

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FORTIETH DAY**

(Monday, April 11, 2011)

The Senate met at 1:35 p.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

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

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

Rabbi Alan Freedman, Temple Beth Shalom, Austin, offered the invocation as follows:

Dear God, we ask this day for You to bestow wisdom and strength upon the Members of this body as well as their staffs and all those who serve this Senate. May the values revealed to us by Your holy word always be reflected in the work of our State Senate so that in serving the people of Texas, these women and men may have an awareness that they are serving You as well. May their work each and every day reflect a true understanding of Your admonition contained in Torah, the five books of Moses, that true holiness resides ultimately in loving our neighbor as ourselves and thereby walking in the ways of the holy one, the ways of justice and peace. Amen.

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

The motion prevailed without objection.

## MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, April 11, 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 6** Eissler  
Relating to the foundation curriculum, the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools.
- HB 11** Cook  
Relating to reports filed with the comptroller regarding certain alcoholic beverage sales; providing a penalty.
- HB 27** Guillen  
Relating to the payment of fines and costs by defendants who are unable to pay the fines and costs in misdemeanor cases.
- HB 42** Menendez  
Relating to the duty imposed on the operator of a motor vehicle that strikes a structure adjacent to a highway.
- HB 118** McClendon  
Relating to requiring the provision of notice by certain hospitals regarding patients' medical records.
- HB 125** Legler  
Relating to the regulatory analysis of rules proposed by the Texas Commission on Environmental Quality.
- HB 175** Jackson, Jim  
Relating to the on-premises consumption of certain alcoholic beverages; providing a penalty.
- HB 191** Walle  
Relating to the regulation of automobile wrecking and salvage yards in certain counties.
- HB 205** Pickett  
Relating to the imposition by certain municipalities and municipal transit departments of the local sales and use tax in certain federal military installations.
- HB 218** Gallego  
Relating to possessing a glass container within the boundaries of certain riverbeds; providing criminal penalties.
- HB 243** Craddick  
Relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.
- HB 266** Hilderbran  
Relating to the use of address-matching software by certain state agencies.
- HB 282** Flynn  
Relating to an analysis by the adjutant general of facility needs of state military forces before grants or conveyances of real property.
- HB 289** Jackson, Jim  
Relating to activity that constitutes maintaining a common nuisance.

- HB 308** Menendez  
Relating to life preserving devices on recreational vessels.
- HB 328** Guillen  
Relating to information provided to a person applying for a state tax permit or license.
- HB 336** Marquez  
Relating to the filing and posting on the Internet of reports of political contributions and expenditures required in connection with the office of member of the board of trustees of certain school districts.
- HB 341** Fletcher  
Relating to the prosecution of and the punishment for the offense of burglary committed while evading arrest or detention.
- HB 399** Castro  
Relating to requiring general academic teaching institutions to offer personal financial literacy training.
- HB 412** Aycock  
Relating to the requirement that certain impaired veterinarians participate in a peer assistance program.
- HB 413** Aycock  
Relating to the confidentiality of certain information held by a veterinarian.
- HB 414** Aycock  
Relating to the conducting of licensing examinations by the State Board of Veterinary Medical Examiners.
- HB 441** Guillen  
Relating to the fees for certain commercial vehicles.
- HB 460** White  
Relating to the board of directors of the Trinity Memorial Hospital District.
- HB 468** Burnam  
Relating to the designation of a portion of Interstate Highway 35W as the Cesar Chavez Memorial Freeway.
- HB 479** Orr  
Relating to the location of board meetings of certain economic development corporations.
- HB 500** Eissler  
Relating to state-adopted assessment instruments administered to public school students.
- HB 530** Shelton  
Relating to the definition of local law enforcement authority for purposes of the sex offender registration program.
- HB 534** Phillips  
Relating to the powers and duties of the Gunter Municipal Utility Districts Nos. 1 and 2.

- HB 555** Howard, Donna  
Relating to reportable boating accidents and the penalties for certain boating accidents.
- HB 650** Castro  
Relating to property held by certain junior colleges and presumed abandoned.
- HB 679** Button  
Relating to change order approval requirements for certain political subdivisions of the state.
- HB 682** Brown  
Relating to leasing advertising space on state agency Internet websites.
- HB 709** Fletcher  
Relating to the creation of the Harris County Municipal Utility District No. 524; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 734** Patrick, Diane  
Relating to the jurisdiction of constitutional county courts over truancy cases and the appointment of magistrates to hear truancy cases in certain counties.
- HB 811** Darby  
Relating to the powers and duties of the Scurry County Hospital District.
- HB 840** Gonzalez, Naomi  
Relating to the authority of the El Paso County Hospital District to appoint, contract for, or employ physicians, dentists, and other health care providers.
- HB 841** Gonzalez, Naomi  
Relating to certain statutory references to the Department of Family and Protective Services.
- HB 871** Davis, Yvonne  
Relating to indigent health care services that may be provided by a county.
- HB 886** Smith, Wayne  
Relating to the creation of the Harris County Municipal Utility District No. 528; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 943** Dukes  
Relating to reporting requirements concerning missing persons, including missing children in the managing conservatorship of the Department of Family and Protective Services.
- HB 965** Callegari  
Relating to continuing education requirements for persons holding licenses issued by the Texas Commission on Environmental Quality.
- HB 994** Castro  
Relating to proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.

- HB 1010** Bonnen  
Relating to enforcement of commercial motor vehicle safety standards in certain municipalities.
- HB 1028** Phillips  
Relating to certain contact between a criminal defendant and the victim of the offense of which the defendant is convicted or a member of the victim's family.
- HB 1032** Smithee  
Relating to a rescission period for annuity contracts.
- HB 1060** Kleinschmidt  
Relating to the de-annexation of land in Bastrop County by the Barton Springs-Edwards Aquifer Conservation District.
- HB 1091** Davis, John  
Relating to the authority of certain hospital districts to contract for the performance of administrative functions and services.
- HB 1116** Harper-Brown  
Relating to prohibiting the sale and use of certain radar interference devices; creating an offense.
- HB 1173** Riddle  
Relating to the release on bond of certain persons arrested for a misdemeanor without a warrant in certain counties.
- HB 1201** Kolkhorst  
Relating to repeal of authority for the establishment and operation of the Trans-Texas Corridor.
- HB 1245** Callegari  
Relating to the repeal of the authorization to establish a super collider facility research authority.
- HB 1247** Callegari  
Relating to the repeal of certain prohibitions on purchases of paper supplies and cabinets by state agencies.
- HB 1293** Price  
Relating to the Moore County Hospital District.
- HB 1305** Bonnen  
Relating to the issuance of oversize or overweight vehicle permits by certain port authorities.
- HB 1334** Allen  
Relating to the effect of a delay by the State Board for Educator Certification in renewing an educator's certification.

- HB 1341** Walle  
Relating to the manner of payment of tuition and mandatory fees at public institutions of higher education.
- HB 1343** Carter  
Relating to proper venue for certain criminal prosecutions of mortgage fraud.
- HB 1344** Burkett  
Relating to certain defenses to prosecution for the offense of sale, distribution, or display of harmful material to a minor.
- HB 1376** Bohac  
Relating to the definition of a junked vehicle for purposes of abatement of a public nuisance.
- HB 1417** Chisum  
Relating to the Swisher Memorial Hospital District.
- HB 1473** Scott  
Relating to creating the offense of altering a disabled parking placard.
- HB 1495** Munoz, Jr.  
Relating to the application of the Information Resources Management Act to public junior colleges and public junior college districts.
- HB 1496** Gallego  
Relating to the contracting authority of the Val Verde County Hospital District.
- HB 1499** Larson  
Relating to the designation of the Scenic Loop Road–Boerne Stage Road–Toutant Beauregard Road Historic Corridor.
- HB 1504** Munoz, Jr.  
Relating to statutory references to the common electronic infrastructure project formerly known as TexasOnline.
- HB 1524** Phillips  
Relating to the creation of the Case Creek Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 1555** Thompson  
Relating to the first day of instruction in certain school districts that provide additional days of instruction financed with local funds.
- HB 1560** Scott  
Relating to the authority of counties to nominate projects in the extraterritorial jurisdictions of certain municipalities for designation as enterprise projects.
- HB 1567** Coleman  
Relating to the authority of certain counties to appoint, contract for, or employ physicians, dentists, or other health care providers for county jails.

- HB 1570** Murphy  
Relating to training for deputy voter registrars.
- HB 1573** Gallego  
Relating to certain pretrial and post-trial procedures in a criminal case.
- HB 1638** Aliseda  
Relating to the disqualification of a district or county attorney who is the subject of a criminal investigation.
- HB 1753** Gallego  
Relating to the threshold amount at which public utilities are required to report a transaction.
- HB 1756** Rodriguez, Eddie  
Relating to the creation of the Pilot Knob Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 1757** Rodriguez, Eddie  
Relating to the creation of the Pilot Knob Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 1758** Rodriguez, Eddie  
Relating to the creation of the Pilot Knob Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 1770** Madden  
Relating to the payment of temporary housing costs for certain inmates released or eligible for release on parole or to mandatory supervision.
- HB 1779** Naishtat  
Relating to an exemption from private security regulation for social workers engaged in the practice of social work.
- HB 1781** Price  
Relating to obsolete or redundant reporting requirements applicable to state agencies.
- HB 1804** Hancock  
Relating to certificates of insurance required for certain plumbing contractors.
- HB 1869** Giddings  
Relating to local governments that may consider a bidder's principal place of business when awarding a contract.
- HB 1885** Hardcastle  
Relating to the authority of the board of directors of the Knox County Hospital District to employ physicians and other health care providers.
- HB 1889** Burkett  
Relating to the creation of municipal courts of record in the city of Mesquite.

- HB 1891** Davis, Sarah  
Relating to the execution of a search warrant for data or information contained in or on certain devices.
- HB 1904** Sheffield  
Relating to the deadlines for write-in candidates for the office of county or precinct chair of a political party.
- HB 1932** Schwertner  
Relating to the powers and duties of the Williamson-Liberty Hill Municipal Utility District.
- HB 1952** Kuempel  
Relating to alcoholic beverage seller-servers and to seller training programs.
- HB 1956** Thompson  
Relating to appeal of an order of the Texas Alcoholic Beverage Commission or the commission's administrator refusing, canceling, or suspending a license or permit.
- HB 1967** Chisum  
Relating to the contracting authority of the Collingsworth County Hospital District.
- HB 1981** Smith, Wayne  
Relating to measuring, monitoring, and reporting emissions.
- HB 2007** Shelton  
Relating to payment by the Benbrook Water Authority for certain damages caused by the authority's operation of a sanitary sewer system.
- HB 2012** Thompson  
Relating to certain prohibited dealings between a wholesaler and retailer of alcoholic beverages.
- HB 2014** Thompson  
Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.
- HB 2035** Hamilton  
Relating to the temporary relocation of an alcoholic beverage distributor's or wholesaler's premises during a period of emergency and delivery of alcoholic beverages to a distributor's or wholesaler's premises.
- HB 2207** Oliveira  
Relating to the authority of the board of trustees to set rates for certain municipal utility systems.
- HB 2258** Deshotel  
Relating to the use and transferability of certain state property transferred from the state to Spindletop MHMR Services.
- HB 2351** McClendon  
Relating to the authority of the Bexar County Hospital District to employ physicians.



- HB 2360** Schwertner  
Relating to the creation of the Corn Hill Regional Water Authority; providing authority to issue bonds.
- HB 2376** Hamilton  
Relating to the regulation of plumbing.
- HB 2418** Callegari  
Relating to the territory, board of directors, and powers of the North Harris County Regional Water Authority.
- HB 2503** Thompson  
Relating to insurance agent licenses issued to certain foreign corporations and partnerships.
- HB 2521** Sheffield  
Relating to the creation of the Bell County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- HB 2609** Guillen  
Relating to employment at or by certain facilities serving the elderly or persons with disabilities.
- HB 2631** Branch  
Relating to the advanced research program.
- HB 2633** Madden  
Relating to the office of inspector general of the Texas Youth Commission.
- HB 2690** Deshotel  
Relating to authorizing local governments to convey real property interests to other local governments for less than fair market value.
- HB 2785** Davis, John  
Relating to the creation of the Select Committee on Economic Development.
- HB 2909** Branch  
Relating to increasing awareness in this state of the importance of higher education.
- SB 24** Van de Putte Sponsor: Thompson  
Relating to the prosecution, punishment, and certain criminal and civil consequences of offenses involving or related to the trafficking of persons and to certain protections for victims of those offenses.
- SB 37** Zaffirini Sponsor: Naishtat  
Relating to the duration of the interagency task force on ensuring appropriate care settings for persons with disabilities.
- SB 351** Williams Sponsor: Deshotel  
Relating to the maximum capacity of a container of wine sold to a retail dealer.
- SB 582** Harris Sponsor: Lewis  
Relating to service of process on certain domestic and foreign entities for the collection of delinquent property taxes.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**SB 14** (non-record vote)

House Conferees: Harless - Chair/Aliseda/Bonnen/Truitt/Veasey

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **RESOLUTIONS SIGNED**

The President Pro Tempore announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 40, HCR 128.**

### **PHYSICIAN OF THE DAY**

Senator Williams was recognized and presented Dr. John Redman of Anahuac as the Physician of the Day.

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

### **SENATE RESOLUTION 479**

Senator Jackson offered the following resolution:

**SR 479**, In memory of Lynn Levin Cantini of Galveston.

The resolution was again read.

The resolution was previously adopted on Wednesday, March 9, 2011.

In honor of the memory of Lynn Levin Cantini, the text of the resolution is printed at the end of today's *Senate Journal*.

### **GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate Armin Cantini, Debbie Gainer, Jamie Selig, and Jim and Sally Galbraith.

The Senate welcomed its guests and extended its sympathy.

### **SENATE RESOLUTION 745**

Senator Rodriguez offered the following resolution:

**SR 745**, Welcoming Héctor Agustín Murguía Lardizábal of Ciudad Juárez to the State Capitol.

The resolution was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Rodriguez was recognized and introduced to the Senate Mayor Héctor Agustín Murguía Lardizábal and City Manager José Rodolfo Martínez Ortega of Ciudad Juárez, Chihuahua, Mexico.

The Senate welcomed its guests.

(Senator Eltife in Chair)

**CONCLUSION OF MORNING CALL**

The Presiding Officer at 1:56 p.m. announced the conclusion of morning call.

**SENATE BILL 663 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 663** at this time on its second reading:

**SB 663**, Relating to the continuation and functions of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments; providing an administrative penalty.

The bill was read second time.

Senator Nichols offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 663** as follows:

(1) In SECTION 10 of the bill, in the recital (Committee printing page 3, lines 38-39), between "amended" and "to" insert "by amending Subsection (a) and adding Subsections (d) and (e)".

(2) In SECTION 10 of the bill (Committee printing page 3, line 40), strike "Sec. 402.104. POWERS AND DUTIES REGARDING EXAMINATION."

(3) In SECTION 10 of the bill, strike amended Subsection (a), Section 402.104, Occupations Code (Committee printing page 3, lines 41-43), and substitute the following:

(a) The committee shall develop and maintain an examination that may include written, oral, or practical tests. The department shall administer or arrange for the administration of the [a-written] examination.

(4) In SECTION 10 of the bill, strike amended Subsections (b) and (c), Section 402.104, Occupations Code (Committee printing page 3, lines 44-47).

The amendment to **SB 663** 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.

**SB 663** 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 663 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 663** 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 663**, 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 663** 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 1701 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 1701** at this time on its second reading:

**CSSB 1701**, Relating to a criminal asset forfeiture hearing in which substitute assets are forfeited under certain circumstances.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 1701** (senate committee printing) in SECTION 1 of the substitute, in proposed Article 59.05(e)(4), Code of Criminal Procedure (page 1, line 35), by striking "has been forfeited" and substituting "was originally ordered forfeited".

The amendment to **CSSB 1701** 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 Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1701** 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 1701 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 1701** 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 1701**, 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 1701** 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 1625 ON SECOND READING**

Senator Hegar moved to suspend the regular order of business to take up for consideration **SB 1625** at this time on its second reading:

**SB 1625**, Relating to the administration, powers, duties, and operation of the Edwards Aquifer Authority.

The motion prevailed.

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

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1625** (senate committee printing) in SECTION 25 of the bill, in redesignated and amended Section 1.47, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993 (page 8, line 48), by striking "June 28 [~~September 1~~], 1993" and substituting "June 28, 1996 [~~September 1, 1993~~]".

The amendment to **SB 1625** was read and was adopted by a viva voce vote.

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

Nays: Fraser.

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

**SB 1625** as amended was passed to engrossment by the following vote: Yeas 30, Nays 1.

Nays: Fraser.

**SENATE BILL 1625 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1625** 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 1625**, 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 1625** 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.

#### GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Honorary Senate Pages from her district: Jacklyn Garcia, Joseph Lee, Gabriella Pereida, and Yadira Torres, all from the Harmony Science Academy in Laredo.

The Senate welcomed its guests.

#### COMMITTEE SUBSTITUTE SENATE BILL 1416 ON SECOND READING

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1416** at this time on its second reading:

**CSSB 1416**, Relating to the creation of the offense of possession, manufacture, transportation, repair, or sale of a tire deflation device; providing criminal 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 1416 ON THIRD READING

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1416** 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 1416**, 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 1416** 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 688 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 688** at this time on its second reading:

**CSSB 688**, Relating to the investigation, prosecution, and punishment of criminal Medicaid fraud and certain other offenses related to Medicaid fraud; providing penalties.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 688** (Senate Committee Printing) as follows:

(1) In SECTION 3 of the bill, in added Section 3(a)(3), Article 37.07, Code of Criminal Procedure (page 2, line 58), between "Penal Code," and "the state" insert "subject to the applicable rules of evidence".

(2) In SECTION 3 of the bill, in added Section 3(a)(3), Article 37.07, Code of Criminal Procedure (page 2, line 63), strike "An" and substitute "Subject to the applicable rules of evidence, an".

The amendment to **CSSB 688** 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 688** 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 688 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 688** 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 688**, 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 688** 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 1195 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 1195** at this time on its second reading:

**SB 1195**, Relating to postponement of jury service in certain counties.

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 1195 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 1195** 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 1195**, 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 1195** 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 776 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 776** at this time on its second reading:

**CSSB 776**, Relating to customs brokers.

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 776 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 776** 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 776**, 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 776** 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 1019 ON SECOND READING**

On motion of Senator Rodriguez and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1019** at this time on its second reading:

**CSSB 1019**, Relating to the county ethics commission for certain counties.

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 1019 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 **CSSB 1019** 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 1019**, 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 1019** 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.

**CO-AUTHOR OF SENATE BILL 262**

On motion of Senator Carona, Senator Deuell will be shown as Co-author of **SB 262**.

**CO-AUTHOR OF SENATE BILL 1353**

On motion of Senator Eltife, Senator Carona will be shown as Co-author of **SB 1353**.

**CO-AUTHOR OF SENATE BILL 1381**

On motion of Senator Ellis, Senator Carona will be shown as Co-author of **SB 1381**.

**CO-AUTHORS OF SENATE BILL 1416**

On motion of Senator Hinojosa, Senators Patrick and Williams will be shown as Co-authors of **SB 1416**.

**CO-AUTHOR OF SENATE BILL 1843**

On motion of Senator Carona, Senator Nichols will be shown as Co-author of **SB 1843**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 40**

On motion of Senator Lucio, Senator Rodriguez will be shown as Co-author of **SJR 40**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 741** by Carona, In memory of Margaret Moore Solomon of Dallas.

**Congratulatory Resolutions**

**SR 737** by Hinojosa, Recognizing Rene G. Garza for being named Mission High School Teacher of the Year.

**SR 738** by Hinojosa, Recognizing Rene Garza II for being named Pearson Elementary School Teacher of the Year.

**SR 744** by Estes, Recognizing the Texas Woman's University Pioneers basketball team for winning the 2011 Lone Star Conference women's basketball championship title.

**Official Designation Resolution**

**SR 743** by Duncan, Recognizing the Ozark Trail Barbecue Cook-off as a Texas State Barbecue Championship competition.

**Legislative Policy Resolutions**

**SR 739** by Van de Putte and Hinojosa, Encouraging Texas employers to hire veterans.

**SR 740** by Van de Putte, Advocating that the United States Department of Defense name Lackland Air Force Base to the next list of the F-35 base locations.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 2:37 p.m. adjourned, in memory of Lynn Levin Cantini, Mecolus McDaniel, and Bryan Burgess, until 11:00 a.m. tomorrow.

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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:

April 11, 2011

OPEN GOVERNMENT — **SB 933, SB 1638, SB 1692**

INTERGOVERNMENTAL RELATIONS — **SB 601, SB 609, SB 1002, SB 1341**

ECONOMIC DEVELOPMENT — **SB 977, SB 988, SB 1413, SB 1744**

HEALTH AND HUMAN SERVICES — **CSSB 47, CSSB 260**

INTERGOVERNMENTAL RELATIONS — **CSSB 1243, CSSB 916, CSSB 1496, CSSB 860**

FINANCE — **SB 540, SB 1535**

JURISPRUDENCE — **CSSB 218**

BUSINESS AND COMMERCE — **CSSB 1168, CSSB 1169, CSSB 1630, CSSB 1748, CSSB 1001**

EDUCATION — **CSSB 127**

BUSINESS AND COMMERCE — **CSSB 95**

HEALTH AND HUMAN SERVICES — **CSSB 270, CSSB 613, CSSB 993, CSSB 1081**

FINANCE — **CSSB 1088, CSSB 726**

CRIMINAL JUSTICE — **CSSB 1055, CSSB 407, CSSB 913, CSSB 198, CSSB 167**

ECONOMIC DEVELOPMENT — **CSSB 264**

BUSINESS AND COMMERCE — **CSSB 943, CSSB 1000, CSSB 1099, CSSB 1125, CSSB 1244, CSSB 1281, CSSB 1400, CSSB 1509, CSSB 1655, CSSB 1810, CSSB 1862, CSSB 1170**

NATURAL RESOURCES — **CSSB 1132, CSSB 1504**

HEALTH AND HUMAN SERVICES — **CSSB 681**

INTERGOVERNMENTAL RELATIONS — **CSSB 1233**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 1635, CSSB 1660, SB 1736, CSSB 1732, SB 1733, CSSB 1739, CSSB 1766**

EDUCATION — **CSSB 208, CSSB 1410**

STATE AFFAIRS — **SB 1046, SB 1271, SB 1342**

HIGHER EDUCATION — **CSSB 5, CSSB 162, CSSB 1005, CSSB 1729**

### **BILLS ENGROSSED**

April 7, 2011

**SB 6, SB 20, SB 71, SB 82, SB 182, SB 201, SB 217, SB 222, SB 227, SB 229, SB 249, SB 258, SB 285, SB 293, SB 326, SB 327, SB 372, SB 403, SB 419, SB 420, SB 423, SB 432, SB 460, SB 498, SB 499, SB 501, SB 551, SB 596, SB 628, SB 630, SB 639, SB 680, SB 692, SB 693, SB 714, SB 715, SB 729, SB 743, SB 759, SB 778, SB 779, SB 782, SB 789, SB 794, SB 795, SB 800, SB 803, SB 804, SB 816, SB 867, SB 873, SB 874, SB 882, SB 893, SB 894, SB 900, SB 901, SB 914, SB 937, SB 959, SB 969, SB 978, SB 980, SB 981, SB 992, SB 997, SB 1009, SB 1017, SB 1025, SB 1047, SB 1069, SB 1121, SB 1144, SB 1145, SB 1151, SB 1153, SB 1167, SB 1176, SB 1185, SB 1226, SB 1228, SB 1241, SB 1242, SB 1322, SB 1343, SB 1518, SB 1613, SB 1714, SB 1716, SB 1719**

### **RESOLUTIONS ENROLLED**

April 7, 2011

**SCR 40, SR 696, SR 707, SR 728, SR 729, SR 730, SR 731, SR 732, SR 733, SR 734, SR 735, SR 736**

### **SENT TO GOVERNOR**

April 11, 2011

**SCR 40**

**In Memory**  
**of**  
**Lynn Levin Cantini**  
**Senate Resolution 479**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Galveston civic leader Lynn Levin Cantini, who died January 14, 2011, at the age of 64; and

WHEREAS, A fourth-generation Galvestonian, Lynn was born on February 10, 1946; she graduated from Ball High School in 1964 and attended Stephens College; she earned a bachelor's degree in elementary education from The University of Texas at Austin and a master's degree in speech pathology from the University of Houston; she worked as a schoolteacher, educational diagnostician, and speech pathologist; and

WHEREAS, She carried on her family's tradition of civic and social involvement on Galveston Island; her many activities included volunteering for the Galveston Historical Foundation, The Grand 1894 Opera House, the American Cancer Society, and Temple B'Nai Israel; and

WHEREAS, As the daughter of a longtime faculty member and the second president of The University of Texas Medical Branch, Lynn had been involved with the Medical Branch family since her childhood; with her husband, Armin, Lynn was a dedicated member of the President's Cabinet, and she served a distinguished four-year term on the School of Health Professions' Advisory Council; and

WHEREAS, Lynn demonstrated exceptional courage and resolve while facing her own personal challenge; she helped establish the Lynn Levin Cantini professorship to support the study and treatment of disorders that affect the joints, bones, and muscles, especially autoimmune diseases, and the Edna S. Levin Professorship in Cancer Studies, named for her mother; and

WHEREAS, A warm, kind, and gracious lady, Lynn was unwavering in her determination to live each day to the fullest, and she leaves behind memories that will be treasured forever by her family, her many friends, and all those who had the good fortune of knowing her; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family of Lynn Levin Cantini; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Lynn Levin Cantini.

JACKSON

