

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY- EIGHTH DAY

(Monday, March 21, 2011)

The Senate met at 1:42 p.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

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

Absent-excused: Estes.

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

The Reverend Gary M. Renfro, Corinth Missionary Baptist Church, Austin, offered the invocation as follows:

Dear heavenly Father, our maker and creator, our ruler and keeper, our provider and protector, we give You thanks for the opportunity and privilege to see the beauty of this day. We thank You for our life, health, and strength on this day. We pause to acknowledge You as the Members of the Senate of the great State of Texas begin the business of this day. Thank You for the foundations of government that You have ordained for the care and concerns of society. Let the discussions, decisions, and deliberations of this body be for the common good of the citizens of this state. Let justice be the standard and truth be the guide on this day and throughout this session. This is my prayer. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, March 21, 2011 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 73 Hughes

In memory of Jean Glaze of Gilmer.

HCR 100 Branch

Commemorating the 100th anniversary of the founding of the Texas State University System.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives**MESSAGE FROM THE GOVERNOR**

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

March 17, 2011

Austin, Texas

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

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

To be the Director of the Office of State-Federal Relations for a term at the pleasure of the Governor:

Charles E. "Chip" Roy

McKinney, Texas

Mr. Roy is replacing Antonio "Ed" Perez of Alexandria, Virginia who resigned.

Respectfully submitted,

/s/Rick Perry
Governor**PHYSICIAN OF THE DAY**

Senator Lucio was recognized and presented Dr. Luis Calo of Harlingen as the Physician of the Day.

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

SENATE RESOLUTION 491

Senator Watson offered the following resolution:

SR 491, Recognizing March 21, 2011, as World Down Syndrome Day.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate World Down Syndrome Day representatives: Molly, Kirsten, Sara, and Dean Polacheck; Linda Kirkland; Gerard Jimenez, Government Affairs Chair, Down Syndrome Association of Central Texas; Margie and Issie Moore; and Dinah Street.

The Senate welcomed its guests.

SENATE BILL 701 REREFERRED

(Motion In Writing)

Senator Watson submitted a Motion In Writing requesting that **SB 701** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Open Government.

The Motion In Writing prevailed without objection.

GUESTS PRESENTED

Senator Fraser, on behalf of Senator Estes, was recognized and introduced to the Senate a Cross Trail Outfitters delegation.

The Senate welcomed its guests.

(Senator Eltife in Chair)

SENATE RESOLUTION 556

Senator Shapiro offered the following resolution:

SR 556, Recognizing March 21, 2011, as Educational Technology Day at the Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro, joined by Senator Patrick, was recognized and introduced to the Senate an Educational Technology Day delegation.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer at 1:59 p.m. announced the conclusion of morning call.

SENATE BILL 647 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 647** at this time on its second reading:

SB 647, Relating to the continuation and operation of the office of public insurance counsel.

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

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

Absent-excused: Estes.

SENATE BILL 647 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 647** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 647**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 647** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Absent-excused: Estes.

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Houston Independent School District Superintendent Paula Harris.

The Senate welcomed its guest.

(President in Chair)**SENATE BILL 309 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 309** at this time on its second reading:

SB 309, Relating to the events eligible to receive funding through a major events trust fund.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 309** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in amended Section 5A(a)(4), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 1, line 27), immediately following "Music Awards," insert "the National Cutting Horse Association Triple Crown,".

(2) In SECTION 1 of the bill, in amended Section 5A(a)(5), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 1, line 42), between "Music;" and "or", insert the following:

(D) the National Cutting Horse Association;

(3) In SECTION 1 of the bill, in amended Section 5A(a)(5), Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes) (page 1, line 43), reletter the paragraphs of Subdivision (5) accordingly.

The amendment to **SB 309** was read and was adopted by a viva voce vote.

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

Absent-excused: Estes.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 309** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 5A, Chapter 1507 (S.B. 456), Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended by adding Subsection (w) to read as follows:

(w) Not later than 18 months after the last day of an event eligible for disbursements from the Major Events trust fund for costs associated with the event, the comptroller using existing resources shall:

(1) complete a study in the market area of the event on the measurable economic impact directly attributable to the preparation for and presentation of the event and related activities; and

(2) post on the comptroller's Internet website the results of the study conducted under Subdivision (1) of this subsection.

The amendment to **SB 309** was read and was adopted by a viva voce vote.

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

Absent-excused: Estes.

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

SB 309 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Estes.

SENATE BILL 309 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 309** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 309**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 309** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Absent-excused: Estes.

**COMMITTEE SUBSTITUTE
SENATE BILL 822 ON SECOND READING**

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 822** at this time on its second reading:

CSSB 822, Relating to expedited credentialing of certain physicians by managed care plans.

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

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

Absent-excused: Estes.

**COMMITTEE SUBSTITUTE
SENATE BILL 822 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 822** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 822**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 822** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Absent-excused: Estes.

**COMMITTEE SUBSTITUTE
SENATE BILL 809 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 809** at this time on its second reading:

CSSB 809, Relating to judicial review in district court of certain workers' compensation disputes.

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

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

Absent-excused: Estes.

**COMMITTEE SUBSTITUTE
SENATE BILL 809 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 809** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 809**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 809** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Absent-excused: Estes.

SENATE BILL 304 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 304** at this time on its second reading:

SB 304, Relating to employment services programs for certain residents receiving services from public hospitals or hospital districts.

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

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

Absent-excused: Estes.

SENATE BILL 304 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 304** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 304**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 304** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Absent-excused: Estes.

SENATE BILL 987 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 987** at this time on its second reading:

SB 987, Relating to the term of office and qualifications for a director of the Colorado County Groundwater Conservation District.

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

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

Absent-excused: Estes.

SENATE BILL 987 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 987** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 987**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 987** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Absent-excused: Estes.

**COMMITTEE SUBSTITUTE
SENATE BILL 341 ON SECOND READING**

Senator Uresti moved to suspend the regular order of business to take up for consideration **CSSB 341** at this time on its second reading:

CSSB 341, Relating to the appointment of a conservator for and authorizing the dissolution of the Bexar Metropolitan Water District; providing a penalty.

The motion prevailed.

Senator Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 341** (Senate Committee Report) as follows:

(1) In SECTION 4.01 of the bill, in added Section 53(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 62), between "cause," and "if" insert "as defined by the System's standards of conduct for all employees,".

(2) In SECTION 4.01 of the bill, in added Section 53, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, between lines 66 and 67), insert the following:

(b) For a five-year period following the transfer of the employment of any employee of the former District, the System may not terminate that employee, except for cause, as defined by the System's standards of conduct for all employees, if:

(1) the employee meets the requirements of Subsections (a)(1) and (2) of this section; and

(2) the sum of the years of service of the employee and the employee's age is equal to or greater than 80.

(3) In SECTION 4.01 of the bill, in added Section 53(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 67), strike "(b)" and substitute "(c)".

(4) In SECTION 4.01 of the bill, in added Section 53(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 67), strike "Subsection (a)" and substitute "Subsection (a) or (b)".

(5) In SECTION 4.01 of the bill, in added Section 53(c), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 9, line 2), strike "(c)" and substitute "(d)".

The amendment to **CSSB 341** was read and was adopted by a viva voce vote.

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

Absent-excused: Estes.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 341** (Senate committee report) as follows:

(1) In SECTION 1.02 of the bill, in added Section 37(b)(1)(A), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 2, line 31), between "in" and "or", insert ";".

(2) In SECTION 1.02 of the bill, in added Section 37(b)(1)(A), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 2, line 32), between "of" and "the", insert ";".

(3) In SECTION 1.02 of the bill, in added Section 38, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 3, line 19), between "quarterly" and "on", insert ", or as requested by the Commission or the Committee,".

(4) In SECTION 2.01(b) of the bill (page 3, lines 36 through 39), strike "following the date of preclearance under Section 5 of the federal Voting Rights Act of 1965 (42 U.S.C. Section 1973c) of all provisions of the Act enacting this section that are subject to preclearance, the commission" and substitute "the commission, after consultation with the secretary of state,".

(5) In SECTION 2.01(b) of the bill (page 3, lines 42-45), strike "If the commission determines that preclearance under Section 5 of the federal Voting Rights Act of 1965 is not required, the commission shall hold the election on the next uniform election date after the date the commission makes that determination."

(6) In SECTION 2.01(c) of the bill (page 3, line 46), strike "another entity" and substitute "one or more entities".

(7) In SECTION 2.01(e) of the bill (page 3, line 59), between "date of" and "the", insert "the beginning of early voting for".

(8) In SECTION 2.01(f) of the bill (page 3, line 65), strike "of" and substitute "owned by".

(9) In SECTION 2.02(b)(2) of the bill (page 4, line 9), strike "officially declared" and substitute "certified".

(10) In SECTION 2.02(c)(1) of the bill (page 4, line 13), strike "officially declared" and substitute "certified".

(11) In the recital to SECTION 4.01 of the bill (page 8, line 1), strike "and 57" and substitute "57, and 58".

(12) In SECTION 4.01 of the bill, in added Section 50(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 3), strike "of the canvass of the election" and substitute "the election results are certified to the secretary of state as".

(13) In SECTION 4.01 of the bill, in added Section 50(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8), strike lines 6 through 9 and substitute the following:

(b) On the date the election results are certified to the secretary of state, the System assumes control of the operation and management of the District, except as provided by Sections 52 and 53 of this Act and other law applicable to the System.

(c) Not later than the 90th day after the date the election results are certified to the secretary of state, the conservator, under the oversight of the Commission and the Committee, shall transfer or assign the:

(14) In SECTION 4.01 of the bill, in added Section 50(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, lines 10 through 11), strike "associated with the provision of water services".

(15) In SECTION 4.01 of the bill, in added Section 50(c), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 18), strike "(c)" and substitute "(d)".

(16) In SECTION 4.01 of the bill, in added Section 50(c), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 19), strike "(b)" and substitute "(c)".

(17) In SECTION 4.01 of the bill, in added Section 50(d), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 22), strike "(d)" and substitute "(e)".

(18) In SECTION 4.01 of the bill, in added Section 50(e), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 27), strike "(e)" and substitute "(f)".

(19) In SECTION 4.01 of the bill, in added Section 52(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8), strike lines 42-44 and substitute the following:

(3) prudent utility practices and fiscal policies;

(4) costs and revenue; and

(5) potential impacts on the customers of the District and the System.

(20) In SECTION 4.01 of the bill, in added Section 52(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 45), after "(b)", strike "The" and substitute "During the integration period described by Subsection (a), the".

(21) In SECTION 4.01 of the bill, in added Section 52(b), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, lines 47 through 50), strike " If the System fails to comply with the requirements of this section, the Commission may assess a penalty against the System in the manner provided by Section 13.4151, Water Code." and substitute "of not more than three additional years."

(22) In SECTION 4.01 of the bill, in added Section 52(d), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, lines 56 and 57), strike "and at least until the date specified in Subsection (a) of this section.".

(23) In SECTION 4.01 of the bill, in added Section 52(d), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, line 59), between "District" and the period, insert "under the System's certificate of convenience and necessity".

(24) In SECTION 4.01 of the bill, in added Section 52, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 8, between lines 59 and 60), insert the following:

(e) After the integration described by Subsection (a) is complete, the System shall provide water service to former ratepayers of the District in the same manner the System provides water service to other ratepayers of the System. The integration is considered complete if:

(1) the areas of service located in the former District are no longer operated as a special project within the System;

(2) the ratepayers of the former District pay the same rates for services provided by the System as other similarly situated ratepayers of the System; and

(3) the ratepayers of the former District receive water service that meets the requirements of the Commission.

(f) If the System fails to integrate the services and infrastructure of the District into the System in accordance with Subsection (a), the Commission may find the System in violation of the obligation under the System's certificate of convenience and necessity to provide continuous and adequate service. The Commission may bring an enforcement action against the System, including the imposition of an administrative penalty under Section 13.4151, Water Code.

(25) In SECTION 4.01 of the bill, in added Section 55(a), Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 9, line 21), between "into" and "during", insert ", amended, or renewed".

(26) In SECTION 4.01 of the bill, in added Section 57, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 9, line 40), between "pending" and "shall", insert "against the District".

(27) In SECTION 4.01 of the bill, in added Section 57, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 9, line 40), strike "District" and substitute "System".

(28) In SECTION 4.01 of the bill, following added Section 57, Chapter 306, Acts of the 49th Legislature, Regular Session, 1945 (page 9, between lines 42 and 43), insert the following:

Sec. 58. (a) In this section, "advisory committee" means a committee appointed under Subsection (b) of this section.

(b) Not later than the 60th day after the date the District is dissolved under Section 50 of this Act, the System shall work cooperatively with the commissioners court of each county in which the former District was wholly or partly located to establish an advisory committee to advise the System regarding the integration of the services and infrastructure of the former District, including service integration issues and the delivery of water services by the System, in specific areas or water systems located in the area outside the corporate boundaries of the largest municipality served by the System.

(c) The advisory committee shall include one representative from each county served by the System who resides in the boundaries of the former District or the owner or operator of a business located in the boundaries of the former District.

(d) Until the integration described by Section 52 of this Act is complete, the board of directors of the System shall:

(1) consult with the advisory committee about the matters described by Subsection (b) of this section at least quarterly, during a regularly scheduled or specially called board meeting of the System; and

(2) on request by the advisory committee chair, provide members of the advisory committee an opportunity to address the System's board of trustees on matters relating to the duties of the advisory committee.

(29) In the heading to ARTICLE 5 of the bill (page 9, line 43), between "5." and "NOTICE;," insert "DEADLINES;".

(30) In ARTICLE 5 of the bill (page 9), between lines 43 and 44, insert the following SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION 5.01. If a deadline established in Articles 1 through 4 of this Act cannot be met because of a requirement imposed by the federal Voting Rights Act of 1965 (42 U.S.C. Section 1973c or any other provisions of that act), the deadline is the next available date after the requirement is met.

The amendment to **CSSB 341** was read and was adopted by a viva voce vote.

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

Absent-excused: Estes.

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

CSSB 341 as amended was passed to engrossment by a viva voce vote.

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

Nays: Zaffirini.

Absent-excused: Estes.

COMMITTEE SUBSTITUTE SENATE BILL 341 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 341** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

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

Nays: Wentworth, Zaffirini.

Absent-excused: Estes.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 341**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 341** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

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

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Zaffirini.

Absent-excused: Estes.

SENATE BILL 520 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 520** at this time on its second reading:

SB 520, Relating to the creation, administration, powers, and duties of a county assistance district.

The bill was read second time.

Senator Hegar offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 520** (introduced version), in SECTION 4 of the bill, as follows:

- (1) In the heading (page 6, line 11), strike "and adding Subsection (c)".
- (2) Strike added Section 387.007(c), Local Government Code (page 6, lines 18-24).

The amendment to **SB 520** was read and was adopted by a viva voce vote.

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

Absent-excused: Estes.

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

SB 520 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Estes.

SENATE BILL 520 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 520** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 520**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 520** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Absent-excused: Estes.

COMMITTEE SUBSTITUTE SENATE BILL 116 ON SECOND READING

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 116** at this time on its second reading:

CSSB 116, Relating to protective orders against dating violence.

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

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

Absent-excused: Estes.

COMMITTEE SUBSTITUTE SENATE BILL 116 ON THIRD READING

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 116** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Estes.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 116**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 116** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Absent-excused: Estes.

SENATE RULE 11.10(a) SUSPENDED (Public Notice of Committee Meetings)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Finance Subcommittee on Fiscal Matters might meet tomorrow.

CO-AUTHOR OF SENATE BILL 27

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

CO-AUTHOR OF SENATE BILL 34

On motion of Senator Zaffirini, Senator Ellis will be shown as Co-author of **SB 34**.

CO-AUTHOR OF SENATE BILL 69

On motion of Senator Zaffirini, Senator Davis will be shown as Co-author of **SB 69**.

CO-AUTHORS OF SENATE BILL 116

On motion of Senator Uresti, Senators Davis and Lucio will be shown as Co-authors of **SB 116**.

CO-AUTHOR OF SENATE BILL 152

On motion of Senator Huffman, Senator Shapiro will be shown as Co-author of **SB 152**.

CO-AUTHOR OF SENATE BILL 181

On motion of Senator Shapiro, Senator Fraser will be shown as Co-author of **SB 181**.

CO-AUTHOR OF SENATE BILL 296

On motion of Senator Wentworth, Senator Van de Putte will be shown as Co-author of **SB 296**.

CO-AUTHOR OF SENATE BILL 329

On motion of Senator Watson, Senator Carona will be shown as Co-author of **SB 329**.

CO-AUTHOR OF SENATE BILL 331

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

CO-AUTHOR OF SENATE BILL 355

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 355**.

CO-AUTHOR OF SENATE BILL 629

On motion of Senator Hegar, Senator Wentworth will be shown as Co-author of **SB 629**.

CO-AUTHORS OF SENATE BILL 766

On motion of Senator Estes, Senators Birdwell and Deuell will be shown as Co-authors of **SB 766**.

CO-AUTHOR OF SENATE BILL 794

On motion of Senator Nelson, Senator West will be shown as Co-author of **SB 794**.

CO-AUTHOR OF SENATE BILL 842

On motion of Senator Patrick, Senator Shapiro will be shown as Co-author of **SB 842**.

CO-AUTHOR OF SENATE BILL 903

On motion of Senator Patrick, Senator Shapiro will be shown as Co-author of **SB 903**.

CO-AUTHORS OF SENATE BILL 945

On motion of Senator Patrick, Senators Birdwell, Hinojosa, Huffman, West, and Zaffirini will be shown as Co-authors of **SB 945**.

CO-AUTHOR OF SENATE BILL 1590

On motion of Senator Ogden, Senator Hinojosa will be shown as Co-author of **SB 1590**.

CO-AUTHOR OF SENATE BILL 1655

On motion of Senator Watson, Senator Hegar will be shown as Co-author of **SB 1655**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 10

On motion of Senator Ellis, Senators Davis and Watson will be shown as Co-authors of **SCR 10**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 51

On motion of Senator Duncan, Senator Ogden will be shown as Co-author of **SJR 51**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 554 by Shapiro, Commending Jaci Walker for being named Miss Texas Junior Pre-teen 2010.

SR 557 by Fraser, Recognizing Coleen and Lyle McGuffin of Kerrville on the occasion of their 75th wedding anniversary and Lyle's 100th birthday.

SR 559 by Jackson, Recognizing Leadership Friendswood for its contributions to the community.

SR 560 by Jackson, Recognizing the Deer Park Chamber of Commerce for its work in behalf of its community.

SR 561 by Huffman, Commending Jeffrey Pagonis for achieving the rank of Eagle Scout.

SR 562 by Huffman, Commending Jillian Ross for earning a Girl Scout Gold Award.

SR 563 by Jackson, Recognizing James R. Borup on the occasion of his retirement as a Galveston-Texas City Pilot.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:48 p.m. adjourned, in memory of Arturo Jose Iniguez, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 21, 2011

INTERGOVERNMENTAL RELATIONS — CSSB 311

CRIMINAL JUSTICE — **SJR 9, CSSB 24, SB 144, SB 153, SB 166, CSSB 623, SB 1436**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 19**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 58, SB 356, SB 431**

INTERGOVERNMENTAL RELATIONS — **CSSB 349**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 99, CSSB 639, CSSB 966**

INTERNATIONAL RELATIONS AND TRADE — **SB 1220**

BILLS ENGROSSED

March 17, 2011

SB 41, SB 43, SB 67, SB 74, SB 78, SB 79, SB 81, SB 85, SB 118, SB 131, SB 140, SB 155, SB 156, SB 160, SB 173, SB 176, SB 179, SB 187, SB 189, SB 190, SB 191, SB 192, SB 209, SB 244, SB 247, SB 263, SB 312, SB 316, SB 322, SB 323, SB 328, SB 350, SB 361, SB 370, SB 386, SB 391, SB 396, SB 416, SB 422, SB 425, SB 426, SB 428, SB 436, SB 472, SB 489, SB 508, SB 509, SB 510, SB 527, SB 528, SB 539, SB 566, SB 605, SB 735, SB 747, SB 748, SB 781, SB 796

RESOLUTIONS ENROLLED

March 17, 2011

SR 447, SR 465, SR 530, SR 531, SR 532, SR 533, SR 535, SR 542, SR 546, SR 547, SR 548, SR 549, SR 550, SR 551, SR 552, SR 553, SR 555

