

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-SIXTH DAY

(Wednesday, April 20, 2011)

The Senate met at 11:38 a.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend Jimmy L. Steele, Trinidad United Methodist Church, Trinidad, offered the invocation as follows:

Dear Lord, we pray that You will be with this body as they serve today. And we pray for Your guidance to all who serve in all positions of government. We pray that You will guide them with their labors, as You have guided so many others who have served in the past. Give them the guidance and wisdom to serve according to Your will. Thank You for the heritage You have given us in this state and in Your kingdom. We pray You will bless the State of Texas and the United States of America. In Jesus' name. 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

Wednesday, April 20, 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 44 Menendez

Relating to the authority of a property owners' association to regulate the use of certain lots for residential purposes.

HB 213 Rodriguez, Eddie

Relating to the duties of a mortgage servicer of certain residential mortgage loans.

HB 265 Hilderbran

Relating to the lease of space by or for a state agency.

HB 345 Kleinschmidt

Relating to limitations on awards in an adjudication brought against a local governmental entity for breach of contract.

HB 499 Rodriguez, Eddie

Relating to the additional penalty for collection costs for certain delinquent ad valorem taxes.

HB 968 Strama

Relating to expulsion from school or placement in a disciplinary alternative education program.

HB 1064 Pitts

Relating to exempting certain customers from certain demand charges by transmission and distribution utilities.

HB 1118 Ritter

Relating to the resale of property purchased by a taxing unit at a tax sale.

HB 1380 Truitt

Relating to the graduate medical training requirements for certain foreign medical school graduates applying for a license to practice medicine in this state.

HB 1965 Kolkhorst

Relating to the expansion of faith- and community-based health and human services initiatives.

HB 2131 Geren

Relating to the issuance of a pass for expedited access to the State Capitol.

HB 2541 Solomons

Relating to the regulation of traffic on certain roads by counties.

HB 2559 Truitt

Relating to commercial motor vehicle installment sales.

HB 2605 Taylor, Larry

Relating to certain workers' compensation benefits and to the continuation and functions of the division of workers' compensation of the Texas Department of Insurance; providing an administrative violation.

HB 2904 Zerwas

Relating to the administration of the Glenda Dawson Donate Life-Texas Registry.

HB 3174

Madden

Relating to the stay of recognition or enforcement of a foreign country judgment to allow for de novo review of a contract or agreement for a sale, offer for sale, or sell under The Securities Act.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

SB 333, SB 691, SCR 42.**PHYSICIAN OF THE DAY**

Senator Ogden was recognized and presented Dr. Daniel Voss of Jarrell as the Physician of the Day.

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

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

April 19, 2011
Austin, Texas

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

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

To be members of the Texas Commission of Licensing and Regulation for terms to expire February 1, 2017:

Lilian Norman-Keeney
Taylor Lake Village, Texas
(Ms. Norman-Keeney is being reappointed)

Ravi Shah
The Colony, Texas
(replacing Lewis Benavides of Oak Point whose term expired)

To be members of the Texas Medical Board for terms to expire April 13, 2017:

Julie K. Attebury
Amarillo, Texas
(Ms. Attebury is being reappointed)

Stanley S. Wang
 Austin, Texas
 (replacing Jose Benavides of San Antonio whose term expired)

George Willeford, III
 Austin, Texas
 (Dr. Willeford is being reappointed)

Irvin E. Zeitler, Jr.
 Paint Rock, Texas
 (Dr. Zeitler is being reappointed)

Respectfully submitted,

/s/Rick Perry
 Governor

April 20, 2011
 Austin, Texas

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

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

To be members of the State Health Services Council for terms to expire February 1, 2017:

Kirk Aquilla Calhoun
 Tyler, Texas
 (Dr. Calhoun is being reappointed)

David Woolweaver
 Harlingen, Texas
 (Dr. Woolweaver is being reappointed)

To be a member of the State Board of Veterinary Medical Examiners for a term to expire August 26, 2013:

Richard Scott Bonner, Jr.
 Corpus Christi, Texas
 Mr. Bonner is replacing David Kercheval of Grandview who resigned.

To be members of the State Pension Review Board for terms to expire as indicated:

To Expire January 31, 2015:
Leslie Greco-Pool
 Euless, Texas
 (replacing Scott D. Smith of Cedar Park who resigned)

To Expire January 31, 2017:
J. Robert Massengale
 Lubbock, Texas
 (Mr. Massengale is being reappointed)

To be members of the Health and Human Services Council for terms to expire February 1, 2017:

Kathleen O. Angel
Austin, Texas
(Ms. Angel is being reappointed)

Maryann Miyun Choi
Georgetown, Texas
(Dr. Choi is being reappointed)

Karen Harris
Lakehills, Texas
(replacing Robert Valadez of San Antonio whose term expired)

Respectfully submitted,

/s/Rick Perry
Governor

April 20, 2011
Austin, Texas

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

On January 19, 2011, I submitted the name of Joyce King for appointment to the Cancer Prevention and Research Institute of Texas Oversight Committee for a term to expire January 31, 2013.

Because she resigned, I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Rick Perry
Governor

SENATE RESOLUTION 746

Senator Watson offered the following resolution:

SR 746, Commending the Austin Downtown Founder Lions Club on the occasion of its 95th anniversary.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate a Lions Club delegation: J. P. Kirksey, Patti Robinson, Leah Baxter, Gus Garcia, and Neil Gilligan, Jr.

The Senate welcomed its guests.

SENATE RESOLUTION 626

Senator Whitmire offered the following resolution:

SR 626, Recognizing Texas Ranger Chief Antonio Leal on the occasion of his retirement from the Texas Department of Public Safety.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Whitmire was recognized and introduced to the Senate Texas Ranger Chief Antonio Leal; his wife, Coco Leal; and their children, Lindsay, Logan, Tony IV, and Lynden.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate representatives from retirement communities across Texas.

The Senate welcomed its guests.

SENATE RESOLUTION 793

Senator Shapiro offered the following resolution:

SR 793, Declaring the month of April, 2011, Genocide Awareness and Prevention Month.

The resolution was again read.

The resolution was previously adopted on Monday, April 18, 2011.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Texas Holocaust and Genocide Commission representatives: Chaja Verveer, Commissioner; Gilbert Tuhabonye, Commissioner; Ian Hancock, Commissioner; and Kristy Peloquin, Coordinator.

The Senate welcomed its guests.

SENATE RESOLUTION 797

Senator Hinojosa offered the following resolution:

SR 797, Welcoming the 2011 Feria de las Flores contestants to the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a 2011 Feria de las Flores Scholarship Pageant delegation: Betty Danielle Caraballo, April De La Paz, Mariah Gomez, Bianca Silvas, and Krystella Stobbs.

The Senate welcomed its guests.

SENATE RESOLUTION 704

Senator Birdwell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to the life of Alphonso Steele, a treasured Texas patriot who fought in the Battle of San Jacinto and survived to live a long and fruitful life; he was the last of the Texas survivors to die; and

WHEREAS, Alphonso Steele was born on April 9, 1817, to a pioneer family in Hardin County, Kentucky; in 1835, he joined Captain Ephraim M. Daggett's company of volunteers in Louisiana and traveled with the company to Texas to aid in the Texas Revolution; and

WHEREAS, The company arrived at Washington-on-the-Brazos on New Year's Day in 1836; since Texas had not yet declared its independence, many volunteers disbanded and returned home; Alphonso remained until after the signing of the Texas Declaration of Independence; he then joined a company of men who were serving under Captain Joseph L. Bennett, and the company later joined General Sam Houston's army; and

WHEREAS, Alphonso served in the Battle of San Jacinto as a private in Captain James Gillespie's company of Sidney Sherman's regiment; he was severely wounded in the early stages of the battle, but he continued to fight until the end; during much of the battle, Alphonso's gray horse was ridden by General Sam Houston, until the animal was shot beneath him; and

WHEREAS, After months of recuperation, Alphonso made his way to Montgomery County, where he began to farm and raise cattle; he married Mary Ann Powell in 1838, and the couple moved in 1844 to a part of Robertson County that later became Limestone County; the couple had eight children, and many of their descendants went on to distinguish themselves in military service; and

WHEREAS, In 1907, Alphonso revisited the San Jacinto Battleground at the invitation of Andrew Jackson Houston, the son of Sam Houston; on February 10, 1909, the 31st Texas Legislature presented Alphonso with a gold medal for his bravery at the Battle of San Jacinto; Alphonso died on July 8, 1911, near Kosse, at the home of a grandson; he was 94 years old; a poem dedicated to him and entitled "The Last Hero" was written in the year of his death by Jake H. Harrison; and

WHEREAS, A life-size picture of Alphonso is in the San Jacinto Monument; there are two portraits of Alphonso in the State Preservation Board's permanent Capitol art collection; a large portrait by Marie Cronin, commissioned by the state in 1909, hangs prominently in the Senate Chamber, and a smaller portrait hangs in the House clerk's office; and

WHEREAS, Alphonso Steele represents those early pioneers who loved Texas and had the courage and dedication to fight for its independence; he and his colleagues endured unbelievable hardships and challenges and emerged from them victoriously to help shape the state that we all take pride in today; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby honor Alphonso Steele and celebrate the life of this intrepid Texas hero by paying tribute to his courage and his invaluable contributions to our state; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his descendants as an expression of highest esteem from the Texas Senate, and that this Resolution be presented to Gene C. Steele, the oldest living great-grandchild of Alphonso Steele.

SR 704 was again read.

The resolution was previously adopted on Monday, April 4, 2011.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate the Steele family, including: Gene Steele, Rocky Steele, and the Reverend Jimmy Steele, who offered the invocation today.

The Senate welcomed its guests.

SENATE RESOLUTION 816

Senator Lucio offered the following resolution:

SR 816, Recognizing April 24, 2011, as Texas Meningitis Awareness Day at the State Capitol.

LUCIO
DAVIS

The resolution was read.

On motion of Senator Ellis and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, the resolution was adopted without objection.

GUESTS PRESENTED

Senator Lucio, joined by Senator Davis, was recognized and introduced to the Senate Patsy Silva Schanbaum and Jamie Schanbaum.

The Senate welcomed its guests.

SENATE RESOLUTION 799

Senator Davis offered the following resolution:

SR 799, In memory of Nicolis Terrel Williams of Sugar Land.

DAVIS
HUFFMAN
JACKSON

The resolution was read.

On motion of Senator Huffman and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Davis, **SR 799** was adopted by a rising vote of the Senate.

In honor of the memory of Nicolis Terrel Williams, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Davis, joined by Senators Huffman and Jackson, was recognized and introduced to the Senate family members of Nicolis Terrel Williams: his father, Gregory Williams; his mother, Arlene Williams; and his sister, Tiffany Williams.

The Senate welcomed its guests and extended its sympathy.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate K. R. Wood, Karen Jellison, Tim Von Dohlen, Jeff Horny, and John Goodspeed.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Jim Newkirk and Cynthia Smith.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The President at 12:39 p.m. announced the conclusion of morning call.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

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

Senator Deuell moved confirmation of Charles Eugene Roy, Collin County, reported by the Committee on Nominations on Tuesday, April 5, 2011, and severed on Wednesday, April 6, 2011.

NOMINEE CONFIRMED

The following nominee was confirmed by the following vote: Yeas 27, Nays 4.

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

Nays: Ellis, Rodriguez, Watson, West.

Director, Office of State-Federal Relations: Charles Eugene Roy, Collin County.

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

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

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

Judge, 128th Judicial District Court, Orange County: Courtney R. Burch-Arkeen, Orange County.

Members, Governing Board, Department of Information Resources: Richard S. Moore, Goliad County; Phillip Keith Morrow, Tarrant County; Wanda Chandler Rohm, Bexar County.

Member, Executive Council of Physical Therapy and Occupational Therapy Examiners: Arthur Roger Matson, Williamson County.

Member, State Preservation Board: Ida Louise Clement Steen, Bexar County.

Members, Board of Directors, Texas Economic Development Corporation: David Gregorio Cabrales, Dallas County; Marc Angelley Farmer, Lubbock County; Mario Omar Garcia, Wilson County; Macedonio Villarreal, Fort Bend County.

Member, Texas Lottery Commission: J. Winston Krause, Travis County.

Members, Texas Racing Commission: Alan Scott Haywood, Travis County; Gloria Hicks, Nueces County; Michael Floyd Martin, Bexar County; Robert Herman Schmidt, Parker County.

Members, Board of Directors, Texas School Safety Center: Amy L. C. Clapper, Williamson County; Dewey Michael Cox, Hays County; Garry Edward Eoff, Brown County; Daniel Riley Griffith, Travis County; Carl Alonzo Montoya, Cameron County; Adelaida Olivarez, Travis County; James Richard Pendell, El Paso County; Stephen Paul Raley, Angelina County; Dawn DuBose Randle, Harris County; Ruben Gonzales Reyes, Lubbock County.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

SENATE BILL 1393 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **SB 1393** at this time on its second reading:

SB 1393, Relating to the use of contracts by local governments to purchase electricity.

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 and was passed to engrossment by a viva voce vote.

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

Nays: Fraser, Hegar.

SENATE BILL 1393 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 1393** 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 1393**, 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 1393** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

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

Nays: Fraser, Hegar.

COMMITTEE SUBSTITUTE SENATE BILL 1000 ON SECOND READING

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1000** at this time on its second reading:

CSSB 1000, Relating to the self-directed and semi-independent status of the Texas Real Estate Commission; making an appropriation.

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 1000 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1000** 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 1000**, 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 1000** 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 1353 ON SECOND READING

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1353** at this time on its second reading:

SB 1353, Relating to certain claims against persons licensed as real estate brokers and salespersons.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1353** (Senate Committee Report), on page 1, line 16, after "salesperson." by inserting the following:

"This exemption does not apply to:

(1) an express misrepresentation of a material fact that cannot be characterized as advice, judgment, or opinion;

(2) a failure to disclose information in violation of Section 17.46(b)(24); or

(3) an unconscionable action or course of action that cannot be characterized as advice, judgment, or opinion."

The amendment to **SB 1353** 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 Eltife and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1353 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 1353 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1353** 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 1353**, 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 1353** 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 1378 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 1378** at this time on its second reading:

SB 1378, Relating to the authority of the Alabama-Coushatta Indian Tribe to commission peace officers.

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 1378 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 1378** 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 1378**, 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 1378** 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 Alabama-Coushatta Indian Tribe members.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 220 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 220** at this time on its second reading:

CSSB 220, Relating to guardianships, including the assessment of prospective wards for, and the provision of, guardianship services by the Department of Aging and Disability Services.

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 220 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 220** 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 220**, 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 220** 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 1331 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1331** at this time on its second reading:

SB 1331, Relating to criminal offenses regarding the possession or consumption of alcoholic beverages by a minor and providing alcoholic beverages to a minor.

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 1331 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1331** 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 1331**, 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 1331** 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 660 ON SECOND READING

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 660** at this time on its second reading:

CSSB 660, Relating to the review and functions of the Texas Water Development Board, including the functions of the board and related entities in connection with the process for establishing and appealing desired future conditions in a groundwater management area.

The motion prevailed.

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

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 660** (senate committee report) as follows:

(1) In SECTION 2 of the bill, strike added Section 6.114(a)(1), Water Code (page 1, lines 48-59), and substitute the following:

(1) "Default" means:

(A) default in payment of the principal of or interest on bonds, securities, or other obligations purchased or acquired by the board;

(B) failure to perform any covenant related to a bond, security, or other obligation purchased or acquired by the board;

(C) a failure to perform any of the terms of a loan, grant, or other financing agreement; or

(D) any other failure to perform an obligation, breach of a term of an agreement, or default as provided by any proceeding or agreement evidencing an obligation or agreement of a recipient, beneficiary, or guarantor of financial assistance provided by the board.

(2) In SECTION 2 of the bill, strike added Section 6.115, Water Code (page 2, lines 15-47), and substitute the following:

Sec. 6.115. RECEIVERSHIP. (a) In this section, "financial assistance program recipient" has the meaning assigned by Section 6.114.

(b) In addition to the remedies available under Section 6.114, at the request of the board, the attorney general shall bring suit in a district court in Travis County for the appointment of a receiver to collect the assets and carry on the business of a financial assistance program recipient if:

(1) the action is necessary to cure a default by the recipient; and

(2) the recipient is not:

(A) a municipality or county; or

(B) a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(c) The court shall vest a receiver appointed by the court with any power or duty the court finds necessary to cure the default, including the power or duty to:

(1) perform audits;

(2) raise wholesale or retail water or sewer rates or other fees;

(3) fund reserve accounts;

(4) make payments of the principal of or interest on bonds, securities, or other obligations purchased or acquired by the board; and

(5) take any other action necessary to prevent or to remedy the default.

(d) The receiver shall execute a bond in an amount to be set by the court to ensure the proper performance of the receiver's duties.

(e) After appointment and execution of bond, the receiver shall take possession of the books, records, accounts, and assets of the financial assistance program recipient specified by the court. Until discharged by the court, the receiver shall perform the duties that the court directs and shall strictly observe the final order involved.

(f) On a showing of good cause by the financial assistance program recipient, the court may dissolve the receivership.

(3) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 17.9022, Water Code, is amended to read as follows:

Sec. 17.9022. FINANCING OF GRANT OR LOAN FOR POLITICAL SUBDIVISION; DEFAULT; VENUE. ~~[(a)]~~ The board may make a loan or grant available to a political subdivision in any manner the board considers economically feasible, including purchase of bonds or securities of the political subdivision or execution of a loan or grant agreement with the political subdivision. The board may not purchase bonds or securities that have not been approved by the attorney general and registered by the comptroller.

~~[(b) In the event of a default in payment of the principal of or interest on bonds or securities purchased by the board, or any other default as defined in the proceedings or indentures authorizing the issuance of bonds, or a default of any of the terms of a loan agreement, the attorney general shall seek a writ of mandamus or other legal remedy to compel the political subdivision or its officers, agents, and employees to cure the default by performing the duties they are legally obligated to perform. The proceedings shall be brought and venue is in a district court in Travis County. This subsection is cumulative of any other rights or remedies to which the board may be entitled.]~~

SECTION _____. Sections 15.908 and 17.180, Water Code, are repealed.

The amendment to **CSSB 660** 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.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 660** (senate committee report), in SECTION 12 of the bill, as follows:

(1) Strike added Section 17.003(d), Water Code (page 7, lines 7-13), and substitute the following:

(d) In requesting approval for the issuance of bonds under this chapter, the executive administrator shall certify to the bond review board whether the bonds are reasonably expected to be paid from:

(1) the general revenues of the state; or

(2) revenue sources other than the general revenues of the state.

(2) In added Section 17.003(e), Water Code (page 7, line 14), strike "determine the portion of the" and substitute "verify whether".

(3) In added Section 17.003(e), Water Code (page 7, line 16), strike "that".

The amendment to **CSSB 660** was read and was adopted by a viva voce vote.

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

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

CSSB 660 as amended was passed to engrossment by a viva voce vote.

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

Nays: Uresti.

COMMITTEE SUBSTITUTE SENATE BILL 660 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 660** 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, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Uresti, 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 660**, 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 660** 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: Uresti.

COMMITTEE SUBSTITUTE SENATE BILL 1216 ON SECOND READING

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1216** at this time on its second reading:

CSSB 1216, Relating to determination of the validity and enforceability of a contract containing an arbitration agreement in suits for dissolution of marriage and certain suits affecting the parent-child relationship.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1216** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, at the end of added Section 6.6015, Family Code (page 1, between lines 30 and 31), insert the following:

(c) This section does not apply to:

- (1) a court order;
- (2) an agreement entered into by the parties under this subchapter; or
- (3) any other agreement between the parties that is approved by a court.
- (2) In SECTION 2 of the bill, at the end of added Section 153.00715, Family Code (page 1, between lines 47 and 48), insert the following:
 - (c) This section does not apply to:
 - (1) a court order;
 - (2) an agreed parenting plan described by Section 153.007;
 - (3) a mediated settlement agreement described by Section 153.0071;
 - (4) a collaborative law agreement described by Section 153.0072; or
 - (5) any other agreement between the parties that is approved by a court.

The amendment to **CSSB 1216** 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 Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1216 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 1766 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 1766** at this time on its second reading:

CSSB 1766, Relating to the Texas Code of Military Justice.

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 1766 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 1766** 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 1766**, 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 1766** 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 1368 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1368** at this time on its second reading:

CSSB 1368, Relating to the authority of a co-owner of residential property to encumber the property.

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 1368 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 **CSSB 1368** 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 1368**, 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 1368** 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.

(Senator Eltife in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 434 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 434** at this time on its second reading:

CSSB 434, Relating to the establishment of a task force to address the relationship between domestic violence and child abuse and neglect.

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 434 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 434** 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 434**, 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 434** 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 1434 ON SECOND READING

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1434** at this time on its second reading:

CSSB 1434, Relating to certain low-income weatherization programs.

The motion prevailed.

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

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

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

Nays: Birdwell.

COMMITTEE SUBSTITUTE SENATE BILL 1434 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 1434** be placed on its third reading and final passage.

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

Yeas: 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, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, 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 1434**, 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 1434** 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: Birdwell.

COMMITTEE SUBSTITUTE SENATE BILL 208 ON SECOND READING

Senator Gallegos moved to suspend the regular order of business to take up for consideration **CSSB 208** at this time on its second reading:

CSSB 208, Relating to public notice and forums concerning finalists for the position of superintendent of a school district.

The motion prevailed.

Senator Nelson 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: Nelson.

COMMITTEE SUBSTITUTE SENATE BILL 208 ON THIRD READING

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 208** 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, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nelson, 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 208**, 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 208** 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: Nelson.

SENATE BILL 635 ON SECOND READING

Senator Nichols moved to suspend the regular order of business to take up for consideration **SB 635** at this time on its second reading:

SB 635, Relating to the authority of the executive director of the Texas Commission on Environmental Quality in relation to establishing water and sewer utility rates.

The motion prevailed.

Senator Estes 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: Estes.

SENATE BILL 635 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 635** 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, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Estes, 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 635**, 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 635** 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: Estes.

COMMITTEE SUBSTITUTE SENATE BILL 1291 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1291** at this time on its second reading:

CSSB 1291, Relating to the budget of certain divisions of the Texas Department of Insurance.

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1291** (Senate committee printing), in SECTION 1 of the bill, as follows:

(1) At the end of added Section 401.252(a), Insurance Code (page 1, line 39), add:

The commissioner shall approve a budget under this subsection not later than August 31 of the year in which the associate commissioner submits the budget to the commissioner.

(2) Strike added Sections 401.252(b) and (c), Insurance Code (page 1, lines 40-51).

(3) In added Section 401.252(e)(2), Insurance Code (page 1, line 62), strike "Subsection (b)" and substitute "this section".

(4) Reletter subsections of added Section 401.252, Insurance Code, appropriately.

The amendment to **CSSB 1291** 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 Hegar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1291 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 1291 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 **CSSB 1291** 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 1291**, 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 1291** 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 636 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 636** at this time on its second reading:

SB 636, Relating to the consolidation of more than one water or sewer system under a single tariff by an investor-owned utility.

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 636 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 636** 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 636**, 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 636** 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 1281 ON SECOND READING

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1281** at this time on its second reading:

CSSB 1281, Relating to certain violations of and offenses under The Securities Act; providing 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 1281 ON THIRD READING**

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1281** 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 1281**, 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 1281** 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.

STATEMENT OF LEGISLATIVE INTENT

Senator Watson submitted the following statement of legislative intent for **CSSB 1281**:

CSSB 1281 reconciles the administrative, criminal, and civil authority and remedies previously granted by the Legislature to the Securities Board and Securities Commissioner with other provisions of law. The bill does not provide a wholesale expansion of the powers of the Securities Board or the Securities Commissioner. CSSB 1281 does not alter the existing definitions of "investment adviser" or "investment adviser representative." Under current law, the terms "investment adviser" and "investment adviser representative" are defined terms in the Texas Securities Act and those existing definitions do not include persons who advise another as to the value of, or who issue or adopt analyses or reports concerning, financial products that are not securities. By definition, the investment adviser's services are already limited to activities relating to securities. However, if the advice, analyses, or report involves both securities and financial products that are not securities, the services relating to securities, regardless of the percentage of those services relative to the total services provided, would be subject to the provisions of the Texas Securities Act.

WATSON

VOTES RECONSIDERED

On motion of Senator Estes and by unanimous consent, the vote by which **CSSB 1216** was passed to engrossment was reconsidered:

CSSB 1216, Relating to determination of the validity and enforceability of a contract containing an arbitration agreement in suits for dissolution of marriage and certain suits affecting the parent-child relationship.

Question — Shall **CSSB 1216** as amended be passed to engrossment?

On motion of Senator Estes and by unanimous consent, the vote by which Floor Amendment No. 1 was adopted was reconsidered.

Question — Shall Floor Amendment No. 1 to **CSSB 1216** be adopted?

Senator Harris offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **CSSB 1216** as follows:

- (1) By striking Subdivision (2) of Subsection (c) on lines 8 through 9; and
- (2) By renumbering the remainder accordingly.

The amendment to Floor Amendment No. 1 to **CSSB 1216** was read and was adopted by a viva voce vote.

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

Question recurring on the adoption of Floor Amendment No. 1 as amended to **CSSB 1216**, the amendment was adopted by a viva voce vote.

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

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

CSSB 1216 as amended was again 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 1216 ON THIRD READING

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1216** 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 1216**, 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 1216** 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 1014 ON SECOND READING**

Senator Davis moved to suspend the regular order of business to take up for consideration **CSSB 1014** at this time on its second reading:

CSSB 1014, Relating to the discharge of a prisoner from a county jail.

The motion prevailed.

Senators Harris and Seliger asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1014** (senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 14), strike "and (e)" and substitute "(e), and (f)".

(2) In SECTION 1 of the bill, in added Article 43.13(c), Code of Criminal Procedure (page 1, lines 21-22), strike "other than a defendant who is reasonably suspected to be a person with mental illness,".

(3) In SECTION 1 of the bill, in added Article 43.13(e), Code of Criminal Procedure (page 1, between lines 36 and 37), insert the following new Subdivision (2) and renumber the subsequent subdivisions of added Article 43.13(e), Code of Criminal Procedure, accordingly:

(2) is being released at that time pursuant to an order from a court;

(4) In SECTION 1 of the bill, after added Article 43.13(e), Code of Criminal Procedure (page 1, between lines 45 and 46), insert the following:

(f) Subsection (e)(1) does not apply if a health care professional has determined that the defendant lacks the mental capacity to agree to or request a release.

The amendment to **CSSB 1014** 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 Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1014 as amended was passed to engrossment by a viva voce vote.

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

Nays: Harris, Seliger.

COMMITTEE SUBSTITUTE SENATE BILL 1014 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1014** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Harris, Seliger, 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 1014**, 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 1014** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

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

Nays: Harris, Seliger.

**COMMITTEE SUBSTITUTE
SENATE BILL 89 ON SECOND READING**

Senator Lucio moved to suspend the regular order of business to take up for consideration **CSSB 89** at this time on its second reading:

CSSB 89, Relating to summer nutrition programs provided for by school districts.

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

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

Nays: Birdwell, Fraser, Harris, Nelson, Ogden, Patrick.

The bill was read second time and was passed to engrossment by the following vote: Yeas 24, Nays 7.

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

Nays: Birdwell, Fraser, Harris, Hegar, Nelson, Ogden, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 89 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 89** be placed on its third reading and final passage.

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

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

Nays: Birdwell, Harris, Nelson, Ogden, Patrick, 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 89**, 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 89** 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: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hinojosa, Huffman, Jackson, Lucio, Nichols, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Fraser, Harris, Hegar, Nelson, Ogden, Patrick.

REMARKS ORDERED PRINTED

On motion of Senator Nichols and by unanimous consent, the exchange between Senators Nichols and Lucio regarding **CSSB 89** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Nichols: Thank you, Mr. President. Senator Lucio, I know you passed this bill last year, and we had some conversations related to that on the floor, but I understand your intent to extend the summer program. I just want to make sure that this does not result in any unfunded mandates to my new schools, new participating schools. I represent 84 school districts in East Texas, many of them are very small and rural, and a lot of them do not offer summer school. Under your expansion, 21 more of my school districts will now be offering this program. I've heard from some of those school districts, and if they currently do not offer a summer school because a lot of them can't afford it, mandated them to open their doors, turn on the air conditioner, and pay their employees to participate in the program, could be considered an extra cost to their schools. Under your bill would that school district be exempted from the program if they ask for it?

Senator Lucio: Yes, thank you very much for that question. Senator, I am not in favor of unfunded mandates either. And I just want to say first of all, Senator, that under this scenario, that school that you referred to would not be required to provide the program on their school grounds. That's the beauty of this program. It's a public-private partnership, it can be administered by the community. Some cities actually administer this for the schools, and, additionally, if that school were to have no choice but to offer the program on their campus but felt it would be cost prohibitive to turn on the air conditioner and open their doors, they could apply for a waiver under the, quote, cost prohibitive waiver, or they could currently apply for the extenuating circumstance waiver. So, your good questions and, certainly, we address those concerns for you in this bill.

Senator Nichols: Okay. In the bill, there are, as you mentioned, several categories for a school district to receive a waiver from the program. I wanted to kind of ask a couple of questions, a little more about them. One of them, for example, would a district qualify to opt out if, I think in the bill it says transportation to enable district students to participate in the program is an insurmountable obstacle, would that be a reason?

Senator Lucio: Yes, Sir. Senator, I have visited with Texas Department of Agriculture on how they administer this program, and it's my understanding that they do not have any formal rules for further defining these terms. It was determined on a case by case basis, however, I can tell you that TDA works very closely with school districts, and therefore they know what a district can and cannot do. They are tasked with helping schools find a community sponsor as well, should a school district not be able to do this. Additionally, you should know that if a school asks for a waiver, the vast majority of the time they receive it. TDA only denied 17 waivers all of last year, out of 130 requests, so, you know, it's kind of like a slam dunk when you ask for that.

Senator Nichols: Well, thank you. In the bill I think there is a term referred to as cost prohibitive. Is there a definition for cost prohibitive?

Senator Lucio: Yes, there is in the bill. Yes, Sir. Under this bill, there will be a methodology created to establish costs. In order to create this fiscal note, TDA took the information they had regarding cost to each district that exceeded the federal reimbursement and averaged it out. However, because schools did not report costs in a uniform manner, this is not an accurate number. Different schools considered different things extra cost. Many schools, including some in your district, report making money from the program, and I do have some tables that I can share with any of the Members that might want to know how their school districts fare.

Senator Nichols: Okay. I appreciate that. I know that I do have a number of my schools that very much like the program. It's been very successful in a lot of areas, but, I, before the session started I went and visited with all 84 of my school superintendents in their area.

Senator Lucio: Wow.

Senator Nichols: It took me several months to do it.

Senator Lucio: Wow.

Senator Nichols: Yeah.

Senator Lucio: Congratulations.

Senator Nichols: Thank you. It takes a lot of scheduling to do that. But one of the things it did focus on was, please don't give us any more unfunded mandates. So the ones that want to do the program, I think that's great. But the ones that feel like it's going to cost their school extra, and they want to make clarification. And so, I'm just kind of at the tail end of this thing. In the fiscal note on the bill it refers to, and I'm going to quote it, federal reimbursement is available for each meal served in a summer nutrition program, but the reimbursement may not be estimated to cover the entire

cost. Senator Lucio, if there is any cost to a school district that the federal reimbursement does not cover, would that allow for the school district to qualify for a waiver?

Senator Lucio: Absolutely, yes, Sir.

Senator Nichols: Okay, thank you, Senator Lucio.

**COMMITTEE SUBSTITUTE
SENATE BILL 511 ON SECOND READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 511** at this time on its second reading:

CSSB 511, Relating to the designated doctor's examination under the workers' compensation system.

The motion prevailed.

Senators Nichols and Patrick 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: Nichols, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 511 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 511** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

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

Nays: Nichols, Patrick, 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 511**, 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 511** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2.

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

Nays: Nichols, Patrick.

(President in Chair)

SENATE BILL 601 ON SECOND READING

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **SB 601** at this time on its second reading:

SB 601, Relating to the authority of the El Paso County Hospital District to employ and commission peace officers.

The motion prevailed.

Senator Patrick 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: Patrick.

Absent: Williams.

SENATE BILL 601 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 601** be placed on its third reading and final passage.

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

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

Nays: Patrick, Wentworth.

Absent: Williams.

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 601**, 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 601** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Nays: Patrick.

Absent: Williams.

SENATE BILL 838 ON SECOND READING

On motion of Senator Patrick and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 838** at this time on its second reading:

SB 838, Relating to the penalty for driving 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 except as follows:

Absent: Williams.

SENATE BILL 838 ON THIRD READING

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 838** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent: Williams.

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 838**, 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 838** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Absent: Williams.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills: **SB 1910**, **SB 1912**.

SENATE CONCURRENT RESOLUTION 44

The President laid before the Senate the following resolution:

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

RESOLVED by the 82nd Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Thursday, April 21, 2011, and ending on Tuesday, April 26, 2011.

WHITMIRE

SCR 44 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

SENATE BILL 1085 REREFERRED
(Motion In Writing)

Senator Wentworth submitted a Motion In Writing requesting that **SB 1085** be withdrawn from the Committee on Jurisprudence and rereferred to the Committee on Finance.

The Motion In Writing prevailed without objection.

NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR

Senator Eltife announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting today during the introduction of bills and resolutions on first reading and tomorrow during the Local and Uncontested Calendar Session.

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

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Criminal Justice might meet today.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Estes and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Agriculture and Rural Affairs might meet and consider **SB 1035** today.

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

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on International Relations and Trade might meet today.

MOTION TO RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:56 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading, until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Nicolis Terrel Williams and Charles Wren, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. Tuesday, April 26, 2011.

SENATE BILLS ON FIRST READING

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

SB 1910 by Rodriguez

Relating to the delay of the transition to competition for an electric utility located in the Western Electricity Coordinating Council service area and net metering requirements for a certain non-ERCOT electric utility and relating to energy efficiency goals and programs for a certain non-ERCOT utility
To Committee on Business and Commerce.

SB 1911 by Zaffirini

Relating to the creation of the Webb County Municipal Management District; providing authority to impose a tax, levy an assessment, and issue bonds.
To Committee on Intergovernmental Relations.

SB 1912 by Wentworth

Relating to the private entity granted care and custody of the Alamo.
To Committee on Administration.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

HB 11 to Committee on Administration.

HB 27 to Committee on Criminal Justice.

HB 35 to Committee on Health and Human Services.

HB 42 to Committee on Transportation and Homeland Security.

HB 46 to Committee on Agriculture and Rural Affairs.

HB 71 to Committee on Transportation and Homeland Security.

HB 109 to Committee on Transportation and Homeland Security.

HB 118 to Committee on Health and Human Services.

HB 119 to Committee on Criminal Justice.

HB 125 to Committee on Natural Resources.

HB 175 to Committee on Business and Commerce.

HB 184 to Committee on State Affairs.

HB 191 to Committee on Transportation and Homeland Security.

HB 218 to Committee on Natural Resources.

HB 252 to Committee on Finance.

HB 253 to Committee on Health and Human Services.

HB 266 to Committee on Government Organization.

HB 289 to Committee on Criminal Justice.

HB 308 to Committee on Transportation and Homeland Security.

HB 328 to Committee on Government Organization.

HB 336 to Committee on State Affairs.

HB 338 to Committee on Agriculture and Rural Affairs.

HB 341 to Committee on Criminal Justice.

HB 360 to Committee on State Affairs.

HB 362 to Committee on Intergovernmental Relations.

HB 364 to Committee on Intergovernmental Relations.
HB 371 to Committee on Criminal Justice.
HB 411 to Committee on Health and Human Services.
HB 412 to Committee on Agriculture and Rural Affairs.
HB 413 to Committee on Agriculture and Rural Affairs.
HB 414 to Committee on Agriculture and Rural Affairs.
HB 423 to Committee on Transportation and Homeland Security.
HB 441 to Committee on Transportation and Homeland Security.
HB 443 to Committee on Criminal Justice.
HB 444 to Committee on Natural Resources.
HB 460 to Committee on Intergovernmental Relations.
HB 468 to Committee on Transportation and Homeland Security.
HB 479 to Committee on Economic Development.
HB 500 to Committee on Education.
HB 530 to Committee on Criminal Justice.
HB 533 to Committee on Finance.
HB 534 to Committee on Intergovernmental Relations.
HB 558 to Committee on Business and Commerce.
HB 564 to Committee on Intergovernmental Relations.
HB 571 to Committee on Natural Resources.
HB 588 to Committee on Transportation and Homeland Security.
HB 596 to Committee on Transportation and Homeland Security.
HB 600 to Committee on Redistricting.
HB 630 to Committee on Transportation and Homeland Security.
HB 634 to Committee on Transportation and Homeland Security.
HB 645 to Committee on Intergovernmental Relations.
HB 675 to Committee on Education.
HB 682 to Committee on Government Organization.
HB 690 to Committee on Criminal Justice.
HB 709 to Committee on Intergovernmental Relations.
HB 725 to Committee on Natural Resources.
HB 726 to Committee on Administration.
HB 729 to Committee on Intergovernmental Relations.
HB 734 to Committee on Jurisprudence.
HB 755 to Committee on State Affairs.
HB 811 to Committee on Intergovernmental Relations.
HB 840 to Committee on Intergovernmental Relations.
HB 841 to Committee on Jurisprudence.
HB 849 to Committee on Natural Resources.
HB 871 to Committee on Health and Human Services.
HB 886 to Committee on Intergovernmental Relations.
HB 902 to Committee on Intergovernmental Relations.
HB 908 to Committee on Jurisprudence.
HB 930 to Committee on Finance.
HB 942 to Committee on Jurisprudence.
HB 943 to Committee on Health and Human Services.

HB 960 to Committee on Natural Resources.
HB 962 to Committee on Jurisprudence.
HB 965 to Committee on Natural Resources.
HB 975 to Committee on Intergovernmental Relations.
HB 988 to Committee on Criminal Justice.
HB 989 to Committee on Business and Commerce.
HB 994 to Committee on Criminal Justice.
HB 1000 to Committee on Higher Education.
HB 1010 to Committee on Transportation and Homeland Security.
HB 1020 to Committee on Business and Commerce.
HB 1028 to Committee on Criminal Justice.
HB 1032 to Committee on State Affairs.
HB 1040 to Committee on Economic Development.
HB 1072 to Committee on Jurisprudence.
HB 1075 to Committee on Transportation and Homeland Security.
HB 1083 to Committee on Criminal Justice.
HB 1106 to Committee on Criminal Justice.
HB 1116 to Committee on Transportation and Homeland Security.
HB 1136 to Committee on State Affairs.
HB 1147 to Committee on Open Government.
HB 1173 to Committee on Criminal Justice.
HB 1201 to Committee on Transportation and Homeland Security.
HB 1215 to Committee on Criminal Justice.
HB 1293 to Committee on Intergovernmental Relations.
HB 1301 to Committee on Transportation and Homeland Security.
HB 1305 to Committee on Transportation and Homeland Security.
HB 1322 to Committee on Agriculture and Rural Affairs.
HB 1330 to Committee on Transportation and Homeland Security.
HB 1334 to Committee on Education.
HB 1346 to Committee on Agriculture and Rural Affairs.
HB 1376 to Committee on Transportation and Homeland Security.
HB 1405 to Committee on State Affairs.
HB 1413 to Committee on Intergovernmental Relations.
HB 1417 to Committee on Intergovernmental Relations.
HB 1422 to Committee on Transportation and Homeland Security.
HB 1473 to Committee on Transportation and Homeland Security.
HB 1495 to Committee on Government Organization.
HB 1496 to Committee on Intergovernmental Relations.
HB 1499 to Committee on Transportation and Homeland Security.
HB 1504 to Committee on Government Organization.
HB 1524 to Committee on Intergovernmental Relations.
HB 1525 to Committee on Intergovernmental Relations.
HB 1527 to Committee on Agriculture and Rural Affairs.
HB 1560 to Committee on Economic Development.
HB 1570 to Committee on State Affairs.
HB 1573 to Committee on Criminal Justice.

HB 1756 to Committee on Intergovernmental Relations.
HB 1757 to Committee on Intergovernmental Relations.
HB 1758 to Committee on Intergovernmental Relations.
HB 1770 to Committee on Criminal Justice.
HB 1804 to Committee on Business and Commerce.
HB 1814 to Committee on Natural Resources.
HB 1829 to Committee on Health and Human Services.
HB 1869 to Committee on Intergovernmental Relations.
HB 1885 to Committee on Intergovernmental Relations.
HB 1891 to Committee on Criminal Justice.
HB 1901 to Committee on Natural Resources.
HB 1904 to Committee on State Affairs.
HB 1932 to Committee on Intergovernmental Relations.
HB 1944 to Committee on Natural Resources.
HB 1952 to Committee on Business and Commerce.
HB 1953 to Committee on Business and Commerce.
HB 1955 to Committee on State Affairs.
HB 1956 to Committee on Business and Commerce.
HB 1967 to Committee on Intergovernmental Relations.
HB 1981 to Committee on Natural Resources.
HB 2007 to Committee on Intergovernmental Relations.
HB 2015 to Committee on Criminal Justice.
HB 2035 to Committee on Business and Commerce.
HB 2124 to Committee on Criminal Justice.
HB 2154 to Committee on State Affairs.
HB 2193 to Committee on State Affairs.
HB 2866 to Committee on Government Organization.
HCR 33 to Committee on Administration.
HCR 63 to Committee on Administration.
HCR 68 to Committee on Criminal Justice.

CO-AUTHOR OF SENATE BILL 95

On motion of Senator Lucio, Senator Davis will be shown as Co-author of **SB 95**.

CO-AUTHOR OF SENATE BILL 205

On motion of Senator Whitmire, Senator Davis will be shown as Co-author of **SB 205**.

CO-AUTHOR OF SENATE BILL 856

On motion of Senator Van de Putte, Senator Deuell will be shown as Co-author of **SB 856**.

CO-AUTHOR OF SENATE BILL 1000

On motion of Senator Eltife, Senator Patrick will be shown as Co-author of **SB 1000**.

CO-AUTHOR OF SENATE BILL 1055

On motion of Senator Carona, Senator West will be shown as Co-author of **SB 1055**.

CO-AUTHOR OF SENATE BILL 1219

On motion of Senator Carona, Senator Davis will be shown as Co-author of **SB 1219**.

CO-AUTHORS OF SENATE BILL 1353

On motion of Senator Eltife, Senators Patrick and Van de Putte will be shown as Co-authors of **SB 1353**.

CO-AUTHORS OF SENATE BILL 1380

On motion of Senator Ellis, Senators Van de Putte and Zaffirini will be shown as Co-authors of **SB 1380**.

CO-AUTHOR OF SENATE BILL 1621

On motion of Senator Van de Putte, Senator Davis will be shown as Co-author of **SB 1621**.

CO-AUTHOR OF SENATE BILL 1796

On motion of Senator Rodriguez, Senator Davis will be shown as Co-author of **SB 1796**.

CO-AUTHOR OF SENATE BILL 1872

On motion of Senator Van de Putte, Senator West will be shown as Co-author of **SB 1872**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 37

On motion of Senator Hinojosa, Senator Davis will be shown as Co-author of **SCR 37**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SCR 43 by Fraser, Recognizing the 50th anniversary of the C-130 Hercules aircraft at Dyess Air Force Base.

SR 813 by Hinojosa, Congratulating Govind Nadkarni on being named vice president for the Southern Zone of the National Council of Examiners for Engineering and Surveying.

SR 814 by Huffman, Commending John Michael Morris-Esparza for achieving the rank of Eagle Scout.

SR 815 by Huffman, Commending Nicholas Graham Bayley for achieving the rank of Eagle Scout.

SR 817 by Jackson, Recognizing Ben Meador for his service to San Jacinto College.

SR 818 by Jackson, Recognizing Jerome McKown on the occasion of his retirement from the La Porte Police Department.

SR 819 by Jackson, Recognizing the Texas Bay Area Credit Union on the occasion of its 75th anniversary.

SR 820 by Uresti, Recognizing Charlie and Connie De La Garza on the occasion of their 50th wedding anniversary.

RECESS

Pursuant to a previously adopted motion, the Senate at 3:31 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

April 20, 2011

FINANCE — **CSSB 23**

BUSINESS AND COMMERCE — **CSSB 365, CSHB 1510**

CRIMINAL JUSTICE — **CSSB 1681**

EDUCATION — **SB 1533, SB 736, CSSB 1511**

NATURAL RESOURCES — **CSSB 1902, SB 1294, SB 1257**

EDUCATION — **CSSB 346**

BUSINESS AND COMMERCE — **CSSB 1849**

TRANSPORTATION AND HOMELAND SECURITY — **SJR 13, CSSB 1102, CSSB 1035**

BILLS ENGROSSED

April 19, 2011

SB 7, SB 8, SB 15, SB 44, SB 49, SB 167, SB 267, SB 295, SB 536, SB 616, SB 661, SB 717, SB 773, SB 860, SB 866, SB 1005, SB 1048, SB 1086, SB 1134, SB 1217, SB 1225, SB 1250, SB 1258, SB 1293, SB 1300, SB 1342, SB 1356, SB 1357, SB 1638, SB 1661, SB 1733

BILLS AND RESOLUTIONS ENROLLED

April 19, 2011

SB 333, SB 691, SCR 42, SR 798, SR 800, SR 801, SR 802, SR 803, SR 804, SR 805, SR 806, SR 807, SR 808, SR 809, SR 811, SR 812

SENT TO GOVERNOR

April 20, 2011

**SB 309, SB 333, SB 386, SB 458, SB 525, SB 567, SB 684, SB 691, SB 727,
SB 737, SB 785, SB 832, SB 890, SB 983, SCR 42**

In Memory
of
Nicolis Terrel Williams
Senate Resolution 799

WHEREAS, There are no words that can diminish the pain caused by a young life cut short, but all who shared in the love and friendship of Nicolis Terrel Williams of Sugar Land may find comfort in their memories of this special young man, who died on February 11, 2011, at the age of 20; and

WHEREAS, The son of Gregory Williams and Arlene Williams, Nico Williams was born on November 13, 1990; he played saxophone in the Kempner High School Cougar Marching Band and enjoyed playing soccer; and

WHEREAS, Mr. Williams was a junior economics major at Texas A&M University; he was looking forward to studying in Ireland during the summer of 2011 and had his sights set on attending law school; and

WHEREAS, A proud Aggie and a caring young man, Mr. Williams assisted his fellow students through his work with Fish Camp, the freshman orientation program, as well as with the Freshman Leaders in Progress program and with CARPOOL, a student-run group that provides free rides home on selected nights; his generosity continues to bless others in extraordinary ways, for his support of organ donation has helped to save the lives of five individuals; and

WHEREAS, Although his time on this earth was far too brief, Nico Williams brought great joy into many lives, and he will forever be remembered with admiration and affection; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the memory of Nicolis "Nico" Terrel Williams and extend deep condolences to the members of his family: to his parents, Gregory Williams and Arlene Williams; to his sister, Tiffany Williams; to his grandparents, Annie Jean Williams and Hilton and Ernestine Green; and to his many other relatives and friends; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for his family and that when the Texas Senate adjourns this day, it do so in memory of Nicolis Williams.

DAVIS
HUFFMAN
JACKSON