

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — FIRST CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

SEVENTH DAY

(Continued)

(Wednesday, June 22, 2011)

AFTER RECESS

The Senate met at 2:29 p.m. and was called to order by Senator Eltife.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, June 22, 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 26

Madden

Relating to the containment of costs incurred in the correctional health care system and to studies regarding delivery of health care services by certain nurses.

HB 79

Lewis

Relating to fiscal and other matters necessary for implementation of the judiciary budget as enacted by H.B. No. 1, Acts of the 82nd Legislature, Regular Session, 2011, and to the operation and administration of, and practice and procedures in courts in, the judicial branch of state government.

HCR 18

Hughes

In memory of Sergeant Joshua David Powell of Quitman.

HCR 19

Hughes

In memory of U.S. Army Chief Warrant Officer 2 Bradley Justin Gaudet of Gladewater.

HCR 20

Craddick

Commemorating the 40th anniversary of Southwest Airlines.

SCR 3

Duncan

Sponsor: Perry

In memory of Stacy Richards Furdek of Lubbock.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 6 (non-record vote)

House Conferees: Eissler - Chair/Aycock/Branch/Hochberg/Strama

SB 8 (non-record vote)

House Conferees: Eissler - Chair/Aycock/Crownover/Hancock/Huberty

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RECESS

On motion of Senator Whitmire, the Senate at 2:30 p.m. recessed until 2:45 p.m. today.

AFTER RECESS

The Senate met at 3:08 p.m. and was called to order by the President.

**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 80

Senator Birdwell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the members of the Navarro College Bulldogs baseball team, who won the 2011 National Junior College Athletic Association Division I World Series championship title in Grand Junction, Colorado, on June 4; and

WHEREAS, The Navarro Bulldogs defeated the number-one-ranked Central Arizona College Vaqueros by a score of 6-4 in the bottom of the 10th inning before a crowd of more than 11,000 to bring home Navarro College's first national baseball championship title and third national sports championship this school year; and

WHEREAS, The Bulldogs have developed exceptional proficiency and teamwork under the superior leadership and expertise of head coach Randal "Whoa" Dill; team members David Harris, Colby Cottongame, Wes Theiss, J. T. Files, Brett Doe, Christian Stringer, Rory Myers, Brode Boyd, Westin Hall, Ryan Wysocki, Alex Dumaine, Marshall Davis, Clay Hardee, Justin Thomas, Sam Stroder, Corey Roper, Garret Autrey, Ryan Guedry, Craig McConaughy, Chase Jordan, Drew Verhagen, Tyler Mapes, Tyler Carter, Ryan Atwood, Casey Grayson, Austin Pruitt, Christian Seth, and Clint Wilson can be proud of their outstanding performance; and

WHEREAS, The Navarro Bulldogs are a source of tremendous pride for their families, their fellow students, and the City of Corsicana, and they are truly worthy of legislative recognition for their impressive talent, their fine sportsmanship, and their exceptional achievement; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, 1st Called Session, hereby commend the members of the Navarro College Bulldogs baseball team on their extraordinary season and congratulate them on winning the National Junior College Athletic Association Division I World Series championship title; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the team as a token of esteem from the Texas Senate.

SR 80 was read and was adopted without objection.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Navarro College delegation: Richard Sanchez, President; Randal "Whoa" Dill, head baseball coach; his wife, Candi; and his parents, Joy and Randy Dill.

The Senate welcomed its guests.

BILL SIGNED

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **SB 4**.

SENATE RESOLUTION 84

Senator Rodriguez offered the following resolution:

SR 84, In memory of Nicholas P. Bellard.

The resolution was read.

On motion of Senator Rodriguez, **SR 84** was adopted by a rising vote of the Senate.

In honor of the memory of Nicholas P. Bellard, the text of the resolution is printed at the end of today's *Senate Journal*.

CONCLUSION OF MORNING CALL

The President at 3:21 p.m. announced the conclusion of morning call.

LEAVES OF ABSENCE

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

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

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

On motion of Senator Carona and by unanimous consent, Senate Rule 7.12(a) and the regular order of business were suspended to take up for consideration **CSHB 3** at this time on its second reading:

CSHB 3, Relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association; providing penalties.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 3** in SECTION 39 of the bill as follows:

(1) In added Section 2210.574(a), Insurance Code, strike "Except as provided by Subsection (c), the" and substitute "The".

(2) Strike added Section 2210.574(c), Insurance Code.

The amendment to **CSHB 3** was read.

Senator Williams withdrew Floor Amendment No. 1.

Senator Jackson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 3** (senate committee printing) in SECTION 39 of the bill by adding the following Section 2210.580 to added Subchapter L-1, Chapter 2210, Insurance Code:

Sec. 2210.580. OMBUDSMAN PROGRAM. (a) The department shall establish an ombudsman program to provide information and educational programs to assist persons insured under this chapter with the claim processes under this subchapter.

(b) Not later than March 1 of each year, the department shall prepare and submit to the commissioner a budget for the ombudsman program, including approval of all expenditures incurred in administering and operating the program. The commissioner shall adopt or modify and adopt the budget not later than April 1 of the year in which the budget is submitted.

(c) Not later than May 1 of each year, the association shall transfer to the ombudsman program money in an amount equal to the amount of the budget adopted under Subsection (b). The ombudsman program, not later than April 30 of each year, shall return to the association any unexpended funds that the program received from the association in the previous year.

(d) The department shall, not later than 60 days after the date of a catastrophic event, prepare and submit an amended budget to the commissioner for approval and report to the commissioner the approximate number of claimants eligible for ombudsman services. The commissioner shall adopt rules as necessary to implement an amended budget submitted under this section, including rules regarding the transfer of additional money from the association to the program.

(e) The ombudsman program may provide to persons insured under this chapter information and educational programs through:

- (1) informational materials;
- (2) toll-free telephone numbers;
- (3) public meetings;
- (4) outreach centers;
- (5) the internet; and
- (6) other reasonable means.

(f) The ombudsman program is administratively attached to the department. The department shall provide the staff, services, and facilities necessary for the ombudsman program to operate, including:

(1) administrative assistance and service, including budget planning and purchasing;

- (2) personnel services;
- (3) office space; and
- (4) computer equipment and support.

(g) The ombudsman program shall prepare and make available to each person insured under this chapter information describing the functions of the ombudsman program.

(h) The association, in the manner prescribed by the commissioner by rule, shall notify each person insured under this chapter concerning the operation of the ombudsman program.

(i) The commissioner may adopt rules as necessary to implement this section.

The amendment to **CSHB 3** was read.

Senator Jackson withdrew Floor Amendment No. 2.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 3** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 2210, Insurance Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. CESSATION OF OPERATIONS OF ASSOCIATION

Sec. 2210.701. CESSATION OF OPERATIONS. (a) Notwithstanding any other law, the commissioner, as soon as practicable after January 1, 2012, shall by rule adopt and implement a transition plan for the cessation of all operations of the association.

(b) The plan adopted under Subsection (a) must:

(1) provide for the repayment of the association's public security obligations, public security administrative expenses, and other lawful obligations in the manner provided by Section 2210.609, using association assets as provided by Section 2210.056;

(2) permit the continued operation of the association, including the continued issuance of policies and collection of premiums and premium surcharges, for an amount of time and to the extent reasonably necessary to satisfy the requirement of Subdivision (1);

(3) be consistent with Section 2210.616; and

(4) on repayment of all obligations of the association, provide for the transfer of any remaining assets of the catastrophe reserve trust fund, as defined by Section 2210.003, to the department for use in the development and implementation of a mitigation and preparedness plan, in order to:

(A) improve preparedness for windstorm and hail catastrophes in the seacoast territory;

(B) reduce potential losses in the event of such a catastrophe; and

(C) provide research into the means to:

(i) reduce those losses;

(ii) educate or inform the public in determining the appropriateness of particular upgrades to structures; and

(iii) protect infrastructure from potential damage from those catastrophes.

(c) This section does not prohibit the appointment of a receiver under Chapter 443.

SECTION _____. Subtitle G, Title 10, Insurance Code, is amended by adding Chapter 2214 to read as follows:

CHAPTER 2214. WINDSTORM AND HAIL INSURANCE IN SEACOAST TERRITORY

Sec. 2214.001. DEFINITIONS. In this chapter:

(1) "First tier coastal county" means:

(A) Aransas County;

(B) Brazoria County;

(C) Calhoun County;

(D) Cameron County;

(E) Chambers County;

(F) Galveston County;

(G) Jefferson County;

(H) Kenedy County;

(I) Kleberg County;

(J) Matagorda County;

(K) Nueces County;

(L) Refugio County;

(M) San Patricio County; or

(N) Willacy County.

(2) "Seacoast territory" means the territory of this state composed of the first tier coastal counties and the second tier coastal counties.

(3) "Second tier coastal county" means:

(A) Bee County;

(B) Brooks County;

(C) Fort Bend County;

- (D) Goliad County;
- (E) Hardin County;
- (F) Harris County;
- (G) Hidalgo County;
- (H) Jackson County;
- (I) Jim Wells County;
- (J) Liberty County;
- (K) Live Oak County;
- (L) Orange County;
- (M) Victoria County; or
- (N) Wharton County.

(4) "Windstorm and hail insurance" means deductible insurance against:

(A) direct loss to insurable property incurred as a result of windstorm or hail, as those terms are defined and limited in policies and forms approved by the department; and

(B) indirect losses resulting from the direct loss.

Sec. 2214.002. APPLICABILITY. (a) Except as provided by Subsection (b), this chapter applies to each insurer authorized to engage in the business of property insurance in this state, including a county mutual insurance company, a Lloyd's plan, and a reciprocal or interinsurance exchange.

(b) This chapter does not apply to:

(1) a farm mutual insurance company operating under Chapter 911;

(2) a nonaffiliated county mutual fire insurance company described by Section 912.310 that is writing exclusively industrial fire insurance policies as described by Section 912.310(a)(2); or

(3) a mutual insurance company or a statewide mutual assessment company engaged in business under Chapter 12 or 13, Title 78, Revised Statutes, respectively, before those chapters' repeal by Section 18, Chapter 40 (S.B. 37), Acts of the 41st Legislature, 1st Called Session, 1929, as amended by Section 1, Chapter 60 (S.B. 106), General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, that retains the rights and privileges under the repealed law to the extent provided by those sections.

Sec. 2214.003. REQUIREMENT TO ISSUE WINDSTORM AND HAIL INSURANCE IN SEACOAST TERRITORY; PHASE-IN PERIOD AUTHORIZED.

(a) Subject to Subsection (b), as a condition of the insurer's authority to engage in the business of insurance in this state, each insurer to which this chapter applies shall issue windstorm and hail insurance policies to applicants in the seacoast territory of this state, in an amount such that the insurer's share of the market for windstorm and hail insurance in the aggregated first tier coastal counties and aggregated second tier coastal counties, respectively, is in proportion to the insurer's statewide market share, exclusive of the seacoast territory. For purposes of satisfying the requirement of this section, each insurer's market share is determined in a manner provided by Section 2210.052 for determining an insurer's participation in the Texas Windstorm Insurance Association.

(b) Notwithstanding Subsection (a), the commissioner shall annually review the market-share allocation of insurers during the phase-in period and may adjust an insurer's obligation to take account of the insurer's risk-based capital score, ability to bear risk, or related factors.

(c) An insurer's duty to comply with this section begins on the date specified in the transition plan adopted by the commissioner under Section 2210.701. To the extent consistent with Sections 2210.701(b)(2) and (3), the transition plan may provide for a reasonable schedule during which the duty to comply with this section becomes effective in increments.

Sec. 2214.004. ORDERS AND RULES. (a) The commissioner may issue any orders that the commissioner considers necessary to implement this chapter.

(b) The commissioner may adopt rules in the manner prescribed by Subchapter A, Chapter 36, as reasonable and necessary to implement this chapter.

Sec. 2214.005. RATES. Rates for windstorm and hail insurance issued as required by this chapter are determined in the manner provided by Chapter 2251.

The amendment to **CSHB 3** was read.

Senator Fraser withdrew Floor Amendment No. 3.

CSHB 3 was passed to third reading by a viva voce vote.

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

Absent-excused: Duncan, Uresti.

COMMITTEE SUBSTITUTE HOUSE BILL 3 ON THIRD READING

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

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Duncan, Uresti.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

REMARKS ORDERED PRINTED

On motion of Senator Watson and by unanimous consent, the remarks by Senator Lucio regarding **CSHB 3** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Members, I have the distinct honor and pleasure of representing Texas where the coast and the border meet. Perhaps that gives me a more immediate understanding of how and why coastal security is homeland security. Homeland security is ultimately about securing our way of life through safeguarding our critical infrastructure. The coast is the primary economic engine of Texas. It is home to much of our critical infrastructure. If you are a Texan living away from the coast, you can thank the coast for making your way of life possible. Texas handles the second most amount of

foreign and domestic cargo in the United States, generating nearly one million jobs to Texans and over \$48 billion in personal income for Texans. Annually, ports bring in almost \$5 billion in local and state tax revenue. Most of our imports pass through coastal ports and much of our exports pass out of them. So, when you stand up for the coast, you stand up for Texas. When you stand up for the people who live and work on the coast, for those who have to deal with TWIA, you are standing up for those who make Texas possible, day in and day out. In my opinion, the current version of this bill ultimately says to coastal policyholders: It doesn't matter that TWIA is increasing your rates so they will be actuarially sound. It doesn't matter that this bill will increase the money coming out of your pocket by requiring flood insurance. You still don't deserve the same level of protections and rights as statewide policyholders. I don't support that message, which is why I voted against this bill in Committee. I am, however, going to support this bill on the Senate floor. My floor vote represents a strategic consideration; I believe that the Senate version of the bill better serves coastal policyholders than the House version. By sending this legislation to conference with the full weight of the Senate behind it, it is my belief and hope that Senate conferees will fight for the Senate's version of the bill or better. This legislation was formed through months of negotiation, and the Senate needs to stand by its work product in conference. I will say one final thing. When we went to conference during the Regular Session, not a single Senate conferee was from a coastal district. I sincerely hope this time will be different. So, I'm asking you at this point, Senator Carona, that you would consider recommending a couple of coastal Senators to the conference committee. The reason I say a couple is this, just like issues are different when you talk about the border of Texas compared to West Texas from North Texas, issues could be different and are different when you talk about issues dealing with the Texas coast and the southern part of it as compared to the north, so I'm asking you for your consideration to that. And, by the way, before you answer that, I would be remiss if I didn't also say that the amendments that were presented earlier were good amendments, and I hope they are considered in the conference committee, as well.

REASON FOR VOTE

Senator Lucio submitted the following reason for vote on **CSHB 3**:

As I see it, this bill serves two purposes. First, to improve the operations of TWIA so it more effectively handles claims after a catastrophe and, second, to discourage lawsuits against TWIA. I believe that if we achieve the first goal, we will meet the second. If TWIA does its job, policyholders will not have a reason to sue the association.

There are quite a few provisions in this bill that I support and believe will bring us closer to our goal of a better functioning association. TWIA should be subject to the Open Meetings Act, as this bill requires. They should be required to publish their

salary information online. It's reasonable that policyholders must file a claim within one year of the date of loss and that any lawsuits against TWIA must be filed within two years of a claims decision.

I believe that the removal of the 18% penalty moves us away from our goal. This bill recognizes that TWIA does not have the same capacity as private insurance companies by giving TWIA more flexibility to address disputes with policyholders. This bill even says that if TWIA does not have sufficient cash on hand, it can delay payment to policyholders for up to 4 months.

If we are giving TWIA this additional flexibility, why would we want to remove the one mechanism in place to incentivize the association to comply with prompt payment of claims? The 18% provision exists in statute for a reason; because it is an effective tool to make sure that policyholders are treated right and get their claims paid within a reasonable amount of time.

So, in my opinion, this bill ultimately says to coastal policyholders: It doesn't matter that TWIA is systematically increasing your rates so they will be actuarially sound. It doesn't matter that this bill will increase the money coming out of your pocket by authorizing the issuance of pre-event bonds and requiring flood insurance. You still don't deserve the same level of protections and rights as statewide policyholders.

I don't support that message, which is why I voted against this bill in Committee.

I am, however, going to support this bill on the Senate floor. This vote represents a strategic consideration; I believe that the Senate version of the bill better serves coastal policyholders than the House version. By sending this legislation to conference with the full weight of the Senate behind it, it is my belief and hope that Senate conferees will fight for the Senate's version of the bill. This legislation was formed through months of negotiation, and the Senate needs to stand by its work product in conference.

LUCIO

SENATE RESOLUTION 36 ON SECOND READING

The President laid before the Senate for consideration **SR 36** by Senator Whitmire at this time on its second reading:

WHEREAS, The Orthodox Christian Church, in existence for nearly 2,000 years, numbers approximately 300 million members worldwide, with more than 2 million members in the United States; and

WHEREAS, Since 1453, the continuing presence of the Ecumenical Patriarchate in Turkey has been a living testament to religious coexistence; and

WHEREAS, This religious coexistence is in doubt because the Ecumenical Patriarchate is considered a minority religion by the Turkish government; and

WHEREAS, There were millions of Orthodox Christians living in Turkey at the turn of the 20th century, but there remain fewer than 3,000 in Turkey today; and

WHEREAS, Orthodox Christians in Texas and throughout the United States stand to lose their spiritual leader; and

WHEREAS, While there have been difficulties in the past with the relationship of the Orthodox Christian Church and the Turkish government, certain recent actions by the Turkish government suggest an interest in improving its relationship with and treatment of the Orthodox Christian Church, and such actions are acknowledged and welcomed; and

WHEREAS, The people of Texas desire to encourage continued dialogue and communication between the leadership of the Turkish government and the Orthodox Christian Church, such as recent high-level meetings between Turkish officials and the Ecumenical Patriarchate; now, therefore, be it

RESOLVED, That the Senate of the 82nd Texas Legislature, 1st Called Session, hereby urge the government of Turkey to uphold and safeguard religious and human rights of all its citizens without compromise, to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities, and to respect the property rights and human rights of the Ecumenical Patriarchate and all religious and faith traditions.

WHITMIRE
CARONA

The resolution was read second time and was adopted by the following vote: Yeas 27, Nays 1.

Nays: Nichols.

Absent: Ellis.

Absent-excused: Duncan, Uresti.

SENATE BILL 22 ON SECOND READING

The President laid before the Senate **SB 22** by Senator Wentworth at this time on its second reading:

SB 22, Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

The bill was read second time and was passed to engrossment by the following vote: Yeas 16, Nays 13.

Yeas: Carona, Davis, Deuell, Ellis, Eltife, Gallegos, Hinojosa, Lucio, Rodriguez, Seliger, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Shapiro, Williams.

Absent-excused: Duncan, Uresti.

REMARKS ORDERED PRINTED

On motion of Senator Estes and by unanimous consent, his remarks regarding **SB 22** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Members, I rise to speak against this bill. My reason has nothing to do with partisanship. It has nothing to do with which party controls a majority in the Legislature. I have one simple reason to oppose this bill. It is unconstitutional under the Texas Constitution. The United States Supreme

Court held in 1932 that congressional redistricting, which is delegated to the states under Article I, Section 2 of the United States Constitution, is to be carried out under the general lawmaking authority of each state. That case was *Smiley v. Holm*. Section 30 of Article III of the Texas Constitution clearly states that "no law shall be passed, except by bill." So, while the Texas Constitution does not specifically describe how redistricting should be done, the combination of the Supreme Court's holding in *Smiley v. Holm* and Article III, Section 30, makes it clear that congressional redistricting must be accomplished by a bill. This reasoning is supported by our precedent. This Legislature has consistently used bills to redistrict State Senate, State House, congressional, and State Board of Education seats. Some of you might be wondering, what about the Legislative Redistricting Board? How is it able to redistrict State House and State Senate seats without passing a bill? The answer is that the Texas Constitution specifically authorizes the LRB to do so. The Constitution gives the LRB limited lawmaking authority to pass redistricting maps for the State House and State Senate when the Legislature fails to do so during the regular session. The Constitution contains no such authorization for anybody other than the Legislature to redistrict congressional seats. Therefore, under Article III, Section 30, congressional redistricting must be done by a bill. Accordingly, I believe that Senate Bill 22 creates an unconstitutional delegation of legislative authority in its current form. Without a constitutional amendment granting lawmaking authority to the proposed Texas Congressional Redistricting Commission, I do not believe it would withstand judicial scrutiny. I respectfully urge all of you to join me in voting against this bill.

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 43 by Lucio

Relating to authorizing the Department of Public Safety of the State of Texas to operate one or more southbound vehicle checkpoints near the international border of this state for the purpose of preventing certain criminal offenses.

To Committee on Transportation and Homeland Security.

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 79 to Committee on Jurisprudence.

CO-AUTHORS OF SENATE BILL 28

On motion of Senator Ellis, Senators Rodriguez and Watson will be shown as Co-authors of **SB 28**.

CO-AUTHORS OF SENATE BILL 29

On motion of Senator Patrick, Senators Birdwell, Eltife, Hegar, Huffman, and Nelson will be shown as Co-authors of **SB 29**.

CO-AUTHOR OF SENATE RESOLUTION 36

On motion of Senator Whitmire, Senator Williams will be shown as Co-author of **SR 36**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 81 by West, In memory of Albert Louis Lipscomb of Dallas.

SR 89 by Lucio, In memory of Marilyn Joyce Breeden of Brownsville.

Congratulatory Resolutions

SR 82 by West, Recognizing Billy L. Bell for his service to his church and his community.

SR 83 by Ellis, Recognizing Divas of God, Incorporated, on the occasion of its Fashions for a Cause Fundraising Gala.

SR 85 by Watson, Recognizing Stephen B. Kinslow on the occasion of his retirement from Austin Community College.

SR 86 by Van de Putte, Recognizing Gloria C. Arriaga on the occasion of her retirement from the Alamo Area Council of Governments.

SR 87 by Van de Putte, Recognizing Alexander E. Briseño for his service to the City of San Antonio.

SR 88 by Fraser, Recognizing Carroll Putnam Choate on the occasion of his 80th birthday.

SR 90 by Van de Putte, Recognizing Heliodoro Lucatero for 25 years of service to his church and his community.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 4:52 p.m. adjourned, in memory of Nicholas P. Bellard, Bradley Samuel Dibrell, Frances Heard Billups, and Charles G. Orsinger, until 4:53 p.m. today.

In Memory
of
Nicholas P. Bellard
Senate Resolution 84

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Staff Sergeant Nicholas P. Bellard, of the United States Army, who died June 13, 2011, at the age of 26, while serving his country in Iraq; and

WHEREAS, Staff Sergeant Nicholas Bellard joined the military as a cavalry scout; he was serving in Iraq with the 6th Squadron, 9th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, based at Fort Hood; he died when an improvised explosive device exploded near his unit, which was operating in Wasit Province; and

WHEREAS, Nicholas grew up in Crowley, Louisiana, and moved with his mother and three brothers to El Paso when he was 13 years old; he met his wife, Veronica, in El Paso, and they lived in Killeen with their 2-year-old daughter, Eva; and

WHEREAS, Nicholas was known for his integrity, his intellect, and his positive outlook on life; he enlisted in the Army nine years ago to have a steady job and help put his wife through school, and he quickly realized that military service was his true calling; and

WHEREAS, An outstanding soldier, Nicholas served his country with courage and dedication; he received numerous decorations for his meritorious service, and his patriotism and devotion to duty are truly exemplary; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, 1st Called Session, hereby pay tribute to the life and service of Staff Sergeant Nicholas P. Bellard 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 Staff Sergeant Nicholas P. Bellard.

RODRIGUEZ