

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## SEVENTEENTH DAY

(Wednesday, February 23, 2011)

The Senate met at 10:09 a.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

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

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

The Reverend Ron Smith, Saint David's Episcopal Church, Austin, offered the invocation as follows:

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth: We beseech You so to guide and bless the Members of the Texas Senate that they may enact such laws as shall please You, to the glory of Your name and the welfare of the people of Texas. We ask this in confidence of God's abundant mercy. Amen.

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

The motion prevailed without objection.

## MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

February 22, 2011  
Austin, Texas

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

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

To be Judge of the 76th Judicial District Court, Camp, Morris and Titus Counties for a term until the next General Election and until his successor shall be duly elected and qualified:

Kerry D. "Danny" Woodson  
Mount Pleasant, Texas

Mr. Woodson is replacing Judge Jimmy White who is deceased.

Respectfully submitted,  
/s/Rick Perry  
Governor

### **SENATE RESOLUTION 311**

Senator Nelson offered the following resolution:

**SR 311**, Recognizing February 23, 2011, as Children's Advocacy Centers of Texas Day at the State Capitol.

NELSON  
HARRIS  
HUFFMAN  
SHAPIRO

The resolution was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate representatives from Children's Advocacy Centers of Texas, Incorporated.

The Senate welcomed its guests.

### **PHYSICIAN OF THE DAY**

Senator Lucio was recognized and presented Dr. Audrey Jones of Alamo as the Physician of the Day.

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

### **SENATE RULE 2.02 SUSPENDED (Restrictions on Admission)**

On motion of Senator Duncan and by unanimous consent, Senate Rule 2.02 was suspended to grant floor privileges to Lyndon Baty.

### **GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate Lyndon Baty, his dad, Louis, and his mom, Sheri, accompanied by Baty Bott.

The Senate welcomed its guests.

**(Senator Eltife in Chair)**

**SENATE RESOLUTION 278**

Senator Ogden offered the following resolution:

WHEREAS, Members of the Sheriffs' Association of Texas, one of the nation's oldest law enforcement organizations, are gathering in Austin on February 23, 2011, to participate in Sheriffs' Association of Texas Day at the Capitol; and

WHEREAS, The Texas Constitution created the office of sheriff in each county of the state; legislation requires that a sheriff conserve peace and enforce the criminal laws of the state; moreover, the sheriff is responsible for the county jail, bail bonds, civil process, and the security of the courts; in some smaller counties, the sheriff may also act as the tax collector; and

WHEREAS, The first meeting of this esteemed association took place on August 14, 1874; association members adopted their preamble, calling for sheriffs to assist one another in the execution of laws, in the discharge of their duties against criminals, and in the protection of the citizens in their respective counties and throughout the state; the group has continued to follow the dictates of this mission; and

WHEREAS, The office of sheriff is one of the oldest forms of law enforcement; sheriffs in our state's 254 counties are elected to four-year terms, and each sheriff is a member of the Sheriffs' Association of Texas; in addition, more than 2,500 individuals are active members of the group, and more than 45,000 individuals are associate members; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby recognize February 23, 2011, as Sheriffs' Association of Texas Day at the Capitol and commend the members of the Sheriffs' Association of Texas for their many contributions to our state; and, be it further

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

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Ogden, joined by Senators Eltife, Gallegos, Hinojosa, Huffman, Patrick, and Zaffirini, was recognized and introduced to the Senate a delegation from the Sheriffs' Association of Texas: Steve Westbrook, Executive Director; Midland County Sheriff Gary Painter, President; Brazos County Sheriff Chris Kirk, Chair, Legislative Committee; and Harris County Sheriff Adrian Garcia, Vice-chairman. Also recognized were Senate District 21 County Sheriffs: Amadeo Ortiz, Bexar County; Romeo Ramirez, Duval County; Larry Busby, Live Oak County; Leroy Moody, San Patricio County; Martin Cuellar, Webb County; Joe Tackitt, Jr., Wilson County; and Sigifredo Gonzalez, Jr., Zapata County; and Senate District 20 County Sheriffs: Guadalupe Trevino, Hidalgo County; Oscar Lopez, Jim Wells County; Jim Kaelin, Nueces County; and Rey Rodriguez, Brooks County.

The Senate welcomed its guests.

**(President Pro Tempore Ogden in Chair)**

**SENATE RESOLUTION 319**

Senator Jackson offered the following resolution:

**SR 319**, Recognizing February 23 and 24, 2011, as Pearland Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Tuesday, February 22, 2011.

**GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate a Pearland Chamber of Commerce delegation: Carol Artz-Bucek, President and CEO; Matt Buchanan, Executive Director, Pearland Economic Development Corporation; Tom Reid, Mayor, Pearland; Odis Cobb, Cobb, Fendley & Associates, Incorporated; and Walt Sass, Weisser Engineering and Surveying Company.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate college students from LeTourneau University, East Texas Baptist University, Jacksonville College, Lon Morris College, and Texas College.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Birdwell was recognized and introduced to the Senate friends from Hill County and members of Leadership Hillsboro: Mayor John Erwin of Hillsboro; Mayor Terry Reddell of Hubbard; and from Whitney, Mayor Gwen Evans.

The Senate welcomed its guests.

**SENATE RESOLUTION 355**

Senator Shapiro offered the following resolution:

**SR 355**, Recognizing Ebby Halliday of Dallas on the occasion of her 100th birthday.

SHAPIRO  
CARONA  
DEUELL

HARRIS  
WEST

The resolution was read and was adopted without objection.

**SENATE RESOLUTION 282**

Senator Deuell offered the following resolution:

**SR 282**, Recognizing February 23, 2011, as Rains County Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Wednesday, February 16, 2011.

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a Rains County delegation: Patsy Marshall, County Commissioner; Sylvia Witt, County Commissioner; Linda Wallace, County Clerk; Wayne Wolfe, County Judge; and Mike Willis, County Commissioner.

The Senate welcomed its guests.

**SENATE RESOLUTION 310**

Senator Nelson offered the following resolution:

**SR 310**, Recognizing the American Cancer Society.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a delegation from the American Cancer Society.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate a Matagorda County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 352**

Senator Huffman offered the following resolution:

**SR 352**, Recognizing February 23, 2011, as Texas Dental Association Day at the State Capitol.

HUFFMAN  
NELSON

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Huffman was recognized and introduced to the Senate representatives of the Texas Dental Association.

The Senate welcomed its guests.

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

The President Pro Tempore announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

**SENATE RESOLUTION 358**

Senator Lucio offered the following resolution:

**SR 358**, Recognizing February 23, 2011, as Texas Travel Industry Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate representatives of the tourism industry.

The Senate welcomed its guests.

**SENATE RESOLUTION 316**

Senator Shapiro offered the following resolution:

**SR 316**, Recognizing the Texas Science, Technology, Engineering, and Mathematics Initiative in celebration of T-STEM Awareness Week in Texas.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Shapiro was recognized and introduced to the Senate supporters of the Texas Science, Technology, Engineering, and Mathematics Initiative.

The Senate welcomed its guests.

**SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

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

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

The President Pro Tempore asked if there were requests to sever nominees.

There were no requests offered.

**NOMINEES CONFIRMED**

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Member, Board of Trustees, Employees Retirement System of Texas: Ira Craig Hester, Travis County.

Member, Texas Workforce Commission: Ronald Gene Congleton, Travis County.

Members, Automobile Burglary and Theft Prevention Authority: Carlos Luis Garcia, Cameron County; Kenneth R. Ross, Harris County.

Members, Texas State Board of Examiners of Dietitians: Christina E. Stirling, Cameron County; Elizabeth J. Tindall, Ector County; Mary Kate Weems, McLennan County.

Members, Texas Board of Professional Engineers: Carry Ann Baker, Potter County; Lamberto Jose Balli, Harris County; James Alan Greer, Tarrant County.

Member, Board of Directors, Evergreen Underground Water Conservation District: Jason Byron Peeler, Wilson County.

Members, Board of Directors, Gulf Coast Waste Disposal Authority: Zoe Milian Barinaga, Harris County; Randy Jarrell, Galveston County; Lamont Edward Meaux, Chambers County.

Commissioners, Board of Pilot Commissioners for Jefferson and Orange County: Martin Eloi Broussard, Jefferson County; George W. Brown, Jefferson County; Russell S. Covington, Orange County; Travis Todd Miller, Orange County; William F. Scott, Jefferson County.

Members, Texas State Board of Plumbing Examiners: Tammy Betancourt, Harris County; Carlos DeHoyos, Gregg County; Richard Allen Lord, Harris County.

Members, Board of Directors, Red River Authority of Texas: Jerry B. Daniel, Knox County; George Wilson Scaling, Clay County; Cliff A. Skiles, Deaf Smith County.

Presiding Officer, Cameron County Regional Mobility Authority: David E. Alex, Cameron County.

Presiding Officer, Central Texas Regional Mobility Authority: Ray Allen Wilkerson, Travis County.

Presiding Officer, Grayson County Regional Mobility Authority: Will Rich Hubbard, Grayson County.

Presiding Officer, Hidalgo County Regional Mobility Authority: Dennis Burleson, Hidalgo County.

Presiding Officer, North East Texas Regional Mobility Authority: Jeff Austin, Smith County.

Presiding Officer, Sulphur River Regional Mobility Authority: Earl Delbert Horton, Delta County.

### **GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate Terry County 4-H members.

The Senate welcomed its guests.

### **MOTION IN WRITING**

Senator Harris offered the following Motion In Writing:

Mr. President:

I move that a committee of five members of the Senate be appointed by the President to escort the Chief Justice of the Supreme Court of Texas to the Joint Session for the State of the Judiciary.

HARRIS

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

### ESCORT COMMITTEE APPOINTED

In accordance with the provisions of **HCR 43**, the President Pro Tempore announced the appointment of the following as a Committee to Escort Chief Justice Wallace B. Jefferson to the Joint Session: Senators Harris, Chair; Ellis, Huffman, Nichols, and Rodriguez.

### SENATE CONCURRENT RESOLUTION 21

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

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

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 23, 2011, and ending on Monday, February 28, 2011.

WHITMIRE

**SCR 21** was read.

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

### MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:06 a.m. agreed to recess, upon conclusion of the Joint Session, until 1:00 p.m. today.

### JOINT SESSION

(To hear the State of the Judiciary Address by the Honorable Wallace B. Jefferson, Chief Justice, Supreme Court of Texas)

President Pro Tempore Ogden announced the time had arrived for the Joint Session, pursuant to the provisions of **HCR 43**.

The Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 11:30 a.m.

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

The Honorable Wallace B. Jefferson was announced and was escorted to the Speaker's Rostrum by Senators Harris, Chair; Ellis, Huffman, Nichols, and Rodriguez on the part of the Senate, and Representatives Jackson, Chair; Lewis, Scott, S. Davis, and Hartnett on the part of the House.

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

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



The Speaker also recognized former Chief Justice Andrew Jackson Pope, Mrs. Rhonda Jefferson, wife of Chief Justice Jefferson, several state officers, and the Justices of the Texas Supreme Court, members of the Court of Criminal Appeals, numerous Presiding Justices of our Courts of Appeals, and several Regional Administrative Judges.

President Pro Tempore Ogden introduced the Honorable Wallace B. Jefferson.

### **REMARKS ORDERED PRINTED**

Senator Harris requested that the remarks by Chief Justice Wallace B. Jefferson be reduced to writing and printed in the *Senate Journal* as follows:

Senator Ogden, Speaker Straus, Representatives and Senators - my colleagues on the great Courts of Texas - I am honored to stand before you today to deliver my fourth address. I have had the great privilege to lead a conference of the nation's Chief Justices, to see how their states adapt to the current economic climate, to compare our system of justice to theirs. We have good reason to be proud of our state. Texas is a leader in so many ways. We have the best Judicial Commission on Children, Youth, and Families, thanks to the vision of my former colleague, Harriet O'Neill, the leadership of Justice Eva Guzman, and an excellent staff, headed by Tina Amberboy. We have one of the strongest Access to Justice commissions, which provides lawyers to Texans who cannot afford legal representation. We asked Jim Sales to lead that Commission, and now Harry Reasoner, and I have to say, it is rare to see such passion from pure volunteers. Leadership. Vision. Passion. These are essential. Justice also requires action. I have the great privilege of addressing, in this room, the great leaders of our state, who have a vision for a better Texas; the passion to move public policy toward that end. Today, I am calling for *action*, on several fronts.

#### *Juvenile Justice*

The Supreme Court of Texas hears only civil matters. But by constitution, custom, and statute, we also have jurisdiction over juvenile cases. Those files cross our desks from time to time. We read the record, apply the law, and move on to the next case. I got a call a few months ago from a judge who said: "Chief, I would like you to see the faces behind those files." And so I sat in on Judge Jeanne Meurer's court and observed a day in the lives of families dealing with juvenile offenders. The experience would change you.

I have seen the faces of little girls addicted to methamphetamine, of teenage car thieves, of bullies. I have heard the pleas of frustrated working mothers and desperate public defenders. Sending juveniles away to remote detention centers is sometimes necessary, but it is not the answer to our societal problem. The future of Texas youth depends on rehabilitative services, on psychiatric care, on vocational training. More than 25 percent of Texas children live in poverty, 33 percent of youth referred to juvenile probation have a diagnosed mental illness, and 60 percent of our sons and daughters incarcerated in the Texas Youth Commission need mental health treatment.

Schools are central to this equation. More than 80 percent of Texas adult prison inmates are school dropouts. Charging kids with criminal offenses for low-level behavioral issues exacerbates the problem. Among those suspended and expelled, minority and special education students are heavily over-represented. Of course, disruptive behavior must be addressed, but criminal records close doors to opportunities that less punitive intervention would keep open. Let us endeavor to give them a chance at life, before setting them on a path into the adult criminal justice system.

So let me announce my first plea for action. This one is easy. Jeanne Meurer is in the trenches, she knows how to reach these kids, she understands the challenges facing our parents and schools. When Jeanne Meurer calls you, and asks for your help, file the bill, appropriate the funds, sign the Act.

#### *Access to Justice*

I mentioned access to justice earlier. The increasing inaccessibility of legal services - for the poor, for even the middle class - undermines the rule of law for us all. We are a nation and state that believes the law provides protection for those who are most powerful, for those who are most vulnerable. But today, the courthouse door is closed to many who have lost their jobs, to military veterans who are on the streets, to women who suffer physical abuse from cowards. The combination of increased poverty rates, reduced interest rates on legal aid accounts, and a state-wide budget crisis threatens to leave Texas' neediest communities without basic access to justice. I commend the State Bar and its President, Terry Tottenham, for creating Texas Lawyers for Texas Veterans, which will provide legal services to those men and women who risked their lives to protect the freedoms we hold dear. How are we, as a state, going to answer the cries of nearly 6 million Texans eligible for legal aid, but who are turned away because funding is inadequate?

Here, then, is my second call to action. Even in the face of a tremendous budget crisis, I ask the Legislature to duplicate what it courageously did last Session and appropriate \$20 million dollars from general revenue for basic civil legal services. Advance legislation that would add a small fee to case filings, so that money is available to help Texans secure the legal rights that our constitution and laws give them.

#### *Indigent Defense*

Our commitment to equal justice does not end with civil justice. Recent efforts to find and rectify wrongful convictions in Texas provide a promising example of how our courts are working to free the innocent. The Court of Criminal Appeals has worked with the Timothy Cole Advisory Panel, established by the Legislature last session, to study the causes of . . . and solutions to . . . wrongful convictions in our state. In the last 10 years more than 40 Texas prisoners have been exonerated based on DNA evidence. This is not just a Texas problem, but no other state has found an equal number of wrongfully convicted prisoners.

Yet Texas ranks among the lowest of the 50 states how much money it spends per person on indigent defense. Projected cuts to expenditures from the Fair Defense Account, created by the Legislature, would drain the system of resources we need to assure indigent criminal defendants get competent lawyers who make the system fair. We need to fund criminal justice initiatives that will make investigations more accurate, trials more just and DNA evidence more widely available.

We in the judiciary are trying to do our part. The Court of Criminal Appeals' Criminal Justice Integrity Unit organized a 2-day Forensic Science Seminar, educating over 400 attorneys, judges, police officers, legislators, and lab personnel on evidence standards and specific sciences. The judicial Task Force on Indigent Defense recently helped establish the Harris County Public Defender's Office. Up to that time, Harris County was the largest urban jurisdiction *in the country* without a public defender office.

My third call for action is to ask this Legislature to support these efforts to make our criminal justice system fair. I commend Senator Ellis for his work on these issues and I commend those of you in this room who will work to pass the bills, and fund the projects, that will ensure no innocent person languishes in our prisons.

#### *Judicial Selection*

All that I have discussed depends on an impartial system of justice overseen by the judicial branch. We lost one of that branches greatest leaders, Joe Greenhill, less than two weeks ago. He told me once that he regretted that Texas has continued to elect judges on a partisan basis. I regret it, too. A justice system built on some notion of Democratic judging or Republican judging is a system that cannot be trusted. I urge the Legislature to send the people a constitutional amendment that would allow judges to be selected on their merit.

If we do not reform it completely, judicial elections can at least be changed. And so my final call to action is that we consider common-sense solutions to the problems that plague partisan election of judges. First, I would eliminate straight-ticket voting that allows judges to be swept from the bench . . . not for poor work ethic, not for bad temperament, not even for their controversial but courageous decisions - but because of party affiliation. We saw this in Dallas County four years ago and in Harris County in the 1990s, in 2008 and just last year. Hordes of judges replaced for no good reason.

Let's extend terms for state judges, from four years to six for district court judges, and from six years to eight for appellate courts judges. This will avoid some of the overhaul that occurs each election cycle, and drastically slows down the system. And let's bring sense to the process to allow a judge appointed to an unexpired term to serve a full term before having to face the voters. That will give her or him experience and - this is important - a record to run on. We can do this, if not more.

*The Past, Present, and Future of the Judiciary in Texas*

Finally, as I reflected on the passing of Joe Greenhill, I wondered what it must have been like to preside over the Supreme Court in 1957, just a few years after *Brown v. Board of Education*. What was Texas like then? What was it like one hundred years earlier? If you are curious, like I am, then you will support our effort to preserve the documents of our past, which currently lie rotting in boxes and file cabinets, literally crumbling on courthouse shelves. Faced with this vanishing history, our Supreme Court established, in 2009, the Texas Court Records Preservation Task Force. Led by public officials and private citizens, the Task Force has found documents about Sam Houston, litigation surrounding native American Indians, immigration records in Galveston County - some of your families first came to Texas through that port, and other exciting periods in our history. This session, the Legislature will be asked to address whether court clerks should retain such historic records. My recommendation is an emphatic yes. These documents are our living history: the parchment of our past. They prove to us, not only that we rose from the severest of circumstances, but that we forged ahead, and became stronger for it.

Why does the past matter? Not only because it tells us who we have been, but also because it reminds us *who we are*, and *what we will become*. As Texans, we have much to be proud of. Our courts struggle to provide the promptest and most efficient resolutions for litigants. And yet, a system that cannot provide equal access to justice, that does not protect the endangered and the vulnerable; a system that permits politics to take precedence over merit; and one that allows the innocent to remain behind bars . . . well, that is the reason you are here. I ask you to take action this Session. Give us the assurance that, at this crucial juncture, we did not turn our backs on the neediest among us, but continued to serve them as the Constitution so strongly demands.

(Note: Prepared text)

**INTERPRETER FOR THE DEAF**

The interpretation of the proceedings of the Joint Session was provided by Billy Collins.

**RECESS**

President Pro Tempore Ogden at 12:01 p.m. stated the purpose for which the Joint Session was held having been completed, the Senate, pursuant to a previously adopted motion, would stand recessed until 1:00 p.m. today.

**HOUSE AT EASE**

Speaker Straus at 12:01 p.m. stated the purpose for which the Joint Session was held having been completed, the House, pursuant to a previously adopted motion, would stand At Ease.

**AFTER RECESS**

The Senate met at 1:14 p.m. and was called to order by the President.

Pastor Dan Hauser, CrossPoint Community Church, Katy, offered the invocation as follows:

Heavenly Father, You are our creator, our sustainer, our lord and our savior, and so we again begin by praising You for who You are and for this land that we live in. We thank You for the freedoms that we have and for the blessings that You have given us through this country. We are humbled that You use us to govern, to lead this great State of Texas. And, Lord, today as we go about our business for this land with the decisions that we need to make and the justice that needs to be upheld, we ask for Your wisdom, Your discernment, and Your blessing. May You work through all that we do to rule and to lead well in a way that brings freedom, liberty, prosperity, and peace to the people of Texas. In Christ's name we pray. Amen.

### SENATE RESOLUTION 320

Senator Zaffirini offered the following resolution:

WHEREAS, Proud residents of Rio Grande City are gathering in Austin on February 23, 2011, to celebrate Rio Grande City Day at the State Capitol; and

WHEREAS, Rio Grande City has gained regional, state, and national media attention for its significant historical richness; it boasts more than 600 historic properties and has been recognized as a National Main Street City in Texas for eight consecutive years; and

WHEREAS, The city is a member of the National Trust for Historic Preservation's National Main Street Network, which assists states and communities in the preservation and rehabilitation of commercial districts, and it has been designated as a Preserve America Community for its efforts to protect local cultural and natural resources for the benefit and enjoyment of the public; and

WHEREAS, The leaders of Rio Grande City are committed to improving the quality of life for residents and maintaining a positive economic environment that will attract new business; among the important infrastructure projects recently undertaken are the construction of a \$20.9 million water treatment facility, the \$2.885 million first phase expansion of the wastewater treatment facility, the construction of a \$2.5 million municipal park, and the reconstruction of 90 percent of the city's streets; and

WHEREAS, Celebrating their rich heritage even as they work to build a bright future, the citizens of Rio Grande City may indeed take pride in their community's ongoing achievements; now, therefore, be it

RESOLVED, That the Senate of the 82nd Texas Legislature hereby recognize February 23, 2011, as Rio Grande City Day at the State Capitol and extend to the visiting delegation sincere best wishes for a meaningful and memorable stay in Austin.

**SR 320** was read and was adopted without objection.

## GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Ruben Villarreal, Mayor of Rio Grande City; Juan Zuniga, City Manager; Rose Benavides, President, Starr County Industrial Foundation; Nilda Elizondo, Public Relations Director, Starr County Industrial Foundation; Valerie Brown Garza; Araceli Saenz; and Giselle Mascarenas.

The Senate welcomed its guests.

## CONCLUSION OF MORNING CALL

The President at 1:25 p.m. announced the conclusion of morning call.

## COMMITTEE SUBSTITUTE

### SENATE JOINT RESOLUTION 1 ON SECOND READING

Senator Ogden moved that the regular order of business be suspended and that **CSSJR 1** be taken up for consideration at this time (Submitted by Governor as an emergency matter):

**CSSJR 1**, Urging the Congress of the United States to propose and submit to the states for ratification a federal balanced budget amendment to the Constitution of the United States and, in the event that Congress does not submit such an amendment on or before December 31, 2011, applying to Congress to call a convention to propose an amendment to that constitution to provide, in the absence of a national emergency and on a two-thirds vote of Congress, for a federal balanced budget and requesting that the legislatures of each of the several states that compose the United States apply to Congress to call a convention to propose such an amendment.

The motion prevailed by the following vote: Yeas 24, Nays 7.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Gallegos, Lucio, Nelson, Rodriguez, Van de Putte.

The resolution was read second time.

Senator Huffman offered the following amendment to the resolution:

### Floor Amendment No. 1

Amend **CSSJR 1** (senate committee report) as follows:

On page 2, line 4, strike "to propose" and substitute "for the specific and exclusive purpose of proposing".

The amendment to **CSSJR 1** was read and was adopted by the following vote: Yeas 26, Nays 5.

Yeas: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Gallegos, Lucio, Rodriguez, Wentworth.

Senator Ellis offered the following amendment to the resolution:

**Floor Amendment No. 2**

Amend **CSSJR 1** as follows:

On page 1, between lines 25 and 26, insert the following:

WHEREAS, An exception to this pattern was at the turn of the 21st century; in January 2001, America enjoyed a \$236 billion budget surplus—with a projected 10-year surplus of \$5.6 trillion; by January 2009, however, America faced a \$1.2 trillion deficit—and projected shortfalls of \$3.1 trillion for the next decade; and

The amendment to **CSSJR 1** was read and was adopted by a viva voce vote.

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

Nays: Estes, Fraser, Huffman, Jackson, Patrick.

Senator Ellis offered the following amendment to the resolution:

**Floor Amendment No. 3**

Amend **CSSJR 1** as follows:

On page 2, between lines 27 and 28, insert the following:

RESOLVED, That the 82nd Texas Legislature hereby respectfully urge the Congress of the United States to vote on every recommendation in *The Moment of Truth: Report of the National Commission on Fiscal Responsibility and Reform* published in December 2010; and, be it further

On page 2, line 33, after "Record", strike "as an application"

On page 2, strike lines 34-36

On page 2, line 37, strike "for ratification on or before December 31, 2011"

The amendment to **CSSJR 1** was read.

Senator Ellis withdrew Floor Amendment No. 3.

Senator Hinojosa offered the following amendment to the resolution:

**Floor Amendment No. 4**

Amend **CSSJR 1** on page 1, between lines 31 and 32, by inserting the following:

WHEREAS, the National Commission on Fiscal Responsibility and Reform in its report *The Moment of Truth* includes recommendations to be considered by the United States Congress in reducing the federal deficit, such as eliminating tax breaks and reductions, abolishing the alternative minimum tax, reducing unnecessary defense spending, reducing farm subsidies, reducing health care costs through medical malpractice reform, raising the retirement age to 68 by 2050 and to 69 by 2075, cutting corporate income taxes from 35 percent to 26 percent, and reforming personal income tax levels to create three categories of rates at 8, 14, and 23 percent; and

The amendment to **CSSJR 1** was read.

Question — Shall Floor Amendment No. 4 to **CSSJR 1** be adopted?

**AT EASE**

The President at 2:45 p.m. announced that the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

The President at 2:51 p.m. called the Senate to order as In Legislative Session.

Question — Shall Floor Amendment No. 4 to **CSSJR 1** be adopted?

Senator Hinojosa withdrew Floor Amendment No. 4.

Senator Hinojosa offered the following amendment to the resolution:

**Floor Amendment No. 5**

Amend **CSSJR 1** on page 1, between lines 31 and 32, by inserting the following:

WHEREAS, the National Commission on Fiscal Responsibility and Reform in its report *The Moment of Truth* includes recommendations to reduce the federal deficit that have not been considered by the United States Congress; and

The amendment to **CSSJR 1** was read and was adopted by the following vote: Yeas 23, Nays 8.

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

Nays: Estes, Fraser, Huffman, Jackson, Nelson, Nichols, Patrick, Williams.

**CSSJR 1** as amended was adopted by the following vote: Yeas 24, Nays 7.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Fraser, Harris, Hegar, Hinojosa, Huffman, Jackson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Estes, Gallegos, Lucio, Nelson, Rodriguez, Van de Putte.

**REASON FOR VOTE**

Senator Nelson submitted the following reason for vote on **CSSJR 1**:

The federal government should maintain a balanced budget, and I strongly support the idea of urging Congress to live within its means. However, I am not convinced that the scope of a Constitutional Convention could be limited to one issue. Therefore, I voted "No" on **CSSJR 1**.

NELSON

**REASON FOR VOTE**

Senator Lucio submitted the following reason for vote on **CSSJR 1**:

Although I have great respect for my fellow Senators, I do not believe we have given this issue the necessary diligence it deserves. There remains too many unanswered questions regarding the processes under which a constitutional convention would operate. Furthermore, it is unclear what the fiscal impacts would be on Texas, which is heavily reliant on federal funds. Finally, it is unclear what a balanced budget would even mean for an entity which is able to print its own currency.



I believe the best way to tackle budget deficits is for the people to elect representatives who understand both the fiscal and moral responsibility of political leadership. In a democracy, the people are always the most important check on government irresponsibility.

I remain a firm believer in Fiscal responsibility. Budgets should not be built on borrowing. Governments should rely on taxation for revenue, and politicians must have the character to uphold this principle.

LUCIO

### REASON FOR VOTE

Senator Estes submitted the following reason for vote on **CSSJR 1**:

I am a strong supporter of a constitutional amendment to require Congress to balance its budget every year. I cast my vote against CSSJR 1 because it calls for a constitutional convention if Congress fails to pass a balanced budget amendment through the traditional process. I cannot vote for a resolution calling for a constitutional convention because I think a constitutional convention risks far too much to justify any potential gains.

I am not comforted by the resolution's language requiring that Texas's application for a convention be rescinded if the convention strays from the topic of a balanced budget amendment. All of the precedent for the conduct of a constitutional convention comes from the Philadelphia Convention of 1787. This convention was called to resolve a narrow issue, the conflicts between the states under the Articles of Confederation government. Under Article XIII of the Articles of Confederation, any change to the government of the United States required the unanimous approval of all the states. Rhode Island, which had implemented a tariff on goods crossing its borders from other states, boycotted the convention to prevent the other states from amending the Articles of Confederation to make the tariff illegal. At the Philadelphia Convention, the delegates went well beyond the narrow issue they had convened to address and wrote an entirely new government. Then, in order to avoid the unanimity requirement of Article XIII, they provided that the new Constitution would go into effect if only three-fourths of the states adopted it.

Thus, the only precedent we have on the matter clearly implies that neither the scope nor the ratification requirements of a constitutional convention can be limited by prior legislative action. It is also unclear whether or not a state can rescind an Article V application for a convention once the delegates have convened. For these reasons, I do not believe that the delegates to a constitutional convention can be restrained.

If these delegates were likely to be men like George Washington, James Madison, and Alexander Hamilton, I might rest easier. A runaway convention composed of men like these would result in a document that, like our current Constitution, reflected the principles of limited government, individual responsibility, and free enterprise that dominated the political theory of their time. But a modern convention would be attended by men and women of our time, some of whom would subscribe to branches of modern political thought, including theories of class warfare, the culture of victimization, and the belief that unlimited federal power is a desirable

end. While a runaway convention might be unlikely, I fear that the potential harm from one is so great that I cannot in good conscience cast a vote that would make a convention possible.

I am not alone in my fears. My view is shared by many legal scholars, including the late Warren Burger, Chief Justice of the Supreme Court of the United States of America from 1969 to 1985. For the benefit of the record, I wish to incorporate the letter written by Chief Justice Burger to Phyllis Schlafly in 1988, which expresses his view on the matter.

ESTES

Supreme Court of the United States  
Washington, D.C. 20543

June 22, 1988

Chambers of  
Chief Justice Burger  
Retired

Dear Phyllis:

I am glad to respond to your inquiry about a proposed Article V Constitutional Convention. I have been asked questions about this topic many times during my news conferences and at college meetings since I became Chairman of the Commission on the Bicentennial of the U.S. Constitution, and I have repeatedly replied that such a convention would be a grand waste of time.

I have also repeatedly given my opinion that there is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to assure that the Convention would obey. After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda. The meeting in 1787 ignored the limit placed by the Confederation Congress "for the sole and express purpose."

With George Washington as chairman, they were able to deliberate in total secrecy, with no press coverage and no leaks. A Constitutional Convention today would be a free-for-all for special interest groups, television coverage, and press speculation.

Our 1787 Constitution was referred to by several of its authors as a "miracle." Whatever gain might be hoped for from a new Constitutional Convention could not be worth the risks involved. A new Convention could plunge our Nation into constitutional confusion and confrontation at every turn, with no assurance that focus would be on the subjects needing attention. I have discouraged the idea of a Constitutional Convention, and I am glad to see states rescinding their previous resolutions requesting a Convention. In these Bicentennial years, we should be celebrating its long life, not challenging its very existence. Whatever may need repair on our Constitution can be dealt with by specific amendments.

Cordially,  
/s/W. E. B.

**REASON FOR VOTE**

Senator Van de Putte submitted the following reason for vote on **CSSJR 1**:

Today, I could not in good-faith vote for CSSJR 1. While I am in favor of balancing our federal budget, I believe calling for a Constitutional Convention is the wrong mechanism to achieve this well-meaning goal. There are no provisions in the United States Constitution—or in any rule—which would limit a Constitutional Convention, once convened, to the particular issue stated in CSSJR 1. I hold our precious United States Constitution too dear to risk an uncontrolled re-write of the entire document. There are too many unknown variables and too much in jeopardy for me to vote in favor of CSSJR 1.

VAN DE PUTTE

**SPECIAL COMMITTEE APPOINTED**

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

SENATE SELECT COMMITTEE ON OPEN GOVERNMENT  
Wentworth, Chair; Davis, Vice-chair; Ellis, Eltife, Shapiro.

**SENATE RULE 11.13 SUSPENDED  
(Consideration of Bills in Committees)  
(Motion In Writing)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:59 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 1:30 p.m. Monday, February 28, 2011.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**SB 292** by Watson

Relating to changes in the single-member district boundaries of the Barton Springs-Edwards Aquifer Conservation District.  
To Committee on Natural Resources.

**SB 375** by Wentworth

Relating to categories of information presumed to be public under the public information law.  
To Committee on Open Government.

**SB 442** by Wentworth

Relating to notice by a governmental entity regarding certain geospatial data products.  
To Committee on Open Government.

**SB 470** by Carona

Relating to an exception to disclosure under the public information law concerning officers and employees of a hospital district.

To Committee on Open Government.

**SB 602** by Rodriguez

Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general and the calculation of certain deadlines under the public information law.

To Committee on Open Government.

**SB 633** by Hinojosa

Relating to the educational scope of Texas A&M University—Corpus Christi.

To Committee on Higher Education.

**SB 634** by Hinojosa

Relating to the punishment for certain intoxication offenses.

To Committee on Criminal Justice.

**SB 635** by Nichols, Gallegos, Patrick

Relating to the authority of the executive director of the Texas Commission on Environmental Quality in relation to establishing water and sewer utility rates.

To Committee on Natural Resources.

**SB 636** by Nichols, Gallegos, Patrick

Relating to the consolidation of more than one water or sewer system under a single tariff by an investor-owned utility.

To Committee on Natural Resources.

**SB 637** by Nichols, Gallegos, Patrick

Relating to the recovery of certain rate case expenses by a water and sewer utility.

To Committee on Natural Resources.

**SB 638** by Jackson

Relating to the computation of a surplus credit and a surplus credit rate for certain successor employing units.

To Committee on Economic Development.

**SB 639** by Van de Putte, Zaffirini

Relating to tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.

To Committee on Veteran Affairs and Military Installations.

**SB 640** by Seliger

Relating to consideration of a bidder's principal place of business in awarding certain municipal contracts.

To Committee on Intergovernmental Relations.

**SB 641** by Seliger

Relating to the calculation of interest on certain ad valorem tax refunds.

To Committee on Intergovernmental Relations.

**SB 642** by Seliger

Relating to optional annuity increases for certain retirees and beneficiaries of the Texas Municipal Retirement System.

To Committee on State Affairs.

**SB 643** by Seliger

Relating to the creation of a grant program to defray the cost of constructing a new health facility in a rural county.

To Committee on Agriculture and Rural Affairs.

**SB 648** by Whitmire, Hegar

Relating to the continuation and functions of the Commission on State Emergency Communications.

To Committee on Government Organization.

**SB 649** by Hinojosa, Hegar

Relating to the continuation and functions of the Texas State Affordable Housing Corporation; providing penalties.

To Committee on Government Organization.

**SB 667** by Duncan

Relating to the management of groundwater resources in this state and the rights of landowners in groundwater.

To Committee on Natural Resources.

**SB 668** by Wentworth

Relating to changing the name of the Railroad Commission of Texas to the Texas Oil and Gas Commission.

To Committee on Government Organization.

**SB 669** by Wentworth

Relating to requests to inspect or be provided with copies of information under the public information law.

To Committee on Open Government.

**SB 670** by Gallegos

Relating to the regulation of the location of certain halfway houses.

To Committee on Criminal Justice.

**SB 671** by Gallegos

Relating to the creation of a state occupational health and safety plan; establishing a maintenance tax.

To Committee on State Affairs.

**SB 672** by Gallegos

Relating to measuring, monitoring, and reporting emissions.

To Committee on Natural Resources.

**SB 673** by Gallegos

Relating to the authority of the Texas Commission on Environmental Quality to approve certain supplemental environmental projects undertaken by local governments.

To Committee on Natural Resources.

**SB 674** by Gallegos

Relating to standards for measuring the emission of air contaminants under the Texas Clean Air Act; providing a penalty.

To Committee on Natural Resources.

**SB 675** by Gallegos

Relating to allowing the Texas Commission on Environmental Quality to impose more stringent conditions for existing air quality permits to avoid a condition of air pollution.

To Committee on Natural Resources.

**SB 676** by Gallegos

Relating to the regulation of toxic hotspots under the Texas Clean Air Act.

To Committee on Natural Resources.

**SB 677** by Gallegos

Relating to the enforcement of the public information law; providing for the imposition of a civil penalty.

To Committee on Open Government.

**SB 678** by Gallegos

Relating to a school district policy regarding the removal of a student from a public school teacher's classroom.

To Committee on Education.

**SB 679** by Gallegos

Relating to minimum educational qualifications for open-enrollment charter school teachers.

To Committee on Education.

**SB 680** by Gallegos

Relating to a fee collected by a district clerk for certain electronic certified copies.

To Committee on Jurisprudence.

**SB 681** by West

Relating to the establishment of a task force to study the assessments of children in the child welfare system.

To Committee on Health and Human Services.

**SB 682** by Huffman

Relating to access to criminal history record information that relates to a person who is an applicant for appointment to an appraisal review board.

To Committee on Criminal Justice.

**SB 683** by Huffman

Relating to the composition of the board of directors of the Gulf Coast Water Authority.

To Committee on Natural Resources.

**SB 684** by Huffman

Relating to the transfer of the assets of and the dissolution of the Fort Bend County Water Control and Improvement District No. 1.

To Committee on Natural Resources.

**SB 685** by Huffman

Relating to the release on bond of certain persons arrested for a misdemeanor without a warrant in certain counties.

To Committee on Criminal Justice.

**SB 686** by Huffman

Relating to the extension of the period of community supervision for certain defendants who fail to pay restitution.

To Committee on Criminal Justice.

**SB 687** by Huffman

Relating to interception of wire, oral, or electronic communications for law enforcement purposes.

To Committee on Criminal Justice.

**SB 688** by Nichols

Relating to the investigation, prosecution, and punishment of criminal Medicaid fraud and certain other offenses related to Medicaid fraud; providing penalties.

To Committee on Health and Human Services.

**SB 689** by Ellis

Relating to the disclosure of electricity generation offers received by ERCOT.

To Committee on Business and Commerce.

**SB 690** by Carona

Relating to the enforcement of a self-service storage facility lien; providing a penalty.

To Committee on Business and Commerce.

**SB 691** by Estes

Relating to the exemption from permitting by groundwater conservation districts for certain water wells used for domestic, livestock, and poultry watering purposes.

To Committee on Natural Resources.

**SB 692** by Estes

Relating to exemptions from groundwater conservation district permit requirements.

To Committee on Natural Resources.

**SB 693** by Estes

Relating to permit application and amendment hearings conducted by groundwater conservation districts and the State Office of Administrative Hearings.

To Committee on Natural Resources.

**SB 694** by West

Relating to the regulation of metal recycling entities; providing penalties.  
To Committee on Natural Resources.

**SB 695** by Watson

Relating to a suspension of the imposition of certain fees under certain conditions.  
To Committee on Finance.

**SB 696** by Watson

Relating to quarterly financial condition reports on collected and anticipated state revenue.  
To Committee on Finance.

**SB 697** by Watson

Relating to a state budgeting plan to foster this state's economic health.  
To Committee on Finance.

**SB 698** by Watson

Relating to the analysis of certain legislative measures making an appropriation or affecting a state tax or fee.  
To Committee on Finance.

**SB 699** by Watson

Relating to reporting regarding state fees by the comptroller and in the general appropriations bill.  
To Committee on Finance.

**SB 700** by Watson

Relating to the maintenance by the Legislative Budget Board of a searchable database containing certain budget information.  
To Committee on Finance.

**SB 701** by Watson

Relating to high-value data sets of state agencies posted on the Internet.  
To Committee on State Affairs.

**SB 702** by Watson

Relating to the preparation of economic impact statements for legislative measures.  
To Committee on Finance.

**SB 703** by Watson

Relating to annual reports regarding federal funding for state agencies.  
To Committee on Finance.

**SB 704** by Watson

Relating to interim budget reduction requests.  
To Committee on Finance.

**SB 705** by Watson

Relating to unfunded legislative mandates on local governments.  
To Committee on Finance.



**SB 706** by Watson

Relating to the approval and issuance of tax and revenue anticipation notes.  
To Committee on Finance.

**SB 707** by Watson

Relating to transferring the Legislative Budget Board's performance review duties to the comptroller.  
To Committee on Finance.

**SB 708** by Watson

Relating to the review of the Sunset Advisory Commission by the comptroller.  
To Committee on Finance.

**SB 709** by Van de Putte

Relating to the use of certain professional titles by licensed specialists in school psychology.  
To Committee on Health and Human Services.

**SB 710** by Van de Putte

Relating to the disclosure of a hazardous drain in a swimming pool or spa by a seller of residential real property.  
To Committee on Business and Commerce.

**SB 711** by Jackson

Relating to the confidentiality of certain identifying information regarding students of career schools or colleges and other educational entities; providing a criminal penalty.  
To Committee on Open Government.

**SB 712** by Hegar

Relating to the administration of the universal service fund.  
To Committee on Business and Commerce.

**SB 713** by Hegar

Relating to the procedure for certain small local exchange companies to propose to offer certain services or to make a minor change in a rate or tariff.  
To Committee on Business and Commerce.

**SB 714** by Patrick

Relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules.  
To Committee on Intergovernmental Relations.

**SB 715** by Harris

Relating to access to a child's medical records by the child's attorney ad litem, guardian ad litem, or amicus attorney.  
To Committee on Jurisprudence.

**SB 716** by Harris

Relating to the periodic review of the child support guidelines.  
To Committee on Jurisprudence.

**SB 717** by Harris, Van de Putte

Relating to the purpose and duties of the Council on Children and Families.  
To Committee on Health and Human Services.

**SB 718** by Van de Putte

Relating to disciplinary action taken against public school students on the basis of serious and persistent misbehavior.  
To Committee on Education.

**SB 719** by Van de Putte

Relating to discharging fines and costs assessed against certain juvenile defendants through community service or tutoring.  
To Committee on Criminal Justice.

**SB 720** by Williams

Relating to the calculation of the ad valorem rollback tax rates of certain taxing units.  
To Committee on Finance.

**SB 721** by Williams

Relating to communications with appraisal review board members outside of a proceeding before the board; providing a criminal penalty.  
To Committee on Intergovernmental Relations.

**SB 722** by Williams

Relating to the selection of the board of directors of an appraisal district.  
To Committee on Intergovernmental Relations.

**SB 723** by Williams

Relating to the proof of an applicant's identity and age required for the issuance of a marriage license.  
To Committee on Jurisprudence.

**SB 724** by Williams

Relating to the revocation and reinstatement of an end user number for purposes of purchasing dyed diesel fuel.  
To Committee on Finance.

**SB 725** by Williams

Relating to suits against appraisal districts and appraisal review boards.  
To Committee on Intergovernmental Relations.

**SB 726** by Rodriguez

Relating to the establishment of the judicial access and improvement account to provide funding for basic civil legal services, indigent defense, and judicial technical support through certain county service fees and court costs imposed to fund the account.  
To Committee on Finance.

**SB 727** by Seliger

Relating to groundwater conservation district management plans.  
To Committee on Natural Resources.

**SB 728** by Seliger

Relating to a groundwater conservation district's recovery of expenses in closing or capping a well.

To Committee on Natural Resources.

**SB 729** by Seliger

Relating to a joint election for trustees of an independent school district.

To Committee on State Affairs.

**SB 730** by Nichols

Relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.

To Committee on Transportation and Homeland Security.

**SB 731** by Nichols

Relating to the payment of an examination fee to the attorney general for the legal sufficiency review of a comprehensive development agreement.

To Committee on Transportation and Homeland Security.

**SB 732** by Nichols

Relating to the prohibition of certain regulations by a municipality in its extraterritorial jurisdiction involving trees and vegetation.

To Committee on Intergovernmental Relations.

**SB 733** by Ellis

Relating to a notification requirement if a public school campus or open-enrollment charter school does not have a nurse assigned to the campus during all instructional hours.

To Committee on Education.

**SB 734** by Carona

Relating to the registration and regulation of appraisal management companies; providing administrative penalties.

To Committee on Business and Commerce.

**SB 735** by Carona

Relating to prohibition of certain extra hazardous coverages by title insurance companies.

To Committee on Business and Commerce.

**SB 736** by Hinojosa

Relating to membership and duties of local school health advisory councils.

To Committee on Education.

**SB 737** by Hegar

Relating to the management of groundwater production by groundwater conservation districts.

To Committee on Natural Resources.

**SB 738** by Shapiro

Relating to alternative methods of operating public schools.

To Committee on Education.

**SB 739** by Ellis

Relating to prohibition of the use of credit scoring in underwriting and rating certain personal lines of insurance coverage.

To Committee on Business and Commerce.

**SB 740** by Ellis

Relating to insurer rating practices requiring prior approval.

To Committee on Business and Commerce.

**SB 741** by Ellis

Relating to prohibition of certain insurance discrimination.

To Committee on State Affairs.

**SB 742** by Ellis, Lucio

Relating to eligibility of certain job trainees for extended unemployment compensation benefits.

To Committee on Economic Development.

**SB 743** by Hegar

Relating to the designation of a segment of State Highway 71 as the 95th Division Memorial Highway.

To Committee on Transportation and Homeland Security.

**SB 744** by Uresti

Relating to a fee for an application filed with a county commissioners court to revise a subdivision plat.

To Committee on Intergovernmental Relations.

**SB 745** by Davis

Relating to the regulation of saltwater pipelines by the Railroad Commission of Texas.

To Committee on Natural Resources.

**SB 746** by Davis

Relating to membership of the state continuing advisory committee for special education services.

To Committee on Education.

**SB 747** by Carona

Relating to the professions regulated by the Texas Real Estate Commission.

To Committee on Business and Commerce.

**SB 748** by Carona

Relating to business entities and associations.

To Committee on Business and Commerce.

**SB 749** by Ellis

Relating to provision of notice regarding and limitation of attorney's fees for services provided in connection with the making of a wrongful imprisonment claim.

To Committee on State Affairs.

**SB 750** by Seliger

Relating to the creation of a groundwater conservation district in a priority groundwater management area.

To Committee on Natural Resources.

**SB 751** by Hegar

Relating to the regulation of catfish and other siluriform fish intended for human consumption; providing civil and administrative penalties.

To Committee on Health and Human Services.

**SB 752** by Birdwell

Relating to Internet access to checking account transactions of a public institution of higher education.

To Committee on Higher Education.

**SB 753** by Birdwell

Relating to the authority of certain counties to regulate outdoor lighting near astronomical observation facilities.

To Committee on Intergovernmental Relations.

**SB 754** by Birdwell

Relating to a credit against the access fee for a private dock charged by the Brazos River Authority in the event of a drought.

To Committee on Natural Resources.

**SB 755** by Seliger

Relating to a priority groundwater management area designation for a water district.

To Committee on Natural Resources.

**SB 756** by Seliger

Relating to a prohibition on the transport of surface water or groundwater more than a specified distance from the water's source; providing an administrative penalty.

To Committee on Natural Resources.

**SB 757** by Deuell

Relating to certain defenses to prosecution for the offense of sale, distribution, or display of harmful material to a minor.

To Committee on Criminal Justice.

**SB 758** by Deuell

Relating to sales and use tax information provided to certain local governmental entities.

To Committee on Finance.

**SB 759** by West

Relating to the state low income housing plan and report developed by the Texas Department of Housing and Community Affairs.

To Committee on Intergovernmental Relations.

**SB 760** by West

Relating to the term of interlocal contracts.

To Committee on Intergovernmental Relations.

**SB 761** by West

Relating to the employment of physicians by certain hospitals associated with nonprofit fraternal organizations.

To Committee on Intergovernmental Relations.

**SB 762** by Carona

Relating to the transfer of an ad valorem tax lien; providing for the imposition of an administrative penalty.

To Committee on Business and Commerce.

**SB 763** by Ellis

Relating to the designation of certain areas as banking development districts to encourage the establishment of financial institution branches in those areas.

To Committee on Business and Commerce.

**SB 764** by Williams

Relating to a prohibition against use of school district resources for a hotel.

To Committee on Education.

**SB 765** by Uresti

Relating to the territory of the El Paso County Water Control and Improvement District No. 4.

To Committee on Intergovernmental Relations.

**SB 766** by Estes

Relating to regulation and enforcement of laws affecting sport shooting ranges.

To Committee on Agriculture and Rural Affairs.

**SB 767** by Ellis

Relating to the regulation of certain residential mortgage foreclosure consulting services; providing a criminal penalty.

To Committee on Business and Commerce.

**SB 768** by Watson

Relating to the creation of the Rio de Vida Planning and Improvement District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.

To Committee on Intergovernmental Relations.

**SB 769** by Davis

Relating to the penalty for certain intoxication assaults.

To Committee on Criminal Justice.

**SB 770** by Davis

Relating to designating April as Water Safety Awareness Month.

To Committee on Administration.

**SB 771** by Davis

Relating to swimming pool safety alarms for certain single-family homes; providing a civil penalty.

To Committee on Business and Commerce.

**SB 772** by Davis

Relating to the use of a tracer substance in performing a hydraulic fracturing treatment operation.

To Committee on Natural Resources.

**SJR 24** by Watson

Proposing a constitutional amendment exempting political subdivisions from unfunded legislative mandates and authorizing the legislature to provide funding for legislative mandates on political subdivisions.

To Committee on Finance.

**SJR 25** by Hinojosa, Hegar

Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

To Committee on Finance.

**SJR 26** by West

Proposing a constitutional amendment authorizing the legislature to allow cities or counties to enter into interlocal contracts with other cities or counties without the imposition of a tax or the provision of a sinking fund.

To Committee on Intergovernmental Relations.

**CO-AUTHOR OF SENATE BILL 27**

On motion of Senator Zaffirini, Senator Carona will be shown as Co-author of **SB 27**.

**CO-AUTHOR OF SENATE BILL 253**

On motion of Senator Davis, Senator Rodriguez will be shown as Co-author of **SB 253**.

**CO-AUTHOR OF SENATE BILL 254**

On motion of Senator Davis, Senator Rodriguez will be shown as Co-author of **SB 254**.

**CO-AUTHOR OF SENATE BILL 400**

On motion of Senator Shapiro, Senator Nelson will be shown as Co-author of **SB 400**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 302** by Shapiro, In memory of Deborah Lynn "Debbie" Friedman.

**SR 353** by Hinojosa, In memory of Ernest Frank Bennett, Jr., of Corpus Christi.

**SR 354** by Hinojosa, In memory of Edward Galvan of Corpus Christi.

**SR 356** by Van de Putte, In memory of Maria Theresa Morado of San Antonio.

### **Congratulatory Resolutions**

**SR 348** by West, Recognizing Pearl and Norman Lee Robinson on the occasion of their birthdays.

**SR 350** by West, Ellis, and Watson, Recognizing Ron Kirk for his service to this state and our nation.

**SR 357** by West, Recognizing Ellyn N. and Edwin E. Favors on the occasion of their ninth pastoral anniversary at Praise Fellowship Church.

**SR 360** by Ellis, Recognizing Caprice Cosper for her contributions to the administration of justice in our state.

**SR 362** by Whitmire, Commending Joshua Logan Hohne for achieving the rank of Eagle Scout.

**SR 363** by Whitmire, Recognizing Shirley Marie Tibbs of Houston on the occasion of her 75th birthday.

### **Official Designation Resolutions**

**SR 275** by Ellis, Recognizing February 23, 2011, as Houston A-Plus Challenge Day at the State Capitol.

**SR 361** by Deuell, Celebrating February 28, 2011, as Rowlett Chamber of Commerce Government Affairs Day at the State Capitol.

### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 3:29 p.m. adjourned until 1:30 p.m. Monday, February 28, 2011.

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## **APPENDIX**

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### **RESOLUTIONS ENROLLED**

February 22, 2011

**SR 213, SR 258, SR 259, SR 283, SR 301, SR 303, SR 304, SR 305, SR 306, SR 307, SR 308, SR 309, SR 312, SR 313, SR 314, SR 315, SR 317, SR 318, SR 319, SR 321, SR 322, SR 324, SR 325, SR 327, SR 328, SR 329, SR 331, SR 332, SR 333, SR 334, SR 335, SR 336, SR 337, SR 338, SR 339, SR 343, SR 344, SR 345, SR 346, SR 347**