

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-THIRD DAY

(Tuesday, March 29, 2011)

The Senate met at 11:07 a.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend Chris Heinold, Saint James Lutheran Church, Ganado, offered the invocation as follows:

Almighty God, I give You thanks for this day. And I give You thanks for trusting us to care for our communities and this great state. Many people are represented by the men and women of this assembly, many lives, many faces, many futures, many hands. I ask that each individual here would embrace and respect that great responsibility entrusted to them. Guide them; may the work that they do be of virtue and justice for all people. Amen.

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

The motion prevailed without objection.

SENATE RESOLUTION 388

Senator Deuell offered the following resolution:

SR 388, Celebrating March 29, 2011, as Hopkins County Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 28, 2011.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a Hopkins County delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate a Wichita County delegation: Mayor Carl Law, Burkburnett, and Mayor Glenn Barham, Wichita Falls.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. Todd Howell of Fredericksburg as the Physician of the Day.

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

SENATE RESOLUTION 560

Senator Jackson offered the following resolution:

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

The resolution was again read.

The resolution was previously adopted on Monday, March 21, 2011.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a Deer Park Chamber of Commerce delegation: Tim Culp, President and CEO; Jerry Mouton, Chair, Board of Directors; Arnold Adair, Superintendent, Deer Park ISD; Chad Burke, President and CEO, Economic Alliance Houston Port Region; and Greg Grigg, Chief of Police, City of Deer Park.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate a New Danville, Montgomery County, delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Birdwell, joined by Senator Davis, was recognized and introduced to the Senate a City of Burleson delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

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

The Senate welcomed its guests.

**SENATE RULE 3.04 SUSPENDED
(Posters, Placards, Banners, and Signs)**

On motion of Senator Hinojosa and by unanimous consent, Senate Rule 3.04 was suspended to allow the display of a maquette of the proposed Vietnam veterans monument during the deliberation of **SR 649**.

SENATE RESOLUTIONS

Senator Van de Putte offered the following resolution:

SR 648, Commending the veterans of our nation's armed forces who served during the Vietnam War.

The resolution was read.

Senator Hinojosa offered the following resolution:

SR 649, Recognizing March 29, 2011, as Vietnam Veterans Day at the State Capitol.

HINOJOSA
DAVIS
URESTI
VAN DE PUTTE

The resolution was read.

SR 648 and **SR 649** were adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Sue Sullivan, Mary Parrish, Ken Wallingford, Patrick Brady, and Joyce Stevens.

Senator Lucio was recognized and introduced to the Senate Bob Pinkerton.

Senator Hinojosa was recognized and introduced to the Senate Robert Floyd, Chair, Board of Directors, Capitol of Texas Vietnam Veterans Monument, Incorporated; Duke Sundt, monument artist; and Terry Burkett, Chair, Veterans Outreach Committee; joined by Representatives Leo Berman, Joe Farias, Dan Flynn, Bill Zedler, Wayne Smith, and Jerry Madden.

Senator Van de Putte was again recognized and introduced to the Senate representatives of the Texas Veterans Commission: Rufus T. Coburn III, Winston A. L. Cover, Joe Dougherty, and Craig Hardwick.

She also acknowledged representatives of the following organizations: Department of Texas Veterans of Foreign Wars; Department of Texas American Legion; San Antonio Coalition for Veterans; Military Order of the Purple Heart; Texas Coalition of Veterans Organizations; Texas Capitol Vietnam War Monument Committee; Grace After Fire; Vietnam Veterans of America, Texas Association of Vietnam Veterans; Catholic War Veterans; Reserve Officers Association, Military Officers Association of America; National Association of Uniformed Services; Disabled American Veterans; Paralyzed Veterans of America;

Texas Military Forces; Texas Veterans Commission; Hope for Heroes; American GI Forum; MOAA, Texas Council of Chapters; Texas Commission on Environmental Quality; Texas Department of Agriculture; and Texas Department of Transportation.

The Senate welcomed its guests.

AT EASE

The President at 12:04 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 12:08 p.m. called the Senate to order as In Legislative Session.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Commission on Jail Standards: Allan D. Cain, Panola County; Stanley Dewayne Egger, Taylor County; Michael Morris Seale, Harris County.

Members, Board of Trustees, Teacher Retirement System of Texas: Todd F. Barth, Harris County; Christopher S. Moss, Angelina County; F. Nanette Sissney, Cooke County.

Commissioner of Education, Texas Education Agency: Robert P. Scott, Travis County.

Members, Board of Directors, Texas Public Finance Authority: Billy Morris Atkinson, Fort Bend County; Mark Warner Eidman, Travis County; Robert Thomas Roddy, Bexar County.

Members, Board of Regents, Texas State University System: Jaime R. Garza, Bexar County; Maria Isabel Salazar, Travis County; Donna N. Williams, Tarrant County.

Members, Board of Directors, Texas Underground Facility Notification Corporation: Dean Donald Bernal, Travis County; Joseph Francis Berry, Brazoria County; Barry Calhoun, Dallas County; Julio Cerda, Hidalgo County; Judith Hardaway Devenport, Midland County; Jason Hartgraves, Denton County; John William Linton, Hidalgo County; Janie Lou Walenta, Wood County; Jay Solomon Zeidman, Harris County.

Members, Texas Water Development Board: Billy Ray Bradford, Cameron County; Monte Dean Cluck, Hansford County.

Members, Board of Directors, Upper Colorado River Authority: Eva W. Horton, Tom Green County; Jeffie Harmon Roberts, Coke County; Hyman Dale Sauer, Schleicher County; Hugh Lamar Stone, Tom Green County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

CONCLUSION OF MORNING CALL

The President at 12:12 p.m. announced the conclusion of morning call.

GUESTS PRESENTED

Senator Harris, joined by Senator West, was recognized and introduced to the Senate a Harmony Science Academy delegation.

The Senate welcomed its guests.

SENATE BILL 691 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 691** at this time on its second reading:

SB 691, Relating to the exemption from permitting by groundwater conservation districts for certain water wells used for domestic, livestock, and poultry watering purposes.

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

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

SENATE BILL 691 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 691** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 691**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 691** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

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

WENTWORTH

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

SENATE RESOLUTION 652

Senator Hinojosa offered the following resolution:

SR 652, In memory of Colton Wesley Rusk of Orange Grove.

The resolution was read.

On motion of Senator Hinojosa, **SR 652** was adopted by a rising vote of the Senate.

In honor of the memory of Colton Wesley Rusk, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Darrell, Kathy, Cody, and Brady Rusk.

The Senate welcomed its guests and extended its sympathy.

COMMITTEE SUBSTITUTE

SENATE BILL 727 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 727** at this time on its second reading:

CSSB 727, Relating to groundwater conservation district management plans.

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

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

COMMITTEE SUBSTITUTE

SENATE BILL 727 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 727** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 727**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 727** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

SENATE BILL 876 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **SB 876** at this time on its second reading:

SB 876, Relating to the fee for a personal identification certificate for a homeless individual.

The motion prevailed.

Senators Birdwell, Fraser, Jackson, Patrick, and Shapiro asked to be recorded as voting "Nay" on suspension of the regular order of business.

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

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

Nays: Birdwell, Fraser, Jackson, Patrick, Shapiro.

SENATE BILL 876 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 876** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

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

Nays: Birdwell, Fraser, Jackson, Patrick, Shapiro, Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 876**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 876** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5.

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

Nays: Birdwell, Fraser, Jackson, Patrick, Shapiro.

COMMITTEE SUBSTITUTE SENATE BILL 19 ON SECOND READING

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 19** at this time on its second reading:

CSSB 19, Relating to the development, financing, construction, and operation of certain toll projects.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 19 ON THIRD READING

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 19** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 19**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 19** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

SENATE BILL 888 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **SB 888** at this time on its second reading:

SB 888, Relating to the authority of a regional transportation authority to create a local government corporation.

The motion prevailed.

Senator West asked to be recorded as "Present-not voting" on suspension of the regular order of business.

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

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

Present-not voting: West.

SENATE BILL 888 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 888** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: West.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 888**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 888** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: West.

(President Pro Tempore Ogden in Chair)

SENATE BILL 1007 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration **SB 1007** at this time on its second reading:

SB 1007, Relating to certain comprehensive development agreements of the Texas Department of Transportation.

The motion prevailed.

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

(President in Chair)

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

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

Nays: Fraser.

SENATE BILL 1007 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1007** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

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

Nays: Fraser, Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 1007**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 1007** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Fraser.

SENATE BILL 166 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 166** at this time on its second reading:

SB 166, Relating to the sex offender civil commitment program and to the creation of a state agency to perform the functions relating to the sex offender civil commitment program that are currently performed by the Council on Sex Offender Treatment.

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

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

SENATE BILL 166 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 166** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 166**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 166** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

**COMMITTEE SUBSTITUTE
SENATE BILL 17 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 17** at this time on its second reading:

CSSB 17, Relating to the regulation of residential mortgage loan servicers; providing an administrative penalty.

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

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

**COMMITTEE SUBSTITUTE
SENATE BILL 17 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 17** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 17**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 17** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

SENATE BILL 431 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 431** at this time on its second reading:

SB 431, Relating to the use of fraudulent or fictitious military records; creating an offense.

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

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

SENATE BILL 431 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 431** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 431**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 431** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

COMMITTEE SUBSTITUTE SENATE BILL 1165 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1165** at this time on its second reading:

CSSB 1165, Relating to certain enforcement powers of the banking commissioner; providing administrative penalties.

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1165 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1165** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

Reason for Vote

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

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 1165**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying

the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 1165** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

SENATE BILL 1310 REREFERRED
(Motion In Writing)

Senator Shapiro submitted a Motion In Writing requesting that **SB 1310** be withdrawn from the Committee on Administration and rereferred to the Committee on Economic Development.

The Motion In Writing prevailed without objection.

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

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Higher Education might meet tomorrow at 7:30 a.m.

CO-AUTHOR OF SENATE BILL 17

On motion of Senator Carona, Senator Davis will be shown as Co-author of **SB 17**.

CO-AUTHOR OF SENATE BILL 204

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-author of **SB 204**.

CO-AUTHOR OF SENATE BILL 290

On motion of Senator Watson, Senator Davis will be shown as Co-author of **SB 290**.

CO-AUTHOR OF SENATE BILL 356

On motion of Senator Watson, Senators Hinojosa will be shown as Co-author of **SB 356**.

CO-AUTHOR OF SENATE BILL 420

On motion of Senator Deuell, Senator West will be shown as Co-author of **SB 420**.

CO-AUTHOR OF SENATE BILL 423

On motion of Senator Lucio, Senator Hegar will be shown as Co-author of **SB 423**.

CO-AUTHOR OF SENATE BILL 497

On motion of Senator Jackson, Senator Hinojosa will be shown as Co-author of **SB 497**.

CO-AUTHORS OF SENATE BILL 544

On motion of Senator Seliger, Senators Nelson and West will be shown as Co-authors of **SB 544**.

CO-AUTHOR OF SENATE BILL 596

On motion of Senator Shapiro, Senator West will be shown as Co-author of **SB 596**.

CO-AUTHOR OF SENATE BILL 639

On motion of Senator Zaffirini, Senator Davis will be shown as Co-author of **SB 639**.

CO-AUTHOR OF SENATE BILL 688

On motion of Senator Nichols, Senator Nelson will be shown as Co-author of **SB 688**.

CO-AUTHOR OF SENATE BILL 779

On motion of Senator Whitmire, Senator Huffman will be shown as Co-author of **SB 779**.

CO-AUTHOR OF SENATE BILL 949

On motion of Senator Ellis, Senator West will be shown as Co-author of **SB 949**.

CO-AUTHOR OF SENATE BILL 1001

On motion of Senator Carona, Senator Van de Putte will be shown as Co-author of **SB 1001**.

CO-AUTHOR OF SENATE BILL 1081

On motion of Senator Van de Putte, Senator Birdwell will be shown as Co-author of **SB 1081**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 36

On motion of Senator Williams, Senators Carona, Deuell, Eltife, Jackson, Nelson, Shapiro, and Wentworth will be shown as Co-authors of **SCR 36**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 643 by Van de Putte, In memory of the life of Farrell Sullivan.

SR 654 by Van de Putte, In memory of Roland M. "Rollie" Meffert.

SR 655 by Ellis, In memory of Paula Yuvern Dunn of Houston.

Congratulatory Resolutions

SR 644 by Van de Putte, Recognizing Michael E. Thornton for his service to this nation as a member of the United States Navy during the Vietnam War.

SR 645 by Van de Putte, Recognizing Patrick Henry Brady for his service to this nation as a member of the United States Army during the Vietnam War.

SR 646 by Van de Putte, Recognizing Ken Wallingford for his service to this nation as a member of the United States Army during the Vietnam War.

SR 647 by Van de Putte, Recognizing Mary Parrish for her service to this nation as a member of the United States Air Force during the Vietnam War.

SR 658 by Seliger, Recognizing Dan Sheperd for his service to this nation as a member of the United States Army.

SR 659 by Seliger, Recognizing Nicholas Orchowski for his service to this nation as a member of the United States Army.

SR 660 by Seliger, Recognizing Matthew Keil for his service to this nation as a member of the United States Army.

SR 661 by Seliger, Recognizing Shawn L. Walton for his service to this nation as a member of the United States Army.

Official Designation Resolution

SR 650 by Uresti, Recognizing April of 2011 as Foot Health Awareness Month.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:18 p.m. adjourned, in memory of Colton Wesley Rusk, Ashley Brown, and Alicia Bonura, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 29, 2011

FINANCE — **SB 551, SB 899, SB 432, SB 326**

GOVERNMENT ORGANIZATION — **SB 648, CSSB 655**

BUSINESS AND COMMERCE — **SB 1150**

INTERGOVERNMENTAL RELATIONS — **CSSB 413**

STATE AFFAIRS — **CSSB 29, CSSB 372, CSSB 1034, CSSB 894, CSSB 1716, CSSB 1109**

BILLS ENGROSSEDMarch 28, 2011**SB 38, SB 58, SB 587, SB 728, SB 766, SB 864****RESOLUTIONS ENROLLED**March 28, 2011**SR 574, SR 623, SR 630, SR 631, SR 632, SR 633, SR 634, SR 635, SR 636,
SR 637, SR 638, SR 639, SR 640, SR 641, SR 642**

In Memory
of
Colton Wesley Rusk
Senate Resolution 652

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Private First Class Colton Wesley Rusk, who died December 6, 2010, at the age of 20 while serving his country in Afghanistan; and

WHEREAS, Colton Wesley Rusk was born September 23, 1990, in Corpus Christi; he was a 2009 graduate of Orange Grove High School, where he was elected by his fellow students as Mr. Orange Grove High School and earned all-district honors in football and baseball; and

WHEREAS, Colton fulfilled a longtime dream when he enlisted in the United States Marine Corps; he was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, as an improvised explosive device dog handler; he and his dog, Eli, played a vital role in securing the safety of his fellow Marines in Afghanistan; and

WHEREAS, A young man of courage, strength, and determination, he gave generously to others, and his radiant smile and enthusiasm for living each day to the fullest will not be forgotten by those who knew him; and

WHEREAS, He was a devoted son, brother, and grandson, and he leaves behind memories that will be treasured forever by his family and his many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family and friends of Colton Wesley Rusk; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate.

HINOJOSA

