaffirini.

Nays: Davis, Ellis, Harris, Nelson, Patrick, Whitmire, Williams.

REASON FOR VOTE

Senator Ellis submitted the following reason for vote on **CSSB 28**:

Today we passed legislation that will, in my view, widen the gaps in college participation.

Thanks to the TEXAS Grant Program, college participation is up, degrees awarded – the metric of success – are up and we are actually on-track to meet the *Closing the Gaps* plan. Since its creation in 1999, more than 310,000 students have received TEXAS Grants, totaling more than \$2 billion.

The program is working to close the gaps: 14.2 percent of TEXAS Grant recipients are African American, 48.3 percent are Hispanic, and 29.0 percent are Anglo. The students that have lagged in participation have had the doors to college opened for them thanks in large part to this program.

Last session, we worked to increase funding for the program by \$184 million, bringing the total budget to \$614 million over the 2010/11 biennium. This funding provided grants to an estimated 113,000 students, nearly 45,000 more than under the previous budget. Despite this increase, at best 70-75 percent of eligible students actually receive a TEXAS Grant, and the budget under discussion now will all but destroy the program.

Of course, that was *last* session and we all know what is about to happen under this budget.

The number of TEXAS Grants are dramatically slashed, from 86,830 budgeted for 2011 to only 27,135 in 2013 for a *68.7 percent reduction in students served*.

In pure dollar terms, funding for the TEXAS Grant program by 40.5 percent, from \$614.2 million in 2010/11 to only \$365.7 million for 2012/13. The number of students receiving a TEXAS Grant would be slashed by 69 percent (86,830 in the current FY, only 27,135 in FY 13), and funding would be reduced by 41 percent, from \$624 to \$361 million.

The issues we keep hearing about "rewarding success" and to spend our financial aid money "more wisely" by instituting new, more stringent eligibility standards for TEXAS Grants. But according to Texas Higher Education Coordinating Board data, TEXAS Grant recipients have a graduation and persistence rate above the overall student body average. The same data shows that TEXAS Grant students have a persistence rate nearly equal to students with incomes that are too high to be eligible for financial aid. Funding shortfalls for this need-based program have resulted in the bulk of TEXAS Grant recipients are from lower-income families, are minority students, often graduate from less prestigious high schools, and far more likely to be required to work – often full-time – to pay for the costs of college.

Yet these students – from families on the early bus – are succeeding now at a very high rate right now, despite the cost challenge. Under the current standards, the vast majority of TEXAS Grant students have either graduated *or are on the path to graduation*, despite the fact that the costs of going to school – and the burden these students must bear, hours they must work to pay for it – continue to rise.

I believe if that student graduates, it is SUCCESS. I don't care if it is 6 years or 7 years.

In my view, the two biggest problems facing the TEXAS Grant program are:

- 1) Not enough students are getting one.
- 2) Tuition deregulation, which has doubled the cost of tuition across the

state.

Tuition deregulation is the main factor behind the rising costs of this program. Tuition deregulation already killed one wildly popular program and has deeply wounded another one, the TEXAS Grant program. And now the budget crisis is ready to strike another mortal blow to TEXAS Grants.

I am deeply concerned that these three things – tuition deregulation, lack of funds, and now new eligibility requirements – will end the TEXAS Grant program as we know it.

I also have a very serious concern about the double standard we are creating today. Under this legislation, students receiving state-funded financial aid to go to a public college or university will have a different set of eligibility standards than students receiving state-funded financial aid to go to a private college or university. I do not see how this legislature can defend that.

Under this legislation, a student going to the University of Houston or Texas Tech or the UT San Antonio or UT Pan Am will have to meet a higher standard to qualify for state financial aid, but the student at Baylor or St. Edwards will have to meet a lower standard to qualify.

Add this discrepancy to the funding question and we are truly creating a separate financial aid system for public schools versus private schools and I cannot see how that is justified, especially when you consider that we are not meeting our obligations to open the doors to college.

We have been told that instituting these changes will have no impact on the demographic breakdown of this program, and will not negatively impact the *Closing the Gaps* plan. Passage of this plan will make that the official viewpoint of this body.

If in two or four or six years from now we see that is not true, that the demographics of the program have significantly changed from what it is today, that more students from families that were already going to make sure their kids got to college are receiving TEXAS Grants and fewer students from families taking the early bus are, I hope you will all join me in repealing these new standards.

If in two or four or six years we have not seen the dramatic increase in degrees awarded, particularly to those students who are lagging – Hispanic, African American, and low-income – I hope you will all join me in repealing these new standards.

This plan represents a new vision for the TEXAS Grant program. I think it is the wrong step and will widen the gap in college participation, not close it. If I am right, I hope you will all join me in making those changes.

ELLIS

NOTICE GIVEN FOR LOCAL AND UNCONTESTED CALENDAR

Senator Eltife 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 Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting tomorrow during the Local and Uncontested Calendar Session.

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 Natural Resources might meet and consider the following bills tomorrow: **SB 15**, **SB 1475**.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Jackson and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Economic Development might meet and consider **SB 314** today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:09 p.m. agreed to adjourn, in memory of Robert Forrest Welch III, Scott H. Burgess, and Jose Luis Saenz III, upon conclusion of the Local and Uncontested Calendar Session, until 10:00 a.m. tomorrow.

CO-AUTHOR OF SENATE BILL 789

On motion of Senator Harris, Senator Nelson will be shown as Co-author of **SB 789**.

CO-AUTHOR OF SENATE BILL 1545

On motion of Senator Patrick, Senator Van de Putte will be shown as Co-author of **SB 1545**.

CO-AUTHORS OF SENATE BILL 1625

On motion of Senator Hegar, Senators Uresti, Van de Putte, and Wentworth will be shown as Co-authors of **SB 1625**.

CO-AUTHORS OF SENATE BILL 1843

On motion of Senator Carona, Senators Gallegos, Hegar, Hinojosa, Lucio, Seliger, Van de Putte, Wentworth, and Zaffirini will be shown as Co-authors of **SB 1843**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 12

On motion of Senator Patrick, Senator Nelson will be shown as Co-author of **SJR 12**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 719 by Lucio, In memory of Maria Concepcion Cantu of Raymondville.

SR 723 by Watson, In memory of William Marcus Gosdin.

SR 724 by Watson, In memory of Carl Brian Vernon of Lago Vista.

SR 727 by Lucio, In memory of Sergio Shearer of the Rio Grande Valley.

Welcome and Congratulatory Resolutions

SR 701 by Rodriguez, Welcoming Héctor Agustín Murguía Lardizábal of Ciudad Juárez to the State Capitol.

SR 714 by Ellis, Recognizing the members of the Jack Yates High School Class of 1961 on the occasion of their 50th reunion.

SR 715 by Ellis, Recognizing the Harris County Historical Commission on the occasion of the dedication of a Texas Historical Marker for Peacock Records.

SR 718 by Lucio, Recognizing Giovanni J. Mejia for being named to "The Commandant's Own," the official drum and bugle corps of the United States Marine Corps.

SR 720 by Lucio, Recognizing Danielle Doty for earning the 2011 Miss Texas Teen USA title.

SR 721 by Lucio, Recognizing J. Manuel Bañales on the occasion of his retirement as judge of the 105th Judicial District Court.

SR 722 by Lucio, Recognizing the dedication ceremony for the San Benito Veterans War Memorial.

SR 726 by Nichols, Recognizing Gail Green for her service to the citizens of Texas.

Official Designation Resolution

SR 716 by Ellis, Celebrating April 16, 2011, as Fort Bend County Black Nurses Association Day.

RECESS

On motion of Senator Whitmire, the Senate at 1:09 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 6, 2011

JURISPRUDENCE — **SB 820, SB 910, SB 1195, SB 1494, SB 1521, SB 1607, SB 1617**

FINANCE — **CSSB 449, CSSB 776**

INTERNATIONAL RELATIONS AND TRADE — **CSSB 824**

JURISPRUDENCE — **SB 1886, SB 1887**

CRIMINAL JUSTICE — **CSSB 1416**

GOVERNMENT ORGANIZATION — **SB 663, SB 1058**

EDUCATION — **SB 746, SB 1349**

INTERNATIONAL RELATIONS AND TRADE — **CSSB 1019, CSSB 1363**

NATURAL RESOURCES — **SB 1082, SB 1140, SB 1492, SB 1361**

EDUCATION — **CSSB 1788**

STATE AFFAIRS — **CSSB 216, CSSB 100, CSSB 1612, CSSB 554**

BILLS ENGROSSED

April 5, 2011

SB 27, SB 73, SB 142, SB 153, SB 315, SB 597, SB 626, SB 656, SB 907, SB 1097, SB 1230, SB 1308, SB 1702

RESOLUTIONS ENROLLED

April 5, 2011

SR 693, SR 702, SR 703, SR 705, SR 706, SR 708, SR 709, SR 710, SR 711, SR 712

In Memory
of
Jose Luis Saenz III

House Concurrent Resolution 128

WHEREAS, Words cannot adequately express the sorrow felt at the loss of U.S. Marine Corps Sergeant Jose Luis Saenz III of Pleasanton, who died in Afghanistan on August 9, 2010, at the age of 30; and

WHEREAS, Assigned to 1st Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force out of Camp Pendleton, California, Sergeant Saenz was killed in Helmand Province by an explosive device while on patrol; and

WHEREAS, Born in San Antonio in 1980 to Leonor Mata Saenz and Jose Luis Saenz, Jr., Joey Saenz grew up in Pleasanton, where he was a member of the varsity football team and the band at Pleasanton High School; after graduating in 1999, he worked as a mechanic at Walmart, where he met his future wife, Christy; he was a member of St. Matthew's Catholic Church in Jourdanton; and

WHEREAS, Mr. Saenz joined the Marine Corps in 2003 and received his basic training in San Diego; after completing automotive mechanics training at Camp Lejeune in North Carolina, he was stationed with the 9th Engineer Support Battalion in Okinawa, Japan; in 2005, he was assigned to Marine Corps Combat Service Support Schools at Camp Johnson, North Carolina, where he worked as a motor transport mechanic and performed HAZMAT duties and funeral details; he was assigned the 1st Battalion, 11th Marine Regiment in 2007; and

WHEREAS, The following year, he deployed with India Battery and participated in various exercises in the Persian Gulf with the 15th Marine Expeditionary Unit aboard USS *Peleliu*; he deployed to Afghanistan in support of Operation Enduring Freedom in May 2010, and at the time of his death he was conducting daily operations as a squad leader; and

WHEREAS, In recognition of his sacrifice, Sergeant Saenz was posthumously awarded the Purple Heart and the Navy and Marine Corps Commendation Medal with the Combat Distinguishing Device; he had also earned the Navy and Marine Corps Achievement Medal with two gold stars, the Combat Action Ribbon, the Marine Corps Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, and the Sea Service Deployment Ribbon; moreover, the members of his regiment in Afghanistan named their artillery position Firebase Saenz in his honor; and

WHEREAS, Our state and nation are fortunate to have men and women whose love of country inspires them to serve, yet the tragic death of this brave man is a sobering reminder of the cost of war; Sergeant Jose Saenz embodied the highest ideals of the U.S. armed forces, and those who knew him and loved him will forever carry him close in their hearts; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby pay tribute to the life of U.S. Marine Corps Sergeant Jose Luis Saenz III and extend sincere sympathy to the members of his family: to his wife, Christy Heritage-Saenz; to his son, Jose Luis Saenz IV; to his parents, Leonor Mata Saenz and Jose Luis Saenz, Jr.; to his sisters, Bettina Saenz-Salas and her husband, Alex, Melissa Saenz and Shad Crow, and Patricia Saenz and Luis Ramos III; to his grandparents, Jose Luis Saenz, Sr., Evangelina Saenz, and Celia P. Mata; to his nieces and nephews, Brianna Salas, Ignacio Salas, Luis Ramos IV, and Leigh Ramos; to his in-laws, Paula Heritage, Elogio Heritage, Lisa McLin and her husband, Matthew, Sandra Callejas and her husband, Jeffrey, and Elogio Heritage, Jr., and his wife, Ruby; and to his other relatives and friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of Jose Luis Saenz III.

ZAFFIRINI

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-EIGHTH DAY

(Continued)

(Thursday, April 7, 2011)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Eltife.

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Eltife yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

CSSB 71 (Nelson)

Relating to certain reports submitted and analyses conducted by health and human services agencies.

(viva voce vote) (31-0) (31-0)

CSSB 82 (Nelson)

Relating to the prosecution of the offense of stalking.

(viva voce vote) (31-0) (31-0)

SB 182 (Wentworth)

Relating to the penalty for the offense of reckless driving.

(viva voce vote) (31-0) (31-0)

SB 217 (Huffman)

Relating to expulsion of a public school student who commits certain criminal acts involving a computer, computer network, or computer system owned by or operated on behalf of a school district.

(viva voce vote) (31-0) (31-0)

CSSB 222 (Nelson)

Relating to access to certain long-term care services and supports under the medical assistance program.

(viva voce vote) (31-0) (31-0)

SB 227 (Nelson)

Relating to the nondisciplinary resolution of certain complaints filed against physicians.

(viva voce vote) (31-0) (31-0)

CSSB 229 (Nelson)

Relating to newborn hearing screenings and hearing services for certain children.

(viva voce vote) (31-0) (31-0)

SB 249 (Estes)

Relating to the composition of the Finance Commission of Texas.

(viva voce vote) (31-0) (31-0)

SB 258 (Hegar)

Relating to the pledge of allegiance to the state flag during a state flag retirement ceremony.

(viva voce vote) (31-0) (31-0)

SB 327 (Van de Putte)

Relating to including certain veterans service organizations as small businesses for the purpose of state contracting.

(viva voce vote) (31-0) (31-0)

CSSB 372 (Seliger)

Relating to certain reports, communications, publications, and other documents involving the attorney general.

(viva voce vote) (31-0) (31-0)

(Senator Birdwell in Chair)

CSSB 403 (Eltife)

Relating to the consideration of pension and other postemployment benefits in establishing the rates of a gas utility.

(viva voce vote) (31-0) (31-0)

(Senator Eltife in Chair)

SB 419 (West)

Relating to prohibiting state funding to public junior colleges for physical education courses offered for joint high school and junior college credit.

(viva voce vote) (31-0) (31-0)

CSSB 420 (Deuell)

Relating to determining eligibility for indigent health care.

(viva voce vote) (31-0) (31-0)

SB 423 (Lucio)

Relating to health insurance coverage for eligible survivors of certain public servants killed in the line of duty.

(viva voce vote) (31-0) (31-0)

(Senator Birdwell in Chair)**SB 432** (Jackson)

Relating to the penalty for failure to make a timely installment payment of ad valorem taxes on property in a disaster area.

(viva voce vote) (31-0) (31-0)

SB 460 (Seliger)

Relating to regulation of the import, export, and management of mule deer; providing penalties.

(viva voce vote) (31-0) (31-0)

SB 498 (Jackson)

Relating to the trapping and transport of surplus white-tailed deer.

(viva voce vote) (31-0) (31-0)

CSSB 499 (Jackson)

Relating to the identification of breeder deer by microchips.

(viva voce vote) (31-0) (31-0)

SB 551 (Williams)

Relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.

(viva voce vote) (31-0) (31-0)

CSSB 596 (Shapiro)

Relating to transition planning for a public school student receiving special education services.

(viva voce vote) (31-0) (31-0)

SB 628 (Duncan)

Relating to the authority of the Childress County Hospital District to provide facilities and services for persons who are elderly or disabled; providing authority to issue bonds and notes.

(viva voce vote) (31-0) (31-0)

CSSB 630 (Hegar)

Relating to the Ranch at Clear Fork Creek Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(viva voce vote) (31-0) (31-0)

CSSB 639 (Van de Putte)

Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.

(viva voce vote) (31-0) (31-0)

CSSB 680 (Gallegos)

Relating to a fee collected by a district clerk for certain certified copies.
(viva voce vote) Nelson "Nay" (30-1) Nelson "Nay" (30-1) Nelson "Nay"

SB 692 (Estes)

Relating to exemptions from groundwater conservation district permit requirements.
(viva voce vote) (31-0) (31-0)

SB 715 (Harris)

Relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.
(viva voce vote) (31-0) (31-0)

SB 729 (Seliger)

Relating to a joint election for trustees of an independent school district.
(viva voce vote) (31-0) (31-0)

SB 743 (Hegar)

Relating to the designation of a segment of State Highway 71 as the 95th Division Memorial Highway.
(viva voce vote) (31-0) (31-0)

SB 759 (West)

Relating to the state low income housing plan and report developed by the Texas Department of Housing and Community Affairs.
(viva voce vote) (31-0) (31-0)

(Senator Rodriguez in Chair)**SB 778** (Williams)

Relating to the inclusion of professional staff who educate students with disabilities on district-level and campus-level planning and decision-making committees.
(viva voce vote) (31-0) (31-0)

CSSB 779 (Whitmire)

Relating to a central database containing information about certain persons who have been convicted of or received a grant of deferred adjudication for certain offenses involving animal cruelty; providing a criminal penalty.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

CSSB 782 (Carona)

Relating to uniform law on secured transactions.
(viva voce vote) (31-0) (31-0)

SB 789 (Harris)

Relating to the duration of a protective order against family violence.
(viva voce vote) (31-0) (31-0)

SB 794 (Nelson)

Relating to the use of money from the permanent fund for health-related programs to provide grants to nursing education programs.
(viva voce vote) (31-0) (31-0)

CSSB 795 (Nelson)

Relating to regulation of nurse aides.

(viva voce vote) (31-0) (31-0)

CSSB 800 (Duncan)

Relating to the qualifications and operations of workers' compensation data collection agents.

(viva voce vote) (31-0) (31-0)

CSSB 803 (Hegar)

Relating to venue projects in certain counties.

(viva voce vote) (31-0) (31-0)

SB 804 (Hegar)

Relating to the use of revenue from the hotel occupancy tax by certain counties.

(viva voce vote) (31-0) (31-0)

SB 816 (Lucio)

Relating to the appointment and recommendations of the Border Trade Advisory Committee.

(viva voce vote) (31-0) (31-0)

SB 867 (Deuell)

Relating to testing accommodations for a person with dyslexia taking a licensing examination administered by a state agency.

(viva voce vote) (31-0) (31-0)

SB 873 (Duncan)

Relating to rate and damage schedules governing certain easements or other interests in land of The University of Texas System.

(viva voce vote) (31-0) (31-0)

SB 874 (Fraser)

Relating to establishing a separate provider type for prosthetic and orthotic providers under the medical assistance program.

(viva voce vote) (31-0) (31-0)

SB 882 (Whitmire)

Relating to the filing of a copy of certain records related to the release of accused persons on personal bond.

(viva voce vote) (31-0) (31-0)

CSSB 893 (Whitmire)

Relating to motor fuel quality and testing.

(viva voce vote) (31-0) (31-0)

(Senator Uresti in Chair)

CSSB 894 (Duncan)

Relating to the employment of physicians by certain hospitals.

(viva voce vote) (31-0) (31-0)

CSSB 900 (Gallegos)

Relating to the Aldine Improvement District; providing authority to impose a tax.
(viva voce vote) (31-0) (31-0)

SB 901 (Hegar)

Relating to approval from the Department of State Health Services for disposal of ambulances purchased with certain grant funds.
(viva voce vote) (31-0) (31-0)

SB 914 (Wentworth)

Relating to the applicability to certain regional water districts of provisions concerning bond approval by the Texas Commission on Environmental Quality.
(viva voce vote) (31-0) (31-0)

CSSB 959 (Wentworth)

Relating to toll collection and enforcement.
(viva voce vote) (31-0) (31-0)

CSSB 969 (Nelson)

Relating to the establishment of the Public Health Funding and Policy Committee within the Department of State Health Services.
(viva voce vote) (31-0) (31-0)

CSSB 978 (Hinojosa)

Relating to procedures for the dissolution of the Hidalgo County Water Improvement District No. 3.
(viva voce vote) (31-0) (31-0)

CSSB 981 (Carona)

Relating to the regulation of distributed renewable generation of electricity.
(viva voce vote) (31-0) (31-0)

CSSB 992 (Lucio)

Relating to the allocation of loans made under the owner-builder loan program.
(viva voce vote) (31-0) (31-0)

SB 997 (Shapiro)

Relating to the public inspection of an application for a ballot to be voted early by mail.
(viva voce vote) (31-0) (31-0)

CSSB 1009 (Huffman)

Relating to requiring public institutions of higher education to notify the federal Student and Exchange Visitor Information System (SEVIS) regarding the withdrawal or nonattendance of certain foreign students.
(viva voce vote) (31-0) (31-0)

CSSB 1017 (Davis)

Relating to certain comprehensive development agreements of the Texas Department of Transportation.
(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

SB 1025 (Harris)

Relating to service of citation and appointment of an attorney ad litem for an indigent parent in certain suits affecting the parent-child relationship.

(viva voce vote) (31-0) (31-0)

CSSB 1069 (Jackson)

Relating to the Texas emerging technology fund reporting requirement.

(viva voce vote) (31-0) (31-0)

SB 1121 (Estes)

Relating to the student fees for the university center at Midwestern State University.

(viva voce vote) (31-0) (31-0)

CSSB 1144 (Shapiro)

Relating to certain comprehensive development agreements of the Texas Department of Transportation.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

CSSB 1145 (Shapiro)

Relating to certain comprehensive development agreements of the Texas Department of Transportation.

(viva voce vote) Fraser "Nay" (30-1) Fraser "Nay" (30-1) Fraser "Nay"

SB 1151 (Jackson)

Relating to notice of utility rate increases.

(viva voce vote) (31-0) (31-0)

(Senator Birdwell in Chair)**CSSB 1167** (Carona)

Relating to cemeteries and perpetual care cemetery corporations; providing a penalty.

(viva voce vote) (31-0) (31-0)

CSSB 1176 (Jackson)

Relating to the definition of a postsecondary program in regard to non-baccalaureate career schools and colleges.

(viva voce vote) (31-0) (31-0)

SB 1185 (Nichols)

Relating to the authority of certain counties to impose a hotel occupancy tax for the operation and maintenance of a fairground in the county.

(viva voce vote) (31-0) (31-0)

SB 1226 (Hegar)

Relating to the ballot language for junior college district annexation elections.

(viva voce vote) (31-0) (31-0)

SB 1228 (Hegar)

Relating to the duties of district clerks regarding certain electronic filing systems.

(viva voce vote) (31-0) (31-0)

SB 1241 (West)

Relating to authorizing certain courts to access information in the juvenile justice information system.

(viva voce vote) (31-0) (31-0)

SB 1242 (West)

Relating to the judicial immunity and powers of certain magistrates.

(viva voce vote) (31-0) (31-0)

SB 1322 (Fraser)

Relating to the operation of the Kimble County, McCulloch County, Mason County, and Menard County Juvenile Boards.

(viva voce vote) (31-0) (31-0)

SB 1343 (Eltife)

Relating to archeological cemeteries.

(viva voce vote) (31-0) (31-0)

SB 1518 (Eltife)

Relating to the powers and duties of the Texas Historical Commission; imposing a penalty.

(viva voce vote) (31-0) (31-0)

SB 1714 (Duncan)

Relating to certain actions against an employer by an employee who is not covered by workers' compensation insurance.

(viva voce vote) (31-0) (31-0)

CSSB 1716 (Duncan)

Relating to voidability of contracts procured through and liability arising from conduct constituting barratry; providing a civil penalty.

(viva voce vote) (31-0) (31-0)

CSSCR 2 (Uresti)

Urging Congress to reauthorize the Water Resources Development Act of 2007, Section 5056, and to appropriate sufficient funds so that efforts to solve the salt problem in the Amistad International Reservoir can continue.

(viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Seliger, author of the bill, requested in writing that **SB 371** be removed from the Local and Uncontested Calendar.

Senator Watson, author of the bill, requested in writing that **SB 821** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:44 a.m. adjourned, in memory of Robert Forrest Welch III, Scott H. Burgess, and Jose Luis Saenz III, until 10:00 a.m. today.

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-NINTH DAY
(Thursday, April 7, 2011)

The Senate met at 10:17 a.m. pursuant to adjournment and was called to order by Senator Eltife.

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

The Presiding Officer announced that a quorum of the Senate was present.

Father Albert Laforet, Jr., Saint Mary Cathedral, Austin, offered the invocation as follows:

Almighty God, source of wisdom and truth, we come seeking Your gifts to aid this assembly in their work for the people of Texas. Protect and guide the people of our state that they might always enjoy Your abundant blessings. We entrust to Your mercy and goodness all of our needs. May Your blessings come to all who work here and to all the people of the State of Texas. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 7, 2011 - 1

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 444** Creighton
Relating to notification of applications for permits for certain injection wells.
- HB 571** Huberty
Relating to the regulation of certain aggregate production operations by the Texas Commission on Environmental Quality; providing penalties.
- HB 610** Zerwas
Relating to certain notices sent by the Texas Commission on Environmental Quality.
- HB 645** Orr
Relating to the information required to be included on a form for an application for an exemption from ad valorem taxation of property owned by a charitable organization.
- HB 675** Lucio III
Relating to football helmet safety requirements in public schools.
- HB 690** Martinez Fischer
Relating to the punishment for the offense of graffiti.
- HB 755** Cook
Relating to eligibility of certain dependents for coverage under the state employee group benefits program.
- HB 849** Miller, Sid
Relating to notice of an application for a permit to dispose of oil and gas waste in a commercial disposal well; creating an offense.
- HB 942** Dukes
Relating to an exemption for school districts from security for court costs and appeal bond.
- HB 989** Kolkhorst
Relating to the listing of a business location of certain businesses in print advertisements or on Internet websites.
- HB 1300** Guillen
Relating to funding for state sites and programs of the Parks and Wildlife Department through private contributions and partnerships and to commercial advertising on certain state sites.
- HB 1405** Smithee
Relating to provision by a health benefit plan of prescription drug coverage specified by formulary.
- HB 1732** Ritter
Relating to the applicability of the constitutional limit on state debt payable from the general revenues of the state to bonds issued by the Texas Water Development Board.
- HB 2124** Workman
Relating to victim notification regarding the release of a defendant who was acquitted by reason of insanity in a criminal case.

HB 2154

Eiland

Relating to certain continuing education requirements for agents who sell Medicare-related products and annuities.

SCR 40

Fraser

Recognizing Wayne and Eileen Hurd for their contributions to the Horseshoe Bay community.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGES FROM THE GOVERNOR

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

April 6, 2011
Austin, Texas

TO THE SENATE OF THE EIGHTY-SECOND LEGISLATURE, REGULAR SESSION:

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

To be members of the Texas Industrialized Building Code Council for terms to expire February 1, 2013:

Robert L. Bowling, IV
El Paso, Texas
(Mr. Bowling is being reappointed)

Roland L. Brown
Midlothian, Texas
(Mr. Brown is being reappointed)

Scott A. McDonald
Canyon, Texas
(replacing Ravi Shah of The Colony whose term expired)

Douglas O. Robinson
Coppell, Texas
(replacing Mark Delaney of Tomball whose term expired)

Rolando R. Rubiano
Harlingen, Texas
(Mr. Rubiano is being reappointed)

Larry E. Wilkinson
Friendswood, Texas
(Mr. Wilkinson is being reappointed)

To be members of the Texas State Board of Examiners of Professional Counselors for terms to expire February 1, 2017:

Glynda Corley
Round Rock, Texas
(Ms. Corley is being reappointed)

Etienne H. Nguyen
Houston, Texas
(replacing Jaa St. Julien of Houston whose term expired)

Lauren Polunsky Dreszer
San Antonio, Texas
(replacing Michelle Eggleston of Amarillo whose term expired)

To be members of the Credit Union Commission for terms to expire February 15, 2017:

Manuel Cavazos, IV
Austin, Texas
(Mr. Cavazos is being reappointed)

Sherri Kay Brannon Merket
Midland, Texas
(replacing Pete Snow of Texarkana whose term expired)

Gary Tuma
Sugar Land, Texas
(replacing Barbara Sheffield of Sugar Land whose term expired)

Respectfully submitted,

/s/Rick Perry
Governor

SENATE RESOLUTION 688

Senator Birdwell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize April 7, 2011, as Texas State Technical College Day at the State Capitol; and

WHEREAS, Since the establishment of Texas State Technical College in 1965, more than 82,000 graduates of this outstanding institution have taken their places in the workforce; the college system has grown to include colleges in Harlingen, Marshall, and Waco and a West Texas college that has campuses in Abilene, Breckenridge, Brownwood, and Sweetwater, and partnerships with 55 colleges, school districts, and industry have further broadened the system's offerings; and

WHEREAS, Texas State Technical College is the only state-supported, two-year technical college system in Texas; it serves students from 220 of the state's 254 counties, including many who live in rural areas with limited access to institutions of higher education or workforce training; nearly 15,000 students are enrolled in its affordable, career-specific for-credit programs each year, and thousands more receive ongoing vocational training; and

WHEREAS, Texas State Technical College offers more than 120 associate of applied science degrees and certificates and provides innovative, customized training to persons already employed or who are seeking employment in Texas industries; and

WHEREAS, Many of the college's programs emphasize emerging technologies and vocational trades to help Texas meet the growing need for a highly trained workforce in an economy with global connections; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the administrators, faculty, and staff of Texas State Technical College for their many contributions to education and economic development in Texas and their dedication to helping students become skilled workers and leaders of the future; 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.

BIRDWELL	ESTES
DUNCAN	FRASER
ELTIFE	LUCIO

SR 688 was again read.

The resolution was previously adopted on Monday, April 4, 2011.

GUESTS PRESENTED

Senator Birdwell, joined by Senators Estes, Fraser, and Lucio, was recognized and introduced to the Senate a Texas State Technical College System delegation: Mike Reeser, Chancellor; Randall Wooten, Marshall President; Cesar Maldonado, Harlingen President; Elton Stuckly, Waco President; and Gail Lawrence, West Texas President.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Davis was recognized and presented Dr. Ricky Dale Edwards of Fort Worth as the Physician of the Day.

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

SENATE RESOLUTION 696

Senator Watson offered the following resolution:

SR 696, Recognizing April 7, 2011, as BCL of Texas Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a Business and Community Lenders of Texas delegation: Margie Moore, David Hensley, Guy Perry, Chris Robles, Rosa Rios Valdez, Celine Thomasson, La'Kisha Fredricks, and Flor Esquivel.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The Presiding Officer, Senator Eltife in Chair, announced that the introduction of bills and resolutions on first reading would be temporarily postponed.

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:37 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 937 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 937** at this time on its second reading:

CSSB 937, Relating to priorities for restoration of electric service following an extended power outage.

The motion prevailed.

Senators Hegar and Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 937** (senate committee report) in SECTION 1 of the bill, in added Section 38.072, Utilities Code (page 1, between lines 31 and 32), by inserting the following subsection and redesignating subsequent subsections accordingly:

(c) The rules adopted by the commission under Subsection (b) must allow an electric utility to exercise the electric utility's discretion to prioritize power restoration for a facility after an extended power outage in accordance with the facility's needs and with the characteristics of the geographic area in which power must be restored.

The amendment to **CSSB 937** 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:

Nays: Hegar, Nichols.

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

CSSB 937 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: Hegar, Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 937 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 937** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Nichols, 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 937**, 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 937** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Nichols.

**COMMITTEE SUBSTITUTE
SENATE BILL 1153 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1153** at this time on its second reading:

CSSB 1153, Relating to the authority of the Public Utility Commission of Texas to participate in certain proceedings before the Federal Energy Regulatory Commission.

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 1153 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1153** 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 1153**, 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 1153** 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.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1047 ON SECOND READING**

Senator Jackson moved to suspend the regular order of business to take up for consideration **CSSB 1047** at this time on its second reading:

CSSB 1047, Relating to the eligibility of an innovation and commercialization organization associated with the Lyndon B. Johnson Space Center to receive funding from the Texas emerging technology fund.

The motion prevailed.

Senators Birdwell, Nichols, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Birdwell, Nichols, Shapiro.

**COMMITTEE SUBSTITUTE
SENATE BILL 1047 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1047** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Nichols, Shapiro, 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 1047**, 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 1047** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Nichols, Shapiro.

SENATE RESOLUTION 707

Senator Uresti offered the following resolution:

SR 707, Recognizing Brandon Allen, Kelsey Bruce, Haley Hale, Ayland Letsinger, and Josh Smith for their achievements as student-athletes for Brackett High School.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate students from Brackett High School in Brackettville: Brandon Allen, Haley Hale, and Ayland Letsinger.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE**SENATE BILL 1613 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 1613** at this time on its second reading:

CSSB 1613, Relating to the application of the public meetings and public information laws to public power utilities.

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 1613 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 1613** 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 1613**, 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 1613** 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.

WENTWORTH

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

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a Fort Bend County delegation: representing Fulshear, Mayor Thomas Kuykendall, Alderman Stephen Gill, and City Administrator C. J. Snipes; representing Simonton, Mayor Daniel McJunkin and Mayor Pro Tempore Jane Stockton; representing Weston Lakes, Mayor Mary Rose Zdunkewicz, Mayor Pro Tempore Clifton Aldrich, and Alderman Trent Thomas.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate Winkler County and Kinney County delegations.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 293 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 293** at this time on its second reading:

CSSB 293, Relating to telemedicine medical services, telehealth services, and home telemonitoring services provided to certain Medicaid recipients.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 293** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 531.001(4-a), Government Code (page 1, line 19), strike "home health agency as defined" and substitute "home health agency or a hospital, as those terms are defined".

(2) In SECTION 3 of the bill, strike added Section 531.02164(a), Government Code (page 2, line 69, through page 3, line 3), and substitute the following:

(a) In this section:

(1) "Home health agency" means a facility licensed under Chapter 142, Health and Safety Code, to provide home health services as defined by Section 142.001, Health and Safety Code.

(2) "Hospital" means a hospital licensed under Chapter 241, Health and Safety Code, that provides home health services as defined by Section 142.001, Health and Safety Code.

(3) In SECTION 3 of the bill, in added Section 531.02164(c)(2), Government Code (page 3, line 27), strike "home health agency" and substitute "home health agency or hospital".

The amendment to **CSSB 293** was read and was adopted by a viva voce vote.

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

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

CSSB 293 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 293 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 293** 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 293**, 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 293** 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.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE BILL 201 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 201** at this time on its second reading:

CSSB 201, Relating to the calculation of ad valorem taxes on the residence homestead of a 100 percent or totally disabled veteran for the tax year in which the veteran qualifies or ceases to qualify for an exemption from taxation of the homestead.

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 201 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 201** 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 201**, 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 201** 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.

WENTWORTH

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

SENATE BILL 1719 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration **SB 1719** at this time on its second reading:

SB 1719, Relating to certain comprehensive development agreements of the Texas Department of Transportation.

The motion prevailed.

Senator Fraser 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: Fraser.

SENATE BILL 1719 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1719** be placed on its third reading and final passage.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, 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 1719**, 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 1719** 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.

WENTWORTH

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

Nays: Fraser.

**COMMITTEE SUBSTITUTE
SENATE BILL 501 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 501** at this time on its second reading:

CSSB 501, Relating to the disproportionality of certain groups in the juvenile justice, child welfare, health, and mental health systems and the disproportionality of the delivery of certain services in the education system.

The motion prevailed.

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

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 501** (senate committee report) in SECTION 1 of the bill, in added Section 2.002(a), Human Resources Code (page 2, between lines 13 and 14), by inserting the following new subdivision and renumbering subsequent subdivisions accordingly:

(6) one representative of the criminal justice division of the governor's office appointed by the governor;

The amendment to **CSSB 501** 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:

Nays: Hegar, Ogden.

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

CSSB 501 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: Hegar, Ogden.

**COMMITTEE SUBSTITUTE
SENATE BILL 501 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 501** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffinan, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Ogden, 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 501**, 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 501** 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Hegar, Ogden.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a group of college students studying construction at Texas A&M University, The University of Texas at El Paso, Prairie View A&M University, and Texas Tech University.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 285 ON SECOND READING

Senator Harris moved to suspend the regular order of business to take up for consideration **CSSB 285** at this time on its second reading:

CSSB 285, Relating to exempting certain judicial officers from certain requirements for obtaining or renewing a concealed handgun license and to the authority of certain judicial officers to carry certain weapons.

The motion prevailed.

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

The bill was read second time 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: Zaffirini.

**COMMITTEE SUBSTITUTE
SENATE BILL 285 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 285** be placed on its third reading and final passage.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams.

Nays: Wentworth, Zaffirini.

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 285**, 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 285** 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.

WENTWORTH.

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

Nays: Zaffirini.

NOMINATION RETURNED

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

Member, Board of Directors, Lower Colorado River Authority: Bobby L. Limmer, Llano County.

**COMMITTEE SUBSTITUTE
SENATE BILL 693 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 693** at this time on its second reading:

CSSB 693, Relating to permit application and amendment hearings conducted by groundwater conservation districts and the State Office of Administrative Hearings.

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 693 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 693** 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 693**, 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 693** 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.

WENTWORTH

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

SENATE BILL 326 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 326** at this time on its second reading:

SB 326, Relating to the exemption from ad valorem taxation of certain tangible personal property stored temporarily at a location in this state.

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 326 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 326** 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 326**, 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 326** 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.

WENTWORTH

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

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate the Corpus Christi West Oso High School boys' basketball team.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a Galveston County delegation.

The Senate welcomed its guests.

**PERMISSION TO INTRODUCE BILLS
(Motion In Writing)**

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 1892, SB 1893, SB 1894.

SENATE BILLS ON FIRST READING

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

SB 1892 by Zaffirini

Relating to the Bexar County district courts.
To Committee on Jurisprudence.

SB 1893 by Zaffirini

Relating to the appointment of a court reporter by criminal law magistrates, civil law associate judges, and juvenile law masters in Bexar County.
To Committee on Jurisprudence.

SB 1894 by Zaffirini

Relating to proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.
To Committee on Jurisprudence.

SB 1895 by Hegar

Relating to director elections and powers of the Texana Groundwater Conservation District.
To Committee on Natural Resources.

HOUSE BILLS AND RESOLUTION ON FIRST READING

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

HB 92 to Committee on Agriculture and Rural Affairs.

HB 314 to Committee on Transportation and Homeland Security.

HB 315 to Committee on Intergovernmental Relations.

HB 370 to Committee on Education.

HB 378 to Committee on Transportation and Homeland Security.

HB 434 to Committee on Health and Human Services.

HB 451 to Committee on Natural Resources.

HB 591 to Committee on Transportation and Homeland Security.

HB 612 to Committee on Agriculture and Rural Affairs.

HB 613 to Committee on Agriculture and Rural Affairs.

HB 646 to Committee on Transportation and Homeland Security.

HB 1130 to Committee on Education.

HB 1674 to Committee on Jurisprudence.

HCR 45 to Committee on Administration.

**COMMITTEE SUBSTITUTE
SENATE BILL 20 ON SECOND READING**

Senator Williams moved to suspend the regular order of business to take up for consideration **CSSB 20** at this time on its second reading:

CSSB 20, Relating to a grant program for certain natural gas motor vehicles.

The motion prevailed.

Senators Birdwell and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Birdwell, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 20 ON THIRD READING**

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

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick, 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 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 **CSSB 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.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick.

(President in Chair)

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 64, HCR 65, HCR 150.**

COMMITTEE SUBSTITUTE SENATE BILL 980 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 980** at this time on its second reading:

CSSB 980, Relating to communications services and markets.

The motion prevailed.

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

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 980** (senate committee report) as follows:

(1) In SECTION 3 of the bill, in added Section 52.002(d)(9), Utilities Code (page 2, line 45), strike "assessment or collection of a" and substitute "assessment, administration, collection, or enforcement of any".

(2) In SECTION 22(b) of the bill (page 7, line 28), strike "Not earlier than January 2, 2012, the" and substitute "The".

(3) In SECTION 22(b) of the bill, after the period (page 7, line 32), insert "The commission may not initiate a proceeding to review the Texas High Cost Universal Service Plan before January 2, 2012."

The amendment to **CSSB 980** 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:

Nays: Harris.

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

CSSB 980 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: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 980 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 980** be placed on its third reading and final passage.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Harris, 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 980**, 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 980** 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.

WENTWORTH

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

Nays: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 714 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 714** at this time on its second reading:

CSSB 714, Relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules.

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

Nays: Wentworth.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 714 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 714** 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 714**, 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 714** 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.

WENTWORTH

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

BIRTHDAY GREETINGS EXTENDED

Senator Shapiro was recognized and, on behalf of the Senate, extended birthday greetings to Senator Ellis.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 354 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 354** at this time on its second reading:

CSSB 354, Relating to the carrying of concealed handguns on the campuses of and certain other locations associated with institutions of higher education.

Senator Wentworth withdrew the motion to suspend the regular order of business.

COMMITTEE SUBSTITUTE
SENATE BILL 6 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 6** at this time on its second reading:

CSSB 6, Relating to the foundation curriculum, the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 6** (senate committee printing) as follows:

(1) In SECTION 22 of the bill, adding Section 31.0211, Education Code (page 6, between lines 56 and 57), add the following subsections:

(d-1) Notwithstanding Subsection (d), for the state fiscal biennium beginning September 1, 2011, a school district shall use an allotment received under this section to purchase instructional materials that will assist the district in satisfying performance standards under Section 39.0241, as added by Chapter 895 (H.B. No. 3), Acts of the 81st Legislature, Regular Session, 2009, on assessment instruments adopted under Sections 39.023(a) and (c).

(d-2) Subsection (d-1) and this subsection expire August 31, 2013.

(2) In SECTION 65 of the bill, in the recital (page 20, line 49), strike "Subsection (d)" and substitute "Subsections (d), (e), (f), and (g)".

(3) In SECTION 65 of the bill, amending Section 43.001, Education Code (page 20, between lines 55 and 56), add the following subsections:

(e) Subsection (d) applies beginning with the state fiscal biennium beginning September 1, 2013. For the state fiscal biennium beginning September 1, 2011, each year the State Board of Education shall set aside an amount equal to 40 percent of the annual distribution for that year from the permanent school fund to the available school fund as provided by Section 5(a), Article VII, Texas Constitution, to be placed, subject to the General Appropriations Act, in the state instructional materials fund established under Section 31.021.

(f) In calculating the amounts to be set aside as provided by Subsection (e) for the state fiscal biennium beginning September 1, 2011, the State Board of Education shall consider only the amounts of the annual distribution of the permanent school fund for that biennium. The board shall not consider amounts distributed for the state fiscal biennium beginning September 1, 2009, regardless of the date on which those amounts were approved for distribution.

(g) Subsections (e) and (f) and this subsection expire September 1, 2013.

(4) In SECTION 67 of the bill (page 21, line 5), strike "2012" and substitute "2011".

The amendment to **CSSB 6** 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 Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 6 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 6 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 **CSSB 6** 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 6**, 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 6** 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.

WENTWORTH

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

**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 Business and Commerce might meet and consider **SB 1862** today.

SENATE RULES SUSPENDED**(Posting Rules)**

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

SB 264, SB 977, SB 988, SB 1413, SB 1744, SB 1048.

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

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Natural Resources might meet today.

CO-AUTHOR OF SENATE BILL 20

On motion of Senator Williams, Senator West will be shown as Co-author of **SB 20**.

CO-AUTHORS OF SENATE BILL 201

On motion of Senator Uresti, Senators Carona, Davis, and Harris will be shown as Co-authors of **SB 201**.

CO-AUTHOR OF SENATE BILL 226

On motion of Senator Nelson, Senator Van de Putte will be shown as Co-author of **SB 226**.

CO-AUTHOR OF SENATE BILL 258

On motion of Senator Hegar, Senator Nelson will be shown as Co-author of **SB 258**.

CO-AUTHOR OF SENATE BILL 371

On motion of Senator Seliger, Senator Davis will be shown as Co-author of **SB 371**.

CO-AUTHOR OF SENATE BILL 554

On motion of Senator Carona, Senator Van de Putte will be shown as Co-author of **SB 554**.

CO-AUTHOR OF SENATE BILL 715

On motion of Senator Harris, Senator Nelson will be shown as Co-author of **SB 715**.

CO-AUTHOR OF SENATE BILL 820

On motion of Senator Harris, Senator Uresti will be shown as Co-author of **SB 820**.

CO-AUTHOR OF SENATE BILL 894

On motion of Senator Duncan, Senator Uresti will be shown as Co-author of **SB 894**.

CO-AUTHOR OF SENATE BILL 1363

On motion of Senator Lucio, Senator Rodriguez will be shown as Co-author of **SB 1363**.

CO-AUTHOR OF SENATE BILL 1380

On motion of Senator Ellis, Senator Deuell will be shown as Co-author of **SB 1380**.

CO-AUTHORS OF SENATE BILL 1843

On motion of Senator Carona, Senators Davis, Eltife, Uresti, and Watson will be shown as Co-authors of **SB 1843**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 36

On motion of Senator Williams, Senators Harris and Nichols will be shown as Co-authors of **SCR 36**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 12

On motion of Senator Patrick, Senator Harris will be shown as Co-author of **SJR 12**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 735 by Wentworth, In memory of Hubert W. Green of San Antonio.

Welcome and Congratulatory Resolutions

SR 728 by Harris, Welcoming the delegation from Furneaux Elementary School in Carrollton to the State Capitol.

SR 729 by Hinojosa, Recognizing the Corpus Christi West Oso High School Bears boys' basketball team for winning the 2011 Class 3A state championship title.

SR 730 by Williams, Recognizing Charles Wayne Key for his service with the Houston Fire Department.

SR 731 by Williams, Recognizing Mary Evelyn Still Bales on the occasion of her 90th birthday.

SR 732 by Gallegos, Recognizing the members of the Campos family on the occasion of the 2011 Campos Family Reunion.

SR 734 by Zaffirini, Recognizing the City of Converse on the occasion of its 50th anniversary.

SR 736 by Zaffirini, Recognizing Voz de Niños for its service to the children of Webb County.

Official Designation Resolution

SR 733 by Deuell, Recognizing April 19, 2011, as Balch Springs Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:13 p.m. adjourned until 1:30 p.m. Monday, April 11, 2011.

APPENDIX

COMMITTEE REPORTS

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

April 7, 2011

HEALTH AND HUMAN SERVICES — CSSB 1177, SB 717, SB 1154, SB 265, SB 1050

JURISPRUDENCE — CSSB 1490

INTERNATIONAL RELATIONS AND TRADE — CSSB 825

JURISPRUDENCE — CSSB 120

GOVERNMENT ORGANIZATION — CSSB 652, CSSB 661, CSSB 662

HEALTH AND HUMAN SERVICES — CSSB 1178, CSSB 434

STATE AFFAIRS — CSSB 904

HIGHER EDUCATION — SB 1662, SB 1304

GOVERNMENT ORGANIZATION — CSSB 653

EDUCATION — CSSB 291

AGRICULTURE AND RURAL AFFAIRS — CSSB 252, CSSB 378, CSSB 810, CSSB 932, CSSB 1086

INTERNATIONAL RELATIONS AND TRADE — CSSJR 40

NATURAL RESOURCES — CSSB 1134, CSSB 1301, CSSB 1605

GOVERNMENT ORGANIZATION — CSSB 1420

BUSINESS AND COMMERCE — SB 898, SB 924, SB 1171, SB 1353, SB 1598, CSSB 1846

CRIMINAL JUSTICE — SB 152, SB 348, SB 496, SB 843, SB 844, SB 976, SB 1010, SB 1103, SB 1273, SB 1600

NATURAL RESOURCES — CSSB 1258

CRIMINAL JUSTICE — SB 1676

BUSINESS AND COMMERCE — CSSB 1217

BILLS ENGROSSEDApril 6, 2011**SB 28, SB 122, SB 324, SB 701, SB 1087, SB 1094, SB 1098, SB 1501****RESOLUTIONS ENROLLED**April 6, 2011**SR 701, SR 713, SR 714, SR 715, SR 716, SR 717, SR 718, SR 719, SR 720,
SR 721, SR 722, SR 723, SR 724, SR 726, SR 727**

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTIETH DAY

(Monday, April 11, 2011)

The Senate met at 1:35 p.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

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

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

Rabbi Alan Freedman, Temple Beth Shalom, Austin, offered the invocation as follows:

Dear God, we ask this day for You to bestow wisdom and strength upon the Members of this body as well as their staffs and all those who serve this Senate. May the values revealed to us by Your holy word always be reflected in the work of our State Senate so that in serving the people of Texas, these women and men may have an awareness that they are serving You as well. May their work each and every day reflect a true understanding of Your admonition contained in Torah, the five books of Moses, that true holiness resides ultimately in loving our neighbor as ourselves and thereby walking in the ways of the holy one, the ways of justice and peace. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 11, 2011 - 1

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 6** Eissler
Relating to the foundation curriculum, the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools.
- HB 11** Cook
Relating to reports filed with the comptroller regarding certain alcoholic beverage sales; providing a penalty.
- HB 27** Guillen
Relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.
- HB 42** Menendez
Relating to the duty imposed on the operator of a motor vehicle that strikes a structure adjacent to a highway.
- HB 118** McClendon
Relating to requiring the provision of notice by certain hospitals regarding patients' medical records.
- HB 125** Legler
Relating to the regulatory analysis of rules proposed by the Texas Commission on Environmental Quality.
- HB 175** Jackson, Jim
Relating to the on-premises consumption of certain alcoholic beverages; providing a penalty.
- HB 191** Walle
Relating to the regulation of automobile wrecking and salvage yards in certain counties.
- HB 205** Pickett
Relating to the imposition by certain municipalities and municipal transit departments of the local sales and use tax in certain federal military installations.
- HB 218** Gallego
Relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties.
- HB 243** Craddick
Relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.
- HB 266** Hilderbran
Relating to the use of address-matching software by certain state agencies.
- HB 282** Flynn
Relating to an analysis by the adjutant general of facility needs of state military forces before grants or conveyances of real property.
- HB 289** Jackson, Jim
Relating to activity that constitutes maintaining a common nuisance.

- HB 308** Menendez
Relating to life preserving devices on recreational vessels.
- HB 328** Guillen
Relating to information provided to a person applying for a state tax permit or license.
- HB 336** Marquez
Relating to the filing and posting on the Internet of reports of political contributions and expenditures required in connection with the office of member of the board of trustees of certain school districts.
- HB 341** Fletcher
Relating to the prosecution of and the punishment for the offense of burglary committed while evading arrest or detention.
- HB 399** Castro
Relating to requiring general academic teaching institutions to offer personal financial literacy training.
- HB 412** Aycock
Relating to the requirement that certain impaired veterinarians participate in a peer assistance program.
- HB 413** Aycock
Relating to the confidentiality of certain information held by a veterinarian.
- HB 414** Aycock
Relating to the conducting of licensing examinations by the State Board of Veterinary Medical Examiners.
- HB 441** Guillen
Relating to the fees for certain commercial vehicles.
- HB 460** White
Relating to the board of directors of the Trinity Memorial Hospital District.
- HB 468** Burnam
Relating to the designation of a portion of Interstate Highway 35W as the Cesar Chavez Memorial Freeway.
- HB 479** Orr
Relating to the location of board meetings of certain economic development corporations.
- HB 500** Eissler
Relating to state-adopted assessment instruments administered to public school students.
- HB 530** Shelton
Relating to the definition of local law enforcement authority for purposes of the sex offender registration program.
- HB 534** Phillips
Relating to the powers and duties of the Gunter Municipal Utility Districts Nos. 1 and 2.

- HB 555** Howard, Donna
Relating to reportable boating accidents and the penalties for certain boating accidents.
- HB 650** Castro
Relating to property held by certain junior colleges and presumed abandoned.
- HB 679** Button
Relating to change order approval requirements for certain political subdivisions of the state.
- HB 682** Brown
Relating to leasing advertising space on state agency Internet websites.
- HB 709** Fletcher
Relating to the creation of the Harris County Municipal Utility District No. 524; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 734** Patrick, Diane
Relating to the jurisdiction of constitutional county courts over truancy cases and the appointment of magistrates to hear truancy cases in certain counties.
- HB 811** Darby
Relating to the powers and duties of the Scurry County Hospital District.
- HB 840** Gonzalez, Naomi
Relating to the authority of the El Paso County Hospital District to appoint, contract for, or employ physicians, dentists, and other health care providers.
- HB 841** Gonzalez, Naomi
Relating to certain statutory references to the Department of Family and Protective Services.
- HB 871** Davis, Yvonne
Relating to indigent health care services that may be provided by a county.
- HB 886** Smith, Wayne
Relating to the creation of the Harris County Municipal Utility District No. 528; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 943** Dukes
Relating to reporting requirements concerning missing persons, including missing children in the managing conservatorship of the Department of Family and Protective Services.
- HB 965** Callegari
Relating to continuing education requirements for persons holding licenses issued by the Texas Commission on Environmental Quality.
- HB 994** Castro
Relating to proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.

- HB 1010** Bonnen
Relating to enforcement of commercial motor vehicle safety standards in certain municipalities.
- HB 1028** Phillips
Relating to certain contact between a criminal defendant and the victim of the offense of which the defendant is convicted or a member of the victim's family.
- HB 1032** Smithee
Relating to a rescission period for annuity contracts.
- HB 1060** Kleinschmidt
Relating to the de-annexation of land in Bastrop County by the Barton Springs-Edwards Aquifer Conservation District.
- HB 1091** Davis, John
Relating to the authority of certain hospital districts to contract for the performance of administrative functions and services.
- HB 1116** Harper-Brown
Relating to prohibiting the sale and use of certain radar interference devices; creating an offense.
- HB 1173** Riddle
Relating to the release on bond of certain persons arrested for a misdemeanor without a warrant in certain counties.
- HB 1201** Kolkhorst
Relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.
- HB 1245** Callegari
Relating to the repeal of the authorization to establish a super collider facility research authority.
- HB 1247** Callegari
Relating to the repeal of certain prohibitions on purchases of paper supplies and cabinets by state agencies.
- HB 1293** Price
Relating to the Moore County Hospital District.
- HB 1305** Bonnen
Relating to the issuance of oversize or overweight vehicle permits by certain port authorities.
- HB 1334** Allen
Relating to the effect of a delay by the State Board for Educator Certification in renewing an educator's certification.

- HB 1341** Walle
Relating to the manner of payment of tuition and mandatory fees at public institutions of higher education.
- HB 1343** Carter
Relating to proper venue for certain criminal prosecutions of mortgage fraud.
- HB 1344** Burkett
Relating to certain defenses to prosecution for the offense of sale, distribution, or display of harmful material to a minor.
- HB 1376** Bohac
Relating to the definition of a junked vehicle for purposes of abatement of a public nuisance.
- HB 1417** Chisum
Relating to the Swisher Memorial Hospital District.
- HB 1473** Scott
Relating to creating the offense of altering a disabled parking placard.
- HB 1495** Munoz, Jr.
Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.
- HB 1496** Gallego
Relating to the contracting authority of the Val Verde County Hospital District.
- HB 1499** Larson
Relating to the designation of the Scenic Loop Road–Boerne Stage Road–Toutant Beauregard Road Historic Corridor.
- HB 1504** Munoz, Jr.
Relating to statutory references to the common electronic infrastructure project formerly known as TexasOnline.
- HB 1524** Phillips
Relating to the creation of the Case Creek Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 1555** Thompson
Relating to the first day of instruction in certain school districts that provide additional days of instruction financed with local funds.
- HB 1560** Scott
Relating to the authority of counties to nominate projects in the extraterritorial jurisdictions of certain municipalities for designation as enterprise projects.
- HB 1567** Coleman
Relating to the authority of certain counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

- HB 1570** Murphy
Relating to training for deputy voter registrars.
- HB 1573** Gallego
Relating to certain pretrial and post-trial procedures in a criminal case.
- HB 1638** Aliseda
Relating to the disqualification of a district or county attorney who is the subject of a criminal investigation.
- HB 1753** Gallego
Relating to the threshold amount at which public utilities are required to report a transaction.
- HB 1756** Rodriguez, Eddie
Relating to the creation of the Pilot Knob Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 1757** Rodriguez, Eddie
Relating to the creation of the Pilot Knob Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 1758** Rodriguez, Eddie
Relating to the creation of the Pilot Knob Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 1770** Madden
Relating to the payment of temporary housing costs for certain inmates released or eligible for release on parole or to mandatory supervision.
- HB 1779** Naishtat
Relating to an exemption from private security regulation for social workers engaged in the practice of social work.
- HB 1781** Price
Relating to obsolete or redundant reporting requirements applicable to state agencies.
- HB 1804** Hancock
Relating to certificates of insurance required for certain plumbing contractors.
- HB 1869** Giddings
Relating to local governments that may consider a bidder's principal place of business when awarding a contract.
- HB 1885** Hardcastle
Relating to the authority of the board of directors of the Knox County Hospital District to employ physicians and other health care providers.
- HB 1889** Burkett
Relating to the creation of municipal courts of record in the city of Mesquite.

- HB 1891** Davis, Sarah
Relating to the execution of a search warrant for data or information contained in or on certain devices.
- HB 1904** Sheffield
Relating to the deadlines for write-in candidates for the office of county or precinct chair of a political party.
- HB 1932** Schwertner
Relating to the powers and duties of the Williamson-Liberty Hill Municipal Utility District.
- HB 1952** Kuempel
Relating to alcoholic beverage seller-servers and to seller training programs.
- HB 1956** Thompson
Relating to appeal of an order of the Texas Alcoholic Beverage Commission or the commission's administrator refusing, canceling, or suspending a license or permit.
- HB 1967** Chisum
Relating to the contracting authority of the Collingsworth County Hospital District.
- HB 1981** Smith, Wayne
Relating to measuring, monitoring, and reporting emissions.
- HB 2007** Shelton
Relating to payment by the Benbrook Water Authority for certain damages caused by the authority's operation of a sanitary sewer system.
- HB 2012** Thompson
Relating to certain prohibited dealings between a wholesaler and retailer of alcoholic beverages.
- HB 2014** Thompson
Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.
- HB 2035** Hamilton
Relating to the temporary relocation of an alcoholic beverage distributor's or wholesaler's premises during a period of emergency and delivery of alcoholic beverages to a distributor's or wholesaler's premises.
- HB 2207** Oliveira
Relating to the authority of the board of trustees to set rates for certain municipal utility systems.
- HB 2258** Deshotel
Relating to the use and transferability of certain state property transferred from the state to Spindletop MHMR Services.
- HB 2351** McClendon
Relating to the authority of the Bexar County Hospital District to employ physicians.

- HB 2360** Schwertner
Relating to the creation of the Corn Hill Regional Water Authority; providing authority to issue bonds.
- HB 2376** Hamilton
Relating to the regulation of plumbing.
- HB 2418** Callegari
Relating to the territory, board of directors, and powers of the North Harris County Regional Water Authority.
- HB 2503** Thompson
Relating to insurance agent licenses issued to certain foreign corporations and partnerships.
- HB 2521** Sheffield
Relating to the creation of the Bell County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 2609** Guillen
Relating to employment at or by certain facilities serving the elderly or persons with disabilities.
- HB 2631** Branch
Relating to the advanced research program.
- HB 2633** Madden
Relating to the office of inspector general of the Texas Youth Commission.
- HB 2690** Deshotel
Relating to authorizing local governments to convey real property interests to other local governments for less than fair market value.
- HB 2785** Davis, John
Relating to the creation of the Select Committee on Economic Development.
- HB 2909** Branch
Relating to increasing awareness in this state of the importance of higher education.
- SB 24** Van de Putte Sponsor: Thompson
Relating to the prosecution, punishment, and certain criminal and civil consequences of offenses involving or related to the trafficking of persons and to certain protections for victims of those offenses.
- SB 37** Zaffirini Sponsor: Naishtat
Relating to the duration of the interagency task force on ensuring appropriate care settings for persons with disabilities.
- SB 351** Williams Sponsor: Deshotel
Relating to the maximum capacity of a container of wine sold to a retail dealer.
- SB 582** Harris Sponsor: Lewis
Relating to service of process on certain domestic and foreign entities for the collection of delinquent property taxes.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 14 (non-record vote)

House Conferees: Harless - Chair/Aliseda/Bonnen/Truitt/Veasey

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RESOLUTIONS SIGNED

The President Pro Tempore announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 40, HCR 128.**

PHYSICIAN OF THE DAY

Senator Williams was recognized and presented Dr. John Redman of Anahuac as the Physician of the Day.

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

SENATE RESOLUTION 479

Senator Jackson offered the following resolution:

SR 479, In memory of Lynn Levin Cantini of Galveston.

The resolution was again read.

The resolution was previously adopted on Wednesday, March 9, 2011.

In honor of the memory of Lynn Levin Cantini, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate Armin Cantini, Debbie Gainer, Jamie Selig, and Jim and Sally Galbraith.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 745

Senator Rodriguez offered the following resolution:

SR 745, Welcoming Héctor Agustín Murguía Lardizábal of Ciudad Juárez to the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodriguez was recognized and introduced to the Senate Mayor Héctor Agustín Murguía Lardizábal and City Manager José Rodolfo Martínez Ortega of Ciudad Juárez, Chihuahua, Mexico.

The Senate welcomed its guests.

(Senator Eltife in Chair)

CONCLUSION OF MORNING CALL

The Presiding Officer at 1:56 p.m. announced the conclusion of morning call.

SENATE BILL 663 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 663** at this time on its second reading:

SB 663, Relating to the continuation and functions of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments; providing an administrative penalty.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 663** as follows:

(1) In SECTION 10 of the bill, in the recital (Committee printing page 3, lines 38-39), between "amended" and "to" insert "by amending Subsection (a) and adding Subsections (d) and (e)".

(2) In SECTION 10 of the bill (Committee printing page 3, line 40), strike "Sec. 402.104. POWERS AND DUTIES REGARDING EXAMINATION."

(3) In SECTION 10 of the bill, strike amended Subsection (a), Section 402.104, Occupations Code (Committee printing page 3, lines 41-43), and substitute the following:

(a) The committee shall develop and maintain an examination that may include written, oral, or practical tests. The department shall administer or arrange for the administration of the [a-written] examination.

(4) In SECTION 10 of the bill, strike amended Subsections (b) and (c), Section 402.104, Occupations Code (Committee printing page 3, lines 44-47).

The amendment to **SB 663** 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 Nichols and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 663 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 663 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 663** 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 663**, 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 663** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 1701 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1701** at this time on its second reading:

CSSB 1701, Relating to a criminal asset forfeiture hearing in which substitute assets are forfeited under certain circumstances.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1701** (senate committee printing) in SECTION 1 of the substitute, in proposed Article 59.05(e)(4), Code of Criminal Procedure (page 1, line 35), by striking "has been forfeited" and substituting "was originally ordered forfeited".

The amendment to **CSSB 1701** 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 Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1701 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 1701 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1701** 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 1701**, 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 1701** 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.

WENTWORTH

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

SENATE BILL 1625 ON SECOND READING

Senator Hegar moved to suspend the regular order of business to take up for consideration **SB 1625** at this time on its second reading:

SB 1625, Relating to the administration, powers, duties, and operation of the Edwards Aquifer Authority.

The motion prevailed.

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

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1625** (senate committee printing) in SECTION 25 of the bill, in redesignated and amended Section 1.47, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993 (page 8, line 48), by striking "June 28 [~~September 1~~], 1993" and substituting "June 28, 1996 [~~September 1, 1993~~]".

The amendment to **SB 1625** 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:

Nays: Fraser.

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

SB 1625 as amended was passed to engrossment by the following vote: Yeas 30, Nays 1.

Nays: Fraser.

SENATE BILL 1625 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1625** be placed on its third reading and final passage.

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

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, 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 1625**, 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 1625** 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.

WENTWORTH

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

Nays: Fraser.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Honorary Senate Pages from her district: Jacklyn Garcia, Joseph Lee, Gabriella Pereida, and Yadira Torres, all from the Harmony Science Academy in Laredo.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 1416 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1416** at this time on its second reading:

CSSB 1416, Relating to the creation of the offense of possession, manufacture, transportation, repair, or sale of a tire deflation device; providing criminal penalties.

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 1416 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1416** 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 1416**, 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 1416** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 688 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 688** at this time on its second reading:

CSSB 688, Relating to the investigation, prosecution, and punishment of criminal Medicaid fraud and certain other offenses related to Medicaid fraud; providing penalties.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 688** (Senate Committee Printing) as follows:

(1) In SECTION 3 of the bill, in added Section 3(a)(3), Article 37.07, Code of Criminal Procedure (page 2, line 58), between "Penal Code," and "the state" insert "subject to the applicable rules of evidence".

(2) In SECTION 3 of the bill, in added Section 3(a)(3), Article 37.07, Code of Criminal Procedure (page 2, line 63), strike "An" and substitute "Subject to the applicable rules of evidence, an".

The amendment to **CSSB 688** 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 Nichols and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 688 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 688 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 688** 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 688**, 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 688** 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.

WENTWORTH

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

SENATE BILL 1195 ON SECOND READING

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1195** at this time on its second reading:

SB 1195, Relating to postponement of jury service in certain counties.

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 1195 ON THIRD READING

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1195** 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 1195**, 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 1195** 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.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 776 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 776** at this time on its second reading:

CSSB 776, Relating to customs brokers.

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 776 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 776** 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 776**, 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 776** 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.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1019 ON SECOND READING**

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1019** at this time on its second reading:

CSSB 1019, Relating to the county ethics commission for certain counties.

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 1019 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1019** 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 1019**, 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 1019** 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.

WENTWORTH

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

CO-AUTHOR OF SENATE BILL 262

On motion of Senator Carona, Senator Deuell will be shown as Co-author of **SB 262**.

CO-AUTHOR OF SENATE BILL 1353

On motion of Senator Eltife, Senator Carona will be shown as Co-author of **SB 1353**.

CO-AUTHOR OF SENATE BILL 1381

On motion of Senator Ellis, Senator Carona will be shown as Co-author of **SB 1381**.

CO-AUTHORS OF SENATE BILL 1416

On motion of Senator Hinojosa, Senators Patrick and Williams will be shown as Co-authors of **SB 1416**.

CO-AUTHOR OF SENATE BILL 1843

On motion of Senator Carona, Senator Nichols will be shown as Co-author of **SB 1843**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 40

On motion of Senator Lucio, Senator Rodriguez will be shown as Co-author of **SJR 40**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 741 by Carona, In memory of Margaret Moore Solomon of Dallas.

Congratulatory Resolutions

SR 737 by Hinojosa, Recognizing Rene G. Garza for being named Mission High School Teacher of the Year.

SR 738 by Hinojosa, Recognizing Rene Garza II for being named Pearson Elementary School Teacher of the Year.

SR 744 by Estes, Recognizing the Texas Woman's University Pioneers basketball team for winning the 2011 Lone Star Conference women's basketball championship title.

Official Designation Resolution

SR 743 by Duncan, Recognizing the Ozark Trail Barbecue Cook-off as a Texas State Barbecue Championship competition.

Legislative Policy Resolutions

SR 739 by Van de Putte and Hinojosa, Encouraging Texas employers to hire veterans.

SR 740 by Van de Putte, Advocating that the United States Department of Defense name Lackland Air Force Base to the next list of the F-35 base locations.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:37 p.m. adjourned, in memory of Lynn Levin Cantini, Mecolus McDaniel, and Bryan Burgess, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 11, 2011

OPEN GOVERNMENT — **SB 933, SB 1638, SB 1692**

INTERGOVERNMENTAL RELATIONS — **SB 601, SB 609, SB 1002, SB 1341**

ECONOMIC DEVELOPMENT — **SB 977, SB 988, SB 1413, SB 1744**

HEALTH AND HUMAN SERVICES — **CSSB 47, CSSB 260**

INTERGOVERNMENTAL RELATIONS — **CSSB 1243, CSSB 916, CSSB 1496, CSSB 860**

FINANCE — **SB 540, SB 1535**

JURISPRUDENCE — **CSSB 218**

BUSINESS AND COMMERCE — **CSSB 1168, CSSB 1169, CSSB 1630, CSSB 1748, CSSB 1001**

EDUCATION — **CSSB 127**

BUSINESS AND COMMERCE — **CSSB 95**

HEALTH AND HUMAN SERVICES — **CSSB 270, CSSB 613, CSSB 993, CSSB 1081**

FINANCE — **CSSB 1088, CSSB 726**

CRIMINAL JUSTICE — **CSSB 1055, CSSB 407, CSSB 913, CSSB 198, CSSB 167**

ECONOMIC DEVELOPMENT — **CSSB 264**

BUSINESS AND COMMERCE — **CSSB 943, CSSB 1000, CSSB 1099, CSSB 1125, CSSB 1244, CSSB 1281, CSSB 1400, CSSB 1509, CSSB 1655, CSSB 1810, CSSB 1862, CSSB 1170**

NATURAL RESOURCES — **CSSB 1132, CSSB 1504**

HEALTH AND HUMAN SERVICES — **CSSB 681**

INTERGOVERNMENTAL RELATIONS — **CSSB 1233**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 1635, CSSB 1660, SB 1736, CSSB 1732, SB 1733, CSSB 1739, CSSB 1766**

EDUCATION — **CSSB 208, CSSB 1410**

STATE AFFAIRS — **SB 1046, SB 1271, SB 1342**

HIGHER EDUCATION — **CSSB 5, CSSB 162, CSSB 1005, CSSB 1729**

BILLS ENGROSSED

April 7, 2011

SB 6, SB 20, SB 71, SB 82, SB 182, SB 201, SB 217, SB 222, SB 227, SB 229, SB 249, SB 258, SB 285, SB 293, SB 326, SB 327, SB 372, SB 403, SB 419, SB 420, SB 423, SB 432, SB 460, SB 498, SB 499, SB 501, SB 551, SB 596, SB 628, SB 630, SB 639, SB 680, SB 692, SB 693, SB 714, SB 715, SB 729, SB 743, SB 759, SB 778, SB 779, SB 782, SB 789, SB 794, SB 795, SB 800, SB 803, SB 804, SB 816, SB 867, SB 873, SB 874, SB 882, SB 893, SB 894, SB 900, SB 901, SB 914, SB 937, SB 959, SB 969, SB 978, SB 980, SB 981, SB 992, SB 997, SB 1009, SB 1017, SB 1025, SB 1047, SB 1069, SB 1121, SB 1144, SB 1145, SB 1151, SB 1153, SB 1167, SB 1176, SB 1185, SB 1226, SB 1228, SB 1241, SB 1242, SB 1322, SB 1343, SB 1518, SB 1613, SB 1714, SB 1716, SB 1719

RESOLUTIONS ENROLLED

April 7, 2011

SCR 40, SR 696, SR 707, SR 728, SR 729, SR 730, SR 731, SR 732, SR 733, SR 734, SR 735, SR 736

SENT TO GOVERNOR

April 11, 2011

SCR 40

In Memory
of
Lynn Levin Cantini
Senate Resolution 479

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Galveston civic leader Lynn Levin Cantini, who died January 14, 2011, at the age of 64; and

WHEREAS, A fourth-generation Galvestonian, Lynn was born on February 10, 1946; she graduated from Ball High School in 1964 and attended Stephens College; she earned a bachelor's degree in elementary education from The University of Texas at Austin and a master's degree in speech pathology from the University of Houston; she worked as a schoolteacher, educational diagnostician, and speech pathologist; and

WHEREAS, She carried on her family's tradition of civic and social involvement on Galveston Island; her many activities included volunteering for the Galveston Historical Foundation, The Grand 1894 Opera House, the American Cancer Society, and Temple B'Nai Israel; and

WHEREAS, As the daughter of a longtime faculty member and the second president of The University of Texas Medical Branch, Lynn had been involved with the Medical Branch family since her childhood; with her husband, Armin, Lynn was a dedicated member of the President's Cabinet, and she served a distinguished four-year term on the School of Health Professions' Advisory Council; and

WHEREAS, Lynn demonstrated exceptional courage and resolve while facing her own personal challenge; she helped establish the Lynn Levin Cantini professorship to support the study and treatment of disorders that affect the joints, bones, and muscles, especially autoimmune diseases, and the Edna S. Levin Professorship in Cancer Studies, named for her mother; and

WHEREAS, A warm, kind, and gracious lady, Lynn was unwavering in her determination to live each day to the fullest, and she leaves behind memories that will be treasured forever by her family, her many friends, and all those who had the good fortune of knowing her; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family of Lynn Levin Cantini; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Lynn Levin Cantini.

JACKSON



