

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-FOURTH DAY

(Monday, April 18, 2011)

The Senate met at 11:10 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.

Father Jungtack John Kim, Saint Mary Cathedral, Austin, offered the invocation as follows:

Almighty God, who is the source of truth, wisdom, and love, we gather seeking Your gifts to aid this assembly in their work for the people of Texas. Guide us by Your wisdom, support us by Your power, lead the people of our state to Your goodness and love so that they might always be in Your abundant blessings. May Your blessings come to each one of us here and to all the people of the State of Texas. All glory be to You, loving God, now and forever. 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 18, 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 33** Branch
Relating to measures to increase the affordability of textbooks used for courses at public or private institutions of higher education.
- HB 35** Menendez
Relating to extending a local behavioral health intervention pilot project.
- HB 46** Menendez
Relating to compensatory time off for certain employees of the Parks and Wildlife Department.
- HB 119** Castro
Relating to protective orders against dating violence.
- HB 184** Johnson
Relating to the cancellation of a special election to fill a vacancy in the legislature.
- HB 253** Hilderbran
Relating to the protection of children by ensuring reports of abuse or neglect, protecting children from abuse and neglect, ensuring that births are reported, and prosecuting the offense of bigamy; providing criminal penalties.
- HB 360** Jackson, Jim
Relating to ballot language for a proposition to approve the imposition or increase of a tax or the issuance of bonds.
- HB 423** Guillen
Relating to the powers of rural and urban transit districts.
- HB 533** Villarreal
Relating to the rendition of property for ad valorem tax purposes and to the protest of a penalty imposed for a failure to timely file a rendition statement or property report.
- HB 564** Craddick
Relating to maintenance of portable fire extinguishers in government-owned vehicles in certain local governmental jurisdictions.
- HB 588** Guillen
Relating to surcharges under the Driver Responsibility Program.
- HB 596** Parker
Relating to offenses involving operating a motorboat in a circular course.
- HB 600** Solomons
Relating to the composition of the districts for the election of members of the State Board of Education.
- HB 725** Callegari
Relating to the operation, powers, and duties of certain water districts.
- HB 729** Chisum
Relating to the authority of the board of directors of the Ochiltree County Hospital District to employ health care providers.

- HB 790** Kuempel
Relating to the continuing issuance of freshwater fishing stamps by the Parks and Wildlife Department.
- HB 902** Thompson
Relating to consideration of a bidder's principal place of business in awarding certain municipal contracts.
- HB 908** Thompson
Relating to the division of community property on dissolution of marriage.
- HB 930** Darby
Relating to the requirements for an application for a tax warrant authorizing the seizure of personal property for the payment of ad valorem taxes.
- HB 960** Turner
Relating to the powers of the Central Harris County Regional Water Authority.
- HB 962** Hartnett
Relating to rules regarding return of service.
- HB 975** Dutton
Relating to eligibility to serve on the appraisal review board of an appraisal district.
- HB 988** Kolkhorst
Relating to compensatory time accrued by a correctional officer employed by the Texas Department of Criminal Justice.
- HB 1000** Branch
Relating to the distribution of money appropriated from the national research university fund and to one or more audits of certain general academic teaching institutions in connection with that distribution; making an appropriation.
- HB 1020** Miller, Sid
Relating to minimum liability insurance coverage amounts for persons convicted of offenses related to the operation of a motor vehicle while intoxicated.
- HB 1040** Gallego
Relating to the validation of the creation of, and certain acts related to, a venue project.
- HB 1075** Anderson, Rodney
Relating to an alert for a missing person with an intellectual disability.
- HB 1083** Elkins
Relating to the issuance of an identification card to certain honorably retired peace officers.
- HB 1106** Johnson
Relating to providing certain information to a criminal defendant at the time the defendant is placed on deferred adjudication community supervision and at the time of the dismissal of certain proceedings against the defendant.
- HB 1136** Aycock
Relating to requiring an election authority to provide notice to certain county chairs regarding certain election activities.

- HB 1147** Smith, Wayne
Relating to notice by a governmental entity regarding certain geospatial data products.
- HB 1242** Geren
Relating to the regulation of certain metal dealers; providing criminal penalties.
- HB 1254** Pickett
Relating to consideration of the consolidation of school district employment of peace officers and security personnel in certain counties.
- HB 1263** Lucio III
Relating to the powers, duties, and financing of certain facilities finance corporations.
- HB 1301** Guillen
Relating to making a voluntary contribution to the Parks and Wildlife Department when registering a motor vehicle or renewing a motor vehicle registration.
- HB 1322** Scott
Relating to the possession of fish in the tidal water of this state.
- HB 1330** Raymond
Relating to the use of safety guards or flaps on certain vehicles or vehicle combinations.
- HB 1346** Guillen
Relating to the consistent use of the term "game warden" throughout the Parks and Wildlife Code.
- HB 1379** Anchia
Relating to the purchasing of a firearm from the county by an honorably retired law enforcement officer.
- HB 1400** Elkins
Relating to payment of costs of improvements of a public improvement district designated by a municipality or county.
- HB 1413** Chisum
Relating to the powers and duties of the Castro County Hospital District.
- HB 1426** Farias
Relating to the collection of court costs, fees, fines, and other money by the commissioners courts of certain counties.
- HB 1469** Hernandez Luna
Relating to exempting certain fraternal and veterans organizations from certain bond requirements to obtain an alcoholic beverage permit or license.
- HB 1525** Alvarado
Relating to the board of directors of the Greater East End Management District.
- HB 1527** Miller, Sid
Relating to the certification of the state's primary standards of weights and measures.
- HB 1550** Aycock
Relating to participation in state travel service contracts by open-enrollment charter schools.

- HB 1568** Coleman
Relating to authority of the Harris County Hospital District and certain local governmental entities to appoint, contract for, or employ physicians.
- HB 1768** Munoz, Jr.
Relating to the regulation of roadside vendors and solicitors.
- HB 1814** Lucio III
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.
- HB 1829** Naishtat
Relating to the transfer to a mental hospital of a person admitted to a facility for emergency detention.
- HB 1832** Ritter
Relating to the law governing the Lower Neches Valley Authority; providing authority to issue bonds.
- HB 1861** Anchia
Relating to the continuation and functions of the Commission on State Emergency Communications.
- HB 1901** Keffer
Relating to the applicability of provisions concerning bond approval by the Texas Commission on Environmental Quality to certain water entities.
- HB 1944** Hilderbran
Relating to the election of the board of directors of the Crockett County Water Control and Improvement District No. 1.
- HB 1953** Kuempel
Relating to notice by sign of an alcoholic beverage permit or license application.
- HB 1955** Thompson
Relating to contracting with a lottery operator by the Texas Lottery Commission.
- HB 1990** Hardcastle
Relating to the authority of the board of directors of the Hardeman County Hospital District to employ physicians and other health care providers.
- HB 2015** Thompson
Relating to certain conduct indicating a need for supervision and the sealing of records related to that conduct.
- HB 2257** Phillips
Relating to the procurement and use of an emergency notification system by public service providers.
- HB 2266** Smith, Wayne
Relating to fire code certificates of compliance.
- HB 2296** Ritter
Relating to the creation of Jefferson County Management District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

- HB 2340** Larson
Relating to the creation of a cybersecurity, education, and economic development council.
- HB 2375** Hamilton
Relating to practices and professions regulated by the Texas Appraiser Licensing and Certification Board.
- HB 2463** Reynolds
Relating to access to certain records regarding an employment discrimination claim.
- HB 2670** Miles
Relating to validating certain acts and proceedings of Harris County Improvement District No. 5 and to the boundaries of the district.
- HB 2716** Darby
Relating to the management and preservation of the county clerk's records and to the county clerk's records archive.
- HB 2794** Hunter
Relating to the creation of the Calhoun County Groundwater Conservation District.
- HB 2831** Darby
Relating to maximizing federal funding of extended unemployment benefits.
- HB 2971** Smith, Todd
Relating to the confidentiality of documents evaluating the performance of public school teachers and administrators.
- HB 3000** Thompson
Relating to creating the offense of continuous trafficking of persons; providing a penalty and other civil consequences.
- HB 3333** Pena
Relating to the authority of the governor to order the disconnection of state computer networks from the Internet.
- HCR 63** Geren
Authorizing the lieutenant governor and speaker to appoint interim joint committees.
- SB 18** Estes Sponsor: Geren
Relating to the use of eminent domain authority.
(Committee Substitute/Amended)
- SB 309** Harris Sponsor: Patrick, Diane
Relating to events to receive funding through a major events trust fund.
- SB 386** Williams Sponsor: Harless
Relating to the Lone Star College System District service area.
- SB 458** Seliger Sponsor: Woolley
Relating to initial claims under the unemployment compensation system.
- SB 525** Deuell Sponsor: Phillips
Relating to the protection of water quality in certain bodies of water.
- SB 567** Williams Sponsor: Hancock
Relating to the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

SB 684 Huffman Sponsor: Howard, Charlie
Relating to the transfer of the assets of and the dissolution of the Fort Bend County Water Control and Improvement District No. 1.

SB 727 Seliger Sponsor: Beck
Relating to groundwater conservation district management plans.

SB 737 Hegar Sponsor: Price
Relating to the management of groundwater production by groundwater conservation districts.

SB 785 Harris Sponsor: Thompson
Relating to the termination of the parent-child relationship and the duty to pay child support in circumstances involving mistaken paternity.

SB 832 Rodriguez Sponsor: Quintanilla
Relating to voter eligibility and registration in El Paso County Water Improvement District No. 1.

SB 890 Carona Sponsor: Hamilton
Relating to certain promotional activities for certain alcoholic beverage permit holders.

SB 983 Carona Sponsor: Harless
Relating to the elimination of certain requirements for certain customer-specific communications contracts.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. Monte Horne of Hamilton as the Physician of the Day.

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

SENATE RESOLUTION 763

Senator Hinojosa offered the following resolution:

SR 763, Recognizing April 18, 2011, as Texas A&M University–Corpus Christi Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa, joined by Senator Zaffirini, was recognized and introduced to the Senate a Texas A&M University–Corpus Christi delegation: Dr. Flavius Killebrew, Samantha Hernandez, Clara Light, Valerie Ferdin, Kelsey Lyssy, and DeAnn Elizondo.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 42

The President Pro Tempore laid before the Senate the following resolution:

SCR 42, Recognizing Ronnie G. Jung on the occasion of his retirement as executive director of the Teacher Retirement System of Texas.

DUNCAN

The resolution was read.

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

On motion of Senator Duncan, the resolution was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Ronnie Jung and Diann Jung.

The Senate welcomed its guests.

SENATE RESOLUTION 760

Senator Shapiro offered the following resolution:

SR 760, Recognizing Service Learning Adventures in North Texas.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Nancy Webb, Vice-president of Organizational Advancement, Big Thought, and Amanda Duquette, SLANT 45 Program Manager.

The Senate welcomed its guests.

SENATE RESOLUTION 770

Senator Patrick offered the following resolution:

SR 770, Recognizing the 2011 Governor William P. Clements, Jr., Scholars for their commitment to public service and public policy.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Patrick was recognized and introduced to the Senate Governor William P. Clements, Jr., Scholars: Ashley Kim, Travis McCormick, John Ruff, Tim Ross, Desiree Smith, and Ashley Westenhover.

The Senate welcomed its guests.

SENATE RESOLUTION 795

Senator Lucio offered the following resolution:

SR 795, In memory of H. William Card, Jr., of Harlingen.

The resolution was read.

On motion of Senator Lucio, **SR 795** was adopted by a rising vote of the Senate.

In honor of the memory of H. William Card, Jr., the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Patti and David Smith and Bill and Darla Card.

The Senate welcomed its guests and extended its sympathy.

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 11:53 a.m. announced the conclusion of morning call.

SENATE BILL 1568 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 1568** at this time on its second reading:

SB 1568, Relating to shareholder standing after a merger.

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 1568 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 1568** 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 1568**, 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 1568** 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 1618 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 1618** at this time on its second reading:

CSSB 1618, Relating to reporting requirements of state agencies and school 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 1618 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 1618** 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 1618**, 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 1618** 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 266 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 266** at this time on its second reading:

CSSB 266, Relating to notice required in connection with possessory liens on motor vehicles.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 266 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 266** 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 266**, 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 266** 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 843 ON SECOND READING

Senator Patrick moved to suspend the regular order of business to take up for consideration **SB 843** at this time on its second reading:

SB 843, Relating to the prosecution of the offense of failure to identify.

The motion prevailed.

Senators Davis and Fraser asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 843** (Senate committee printing) in SECTION 1 of the bill, in added Section 38.02(a)(1), Penal Code (page 1, line 15), by striking "or lawfully detained the person" and substituting "the person or placed the person under restraint pursuant to a lawful detention".

HINOJOSA
LUCIO

The amendment to **SB 843** 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 Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 843 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: Davis, Fraser.

SENATE BILL 843 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 843** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Birdwell, Carona, 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: Davis, 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 843**, 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 843** 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, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Fraser.

SENATE BILL 1002 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1002** at this time on its second reading:

SB 1002, 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.

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 1002 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1002** 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 1002**, 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 1002** 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.

GUEST PRESENTED

Senator Carona was recognized and introduced to the Senate his son, Joey Carona.

The Senate welcomed its guest.

(Senator Carona in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1420 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 1420** at this time on its second reading:

CSSB 1420, Relating to the continuation and functions of the Texas Department of Transportation; providing penalties.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1420** (senate committee printing) in SECTION 19 of the bill by striking added Section 223.017, Transportation Code (page 11, lines 33-52), and substituting the following:

Sec. 223.017. DESIGN-BUILD CONTRACTS FOR NONTOLLED HIGHWAY PROJECTS. (a) In this section, "design-build contract" means an agreement with a private entity for the design and construction, rehabilitation, expansion, or improvement of a highway project that may include the maintenance of the highway but does not include the financing or operation of the highway.

(b) Notwithstanding the requirements of this subchapter and Chapter 2254, Government Code, the department may enter into a design-build contract for a nontolled highway project.

(c) If the department enters into a design-build contract under this section, the department shall use a competitive procurement process that provides the best value for the department.

(d) The commission shall adopt rules to implement this section. Rules adopted under this subsection shall establish:

(1) criteria for selecting projects to be developed under a design-build contract, which must include consideration of:

(A) project size and complexity; and

(B) the timeliness of project completion under the proposed schedule;

(2) procedures for selecting a developer for a design-build contract, including criteria relating to the qualifications of participants and the award of a contract; and

(3) other criteria the commission considers appropriate.

The amendment to **CSSB 1420** 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 Ogden offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1420** (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 1420** was read and was adopted by the following vote: Yeas 23, Nays 8.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hinojosa, Jackson, Lucio, Ogden, Rodriguez, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Hagar, Huffman, Nelson, Nichols, Patrick, Seliger.

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

CSSB 1420 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 1420 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 1420** 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 1420**, 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 1420** 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 1132 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 1132** at this time on its second reading:

CSSB 1132, Relating to the water rights permits issued to the Texas Water Development Board for the Allens Creek Reservoir.

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 1132 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 1132** 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 1132**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1132** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1065 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 1065** at this time on its second reading:

CSSB 1065, Relating to critical incident stress management and crisis response services.

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 1065 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 1065** 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 1065**, 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 1065** 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 1617 ON SECOND READING

Senator Harris moved to suspend the regular order of business to take up for consideration **SB 1617** at this time on its second reading:

SB 1617, Relating to the discretionary transfer from a juvenile court to a criminal court of certain alleged offenses arising out of a single criminal transaction.

The motion prevailed.

Senator West 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: West.

SENATE BILL 1617 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 1617** 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, Whitmire, Williams, Zaffirini.

Nays: Wentworth, 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 1617**, 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 1617** 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: West.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Cristina Garcia and Carly Pappert of Murchison Middle School, serving today as Honorary Senate Pages.

The Senate welcomed its guests.

SENATE BILL 152 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **SB 152** at this time on its second reading:

SB 152, Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

The motion prevailed by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Watson, West, Whitmire.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 152** (senate committee report) as follows:

(1) In SECTION 1 of the bill (page 1, line 34), by striking "shall" and substituting "may".

(2) In SECTION 1 of the bill (page 1, between lines 57 and 58), insert the following new Section 3 and renumbering the subsequent sections of amended Article 38.37, Code of Criminal Procedure, accordingly:

"Sec. 3. Before evidence may be introduced described by Section 2:

(1) a hearing shall be conducted out of the presence of the jury; and

(2) the trial judge should only admit evidence of a similar offense subject to the introduction of enough evidence to support a finding that the similar offense has been proved beyond a reasonable doubt."

The amendment to **SB 152** 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 **SB 152** (Senate committee printing) in SECTION 1 of the bill, in amended Section 3, Article 38.37, Code of Criminal Procedure, as follows:

(1) On page 1, line 58, strike "On timely request by the defendant, the" and substitute "The [~~On timely request by the defendant, the~~"]".

(2) On page 1, lines 60-62, strike "in the same manner as the state is required to give notice under Rule 404(b), Texas Rules of Evidence" and substitute "not later than the 30th day before the date of the defendant's trial [~~in the same manner as the state is required to give notice under Rule 404(b), Texas Rules of Evidence]~~".

The amendment to **SB 152** 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 Van de Putte offered the following amendment to the bill:

Floor Amendment No. 3

Amend **SB 152** (senate committee printing) in SECTION 1 of the bill, in added Section 2(2), Article 38.37, Code of Criminal Procedure (page 1, line 46), between "under" and "Section 21.02", by inserting "Section 20A.02 that is punishable as a felony of the first degree under Section 20A.02(b)(1) (Sex Trafficking of a Child),".

The amendment to **SB 152** 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 Huffman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 152 as amended was passed to engrossment by the following vote: Yeas 23, Nays 8.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Wentworth, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Watson, West, Whitmire.

**PERMISSION TO INTRODUCE BILLS AND RESOLUTION
(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 and resolution:

SB 2, SB 1900, SB 1906, SB 1907, SB 1908, SB 1909, SJR 5.

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 2 by Jackson

Relating to certain economic and workforce development programs through which employers may receive grants and subsidies.

To Committee on Economic Development.

SB 1900 by Duncan

Relating to the ability to exclude certain territory from the Hamlin Hospital District.

To Committee on Intergovernmental Relations.

SB 1906 by Wentworth

Relating to certain notice requirements for municipalities and counties under the open meetings law.

To Committee on Open Government.

SB 1907 by Wentworth

Relating to access to certain archaic information.

To Committee on Open Government.

SB 1908 by Lucio

Relating to the authority of a general-law municipality to annex territory receiving water and sewer services from a municipal utility district.

To Committee on International Relations and Trade.

SB 1909 by Lucio

Relating to The University of Texas at Brownsville, including its partnership agreement with the Texas Southmost College District.

To Committee on Higher Education.

SJR 5 by Ogden

Proposing a constitutional amendment relating to determination of the market value of the permanent school fund and providing for certain transfers from the permanent school fund to the available school fund.

To Committee on Finance.

CO-AUTHOR OF SENATE BILL 841

On motion of Senator Patrick, Senator Seliger will be shown as Co-author of **SB 841**.

CO-AUTHOR OF SENATE BILL 1002

On motion of Senator Van de Putte, Senator Rodriguez will be shown as Co-author of **SB 1002**.

CO-AUTHOR OF SENATE BILL 1319

On motion of Senator Lucio, Senator Carona will be shown as Co-author of **SB 1319**.

CO-AUTHOR OF SENATE BILL 1320

On motion of Senator Lucio, Senator Carona will be shown as Co-author of **SB 1320**.

CO-AUTHOR OF SENATE BILL 1331

On motion of Senator Watson, Senator Ellis will be shown as Co-author of **SB 1331**.

CO-AUTHOR OF SENATE BILL 1551

On motion of Senator Rodriguez, Senator Uresti will be shown as Co-author of **SB 1551**.

CO-AUTHOR OF SENATE BILL 1618

On motion of Senator Seliger, Senator Nelson will be shown as Co-author of **SB 1618**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 36

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

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 794 by Seliger, Congratulating Andrea Cazares for winning the 2011 national championship in powerlifting.

SR 796 by Fraser, Recognizing the 50th anniversary of the C-130 Hercules aircraft at Dyess Air Force Base.

Official Designation Resolution

SR 793 by Shapiro, Declaring the month of April, 2011, Genocide Awareness and Prevention Month.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:05 p.m. adjourned, in memory of Gregory M. Simmons, James Clarke Box, and H. William Card, Jr., 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 18, 2011

JURISPRUDENCE — CSSB 1159, CSSB 1551

BUSINESS AND COMMERCE — CSSB 1431, CSSB 1656, CSSB 767, CSSB 1320, CSSB 1434, CSSB 1693

HIGHER EDUCATION — SB 145, CSSJR 50, CSSB 1648, CSSB 1799, SB 1555

INTERGOVERNMENTAL RELATIONS — CSSB 641

CRIMINAL JUSTICE — CSSB 604, CSSB 687, CSSB 811, SB 838, CSSB 905, CSSB 1014, SB 1024, CSSB 1116

BUSINESS AND COMMERCE — CSSB 1219, CSSB 1319

CRIMINAL JUSTICE — SB 1331, SB 1378

BUSINESS AND COMMERCE — CSSB 1450

CRIMINAL JUSTICE — SB 1522, CSSB 1687

JURISPRUDENCE — CSSB 220, CSSB 1717, CSSB 1489

OPEN GOVERNMENT — CSSB 1421

CRIMINAL JUSTICE — CSSB 877, CSSB 462

EDUCATION — CSSB 12, CSSB 89, CSSB 224

NATURAL RESOURCES — CSSB 573, CSSB 637, CSSB 1290, CSSB 1478

EDUCATION — CSSB 205, CSSB 518, CSSB 1383, CSSB 1872

TRANSPORTATION AND HOMELAND SECURITY — HB 314, HB 367, HB 1409, SB 1376, SB 1706, SB 1707, SB 1708, SB 1709, SB 1710, SB 1711

HIGHER EDUCATION — CSSB 1325

BILLS AND RESOLUTION ENGROSSED

April 14, 2011

SB 29, SB 54, SB 100, SB 162, SB 198, SB 223, SB 226, SB 233, SB 234, SB 291, SB 402, SB 407, SB 412, SB 442, SB 469, SB 470, SB 550, SB 554, SB 577, SB 620, SB 650, SB 662, SB 711, SB 797, SB 820, SB 821, SB 833, SB 844, SB 847, SB 898, SB 910, SB 915, SB 916, SB 917, SB 988, SB 1001, SB 1030, SB 1042, SB 1044, SB 1068, SB 1082, SB 1106, SB 1109, SB 1140, SB 1147, SB 1157, SB 1170, SB 1179, SB 1236, SB 1251, SB 1267, SB 1270, SB 1272, SB 1292, SB 1327, SB 1338, SB 1352, SB 1364, SB 1462, SB 1484, SB 1492,

**SB 1545, SB 1578, SB 1635, SB 1650, SB 1680, SB 1739, SB 1885, SB 1886,
SB 1887, SJR 37**

RESOLUTIONS ENROLLED

April 14, 2011

**SR 653, SR 771, SR 772, SR 773, SR 774, SR 775, SR 776, SR 777, SR 778,
SR 779, SR 780, SR 781, SR 782, SR 783, SR 784, SR 785, SR 786, SR 787,
SR 788, SR 789, SR 790, SR 791, SR 792**

In Memory
of
H. William Card, Jr.
Senate Resolution 795

WHEREAS, The Senate of the State of Texas joins the citizens of Harlingen in mourning the loss of longtime civic leader H. William Card, Jr., who died July 18, 2010, at the age of 88; and

WHEREAS, Bill Card was an exemplary citizen who was widely admired in the community for his many achievements; he came to Harlingen in 1968 to become commandant of the Marine Military Academy following a distinguished 28-year career in the United States Marine Corps, during which he saw combat at Iwo Jima and rose to the rank of colonel; and

WHEREAS, Mr. Card entered the banking industry in 1975 and went on to become president of the First National Bank of Harlingen; and

WHEREAS, Mr. Card served as mayor of Harlingen from 1987 to 1998; blessed with the ability to bring together diverse points of view for the common good, he was able to convince the leaders of neighboring cities to work cooperatively for mutual goals; he was one of the longest-serving mayors in the city's history, and he never stopped working to make Harlingen a better city; and

WHEREAS, A man of courage, strength, and compassion, Bill Card gave generously to others, and his wisdom, his positive attitude, and his dedication to his community will not be forgotten by those who knew him; he was beloved by his family and friends, and he will long be remembered with affection and appreciation by all those who were privileged to share in his life; 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 H. William Card, Jr.; 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 Bill Card.

LUCIO

