

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**THIRTY-FIFTH DAY**

(Thursday, March 31, 2011)

The Senate met at 10:12 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.

Pastor Tim Williams, Northside Baptist Church, Victoria, offered the invocation as follows:

Heavenly Father, we thank You that You are a God who gives strength in our weakness, who calls us to cast our cares upon You. You have blessed us and carried us through many trials in the past. We praise You today for being that one who is an ever present help in time of trouble. Our state stands in need of You and Your help to face the challenges before us. These women and men have a huge task before them in leading our state, we pray today for wisdom, we pray for courage, we pray for strength that will enable them to know what is right and to do what is right. Grant them a power this day to make decisions that You will bless in days to come, so that someday those who come after us may look back on these people gathered here and say of them, "They stood the test." The pressures on them are great, the expectations keep rising, the demands on them are endless, and the different ways that they are pulled are countless; they need a strength that only You can provide, but You do provide. Give them the ability to receive the help that You offer for each of them for their own unique burdens, bless them in their relationships with their families, bless them in their work with each other, and bless them as they seek to make our state a better place. We ask this in the name of the one You sent to save us by Your mercy and through Your love. Amen.

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

The motion prevailed without objection.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Thursday, March 31, 2011 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HB 74** Flynn

Relating to persons authorized to control the disposition of the remains of certain members of the United States armed forces.

**HB 92** Cook

Relating to the regulation of slaughterers by certain counties.

**HB 149** Raymond

Relating to the appointment of a parenting coordinator or parenting facilitator in a suit affecting the parent-child relationship.

**HB 200** Parker

Relating to the notification of the release of certain inmates given to certain courts and law enforcement agencies.

**HB 315** Flynn

Relating to the creation of the Hunt County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 350** Walle

Relating to discharging fines and costs assessed against certain juvenile defendants through community service or tutoring.

**HB 361** Otto

Relating to the agricultural advisory board of an appraisal district.

**HB 367** Orr

Relating to the designation of State Highway 121 in Tarrant and Johnson Counties as the Chisholm Trail Parkway.

**HB 370** Hochberg

Relating to the eligibility of a student to participate in extracurricular activities or competitions after transferring or moving from one public school to another.

**HB 378** Guillen

Relating to stationary tow trucks on a highway; providing a penalty.

- HB 388** Raymond  
Relating to the designation of segments of State Highways 359, 16, and 285 as the Veterans of the Korean War Memorial Highway.
- HB 422** Guillen  
Relating to certain oversize and overweight permits issued by the Texas Department of Transportation.
- HB 434** Parker  
Relating to the minimum standards for licensed child-care facilities and registered family homes.
- HB 447** Menendez  
Relating to the powers of a defense base development authority.
- HB 457** Craddick  
Relating to restrictions on the promotion and operation of charitable raffles.
- HB 462** Kleinschmidt  
Relating to the assignment of special judges in county courts in certain counties.
- HB 478** Orr  
Relating to certain court costs associated with the offense of failing to secure a child passenger in a motor vehicle.
- HB 549** Dutton  
Relating to the disposition of a decedent's remains.
- HB 591** Miller, Doug  
Relating to naming a segment of Interstate Highway 10 in Kendall County the Trooper Kurt David Knapp Memorial Highway.
- HB 646** Orr  
Relating to reporting requirements for salvage motor vehicles by insurance companies.
- HB 699** Deshotel  
Relating to the Port Authority Advisory Committee and funding of port security, transportation, and facility projects and port studies.
- HB 801** Anderson, Charles "Doc"  
Relating to the territory and dissolution requirements of the Southern Trinity Groundwater Conservation District.
- HB 805** Callegari  
Relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.
- HB 824** Villarreal  
Relating to an outreach campaign to promote fathers' involvement with their children before birth.
- HB 831** Craddick  
Relating to the authority of certain local governmental entities to borrow money for a public hospital.

- HB 843** Geren  
Relating to the use of electronic means for the delivery of ad valorem tax bills to certain property owners and agents.
- HB 848** Guillen  
Relating to an agreement authorizing certain persons to make decisions regarding a child during an investigation of child abuse or neglect.
- HB 850** Craddick  
Relating to the Rankin County Hospital District.
- HB 861** Patrick, Diane  
Relating to membership of the state continuing advisory committee for special education services.
- HB 885** Rodriguez, Eddie  
Relating to the operation and movement of a vehicle when certain traffic-control signals do not display an indication.
- HB 904** Thompson  
Relating to court costs imposed on conviction and deposited to the municipal court building security fund.
- HB 905** Thompson  
Relating to the admissibility of certain hearsay statements of a child in hearings on an application for a protective order.
- HB 906** Thompson  
Relating to appointments made in and the appeal of certain suits affecting the parent-child relationship.
- HB 984** Truitt  
Relating to agreements between contiguous municipalities regarding jurisdiction of cases in municipal courts.
- HB 993** Rodriguez, Eddie  
Relating to the closure of a road or highway by certain firefighters.
- HB 1110** Craddick  
Relating to the contracting authority of the Midland County Hospital District.
- HB 1130** Huberty  
Relating to information provided by the Texas Education Agency to school districts regarding placement of students receiving special education services.
- HB 1209** Taylor, Larry  
Relating to a probate fee exemption for estates of certain law enforcement officers, firefighters, and others killed in the line of duty.
- HB 1251** Deshotel  
Relating to the election of the members of the Board of Port Commissioners of the Port of Port Arthur Navigation District of Jefferson County.
- HB 1286** Howard, Donna  
Relating to adoption of rules by the University Interscholastic League.

- HB 1383** Quintanilla  
Relating to the territory of the El Paso County Water Control and Improvement District No. 4.
- HB 1409** Flynn  
Relating to the designation of a segment of State Highway 243 in Van Zandt County as the Veterans Memorial Parkway.
- HB 1481** Truitt  
Relating to the use of person first respectful language in reference to individuals with disabilities.
- HB 1510** Hamilton  
Relating to the regulation of manufactured housing.
- HB 1551** Aycock  
Relating to the power of the Bell County Water Control and Improvement District No. 1 to issue bonds.
- HB 1674** Jackson, Jim  
Relating to procedures for establishment, modification, and enforcement of child support obligations.
- HB 1703** Martinez Fischer  
Relating to the schedule for administration of state-administered assessment instruments in public schools.
- HB 1844** Guillen  
Relating to storage of local government records by the Texas State Library and Archives Commission.
- HCR 33** Raymond  
Authorizing the burial of Susana I. Aleman in the State Cemetery.
- HCR 45** Kleinschmidt  
Designating Giddings as the official Depot Capital of Texas.
- HCR 64** Aycock  
Recognizing April 13, 2011, as Leadership Highland Lakes Day at the State Capitol.
- HCR 65** Aycock  
Recognizing April 13, 2011, as Leadership Killeen Day at the State Capitol.
- HCR 77** Zerwas  
Recognizing March 1, 2011, as Donate Life Texas Day at the State Capitol.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate David Keith of the National Association to Protect Children and Ed Smart of The Surviving Parents Coalition.

The Senate welcomed its guests.

### PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Michael Dominguez of San Antonio as the Physician of the Day.

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

### SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Criminal Justice might meet in the Betty King Committee Room and consider **SB 1416** today.

### SENATE RESOLUTION 601

Senator Van de Putte offered the following resolution:

**SR 601**, Commending the participants in the United States Army's Senior Service College Fellows Program.

The resolution was read and was adopted without objection.

### GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate members of the United States Army's Senior Service College Fellows Program delegation: William Bailey, Timothy Baxter, Robert McVay, Kurt Pinkerton, William Robare, Richard Noriega, James Raymer, Dale Rivers, Maria Zumwalt, John Anderson, David Kaczmariski, William Phillips, and Willie Rios III.

The Senate welcomed its guests.

### (Senator Eltife in Chair)

### GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a West Texas Coalition delegation: Reeves County Judge W. J. Bang, Loving County Judge Skeet Lee Jones, and Ward County Judge Greg Holly.

The Senate welcomed its guests.

### SENATE RESOLUTION 508

Senator Jackson offered the following resolution:

**SR 508**, Recognizing the National Aeronautics and Space Administration for its leadership and accomplishments in the State of Texas.

The resolution was again read.

The resolution was previously adopted on Tuesday, March 15, 2011.

**GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate Kirk Shireman, Deputy Program Manager, International Space Station Program; Annise Parker, Mayor, City of Houston; Bob Mitchell, President, Bay Area Houston Economic Partnership; Doug Wheelock, NASA Astronaut; Hannah Bradley, Texas Aerospace Scholars Program and University of Texas student; and Mike Kincaid, Director, External Relations, Johnson Space Center.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Huffman, on behalf of Senator Eltife, was recognized and introduced to the Senate a Mount Pleasant, Titus County, delegation.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate a Texas Association for Symphony Orchestras delegation: Jan Bradley, President; Jan St. Hilaire, President-elect; Sherri Davis; Mary Padgett; Tiffany Ammerman; Laura Hyde; Annette Findley; LaVerne Gollob; Joi Smith; Emma Jean Tanner; Cynthia Lancaster; Connie Ware; and former Secretary of the Texas Senate, Betty King.

The Senate welcomed its guests.

**SENATE RESOLUTION 677**

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize John W. Griffin, Jr., for his dedicated service as chairman of the board of the American Diabetes Association; and

WHEREAS, A graduate of Austin College and the University of Missouri School of Law, Mr. Griffin serves as managing partner for the firm of Marek, Griffin, and Knaupp; and

WHEREAS, Over the course of his career, Mr. Griffin has been a tireless advocate for those with disabilities; among the many cases he has brought to trial was his successful argument in *Kapche v. City of San Antonio* that persuaded the Fifth Circuit Court of Appeals to revisit its blanket exclusion of people with insulin-treated diabetes from employment; and

WHEREAS, Mr. Griffin is active in numerous civic and professional organizations, including the Victoria Chamber of Commerce, the College of the State Bar of Texas, the Texas Diabetes Council, and the Texas Center for Legal Ethics and Professionalism; he is truly deserving of recognition for his outstanding efforts on behalf of the American Diabetes Association; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend John W. Griffin, Jr., on his exemplary service as chairman of the board of the American Diabetes Association and extend to him best wishes for continued success in all his future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of esteem from the Texas Senate.

LUCIO  
HEGAR

**SR 677** was read and was adopted without objection.

### GUEST PRESENTED

Senator Lucio, joined by Senators Duncan and Hegar, was recognized and introduced to the Senate John W. Griffin, Jr., of the American Diabetes Association.

The Senate welcomed its guest.

### PERMISSION TO INTRODUCE BILL AND RESOLUTION

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill and resolution:

**SB 1889, SCR 39.**

### SENATE BILLS AND RESOLUTION ON FIRST READING

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

**SB 1887** by Harris

Relating to the appointment of bailiffs in certain county criminal courts of Tarrant County.

To Committee on Jurisprudence.

**SB 1888** by Hegar

Relating to the creation of the Fulshear Town Center Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

To Committee on Intergovernmental Relations.

**SB 1889** by Jackson

Relating to the operation of the Texas Windstorm Insurance Association and to the resolution of certain disputes concerning claims made to that association.

To Committee on Business and Commerce.

**SCR 39** by Shapiro

Designating the month of April each year from 2011 through 2020 as Genocide Awareness and Prevention Month.

To Committee on Administration.

### SENATE RESOLUTION 671

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize March 31, 2011, as Natural Gas Vehicle Day at the Capitol; and

WHEREAS, Natural gas vehicles operate on one of two varieties of natural gas, compressed natural gas or liquefied natural gas, and look like most other vehicles; and

WHEREAS, In America, natural gas is an abundant resource, and domestic reserves of natural gas are estimated to be twice that of petroleum-based reserves; and

WHEREAS, As a transportation fuel, natural gas burns more cleanly than gasoline and diesel, and Texas is the largest producer of natural gas in the nation; and

WHEREAS, An increased use of natural gas as a transportation fuel offers Texas an opportunity to harness a domestic resource that will significantly reduce vehicle emissions and provide jobs and economic value to our state; and

WHEREAS, On average, natural gas costs one-third less than conventional gasoline at the pump, and its use reduces tailpipe emissions by up to 95 percent; natural gas vehicles have received some of the highest rankings for environmental performance, have earned an excellent safety record, and are in widespread use around the world; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the developers and supporters of natural gas vehicle technology for the roles they have played in educating the public and in encouraging the increased use of clean-burning natural gas for transportation in this state and proclaim March 31, 2011, as Natural Gas Vehicle Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Natural Gas Vehicle Day at the Capitol.

**SR 671** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Williams was recognized and introduced to the Senate representatives of Greater Houston Natural Gas Vehicle Alliance, Metroplex Gas Vehicle Consortium, and America's Natural Gas Alliance.

The Senate welcomed its guests.

#### **CONCLUSION OF MORNING CALL**

The Presiding Officer at 10:51 a.m. announced the conclusion of morning call.

#### **SENATE BILL 364 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 364** at this time on its second reading:

**SB 364**, Relating to statistical information on the prosecution of certain offenses relating to the operating of a motor vehicle while intoxicated.

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 364 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 364** 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 364**, 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 364** 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.

### **GUESTS PRESENTED**

Senator Nichols was recognized and introduced to the Senate a Shelby County delegation and the family of County Judge John E. Tomlin: his wife, Ann, and his daughter, Suzanne.

The Senate welcomed its guests.

### **GUEST PRESENTED**

Senator Wentworth was recognized and introduced to the Senate Lyle Lovett.

The Senate welcomed its guest.

### **SENATE BILL 887 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 887** at this time on its second reading:

**SB 887**, Relating to the penalty for theft of an automated teller machine or the contents or components of an automated teller machine.

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 887 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 887** 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 887**, 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 887** 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 JOINT RESOLUTION 28 ON SECOND READING**

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 28** at this time on its second reading:

**CSSJR 28**, Proposing a constitutional amendment relating to the provision of parks and recreational facilities by conservation and reclamation districts in El Paso County.

The resolution 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 JOINT RESOLUTION 28 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 28** 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 **CSSJR 28**, 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 **CSSJR 28** 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 resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 957 ON SECOND READING**

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 957** at this time on its second reading:

**SB 957**, Relating to the clarification of terminology relating to the Waco Center for Youth.

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 957 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 957** 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 957**, 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 957** 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.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
SENATE BILL 497 ON SECOND READING**

Senator Jackson moved to suspend the regular order of business to take up for consideration **CSSB 497** at this time on its second reading:

**CSSB 497**, Relating to notice of the construction or expansion of a wind-powered electric generation facility located near a federally owned or operated radar installation or military installation.

Senator Jackson withdrew the motion to suspend the regular order of business.

**COMMITTEE SUBSTITUTE  
SENATE BILL 934 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 934** at this time on its second reading:

**CSSB 934**, Relating to the enforcement of tax laws; providing a criminal 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 934 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 934** 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 934**, 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 934** 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 548 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 548** at this time on its second reading:

**CSSB 548**, Relating to the environmental review process for transportation projects.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 548** (senate committee printing) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) Chapter 201, Transportation Code, is amended by adding Subchapter I-1 to read as follows:

#### SUBCHAPTER I-1. ENVIRONMENTAL REVIEW PROCESS

Sec. 201.751. DEFINITIONS. In this subchapter:

- (1) "Day" means a calendar day.
- (2) "Federal Highway Administration" means the United States Department of Transportation Federal Highway Administration.
- (3) "Highway project" means a highway or related improvement that is:
  - (A) part of the state highway system; or

(B) not part of the state highway system but funded wholly or partly by federal money.

(4) "Local government sponsor" means a political subdivision of the state that:

(A) elects to participate in the planning, development, design, funding, or financing of a highway project; and

(B) is a municipality or a county, a group of adjoining counties, a county acting under Chapter 284, a regional tollway authority operating under Chapter 366, a regional mobility authority operating under Chapter 370, a local government corporation, or a transportation corporation created under Chapter 431.

Sec. 201.752. STANDARDS. (a) The commission by rule shall establish standards for processing an environmental review document for a highway project. The standards must increase efficiency, minimize delays, and encourage collaboration and cooperation by the department with a local government sponsor, with a goal of prompt approval of legally sufficient documents.

(b) The standards apply regardless of whether the environmental review document is prepared by the department or a local government sponsor. The standards apply to work performed by the sponsor and to the department's review process and environmental decision.

(c) The standards must address, for each type of environmental review document:

(1) the issues and subject matter to be included in the project scope prepared under Section 201.754;

(2) the required content of a draft environmental review document;

(3) the process to be followed in considering each type of environmental review document; and

(4) review deadlines, including the deadlines in Section 201.759.

(d) The standards must include a process for resolving disputes arising under this subchapter, provided that the dispute resolution process must be concluded not later than the 60th day after the date either party requests dispute resolution.

Sec. 201.753. ENVIRONMENTAL REVIEW LIMITED TO CERTAIN PROJECTS. (a) A local government sponsor or the department may prepare an environmental review document for a highway project only if the highway project is:

(1) identified in the financially constrained portion of the approved state transportation improvement program or the financially constrained portion of the approved unified transportation program; or

(2) identified by the commission as being eligible for participation under this subchapter.

(b) Notwithstanding Subsection (a), a local government sponsor may prepare an environmental review document for a highway project that is not identified by the commission or in a program described by Subsection (a) if the sponsor submits with its notice under Section 201.755 a fee in an amount established by commission rule, but not to exceed the actual cost of reviewing the environmental review document.

(c) A fee received by the department under Subsection (b) must be deposited in the state highway fund and used to pay costs incurred under this subchapter.

Sec. 201.754. SCOPE OF PROJECT. If an environmental review document is prepared by a local government sponsor, the local government sponsor must prepare a detailed scope of the project in collaboration with the department before the department may process the environmental review document.

Sec. 201.755. NOTICE TO DEPARTMENT. (a) A local government sponsor may submit notice to the department proposing that the local government sponsor prepare the environmental review document for a highway project.

(b) The notice must include:

- (1) the project scope prepared under Section 201.754; and
- (2) a request for classification of the project.

Sec. 201.756. LOCAL GOVERNMENT SPONSOR RESPONSIBILITIES. A local government sponsor that submits notice under Section 201.755 is responsible for preparing all materials for:

- (1) project scope determination;
- (2) environmental reports;
- (3) the environmental review document;
- (4) environmental permits and conditions;
- (5) coordination with resource agencies; and
- (6) public participation.

Sec. 201.757. DETERMINATION OF ADMINISTRATIVELY COMPLETE ENVIRONMENTAL REVIEW DOCUMENT. (a) A local government sponsor's submission of an environmental review document must include a statement from the local government sponsor that the document is administratively complete, ready for technical review, and compliant with all applicable requirements.

(b) Not later than the 20th day after the date the department receives a local government sponsor's environmental review document, the department shall either:

- (1) issue a letter confirming that the document is administratively complete and ready for technical review; or
- (2) decline to issue a letter confirming that the document is administratively complete and ready for technical review, in accordance with Section 201.758.

Sec. 201.758. DEPARTMENT DECLINES TO CONFIRM THAT DOCUMENT IS ADMINISTRATIVELY COMPLETE. (a) The department may decline to issue a letter confirming that a document is administratively complete and ready for technical review only if the department sends a written response to the local government sponsor specifying in reasonable detail the basis for its conclusions, including a listing of any required information determined by the department to be missing from the document.

(b) If the department provides notice under Subsection (a), the department shall undertake all reasonable efforts to cooperate with the local government sponsor in a timely manner to ensure that the document is administratively complete.

(c) The local government sponsor may resubmit any environmental review document determined by the department under Section 201.757 not to be administratively complete, and the department shall issue a determination letter on the resubmitted document not later than the 20th day after the date the document is resubmitted.

Sec. 201.759. REVIEW DEADLINES. (a) The following deadlines must be included in the standards adopted under Section 201.752:

(1) the department shall issue a classification letter not later than the 30th day after the date the department receives notice from a local government sponsor under Section 201.755;

(2) for a project classified as a programmatic categorical exclusion, the environmental decision must be rendered not later than the 60th day after the date the supporting documentation is received by the department;

(3) for a project classified as a categorical exclusion, the environmental decision must be rendered not later than the 90th day after the date the supporting documentation is received by the department;

(4) for a project that requires the preparation of an environmental assessment:

(A) the department must provide all department comments on a draft environmental assessment not later than the 90th day after the date the draft is received by the department; and

(B) the department must render the environmental decision on the project not later than the 60th day after the later of:

(i) the date the revised environmental assessment is submitted to the department; or

(ii) the date the public involvement process concludes;

(5) the department must render the environmental decision on any reevaluation not later than the 120th day after the date the supporting documentation is received by the department; and

(6) for a project that requires the preparation of an environmental impact statement, the department shall render the environmental decision not later than the 120th day after the date the draft final environmental impact statement is submitted.

(b) Review deadlines under this section specify the date by which the department will render the environmental decision on a project or the time frames by which the department will make a recommendation to the Federal Highway Administration, as applicable.

(c) A deadline that falls on a weekend or official state holiday is considered to occur on the next business day.

Sec. 201.760. SUSPENSION OF TIME PERIODS. The computation of review deadlines under Section 201.759 does not begin until an environmental review document is determined to be administratively complete, and is suspended during any period in which:

(1) the document that is the subject of the review is being revised by or on behalf of the local government sponsor in response to department comments;

(2) the highway project is the subject of additional work, including a change in design of the project, and during the identification and resolution of new significant issues; or

(3) the local government sponsor is preparing a response to any issue raised by legal counsel for the department concerning compliance with applicable law.

Sec. 201.761. AGREEMENT BETWEEN LOCAL GOVERNMENT SPONSOR AND DEPARTMENT. Notwithstanding any provision of this subchapter or any other law, a local government sponsor and the department may enter into an agreement that defines the relative roles and responsibilities of the parties in the preparation and review of environmental review documents for a specific project. For a project for which an environmental decision requires the approval of the Federal Highway Administration and to the extent otherwise permitted by law, the Federal Highway Administration may also be a party to an agreement between a local government sponsor and the department under this section.

Sec. 201.762. REPORTS TO COMMISSION AND LEGISLATURE. (a) Not later than June 30 and December 31 of each year, the department shall submit a report to the commission at a regularly scheduled commission meeting identifying projects being processed under the procedures of this subchapter and the status of each project, including:

(1) how the project was classified for environmental review;

(2) the current status of the environmental review;

(3) the date on which the department is required to make an environmental decision under applicable deadlines;

(4) an explanation of any delays; and

(5) any deadline under Section 201.759 missed by the department.

(b) Not later than December 1 of each year, the department shall submit a report to the members of the standing legislative committees with primary jurisdiction over matters related to transportation regarding the implementation of this subchapter, including a status report for the preceding 12-month period that contains the information described in Subsection (a).

(c) The department shall post copies of the reports required under this section on its Internet website and shall provide a copy of the report required by Subsection (b) to each member of the legislature who has at least one project covered by the report in the member's district.

(d) The department shall make available on its Internet website and update regularly the status of projects being processed under this subchapter.

(b) The Texas Transportation Commission shall adopt rules to implement Subchapter I-1, Chapter 201, Transportation Code, as added by this Act, not later than March 1, 2012.

(c) Subchapter I-1, Chapter 201, Transportation Code, as added by this Act, applies only to a notice of a local government sponsor proposing the sponsor's preparation of an environmental review document that is received by the Texas Department of Transportation on or after the effective date of this Act. Submissions to the Texas Department of Transportation received before the effective date of this Act are governed by the law in effect on the date the submission was received, and that law is continued in effect for that purpose.

The amendment to **CSSB 548** was read and was adopted by a viva voce vote.

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

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

**CSSB 548** as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 548 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 548** 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 548**, 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 548** 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 642 ON SECOND READING**

Senator Seliger moved to suspend the regular order of business to take up for consideration **SB 642** at this time on its second reading:

**SB 642**, Relating to optional annuity increases for certain retirees and beneficiaries of the Texas Municipal Retirement System.

The motion prevailed.

Senators Davis, Gallegos, Hinojosa, Van de Putte, Watson, and Zaffirini 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: Davis, Gallegos, Hinojosa, Van de Putte, Watson, Zaffirini.

### **SENATE BILL 642 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 **SB 642** be placed on its third reading and final passage.

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

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

Nays: Davis, Gallegos, Van de Putte, Watson, Wentworth, Zaffirini.

### **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 642**, 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 642** 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 24, Nays 7.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Wentworth, West, Whitmire, Williams.

Nays: Davis, Gallegos, Hinojosa, Lucio, Van de Putte, Watson, Zaffirini.

### **SENATE BILL 1020 ON SECOND READING**

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1020** at this time on its second reading:

**SB 1020**, Relating to a feasibility study regarding the establishment of a dental school at the Texas Tech University Health Sciences Center at El Paso.

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 1020 ON THIRD READING**

Senator Rodriguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1020** 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 1020**, 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 1020** 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.

### **MOTION TO PLACE**

### **SENATE JOINT RESOLUTION 26 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **SJR 26** at this time on its second reading:

**SJR 26**, 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.

Senator West withdrew the motion to suspend the regular order of business.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1124 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 1124** at this time on its second reading:

**CSSB 1124**, Relating to licensing and regulation of certain persons involved in residential mortgage lending pursuant to the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009; providing penalties.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1124** (senate committee printing) in SECTION 14 of the bill, in added Section 156.202(a-1), Finance Code (page 4, line 61), by striking "The following persons are exempt from this chapter:" and substituting "The following individuals or entities, and employees of those entities when acting for the benefit of those entities, [persons] are exempt from this chapter:".

The amendment to **CSSB 1124** was read and was adopted by a viva voce vote.

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

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

**CSSB 1124** as amended was passed to engrossment by a viva voce vote.

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 1124 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 1124** 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 1124**, 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 1124** 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 1003 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1003** at this time on its second reading:

**SB 1003**, Relating to penalties for, and emergency orders suspending, the operation of a rock crusher or certain concrete plants without a current permit under the Texas Clean Air Act.

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 1003 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1003** 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 1003**, 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 1003** 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 JOINT RESOLUTION 26 ON SECOND READING**

Senator West again moved to suspend the regular order of business to take up for consideration **SJR 26** at this time on its second reading:

**SJR 26**, 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.

The motion prevailed without objection.

The resolution 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 JOINT RESOLUTION 26 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 26** 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 **SJR 26**, 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 **SJR 26** 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 resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 760 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 760** at this time on its second reading:

**SB 760**, Relating to the term of interlocal contracts.

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 760 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 760** 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 760**, 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 760** 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 731 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 731** at this time on its second reading:

**CSSB 731**, Relating to the attorney general's legal sufficiency review of a comprehensive development agreement.

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 731 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 731** 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 731**, 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 731** 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 1160 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1160** at this time on its second reading:

**SB 1160**, Relating to the liability of a landowner for harm to a trespasser.

The bill was read second time.

Senator Seliger offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1160** (senate committee printing) in SECTION 1 of the bill, in added Section 75.007, Civil Practice and Remedies Code, as follows:

(1) In Subsection (c) (page 1, lines 21 and 22), strike "younger than 16 years of age".

(2) In Subsection (c)(3), between "injured child" and "did not discover" (page 1, line 32), insert ", because of the child's youth,".

(3) Strike Subsection (d) (page 1, lines 42 through 46).

(4) In Subsection (f) (page 1, line 50), strike "Sections 75.001," and substitute "Section 75.001,".

(5) Reletter subsections of Section 75.007 appropriately.

The amendment to **SB 1160** was read and was adopted by a viva voce vote.

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

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

**SB 1160** as amended was passed to engrossment by a viva voce vote.

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

#### **SENATE BILL 1160 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 **SB 1160** 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 1160**, 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 1160** 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 RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider the following bills today:

**SB 6, SB 226, SB 1042, SB 1484.**

**CO-AUTHOR OF SENATE BILL 26**

On motion of Senator Zaffirini, Senator Hinojosa will be shown as Co-author of **SB 26**.

**CO-AUTHOR OF SENATE BILL 58**

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-author of **SB 58**.

**CO-AUTHORS OF SENATE BILL 201**

On motion of Senator Uresti, Senators Hinojosa and West will be shown as Co-authors of **SB 201**.

**CO-AUTHOR OF SENATE BILL 290**

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

**CO-AUTHOR OF SENATE BILL 332**

On motion of Senator Fraser, Senator Davis will be shown as Co-author of **SB 332**.

**CO-AUTHOR OF SENATE BILL 364**

On motion of Senator Ogden, Senator Davis will be shown as Co-author of **SB 364**.

**CO-AUTHOR OF SENATE BILL 377**

On motion of Senator Huffman, Senator Nelson will be shown as Co-author of **SB 377**.

**CO-AUTHOR OF SENATE BILL 726**

On motion of Senator Rodriguez, Senator Deuell will be shown as Co-author of **SB 726**.

**CO-AUTHOR OF SENATE BILL 1442**

On motion of Senator Shapiro, Senator Wentworth will be shown as Co-author of **SB 1442**.

**CO-AUTHOR OF SENATE BILL 1490**

On motion of Senator Uresti, Senator Harris will be shown as Co-author of **SB 1490**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 681** by Nichols, In memory of John E. Tomlin of Shelby County.

### **Congratulatory Resolutions**

**SCR 40** by Fraser, Recognizing Wayne and Eileen Hurd for their contributions to the Horseshoe Bay community.

**SR 675** by Jackson, Recognizing the Pearland High School girls' softball team for winning the University Interscholastic League Class 5A state championship title for 2010.

**SR 676** by Harris, Recognizing Billy Mills for his 35 years of service as Judge of County Criminal Court Number 3 in Tarrant County.

**SR 678** by Watson, Recognizing Temple Beth Shalom of Austin on the occasion of its 10th anniversary.

**SR 680** by Deuell, Recognizing the 70th anniversary of the Lend-Lease Act in Terrell.

**SR 683** by Harris, Commending Harmony Science Academy of Grand Prairie for its achievements.

### **Official Designation Resolutions**

**SR 679** by Deuell, Recognizing March, 2011, as Brain Injury Awareness Month in Texas.

**SR 682** by Nichols, Recognizing March 31, 2011, as Shelby County Day at the State Capitol.

**SR 684** by Zaffirini, Recognizing April 13, 2011, as Live Oak County Day at the State Capitol.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 12:20 p.m. adjourned, in memory of John E. Tomlin, until 1:30 p.m. Monday, April 4, 2011.

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### **APPENDIX**

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### **COMMITTEE REPORTS**

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

March 31, 2011

HEALTH AND HUMAN SERVICES — **CSSB 620**

GOVERNMENT ORGANIZATION — **CSSB 1068**

FINANCE — **CSSB 73**

JURISPRUDENCE — **CSSB 1106**

BUSINESS AND COMMERCE — **CSSB 937, CSSB 984, CSSB 985**

GOVERNMENT ORGANIZATION — **CSSB 654, CSSB 656**

HIGHER EDUCATION — **SB 324, SB 1272**

NATURAL RESOURCES — **CSSB 1097**

EDUCATION — **CSSB 27, CSSB 1094**

GOVERNMENT ORGANIZATION — **CSSB 660**

TRANSPORTATION AND HOMELAND SECURITY — **SB 1292, SB 315, SB 1702, CSSB 1701**

NATURAL RESOURCES — **CSSB 833, CSSB 693**

OPEN GOVERNMENT — **SB 470, SB 701, SB 1327, SB 550, SB 1270, SB 711**

#### **BILLS ENGROSSED**

March 30, 2011

**SB 158, SB 159, SB 246, SB 290, SB 331, SB 332, SB 377, SB 473, SB 544, SB 646, SB 737**

#### **RESOLUTIONS ENROLLED**

March 30, 2011

**SR 575, SR 651, SR 657, SR 662, SR 663, SR 664, SR 665, SR 666, SR 667, SR 668, SR 669, SR 670, SR 672, SR 673, SR 674**