

# **SENATE JOURNAL**

**EIGHTY-SECOND LEGISLATURE — REGULAR SESSION**

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**AUSTIN, TEXAS**

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## **PROCEEDINGS**

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### **FIFTY-SECOND DAY**

(Tuesday, May 3, 2011)

The Senate met at 11:15 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 Ron Brunson, New Covenant Church, Plainview, was introduced by Senator Duncan and offered the invocation as follows:

Dear heavenly Father, thank You for this special day. Every one of Your days are special. Thank You for our great state. Thank You for every Senator here today. O God, give us wisdom to make the tough decisions of this day. Help us remember ours is only the first generation to be affected by the decisions made today. Jesus said, "Any house divided against itself cannot stand." Lord, though we may see issues differently, please don't let this house be divided. You have called us to a high standard of integrity and mature leadership for the good of Texas and its citizens. That demands that we find unity. Please help us resolve our different perspectives into workable solutions. We pray for Mr. Perry, our governor, and for Mr. Dewhurst as he gives oversight to the proceedings of this day. May You continue to sovereignly rule over Texas in peace and plenty. Forgive us for our sins and trespasses and help us to forgive also. Thank You again for all Your blessings. In Jesus' name I pray. 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.

## **BILLS SIGNED**

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read: **SB 539, SB 646, SB 785.**

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Tuesday, May 3, 2011 - 1

(Revised Message)

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 397** Gonzales, Veronica

Relating to the creation of the Bureau for Economic Development of the Border Region.

**HB 1390** Deshotel

Relating to retainage under certain construction contracts.

**SB 1420** Hinojosa Sponsor: Harper-Brown

Relating to the continuation and functions of the Texas Department of Transportation; providing penalties.

(Committee Substitute/Amended)

**THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:**

**HB 1510** (137 Yeas, 3 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**GUEST PRESENTED**

Senator Estes was recognized and introduced to the Senate environmental scientist, Steve Ogden.

The Senate welcomed its guest.

**PYSICIAN OF THE DAY**

Senator Estes was recognized and presented Dr. Max G. Latham of Bowie as the Physician of the Day.

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

**GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate seventh- and eighth-grade students from Carlisle Junior High School, accompanied by their principal, Rex Thompson.

The Senate welcomed its guests.

**(Senator Eltife in Chair)**

**SENATE RESOLUTION 885**

Senator Patrick, on behalf of Senator Ogden, offered the following resolution:

WHEREAS, For the past year, the Texas Armed Services Scholarship Program has assisted a distinguished group of students in pursuing their college educations, and the cadets who are part of this initiative are to be congratulated for being chosen for this notable honor; and

WHEREAS, The program provides financial aid to men and women who are seeking postsecondary education and who have committed to serving their state or country; in addition to encouraging individuals to devote themselves to military service, the Texas Armed Services Scholarships promote participation in Reserve Officers' Training Corps programs at the state's institutions of higher education; and

WHEREAS, Recipients of the scholarships are appointed by the governor, lieutenant governor, and members of the Texas Senate and House of Representatives; each cadet is authorized to receive up to \$15,000 annually through the Texas Higher Education Coordinating Board over four years of study; and

WHEREAS, In order to qualify for the award, a student must enroll in a Reserve Officers' Training Corps program while in college and enter into an agreement to become a member of the Texas Army National Guard or the Texas Air Force National Guard for four years or to become a commissioned officer in any branch of the armed services of the United States; they must also meet a number of academic requirements while in high school, including maintaining a grade point average of 3.0 or higher, achieving a college-readiness score on the SAT or ACT, and ranking in the top one-third of their graduating class; and

WHEREAS, These noteworthy young Texans have dedicated themselves to serving their fellow citizens while working toward their professional goals, and they may indeed look with anticipation and optimism toward the challenges and opportunities that lie ahead; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby honor the cadets of the Texas Armed Services Scholarship Program and extend to them sincere best wishes for continued success; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the cadets as an expression of high regard from the Texas Senate.

**SR 885** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Patrick, joined by Senators Gallegos and Van de Putte, was recognized and introduced to the Senate cadets participating in the Texas Armed Services Scholarship Program.

The Senate welcomed its guests.

**SENATE RESOLUTION 886**

Senator Nichols offered the following resolution:

**SR 886**, Observing May of 2011 as Fight Arthritis Pain Month in Texas.

The resolution was again read.

The resolution was previously adopted on Monday, May 2, 2011.

**GUEST PRESENTED**

Senator Nichols was recognized and introduced to the Senate Charisma Lewis.

The Senate welcomed its guest.

**SENATE RESOLUTION 810**

Senator Davis offered the following resolution:

**SR 810**, In memory of Jean Moffett Dendy.

The resolution was read.

On motion of Senator Davis, **SR 810** was adopted by a rising vote of the Senate.

In honor of the memory of Jean Moffett Dendy, the text of the resolution is printed at the end of today's *Senate Journal*.

**GUESTS PRESENTED**

Senator Davis was recognized and introduced to the Senate Henry Dendy, Andrew Dendy, Hollis Moffett, Sharon Washington, and Jo Carol Moffett.

The Senate welcomed its guests and extended its sympathy.

**SENATE RESOLUTION 850**

Senator Duncan offered the following resolution:

**SR 850**, In memory of Jimmy Dean.

The resolution was read.

On motion of Senator Duncan, **SR 850** was adopted by a rising vote of the Senate.

In honor of the memory of Jimmy Dean, the text of the resolution is printed at the end of today's *Senate Journal*.

**GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate Ralph Wayne and Greg Ingham.

The Senate welcomed its guests and extended its sympathy.

**SENATE RESOLUTION 896**

Senator Lucio offered the following resolution:

**SR 896**, Recognizing The University of Texas Community Outreach program.

LUCIO  
HINOJOSA  
JACKSON  
ZAFFIRINI

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio, joined by Senator Zaffirini, was recognized and introduced to the Senate University of Texas Community Outreach program representatives.

The Senate welcomed its guests.

**SENATE RESOLUTION 330**

Senator Lucio offered the following resolution:

**SR 330**, In memory of Jaime Jorge Zapata.

The resolution was read.

On motion of Senator Patrick 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, **SR 330** was adopted by a rising vote of the Senate.

In honor of the memory of Jaime Jorge Zapata, the text of the resolution is printed at the end of today's *Senate Journal*.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate Amador Zapata, Jr., Mary Zapata-Muñoz, William Zapata, and Joe Muñoz.

The Senate welcomed its guests and extended its sympathy.

**REMARKS ORDERED PRINTED**

On motion of Senator Estes and by unanimous consent, the remarks by Senator Lucio regarding **SR 330** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Members, I am joined today by Representative Rene Oliveira and Representative Eddie Lucio III as we honor the life and work of one of Brownsville's finest, Jaime Jorge Zapata. Jaime was both a product and a leader of his community. He was a fine example to the young people of my district. He was born in Brownsville, educated at The University of Texas at Brownsville, and served his country from Brownsville. A special agent with United States Immigration and Customs Enforcement, his work was part of the drive to end human trafficking. He died trying to keep our borders safe. In February, he was traveling through the Mexican state of San Luis Potosi with fellow agent Victor Avila when their car was ambushed by criminal gang members. Mr. Avila was wounded. Tragically, Jaime died from his wounds. They were coming home from Mexico City where they had been working with an ICE attaché office. Jaime Zapata was a soldier in the war on drugs. He was working to help our neighbors to the south and to make the world a better place. He is also one of over 100 Americans who have lost their lives in Mexico over the last year, as gang-fueled violence continues to wreck the country. He will be remembered as a young, patriotic man of courage, a true American who was loved by his friends and family, one who lost his life in the service of his fellow man. We are joined today on the floor by Jaime's parents, Amador

and Mary Zapata, and his brother, William. His uncle, Joe Muñoz, joins us in the gallery. Jaime Zapata is missed by many in his hometown. Recently, the Brownsville City Commission voted to name a portion of Coffee Port Road, where his family lives, after him. There is the measure of the high esteem held for him by his community. He is gone, but he will not be forgotten. His memory and example live on. But right now the pain is still raw, the loss is felt deeply, the community remains heartbroken. Today when we adjourn, I would ask that each one of you here today say a prayer on behalf of Jaime Zapata and his family.

### **REPORT OF COMMITTEE ON NOMINATIONS**

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

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

Member, Board of Pardons and Paroles: David G. Gutierrez, Lubbock County.

Member, Council on Sex Offender Treatment: Louis Gonzales, Williamson County.

Members, Health and Human Services Council: Kathleen O. Angel, Travis County; Maryann Miyun Choi, Williamson County; Karen Hunter Harris, Bandera County.

Independent Ombudsman, Office of Independent Ombudsman for the Texas Youth Commission: Debbie Kay Unruh, Travis County.

Member, State Board of Veterinary Medical Examiners: Richard Scott Bonner, Nueces County.

Members, State Employee Charitable Campaign Policy Committee: Gregory Scott Davidson, Lee County; Peter Paul Flores, Travis County; Louri Marie O'Leary, Travis County; Cecile Lynn Erwin Young, Travis County.

Members, State Health Services Council: Kirk Aquilla Calhoun, Smith County; David Allen Woolweaver, Cameron County.

Members, State Pension Review Board: Leslie Lynn Greco-Pool, Tarrant County; Jerry Robert Massengale, Lubbock County.

Members, Texas Board of Occupational Therapy Examiners: William N. Hale, Travis County; DeLana Kaye Honaker, Randall County; Stephanie Johnston, Montgomery County; Pamela D. Nelon, Tarrant County.

Members, Texas Board of Orthotics and Prosthetics: Rebecca Hill Brou, Aransas County; David R. Kercheval, Johnson County.

Members, Texas Commission of Licensing and Regulation: Lilian Elizabeth Norman Keeney, Harris County; Ravi Shah, Denton County.

Members, Board of Directors, Texas Health Services Authority: Frederick Buckwold, Harris County; David C. Fleeger, Travis County; Matthew J. Hamlin, Denton County; James Lloyd Martin, Travis County; Edward W. Marx, Tarrant County; Kathleen K. Mechler, Gillespie County; William A. Phillips, Bexar County; Judith Day Powell, Montgomery County; Jennifer Lynn Rangel, Travis County; J. Darren Rodgers, Dallas County; Stephen Yurco, Travis County.

Members, Texas Juvenile Probation Commission: William Player Conley, Hays County; Migdalia Lopez, Cameron County; Scott F. O'Grady, Collin County.

Members, Texas Military Preparedness Commission: Ernest Aliseda, Hidalgo County; Thomas Carl Duncavage, Galveston County; Arthur Rojas Emerson, Bexar County; Woody Francis Gilliland, Taylor County; William H. Parry, Bell County; Karen Summerfield Rankin, Bexar County; Alton F. Thomas, El Paso County.

Members, Governing Board, Texas Youth Commission: Joseph D. Brown, Grayson County; Larry Carroll, Midland County; Scott W. Fisher, Tarrant County; Manson B. Johnson, Harris County; J. Rolando Olvera, Cameron County; Toni A. Johnson Sykora, Bexar County; David Dean Teuscher, Jefferson County.

#### **NOTICE OF CONSIDERATION OF NOMINATIONS**

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

#### **MESSAGES FROM THE GOVERNOR**

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

May 3, 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 Board of Chiropractic Examiners for terms to expire February 1, 2017:

Karen M. Campion

Bryan, Texas

(replacing Kathleen Summers of Andrews whose term expired)

Timothy McCullough

Friendswood, Texas

(replacing Kenneth Perkins of Conroe whose term expired)

Kenya S. Woodruff

Dallas, Texas

(Ms. Woodruff is being reappointed)

To be members of the State Board of Dental Examiners for terms to expire as indicated:

To Expire February 1, 2013:

Ann G. Pauli  
El Paso, Texas  
(replacing Jerry Romero of El Paso who resigned)

To Expire February 1, 2015:

Renee S. Cornett  
Austin, Texas  
(replacing Mary Baty of Humble who resigned)

To Expire February 1, 2017:

D. Bradley Dean  
Frisco, Texas  
(replacing Bill Purifoy of Fort Worth whose term expired)  
  
Tamela L. Gough  
McKinney, Texas  
(Dr. Gough is being reappointed)

Christie McAdams Leedy  
Abilene, Texas  
(replacing Russell Schlattman, II of Houston whose term expired)  
  
Evangelia "Lia" Mote  
Cedar Park, Texas  
(replacing Georgiana Matz of Harlingen whose term expired)

John T. Steen, III  
Houston, Texas  
(replacing Ann Pauli of El Paso whose term expired)

To be members of the Rio Grande Regional Water Authority for terms to expire February 1, 2015:

Wayne Halbert  
San Benito, Texas

Paul Heller  
Mission, Texas

Brian Macmanus  
Harlingen, Texas

Samuel "Bobby" Sparks, Jr.  
Harlingen, Texas

Roel "Roy" Rodriguez  
McAllen, Texas

The individuals listed above are being reappointed.

To be members of the State Board for Educator Certification for terms to expire as indicated:

To Expire February 1, 2015:

Kathryn Everest  
Arlington, Texas  
(replacing Benny Morris of Cleburne who resigned)

To Expire February 1, 2017:

L. Curtis Culwell  
Garland, Texas  
(Dr. Culwell is being reappointed)

Suzanne McCall  
Lubbock, Texas  
(replacing Mildred Baszile of Houston whose term expired)

Christine "Christie" Pogue  
Buda, Texas  
(Ms. Pogue is being reappointed)

To be members of the Real Estate Research Advisory Committee for terms to expire January 31, 2017:

Mario A. Arriaga  
Spring, Texas  
(replacing Marc McDougal of Lubbock whose term expired)

Russell Cain  
Port Lavaca, Texas  
(replacing Barbara Russell of Denton whose term expired)

Jacquelyn K. Hawkins  
Austin, Texas  
(Ms. Hawkins is being reappointed)

To be members of the Texas State Board of Social Worker Examiners for terms to expire February 1, 2017:

Theresa "Terry" Argumaniz-Gomez  
El Paso, Texas  
(replacing Dorinda Noble of Kyle whose term expired)

Nancy Ann Pearson  
Burton, Texas  
(Ms. Pearson is being reappointed)

Denise V. Pratt  
Baytown, Texas  
(Ms. Pratt is being reappointed)

Respectfully submitted,

/s/Rick Perry  
Governor

## **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

The Presiding Officer 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.

## **CONCLUSION OF MORNING CALL**

The Presiding Officer at 12:13 p.m. announced the conclusion of morning call.

## **COMMITTEE SUBSTITUTE SENATE BILL 1070 ON SECOND READING**

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1070** at this time on its second reading:

**CSSB 1070**, Relating to the composition of the permanent advisory committee to advise the Texas Commission on Environmental Quality regarding the implementation of the ad valorem tax exemption for pollution control 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 1070 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1070** 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 1070**, 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 1070** 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 1899 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 1899** at this time on its second reading:

**SB 1899**, Relating to compensation for services and reimbursement for expenses of a member of the board of directors of the Lake View Management and Development District.

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

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

#### **SENATE BILL 1899 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 1899** 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 1899**, 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 1899** 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 HOUSE BILL 15 ON THIRD READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSHB 15** at this time on its third reading and final passage:

**CSHB 15**, Relating to informed consent to an abortion.

The motion prevailed by the following vote: Yeas 21, Nays 10.

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

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

The bill was read third time.

Senator Patrick offered the following amendment to the bill:

#### **Floor Amendment No. 1 on Third Reading**

Amend **CSHB 15** on third reading as follows:

(1) In added Section 171.012(a)(4), Health and Safety Code, as amended by Amendment No. \_\_\_ by Davis, between "Chapter 245" and the colon, insert "or a facility that performs more than 50 abortions in any 12-month period".

(2) In added Section 171.012(a)(5), Health and Safety Code, in item (8) of the election form, between "ABORTION PROVIDER" and "ONLY", insert "THAT IS A FACILITY LICENSED UNDER CHAPTER 245 OR A FACILITY THAT PERFORMS MORE THAN 50 ABORTIONS IN ANY 12-MONTH PERIOD".

(3) In added Section 171.012(a)(5), Health and Safety Code, as amended by Amendment No. \_\_\_ by Davis, in item (8) of the election form, between "CHAPTER 245" and the comma, insert "OR A FACILITY THAT PERFORMS MORE THAN 50 ABORTIONS IN ANY 12-MONTH PERIOD".

(4) In amended Section 171.012(b)(1), Health and Safety Code, between "abortion provider" and the semicolon, insert "that is a facility licensed under Chapter 245 or a facility that performs more than 50 abortions in any 12-month period".

(5) In amended Section 171.012(b)(2), Health and Safety Code, as amended by Amendment No. \_\_\_ by Davis, after "Chapter 245", insert "or a facility that performs more than 50 abortions in any 12-month period".

The amendment to **CSHB 15** 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 Third Reading.

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

**CSHB 15** as again amended was finally passed by the following vote: Yeas 21, Nays 10.

Yea: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Williams, Zaffirini.

Nays: Davis, Ellis, Gallegos, Hinojosa, Rodriguez, Van de Putte, Watson, Wentworth, West, Whitmire.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 984 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 984** at this time on its second reading:

**CSHB 984**, Relating to agreements between neighboring municipalities regarding jurisdiction of cases in municipal courts.

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

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

**COMMITTEE SUBSTITUTE  
HOUSE BILL 984 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 984** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yea 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 **CSHB 984**, 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 **CSHB 984** 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: Yea 31, Nays 0.

**SENATE BILL 1231 ON SECOND READING**

On motion of Senator Estes and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1231** at this time on its second reading:

**SB 1231**, Relating to the regulation of health spas by the secretary of state.

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 1231 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1231** 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 1231**, 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 1231** 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 63 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 63** at this time on its second reading:

**CSSB 63**, Relating to the creation of the individual development account program to provide savings incentives and opportunities for certain foster children to pursue home ownership, postsecondary education, and business development.

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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 63 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 63** 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 **CSSB 63**, 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 63** 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.

**HOUSE BILL 1808 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1808** at this time on its second reading:

**HB 1808**, Relating to the continuation and functions of the State Soil and Water Conservation Board.

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

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

### **HOUSE BILL 1808 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 **HB 1808** 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 **HB 1808**, 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 **HB 1808** 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 687 ON SECOND READING**

On motion of Senator Huffman and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 687** at this time on its second reading:

**CSSB 687**, Relating to interception of wire, oral, or electronic communications for law enforcement purposes.

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

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

**COMMITTEE SUBSTITUTE  
SENATE BILL 687 ON THIRD READING**

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 687** 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 687**, 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 687** 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 1328 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1328** at this time on its second reading:

**CSSB 1328**, Relating to optional dispute resolution methods regarding educational services for students with a disability, including individualized education program facilitation.

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.

Senator Watson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1328** as follows:

(1) In SECTION 1 of the bill, in proposed new Section 29.019, strike "and each school district" (Committee printing page 1, line 16).

(2) In SECTION 1 of the bill, in proposed new Section 29.019, (Committee Printing page 1, on line 19), between the period and "The information" add "A district that chooses to use individualized education program facilitation as an optional dispute resolution strategy shall provide information to parents regarding the options the district will use."

(3) In SECTION 1 of the bill, in proposed new Section 29.020, strike "an" between "(4)" and "evaluation" (Committee printing page 1, line 62).

(4) In SECTION 1 of the bill, in proposed new Section 29.020, (Committee Printing page 1, on lines 62-63), strike "process through which information may be collected regarding the" between "evaluation" and "implementation" and insert "survey forms accessible electronically to school districts and participants to evaluate the".

(5) Strike SECTION 2 of the bill (Committee Printing page 2, lines 16-21) and renumber subsequent SECTIONs accordingly.

The amendment to **CSSB 1328** 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 Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1328** 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: Birdwell.

### **COMMITTEE SUBSTITUTE SENATE BILL 1328 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 1328** 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 1328**, 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 1328** 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.

#### **HOUSE BILL 905 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 905** at this time on its second reading:

**HB 905**, Relating to the admissibility of certain hearsay statements of a child in hearings on an application for a protective order.

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

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

#### **HOUSE BILL 905 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 905** 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 **HB 905**, 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 **HB 905** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed.

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

#### WENTWORTH

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

#### **MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 1488 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1488** at this time on its second reading:

**CSSB 1488**, Relating to the purchasing and contracting practices of junior college districts; providing criminal penalties.

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

#### **COMMITTEE SUBSTITUTE SENATE BILL 1138 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 1138** at this time on its second reading:

**CSSB 1138**, Relating to design-build contracts and comprehensive development agreements of regional mobility authorities.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **CSSB 1138** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 370.305, Transportation Code, is amended to read as follows:

Sec. 370.305. COMPREHENSIVE DEVELOPMENT AGREEMENTS.

(a) [An authority may use a comprehensive development agreement with a private entity to construct, maintain, repair, operate, extend, or expand a transportation project.]

[+] A comprehensive development agreement is an agreement with a private entity that, at a minimum, provides for the design and construction of a transportation project, that [and] may [also] provide for the financing, acquisition, maintenance, or operation of a transportation project, and that entitles the private entity to:

(1) a leasehold interest in the transportation project; or

(2) the right to operate or retain revenue from the operation of the transportation project.

(b) [e] An authority may negotiate provisions relating to professional and consulting services provided in connection with a comprehensive development agreement.

(c) [+] Except as provided by this chapter, the [Subsections (e) and (f), the authority to enter into comprehensive development agreements under this section expires on August 31, 2009.]

[e] Subsection (d) does not apply to a comprehensive development agreement that does not grant a private entity a right to finance a toll project or a comprehensive development agreement in connection with a project:

[1] that includes one or more managed lane facilities to be added to an existing controlled access highway;

[2] the major portion of which is located in a nonattainment or near nonattainment air quality area as designated by the United States Environmental Protection Agency; and

[3] for which the department has issued a request for qualifications before the effective date of this subsection.

[f] The authority to enter into a comprehensive development agreement [for a project exempted from Subsection (d) or Section 223.210(b)] expires August 31, 2011.

SECTION 2. Chapter 370, Transportation Code, is amended by adding Subchapter G-1 to read as follows:

#### SUBCHAPTER G-1. DESIGN-BUILD CONTRACTS

Sec. 370.318. DEFINITIONS. In this subchapter:

(1) "Design-build contractor" means a partnership, corporation, or other legal entity or team that includes an engineering firm and a construction contractor qualified to engage in the construction of transportation projects in this state.

(2) "Design-build method" means a project delivery method by which an entity contracts with a single entity to provide both design and construction services for the construction, rehabilitation, alteration, or repair of a facility.

Sec. 370.319. SCOPE OF AND LIMITATIONS ON CONTRACTS. (a) Notwithstanding the requirements of Chapter 2254, Government Code, an authority may use the design-build method for the design, construction, financing, expansion, extension, related capital, maintenance, rehabilitation, alteration, or repair of a transportation project.

(b) A design-build contract under this subchapter may not grant to a private entity:

(1) a leasehold interest in the transportation project; or

(2) the right to operate or retain revenue from the operation of the transportation project.

(c) In using the design-build method and in entering into a contract for the services of a design-build contractor, the authority and the design-build contractor shall follow the procedures and requirements of this subchapter.

(d) An authority may enter into not more than two design-build contracts for transportation projects in any fiscal year.

Sec. 370.320. USE OF ENGINEER OR ENGINEERING FIRM. (a) To act as an authority's representative, independent of a design-build contractor, for the procurement process and for the duration of the work on a transportation project, an authority shall select or designate:

(1) an engineer;

(2) a qualified firm, selected in accordance with Section 2254.004, Government Code, that is independent of the design-build contractor; or

(3) a general engineering consultant that was previously selected by an authority and is selected or designated in accordance with Section 2254.004, Government Code.

(b) The selected or designated engineer or firm has full responsibility for complying with Chapter 1001, Occupations Code.

Sec. 370.321. OTHER PROFESSIONAL SERVICES. (a) An authority shall provide or contract for, independently of the design-build contractor, the following services as necessary for the acceptance of the transportation project by the authority:

(1) inspection services;

(2) construction materials engineering and testing; and

(3) verification testing services.

(b) An authority shall ensure that the engineering services contracted for under this section are selected based on demonstrated competence and qualifications.

(c) This section does not preclude the design-build contractor from providing construction quality assurance and quality control services under a design-build contract.

Sec. 370.322. REQUEST FOR QUALIFICATIONS. (a) For any transportation project to be delivered through the design-build method, an authority must prepare and issue a request for qualifications. A request for qualifications must include:

(1) information regarding the proposed project's location, scope, and limits;

(2) information regarding funding that may be available for the project and a description of the financing to be requested from the design-build contractor, as applicable;

(3) criteria that will be used to evaluate the proposals, which must include a proposer's qualifications, experience, technical competence, and ability to develop the project;

(4) the relative weight to be given to the criteria; and

(5) the deadline by which proposals must be received by the authority.

(b) An authority shall publish notice advertising the issuance of a request for qualifications in the Texas Register and on an Internet website maintained by the authority.

(c) An authority shall evaluate each qualifications statement received in response to a request for qualifications based on the criteria identified in the request. An authority may interview responding proposers. Based on the authority's evaluation of qualifications statements and interviews, if any, an authority shall qualify or short-list proposers to submit detailed proposals.

(d) An authority shall qualify or short-list at least two but not more than five firms to submit detailed proposals under Section 370.323. If an authority receives only one responsive proposal to a request for qualifications, the authority shall terminate the procurement.

(e) An authority may withdraw a request for qualifications or request for detailed proposals at any time.

Sec. 370.323. REQUEST FOR DETAILED PROPOSALS. (a) An authority shall issue a request for detailed proposals to proposers short-listed under Section 370.322. A request for detailed proposals must include:

- (1) information on the overall project goals;
- (2) the authority's cost estimates for the design-build portion of the project work;

(3) materials specifications;

(4) special material requirements;

(5) a schematic design approximately 30 percent complete;

(6) known utilities, provided that an authority is not required to undertake an effort to locate utilities;

(7) quality assurance and quality control requirements;

(8) the location of relevant structures;

(9) notice of any rules or goals adopted by the authority in accordance with Section 370.183 relating to awarding contracts to disadvantaged businesses;

(10) available geotechnical or other information related to the project;

(11) the status of any environmental review of the project;

(12) detailed instructions for preparing the technical proposal required under Subsection (c), including a description of the form and level of completeness of drawings expected;

(13) the relative weighting of the technical and cost proposals required under Subsection (c) and a formula by which the proposals will be evaluated and ranked that allocates at least 70 percent weight to the cost proposal; and

(14) the criteria and weighting for each aspect of the technical proposal.

(b) A request for detailed proposals shall also include a general form of the design-build contract that the authority proposes if the terms of the contract may be modified as a result of negotiations prior to contract execution.

(c) Each response to a request for detailed proposals must include a sealed technical proposal and a separate sealed cost proposal.

(d) The technical proposal must address:

(1) the proposer's qualifications and demonstrated technical competence, not including any information submitted and evaluated under Section 370.322(a)(3);

(2) the feasibility of developing the project as proposed, including identification of anticipated problems;

(3) the proposed solutions to anticipated problems;

(4) the ability of the proposer to meet schedules;

(5) the conceptual engineering design proposed; and

(6) any other information requested by the authority.

(e) An authority may provide for the submission of alternative technical concepts by a proposer. If an authority provides for the submission of alternative technical concepts, the authority must prescribe a process for notifying a proposer whether the proposer's alternative technical concepts are approved for inclusion in a technical proposal.

(f) The cost proposal must include:

(1) the cost of delivering the project;

(2) the estimated number of days required to complete the project; and

(3) any terms for financing for the project that the proposer plans to provide.

(g) A response to a request for detailed proposals shall be due not later than the 180th day after the final request for detailed proposals is issued by the authority. This subsection does not preclude the release by the authority of a draft request for detailed proposals for purposes of receiving input from short-listed proposers.

(h) An authority shall first open, evaluate, and score each responsive technical proposal submitted on the basis of the criteria described in the request for detailed proposals and assign points on the basis of the weighting specified in the request for detailed proposals. The authority may reject as nonresponsive any proposer that makes a significant change to the composition of its design-build team as initially submitted that was not approved by the authority for the purpose of the request for detailed proposals. The authority shall subsequently open, evaluate, and score the cost proposals from proposers that submitted a responsive technical proposal and assign points on the basis of the weighting specified in the request for detailed proposals. The authority shall rank the proposers in accordance with the formula provided in the request for detailed proposals.

Sec. 370.324. NEGOTIATION. (a) After ranking the proposers under Section 370.323(h), an authority shall first attempt to negotiate a contract with the highest ranked proposer. If an authority has committed to paying a stipend to unsuccessful proposers in accordance with Section 370.326, an authority may include in the negotiations alternative technical concepts proposed by other proposers.

(b) If an authority is unable to negotiate a satisfactory contract with the highest ranked proposer, the authority shall, formally and in writing, end all negotiations with that proposer and proceed to negotiate with the next proposer in the order of the selection ranking until a contract is reached or negotiations with all ranked proposers end.

Sec. 370.325. ASSUMPTION OF RISKS. (a) Unless otherwise provided in a final request for detailed proposals or an addendum or supplement included in the final request, the authority shall assume:

(1) all risks and costs associated with:

(A) scope changes and modifications, as requested by the authority;

(B) unknown or differing site conditions;

(C) environmental clearance and other regulatory permitting for the project; and

(D) natural disasters and other force majeure events; and

(2) all costs associated with property acquisition, excluding costs associated with acquiring a temporary easement or work area associated with staging or construction for the project.

(b) Notwithstanding Subsection (a), an authority and contracting parties may agree that a design-build contractor should assume some or all of the risks or costs of a project described in Subsection (a) if the agreement is reflected in the final request for detailed proposals or an addendum or supplement to the final request.

Sec. 370.326. STIPEND AMOUNT FOR UNSUCCESSFUL PROPOSERS. (a) In accordance with the request for detailed proposals, an authority shall pay an unsuccessful proposer that submits a responsive proposal to the request for detailed proposals a stipend for work product contained in the proposal. The stipend must be

specified in the initial request for detailed proposals in an amount of at least two-tenths of one percent of the contract amount, but may not exceed the value of the work product contained in the proposal to the authority. If the authority determines that the value of the work product is less than the stipend amount, the authority must provide the proposer with a detailed explanation of the valuation, including the methodology and assumptions used in the valuation. After payment of the stipend, the authority may make use of any work product contained in the unsuccessful proposal, including the techniques, methods, processes, and information contained in the proposal. The use by the authority of any design element contained in an unsuccessful proposal is at the sole risk and discretion of the authority and does not confer liability on the recipient of the stipend under this subsection.

(b) In a request for detailed proposals, an authority may provide for the payment of a partial stipend in the event a procurement is terminated prior to securing project financing and execution of a design-build contract.

Sec. 370.327. PERFORMANCE OR PAYMENT BOND. (a) Notwithstanding the requirements of Subchapter B, Chapter 2253, Government Code, an authority shall require a design-build contractor to provide a performance or payment bond or an alternative form of security or combination of forms of security.

(b) A performance or payment bond or alternative form of security shall be in an amount equal to the cost of constructing or maintaining the project.

(c) A performance or payment bond is not required for the portion of a design-build contract under this section that includes design services only.

(d) In addition to performance and payment bonds, an authority may require the following alternative forms of security:

(1) a cashier's check drawn on a financial entity specified by the authority;

(2) a United States bond or note;

(3) an irrevocable bank letter of credit drawn from any Texas or federally chartered bank; or

(4) any other form of security determined suitable by the authority.

SECTION 3. Section 370.314, Transportation Code, is repealed.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

The amendment to **CSSB 1138** 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 Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1138** 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 1138 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 1138** 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 1138**, 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 1138** 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 1117 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1117** at this time on its second reading:

**SB 1117**, Relating to the prosecution of a parent contributing to the nonattendance of a public school student.

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 1117 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1117** 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 1117**, 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 1117** 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 730 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 730** at this time on its second reading:

**CSSB 730**, Relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.

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 730 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 730** 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 730**, 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 730** 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 1445 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1445** at this time on its second reading:

**CSSB 1445**, Relating to the contents of reports of political contributions and expenditures.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **CSSB 1445** (senate committee printing) as follows:

- (1) In SECTION 1 of the bill, in amended Section 254.031(a)(7), Election Code (page 1, line 55), strike "[~~and~~]" and substitute "and".
- (2) In SECTION 1 of the bill, in amended Section 254.031(a)(8), Election Code (page 1, line 61), strike ";" and substitute ".".
- (3) In SECTION 1 of the bill, strike added Sections 254.031(a)(9) and (10), Election Code (page 1, line 62, through page 2, line 10).

The amendment to **CSSB 1445** 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 Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1445** 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 1445 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1445** 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 1445**, 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 1445** 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 1237 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1237** at this time on its second reading:

**SB 1237**, Relating to persons authorized to access or use electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate.

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 1237 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1237** 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 1237**, 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 1237** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

#### **WENTWORTH**

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

#### **MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 1841 ON SECOND READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 1841** at this time on its second reading:

**CSSB 1841**, Relating to the preservation and maintenance of the Alamo by the Texas Historical Commission.

Senator Van de Putte withdrew the motion to suspend the regular order of business.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1488 ON SECOND READING**

Senator West again moved to suspend the regular order of business to take up for consideration **CSSB 1488** at this time on its second reading:

**CSSB 1488**, Relating to the purchasing and contracting practices of junior college districts; providing criminal penalties.

The motion prevailed without objection.

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 1488 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 1488** 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 1488**, 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 1488** 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 1557 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1557** at this time on its second reading:

**CSSB 1557**, Relating to the Texas High Performance Schools Consortium.

The motion prevailed.

Senators Lucio and Van de Putte 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: Lucio, Van de Putte.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1557 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 1557** be placed on its third reading and final passage.

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

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

Nay: Lucio, Van de Putte, 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 1557**, 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 1557** 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.

Yea: Birdwell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nay: Lucio, Van de Putte.

**GUESTS PRESENTED**

Senator Patrick was recognized and introduced to the Senate a Cy-Fair legislative group delegation.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1399 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 1399** at this time on its second reading:

**CSSB 1399**, Relating to the regulation of foundation repair contractors; providing penalties.

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.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1399 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 **CSSB 1399** 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 **CSSB 1399**, 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 1399** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Nays: Fraser.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1059 ON SECOND READING**

On motion of Senator Nichols and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1059** at this time on its second reading:

**CSSB 1059**, Relating to the program for improvement of collection of court costs, fees, and fines imposed in criminal cases.

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 1059 ON THIRD READING**

Senator Nichols moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1059** 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 1059**, 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 1059** 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 1196 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 1196** at this time on its second reading:

**CSSB 1196**, Relating to guardianships and alternatives to guardianship for persons who have physical disabilities or who are incapacitated.

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 1196 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 1196** 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 1196**, 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 1196** 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 150 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 150** at this time on its second reading:

**SB 150**, Relating to granting limited state law enforcement authority to special agents of the Office of Inspector General of the United States Department of Veterans Affairs and to updating certain references related to the grant of that authority to other federal law enforcement personnel.

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 150 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 150** 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 150**, 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 150** 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 1197 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 1197** at this time on its second reading:

**CSSB 1197**, Relating to trusts.

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 1197 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 1197** 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 1197**, 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 1197** 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 947 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 947** at this time on its second reading:

**SB 947**, Relating to granting limited state law enforcement authority to certain criminal investigators of the United States and to other federal law enforcement personnel.

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 947 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 947** 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 947**, 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 947** 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 5 ON SECOND READING**

The Presiding Officer, Senator Eltife in Chair, laid before the Senate **CSSB 5** by Senator Zaffirini on its second reading. The bill had been read second time, amended, and further consideration postponed on Wednesday, April 27, 2011:

**CSSB 5**, Relating to the administration and business affairs of public institutions of higher education.

Question — Shall Floor Amendment No. 7 to **CSSB 5** be adopted?

#### **POINT OF ORDER**

Senator Zaffirini raised a point of order that Floor Amendment No. 7 was not germane to the body of the bill.

Senator Wentworth withdrew Floor Amendment No. 7.

Senator Zaffirini moved the previous question.

Five Senators seconded the motion.

Question — Shall the main question be now put?

The motion to call for the previous question on the passage to engrossment of **CSSB 5** failed by the following vote: Yeas 12, Nays 19.

Yeas: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Nays: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 8**

Amend **CSSB 5** (senate committee printing) by inserting the following appropriately numbered ARTICLE into the bill and renumbering subsequent ARTICLES of the bill accordingly:

**ARTICLE \_\_\_\_ MISCELLANEOUS PROVISIONS**

**SECTION \_\_\_\_.** Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2031 to read as follows:

**Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSES.** (a) For purposes of this section:

(1) "Campus" means all land and buildings owned or leased by an institution of higher education.

(2) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(3) "Premises" has the meaning assigned by Section 46.035, Penal Code.

(b) Except as otherwise provided by this section, a license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education in this state.

(c) Except as provided by Subsection (d), an institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution.

(d) An institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories that are owned or operated by the institution and located on the campus of the institution.

(e) This section does not permit a license holder to carry a concealed handgun on or about the premises of a hospital maintained or operated by an institution of higher education. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(f) This section does not permit a license holder to carry a concealed handgun on the premises of a preschool, elementary school, or secondary school that is located on the campus of an institution of higher education if the institution gives effective notice under Section 30.06, Penal Code.

**SECTION \_\_\_\_.** Section 411.208, Government Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (f) to read as follows:

(a) A court may not hold the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a peace officer, or a qualified handgun instructor liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a peace officer, or a qualified handgun instructor for any damage caused by the actions of an applicant or license holder under this subchapter.

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, an institution of higher education, an officer or employee of an institution of higher education, or a peace officer if the act or failure to act was capricious or arbitrary.

(f) For purposes of this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.

SECTION \_\_\_\_\_. Section 46.03, Penal Code, is amended by amending Subsections (a) and (c) and adding Subsections (j) and (k) to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a):

(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless:

(A) pursuant to written regulations or written authorization of the institution; or

(B) the person possesses or goes with a concealed handgun that the person is licensed to carry under Subchapter H, Chapter 411, Government Code, and no other weapon to which this section applies, on the physical premises of an institution of higher education, or in a passenger transportation vehicle of the institution;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack;

(5) in or into a secured area of an airport; or

(6) within 1,000 feet of premises the location of which is designated by the Texas Department of Criminal Justice as a place of execution under Article 43.19, Code of Criminal Procedure, on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

(c) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(2) [+] "Premises" has the meaning assigned by Section 46.035.

(3) [?] "Secured area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

(j) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a hospital maintained or operated by an institution of higher education. In this subsection, "hospital" has the meaning assigned by Section 241.003, Health and Safety Code.

(k) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the premises of a preschool, elementary school, or secondary school that is located on the physical premises of an institution of higher education. This subsection does not apply if the actor was not given effective notice under Section 30.06.

SECTION \_\_\_\_\_. Section 46.11(c)(1), Penal Code, is amended to read as follows:

(1) "Premises" has the meaning [~~Institution of higher education and premises have the meanings~~] assigned by Section 481.134, Health and Safety Code.

SECTION \_\_\_\_\_. Section 411.208, Government Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrued before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION \_\_\_\_\_. Sections 46.03(a) and (c), Penal Code, as amended by this Act, and Section 46.035(l), Penal Code, as added by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

The amendment to **CSSB 5** was read.

### **POINT OF ORDER**

Senator Zaffirini raised a point of order that Floor Amendment No. 8 was not germane to the body of the bill.

### **POINT OF ORDER RULING**

The Presiding Officer stated that the point of order was respectfully overruled.

Senator Ellis offered the following amendment to Floor Amendment No. 8:

#### **Floor Amendment No. 9**

Amend Floor Amendment No. 8 by Wentworth to **CSSB 5** (Senate Committee Printing) as follows:

(1) In added Section 411.2031(c), Government Code, strike "Subsection (d)" and substitute "Subsections (d) and (d-1)".

(2) After added Section 411.2031(d), Government Code, insert the following:

(d-1) An institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on premises that are owned or operated by the institution and located on the campus of the institution.

The amendment to Floor Amendment No. 8 to **CSSB 5** was read.

On motion of Senator Wentworth, Floor Amendment No. 9 was tabled by the following vote: Yeas 19, Nays 12.

Yea: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nay: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Zaffirini offered the following amendment to Floor Amendment No. 8:

#### **Floor Amendment No. 10**

Amend Floor Amendment No. 8 to **CSSB 5** as follows:

In added Section 411.2031, Government Code, strike subsection (c) entirely and substitute as follows:

(c) An institution of higher education in this state shall adopt rules, regulations, or other provisions prohibiting license holders from carrying handguns on premises that are owned or operated by the institution if such a prohibition is approved by a majority vote of the students enrolled at the university who participate in a general student election held for that purpose.

The amendment to Floor Amendment No. 8 to **CSSB 5** was read.

On motion of Senator Wentworth, Floor Amendment No. 10 was tabled by the following vote: Yeas 19, Nays 12.

Yea: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nay: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Van de Putte offered the following amendment to Floor Amendment No. 8:

#### **Floor Amendment No. 11**

Amend Floor Amendment No. 8 to **CSSB 5** as follows:

(1) On Page 1, between lines 14 and 15, add the following appropriately numbered subdivision to the subsection, and renumber subsequent subdivisions accordingly:

( ) "Hospital has the meaning assigned by Section 241.003, Health and Safety Code.

(2) On page 2, lines 2 - 6, strike the text of proposed Section 411.2031(e), Government Code, and substitute the following:

(e) This section does not permit a license holder to carry a concealed handgun on the premises of:

(1) a hospital maintained or operated by an institution of higher education; or

(2) the medical school at The University of Texas Health Science Center at San Antonio.

(4) On page 4, line 28, in added Section 46.03(j), Penal Code, between "education" and the underlined period, insert "or on the premises of the medical school at The University of Texas Health Science Center at San Antonio".

The amendment to Floor Amendment No. 8 to **CSSB 5** was read.

On motion of Senator Wentworth, Floor Amendment No. 11 was tabled by the following vote: Yeas 20, Nays 11.

Yea: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nay: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Davis offered the following amendment to Floor Amendment No. 8:

### Floor Amendment No. 12

Amend Floor Amendment No. 8 to **CSSB 5** as follows:

(1) In added Section 411.2031(a)(2), Government Code (page 1, line 15), strike "Institution of higher education" and" and substitute "Governing board," "institution of higher education," and".

(2) In added Section 411.2031(c), Government Code (page 1, line 23), strike "provided by Subsection (d)" and substitute "otherwise provided by this section".

(3) In added Section 411.2031, Government Code (page 2, between lines 1 and 2), insert the following subsection:

(e) An institution of higher education in this state may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on the campus of the institution if the governing board of the institution approves the rules, regulations, or other provisions by majority vote.

(4) In added Section 411.2031, Government Code (page 2, line 2), strike "(e)" and substitute "(f)".

(5) In added Section 411.2031, Government Code (page 2, line 7), strike "(f)" and substitute "(g)".

(6) In amended Section 411.208(a), Government Code (page 2, lines 15-19), strike "higher education, an officer or employee of an institution of higher education," and substitute "higher education that has not adopted rules under Section 411.2031 or an officer or employee of that institution,".

(7) In amended Section 411.208(b), Government Code (page 2, lines 25-31), strike "an institution of higher education, an officer or employee of an institution of higher education," and substitute "an institution of higher education that has not adopted rules under Section 411.2031 or an officer or employee of that institution,".

(8) In amended Section 411.208(d), Government Code (page 3, lines 1-6), strike "institution of higher education, an officer or employee of an institution of higher education," and substitute "institution of higher education that has not adopted rules under Section 411.2031 or an officer or employee of that institution,".

The amendment to Floor Amendment No. 8 to **CSSB 5** was read.

On motion of Senator Wentworth, Floor Amendment No. 12 was tabled by the following vote: Yeas 19, Nays 12.

Yea: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nay: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Lucio offered the following amendment to Floor Amendment No. 8:

#### Floor Amendment No. 13

Amend Floor Amendment No. 8 to **CSSB 5** as follows:

(1) In SECTION \_\_\_\_ of the amendment, in added Section 411.2031, Government Code, add the following subsection:

(g) This section does not permit a license holder to carry a concealed handgun on the campus of an institution of higher education or private or independent institution of higher education if the campus is shared with a primary or secondary school.

(2) In the recital to SECTION \_\_\_\_ of the amendment, strike "Subsection (k)," and substitute "Subsections (k) and (l)".

(3) In SECTION \_\_\_\_ of the amendment, in amended Section 46.03, Penal Code, add the following subsection:

(l) Subsection (a)(1)(B) does not permit a person to possess a concealed handgun, or go with a concealed handgun, on the physical premises of an institution of higher education or private or independent institution of higher education if those premises are shared with a primary or secondary school.

The amendment to Floor Amendment No. 8 to **CSSB 5** was read.

On motion of Senator Wentworth, Floor Amendment No. 13 was tabled by the following vote: Yeas 20, Nays 11.

Yea: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nay: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Ellis offered the following amendment to Floor Amendment No. 8:

#### Floor Amendment No. 14

Amend Floor Amendment No. 8 by Wentworth to **CSSB 5** (Senate Committee Printing) by adding the following SECTION to the ARTICLE added by the amendment:

SECTION \_\_\_\_\_. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.209 to read as follows:

Sec. 411.209. LIABILITY INSURANCE PREMIUMS. An insurance company doing business in this state may not increase the amount of the liability insurance premiums charged to an institution of higher education in this state solely because license holders are permitted to carry handguns on campus under Section 411.2031.

The amendment to Floor Amendment No. 8 to **CSSB 5** 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. 14.

Senator Ellis offered the following amendment to Floor Amendment No. 8:

#### Floor Amendment No. 15

Amend Floor Amendment No. 8 by Wentworth to **CSSB 5** (Senate Committee Printing) by adding the following SECTION to the ARTICLE added by the amendment:

SECTION \_\_\_\_\_. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.209 to read as follows:

Sec. 411.209. PAYMENT OF CERTAIN LIABILITY INSURANCE PREMIUMS. If the amount of a liability insurance premium paid by an institution of higher education in this state is higher than the amount that would be assessed as a premium for that institution if handguns were prohibited on campus, the state shall reimburse the institution for the difference between those amounts.

The amendment to Floor Amendment No. 8 to **CSSB 5** was read.

On motion of Senator Wentworth, Floor Amendment No. 15 was tabled by the following vote: Yeas 20, Nays 11.

Yays: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Question recurring on the adoption of Floor Amendment No. 8 as amended to **CSSB 5**, the amendment was adopted by the following vote: Yeas 19, Nays 12.

Yays: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro, Wentworth, Whitmire, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, West, Zaffirini.

Senator Zaffirini withdrew further consideration of **CSSB 5**.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1841 ON SECOND READING**

Senator Van de Putte again moved to suspend the regular order of business to take up for consideration **CSSB 1841** at this time on its second reading:

**CSSB 1841**, Relating to the preservation and maintenance of the Alamo by the Texas Historical Commission.

The motion prevailed without objection.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1841** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter C, Chapter 31, Natural Resources Code, is amended by adding Section 31.0515 to read as follows:

Sec. 31.0515. DUTIES RELATED TO THE ALAMO COMPLEX. The land commissioner shall:

(1) employ staff necessary to preserve and maintain the Alamo complex and contract for professional services of qualified consultants; and

(2) prepare an annual budget and work plan, including usual maintenance for the Alamo complex, including buildings on the Alamo property, their contents, and their grounds.

SECTION 2. Chapter 31, Natural Resources Code, is amended by adding Subchapter I to read as follows:

**SUBCHAPTER I. THE ALAMO COMPLEX**

Sec. 31.451. PRESERVATION AND MAINTENANCE OF ALAMO. (a) The Alamo complex is under the jurisdiction of the land office. The land office is responsible for the preservation, maintenance, and restoration of the Alamo complex and its contents and the protection of the historical and architectural integrity of the exterior, interior, and grounds of the Alamo complex.

(b) Any power or duty related to the Alamo complex formerly vested in any other state agency or entity is vested solely in the land office.

(c) Notwithstanding any other law, the land office is not required to comply with state purchasing law related to requests for proposals in carrying out its duties under this subchapter.

Sec. 31.452. ASSISTANCE FROM OTHER AGENCIES. The land office may consult with the State Preservation Board in the performance of duties under this subchapter. On request of the land office, the State Preservation Board shall assist the land office with the land office's duties relating to the Alamo complex.

Sec. 31.453. AGREEMENT WITH DAUGHTERS OF THE REPUBLIC OF TEXAS. (a) The land office shall enter into an agreement with the Daughters of the Republic of Texas for the management, operation, and financial support of the Alamo complex.

(b) The agreement at a minimum must:

(1) detail the expectations and goals of the land office and the Daughters of the Republic of Texas;

(2) outline the management and operation of the Alamo complex;

(3) establish management standards;

(4) provide for oversight by the land office;

(5) address funding and payment for costs;

(6) require some Alamo complex employees to be land office employees;

(7) address equipment;

(8) establish insurance requirements;

(9) address compliance with local, state, and federal building and operation

laws;

(10) address construction, maintenance, and repair;

(11) establish the term of the agreement, which may not be less than 10 years;

(12) require submission of financial information from the Daughters of the Republic of Texas, excluding chapters of the organization;

(13) address other activities of the Daughters of the Republic of Texas that would, as demonstrated by clear and convincing evidence, materially undermine the financial condition of the Daughters of the Republic of Texas or its duties under the agreement;

(14) address ownership by this state of the Alamo complex and its contents;

(15) include a dispute resolution process;

(16) provide that the laws of this state govern the agreement; and

(17) include notice requirements.

(c) The land office may enter into the agreement required by this section only if the Daughters of the Republic of Texas is a properly formed nonprofit corporation in this state in accordance with Section 2.008, Business Organizations Code, and is exempt from income taxation under Section 501(c)(3), Internal Revenue Code.

(d) All property received by the Daughters of the Republic of Texas in its capacity as custodian or trustee of the Alamo for the benefit of the Alamo and listed on the organization's balance sheet is subject to the requirements of this chapter and the agreement required by this section.

Sec. 31.454. THE ALAMO COMPLEX ACCOUNT. (a) The Alamo complex account is a separate account in the general revenue fund.

(b) The account consists of:

(1) transfers made to the account;

(2) fees and other revenue from operation of the Alamo complex;

(3) grants and donations from any source designated for the benefit of the Alamo complex; and

(4) income earned on investments of money in the account.

(c) Appropriations to the land office for the preservation, operation, or maintenance of the Alamo complex shall be deposited to the credit of the account.

(d) The land office may use money in the account only to administer this subchapter, including to support the preservation, repair, renovation, improvement, expansion, equipping, operation, or maintenance of the Alamo complex or to acquire a historical item appropriate to the Alamo complex.

(e) Any money in the account not used in a fiscal year remains in the account. The account is exempt from the application of Section 403.095, Government Code.

Sec. 31.455. GRANTS; DONATIONS. The land office may accept a grant or donation for any program or purpose of the Alamo complex and use the funds in accordance with Section 31.454.

Sec. 31.456. ALAMO PRESERVATION ADVISORY BOARD. (a) The land office shall create an Alamo Preservation Advisory Board to:

(1) promote and support the Alamo complex;

(2) provide the resources and support necessary to advance the understanding and education of current and future generations on the historical significance and factual record of the Alamo complex;

(3) inspire virtues of honor and Texas pride;

(4) preserve the memory and achievement of individuals who served at the Alamo and provide a fitting tribute to the heroism of the people who paid the ultimate sacrifice for freedom and of the noble men and women of this state who have served in the armed forces or died while serving in the armed forces so that Texas may be free;

(5) promote and provide for the preservation, perpetuation, appropriate publication, and display of manuscripts, books, relics, pictures, oral histories, and all other items and information related to the history of the Alamo complex and of this state that preserve the historical character of the Alamo shrine; and

(6) promote, counsel, and provide support to governmental and private organizations that are committed to objectives similar to the objectives described in this subsection.

(b) The advisory board is composed of:

(1) the president of the Daughters of the Republic of Texas;

(2) the current Alamo chairman of the Daughters of the Republic of Texas;

(3) the immediate past Alamo Chairman of the Daughters of the Republic of Texas;

(4) the Alamo curator;

(5) one representative of the Texas Historical Commission;

(6) one representative of the land office;

(7) the President of the Bexar County Historical Commission; and

(8) one representative who serves as a member of the City of San Antonio Office of Historic Preservation.

(c) The president of the Daughters of the Republic of Texas serves as presiding officer of the advisory board.

(d) The representative of the land office serves as a nonvoting ex-officio member.

(e) Subject to approval by the advisory board, membership may be open to individuals and institutions interested in the purposes for which the advisory board was formed.

SECTION 3. Section 2203.003(a), Government Code, is amended to read as follows:

(a) The Daughters of the Confederacy, Texas Division, and the Daughters of the Republic of Texas each may charge admission to state property over which each organization has custody or control[. This subsection does not apply to the Alamo].

SECTION 4. The following are repealed:

- (1) Article 6394, Revised Civil Statutes of 1911; and
- (2) Chapter 7, Acts of the 29th Legislature, Regular Session, 1905.

SECTION 5. (a) If the General Land Office and the Daughters of the Republic of Texas have not entered into the agreement required by Section 31.453, Natural Resources Code, as added by this Act, before January 1, 2012, on that date the following are transferred to the land office:

- (1) all powers and duties of the Daughters of the Republic of Texas relating to the Alamo complex;
- (2) all unobligated and unexpended funds granted to the Daughters of the Republic of Texas and designated for the administration of the Alamo complex;
- (3) all equipment and property acquired with state money by the Daughters of the Republic of Texas and used for the administration of or related to the Alamo complex; and
- (4) all files and other records of the Daughters of the Republic of Texas kept by the organization regarding the Alamo complex.

(b) The Daughters of the Republic of Texas may agree with the General Land Office to transfer any property of the Daughters of the Republic of Texas to the General Land Office before January 1, 2012, to implement the transfer required by this Act.

(c) Notwithstanding any other law, the Daughters of the Republic of Texas shall continue to perform functions and activities related to the Alamo and granted by Chapter 7, Acts of the 29th Legislature, Regular Session, 1905, until January 1, 2012, and the former law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2011.

The amendment to **CSSB 1841** was read.

Senator Wentworth withdrew Floor Amendment No. 1.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 1841** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter C, Chapter 31, Natural Resources Code, is amended by adding Section 31.0515 to read as follows:

Sec. 31.0515. DUTIES RELATED TO THE ALAMO COMPLEX. The land commissioner shall:

(1) employ staff necessary to preserve and maintain the Alamo complex and contract for professional services of qualified consultants; and

(2) prepare an annual budget and work plan, including usual maintenance for the Alamo complex, including buildings on the Alamo property, their contents, and their grounds.

SECTION 2. Chapter 31, Natural Resources Code, is amended by adding Subchapter I to read as follows:

#### SUBCHAPTER I. THE ALAMO COMPLEX

Sec. 31.451. PRESERVATION AND MAINTENANCE OF ALAMO. (a) The Alamo complex is under the jurisdiction of the land office. The land office is responsible for the preservation, maintenance, and restoration of the Alamo complex and its contents and the protection of the historical and architectural integrity of the exterior, interior, and grounds of the Alamo complex.

(b) Any power or duty related to the Alamo complex formerly vested in any other state agency or entity is vested solely in the land office.

(c) Notwithstanding any other law, the land office is not required to comply with state purchasing law related to requests for proposals in carrying out its duties under this subchapter.

Sec. 31.452. ASSISTANCE FROM OTHER AGENCIES. The land office may consult with the State Preservation Board in the performance of duties under this subchapter. On request of the land office, the State Preservation Board shall assist the land office with the land office's duties relating to the Alamo complex.

Sec. 31.453. AGREEMENT WITH DAUGHTERS OF THE REPUBLIC OF TEXAS. (a) The land office shall enter into an agreement with the Daughters of the Republic of Texas for the management, operation, and financial support of the Alamo complex.

(b) The agreement at a minimum must:

(1) detail the expectations and goals of the land office and the Daughters of the Republic of Texas;

(2) outline the management and operation of the Alamo complex;

(3) establish management standards;

(4) provide for oversight by the land office;

(5) address funding and payment for costs;

(6) require some Alamo complex employees to be land office employees;

(7) address equipment;

(8) establish insurance requirements;

(9) address compliance with local, state, and federal building and operation laws;

(10) address construction, maintenance, and repair;

(11) establish the term of the agreement, which may not be less than 10 years;

(12) require submission of financial information from the Daughters of the Republic of Texas, excluding chapters of the organization;

(13) address other activities of the Daughters of the Republic of Texas that would, as demonstrated by clear and convincing evidence, materially undermine the financial condition of the Daughters of the Republic of Texas or its duties under the agreement;

(14) address ownership by this state of the Alamo complex and its contents;

(15) include a dispute resolution process;

(16) provide that the laws of this state govern the agreement; and

(17) include notice requirements.

(c) The land office may enter into the agreement required by this section only if the Daughters of the Republic of Texas is a properly formed nonprofit corporation in this state in accordance with Section 2.008, Business Organizations Code, and is exempt from income taxation under Section 501(c)(3), Internal Revenue Code.

(d) All property received by the Daughters of the Republic of Texas in its capacity as custodian or trustee of the Alamo for the benefit of the Alamo and listed on the organization's balance sheet is subject to the requirements of this chapter and the agreement required by this section.

Sec. 31.454. THE ALAMO COMPLEX ACCOUNT. (a) The Alamo complex account is a separate account in the general revenue fund.

(b) The account consists of:

(1) transfers made to the account;

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(c) Appropriations to the land office for the preservation, operation, or maintenance of the Alamo complex shall be deposited to the credit of the account.

(d) The land office may use money in the account only to administer this subchapter, including to support the preservation, repair, renovation, improvement, expansion, equipping, operation, or maintenance of the Alamo complex or to acquire a historical item appropriate to the Alamo complex.

(e) Any money in the account not used in a fiscal year remains in the account.

The account is exempt from the application of Section 403.095, Government Code.

Sec. 31.455. GRANTS; DONATIONS. The land office may accept a grant or donation for any program or purpose of the Alamo complex and use the funds in accordance with Section 31.454.

Sec. 31.456. ALAMO PRESERVATION ADVISORY BOARD. (a) The land office may create an Alamo Preservation Advisory Board to:

(1) promote and support the Alamo complex;

(2) provide the resources and support necessary to advance the understanding and education of current and future generations on the historical significance and factual record of the Alamo complex;

(3) inspire virtues of honor and Texas pride;

(4) preserve the memory and achievement of individuals who served at the Alamo and provide a fitting tribute to the heroism of the people who paid the ultimate sacrifice for freedom and of the noble men and women of this state who have served in the armed forces or died while serving in the armed forces so that Texas may be free;

(5) promote and provide for the preservation, perpetuation, appropriate publication, and display of manuscripts, books, relics, pictures, oral histories, and all other items and information related to the history of the Alamo complex and of this state that preserve the historical character of the Alamo shrine; and

(6) promote, counsel, and provide support to governmental and private organizations that are committed to objectives similar to the objectives described in this subsection.

(b) The advisory board is composed of:

- (1) a designee appointed by the governor;
- (2) the president of the Daughters of the Republic of Texas;
- (3) the current Alamo chairman of the Daughters of the Republic of Texas;
- (4) the immediate past Alamo Chairman of the Daughters of the Republic of

Texas;

- (5) the Alamo curator;

- (6) one representative of the Texas Historical Commission;

- (7) one representative of the land office;

- (8) the President of the Bexar County Historical Commission; and

- (9) one representative who serves as a member of the City of San Antonio Office of Historic Preservation.

(c) The president of the Daughters of the Republic of Texas serves as presiding officer of the advisory board.

(d) The representative of the land office serves as a nonvoting ex-officio member.

(e) Subject to approval by the advisory board, membership may be open to individuals and institutions interested in the purposes for which the advisory board was formed.

SECTION 3. Section 2203.003(a), Government Code, is amended to read as follows:

(a) The Daughters of the Confederacy, Texas Division, and the Daughters of the Republic of Texas each may charge admission to state property over which each organization has custody or control[. This subsection does not apply to the Alamo].

SECTION 4. The following are repealed:

- (1) Article 6394, Revised Civil Statutes of 1911; and

- (2) Chapter 7, Acts of the 29th Legislature, Regular Session, 1905.

SECTION 5. (a) If the General Land Office and the Daughters of the Republic of Texas have not entered into the agreement required by Section 31.453, Natural Resources Code, as added by this Act, before January 1, 2012, on that date the following are transferred to the land office:

(1) all powers and duties of the Daughters of the Republic of Texas relating to the Alamo complex;

(2) all unobligated and unexpended funds granted to the Daughters of the Republic of Texas and designated for the administration of the Alamo complex;

(3) all equipment and property acquired with state money by the Daughters of the Republic of Texas and used for the administration of or related to the Alamo complex; and

(4) all files and other records of the Daughters of the Republic of Texas kept by the organization regarding the Alamo complex.

(b) The Daughters of the Republic of Texas may agree with the General Land Office to transfer any property of the Daughters of the Republic of Texas to the General Land Office before January 1, 2012, to implement the transfer required by this Act.

(c) Notwithstanding any other law, the Daughters of the Republic of Texas shall continue to perform functions and activities related to the Alamo and granted by Chapter 7, Acts of the 29th Legislature, Regular Session, 1905, until January 1, 2012, and the former law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2011.

The amendment to **CSSB 1841** 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 Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 1841** 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 1841 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 1841** 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 1841**, 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 1841** 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.

**RECESS**

On motion of Senator Whitmire, the Senate at 3:22 p.m. recessed until 3:45 p.m. today.

**AFTER RECESS**

The Senate met at 4:21 p.m. and was called to order by the President.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE  
HOUSE BILL 1 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSHB 1** at this time on its second reading:

**CSHB 1**, General Appropriations Bill.

The motion was lost by the following vote: Yeas 19, Nays 12. (Not receiving two-thirds vote of Members present)

Yea: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nay: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

**PERMISSION TO INTRODUCE BILL  
(Motion In Writing)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bill: **SB 1927**.

**BIRTHDAY GREETINGS EXTENDED**

Senator Deuell was recognized and, on behalf of the Senate, extended birthday greetings to former State Senator and current Congressman, Ralph Hall.

**MOTION TO RECESS**

On motion of Senator Whitmire and by unanimous consent, the Senate at 7:51 p.m. agreed to recess, in memory of Jean Moffett Dendy, Jimmy Dean, and Jaime Jorge Zapata, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

**SENATE BILL ON FIRST READING**

The following bill was introduced, read first time, and referred to the committee indicated:

**SB 1927** by Zaffirini

Relating to the authority of certain volunteer firefighter and emergency services organizations to hold tax-free sales or auctions.

To Committee on Finance.

**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 38** to Committee on Criminal Justice.  
**HB 127** to Committee on Education.  
**HB 215** to Committee on Criminal Justice.  
**HB 397** to Committee on International Relations and Trade.  
**HB 598** to Committee on Transportation and Homeland Security.  
**HB 736** to Committee on Higher Education.  
**HB 1029** to Committee on Criminal Justice.  
**HB 1127** to Committee on Veteran Affairs and Military Installations.  
**HB 1451** to Committee on Criminal Justice.  
**HB 1559** to Committee on Jurisprudence.  
**HB 1593** to Committee on State Affairs.  
**HB 1627** to Committee on State Affairs.  
**HB 1665** to Committee on Veteran Affairs and Military Installations.  
**HB 1683** to Committee on Transportation and Homeland Security.  
**HB 1721** to Committee on Criminal Justice.  
**HB 1737** to Committee on Transportation and Homeland Security.  
**HB 1750** to Committee on Transportation and Homeland Security.  
**HB 1767** to Committee on Intergovernmental Relations.  
**HB 1771** to Committee on Jurisprudence.  
**HB 1823** to Committee on Criminal Justice.  
**HB 1841** to Committee on Finance.  
**HB 1898** to Committee on Transportation and Homeland Security.  
**HB 1906** to Committee on Natural Resources.  
**HB 1940** to Committee on Criminal Justice.  
**HB 2033** to Committee on Business and Commerce.  
**HB 2047** to Committee on Jurisprudence.  
**HB 2067** to Committee on Business and Commerce.  
**HB 2091** to Committee on Administration.  
**HB 2108** to Committee on Agriculture and Rural Affairs.  
**HB 2133** to Committee on Natural Resources.  
**HB 2144** to Committee on State Affairs.  
**HB 2223** to Committee on Transportation and Homeland Security.  
**HB 2226** to Committee on Intergovernmental Relations.  
**HB 2238** to Committee on Intergovernmental Relations.  
**HB 2245** to Committee on Health and Human Services.  
**HB 2277** to Committee on State Affairs.  
**HB 2286** to Committee on Health and Human Services.  
**HB 2289** to Committee on Natural Resources.  
**HB 2344** to Committee on Criminal Justice.  
**HB 2346** to Committee on Transportation and Homeland Security.  
**HB 2403** to Committee on Finance.

**HB 2466** to Committee on Transportation and Homeland Security.  
**HB 2472** to Committee on Criminal Justice.  
**HB 2476** to Committee on Finance.  
**HB 2518** to Committee on Government Organization.  
**HB 2575** to Committee on Transportation and Homeland Security.  
**HB 2579** to Committee on Economic Development.  
**HB 2615** to Committee on Business and Commerce.  
**HB 2623** to Committee on Transportation and Homeland Security.  
**HB 2624** to Committee on Veteran Affairs and Military Installations.  
**HB 2769** to Committee on Government Organization.  
**HB 2869** to Committee on Intergovernmental Relations.  
**HB 2900** to Committee on Jurisprudence.  
**HB 2920** to Committee on State Affairs.  
**HB 2928** to Committee on Veteran Affairs and Military Installations.  
**HB 2935** to Committee on Jurisprudence.  
**HB 2936** to Committee on Jurisprudence.  
**HB 2937** to Committee on Higher Education.  
**HB 2966** to Committee on Criminal Justice.  
**HB 3003** to Committee on Intergovernmental Relations.  
**HB 3051** to Committee on Health and Human Services.  
**HB 3208** to Committee on Transportation and Homeland Security.  
**HB 3272** to Committee on Natural Resources.  
**HB 3459** to Committee on Criminal Justice.  
**HB 3465** to Committee on Economic Development.  
**HB 3470** to Committee on Veteran Affairs and Military Installations.  
**HB 3531** to Committee on Health and Human Services.  
**HB 3788** to Committee on Intergovernmental Relations.  
**HB 3803** to Committee on Intergovernmental Relations.  
**HCR 18** to Committee on State Affairs.  
**HCR 24** to Committee on Government Organization.

#### **CO-AUTHORS OF SENATE BILL 34**

On motion of Senator Zaffirini, Senators Gallegos and Hinojosa will be shown as Co-authors of **SB 34**.

#### **CO-AUTHORS OF SENATE BILL 1363**

On motion of Senator Lucio, Senators Hinojosa and Uresti will be shown as Co-authors of **SB 1363**.

#### **CO-AUTHOR OF SENATE BILL 1422**

On motion of Senator Nelson, Senator Harris will be shown as Co-author of **SB 1422**.

#### **CO-SPONSOR OF HOUSE BILL 1754**

On motion of Senator Wentworth, Senator Ellis will be shown as Co-sponsor of **HB 1754**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 903** by Ellis, In memory of Joe Roach, Jr., of Houston.

**SR 905** by Lucio, In memory of Raul G. Garza of Kingsville.

**SR 906** by Lucio, In memory of Jose E. "Gene" Moody of San Benito.

**Congratulatory Resolutions**

**SR 897** by Lucio, Commending Isbah Rajah for advocating for health care reform.

**SR 898** by Lucio, Recognizing T. R. "Hap" Roberts for his 48 years of service in law enforcement.

**SR 899** by Huffman, Commending Matthew Arthur Hess for achieving the rank of Eagle Scout.

**SR 900** by Huffman, Commending Michael Travis Martin for achieving the rank of Eagle Scout.

**SR 904** by Ellis, Recognizing members of the Senate Ladies Club who have been members for 25 or 50 years.

**HCR 9** (Watson), Congratulating the Honorable Jack Pope on the occasion of his 98th birthday.

**HCR 104** (Duncan), Congratulating Dr. Kitty Harris Wilkes on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

**HCR 105** (Duncan), Congratulating Beth Lawson on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

**HCR 106** (Duncan), Congratulating Aimee Doane on being named a 2011 Lubbock YWCA Woman of Excellence.

**HCR 107** (Duncan), Congratulating Dr. Kamlesh Varma on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

**HCR 108** (Duncan), Congratulating Dr. Kelly Overley on her selection as a 2011 Woman of Excellence by the YWCA of Lubbock.

**HCR 111** (Duncan), Congratulating Yvonne Racz Key on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

**HCR 112** (Duncan), Congratulating Sarah Jo Lambert on her selection as a 2011 YWCA of Lubbock Woman of Excellence.

**HCR 113** (Duncan), Congratulating Kay Cross on her receipt of the Jane O. Burns Award from the YWCA of Lubbock.

**RECESS**

Pursuant to a previously adopted motion, the Senate at 7:56 p.m. recessed, in memory of Jean Moffett Dendy, Jimmy Dean, and Jaime Jorge Zapata, until 11:00 a.m. tomorrow.

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## APPENDIX

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### COMMITTEE REPORTS

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

May 3, 2011

INTERGOVERNMENTAL RELATIONS — **CSSB 1120**

STATE AFFAIRS — **HB 438, HB 457, HB 1032, HB 2561, SB 1671**

HIGHER EDUCATION — **CSSB 40**

BUSINESS AND COMMERCE — **SB 712, HB 1064, HB 1952, HB 1953, HB 2503, HB 2375, HB 2559, HB 2582, HB 2680, HB 3287**

AGRICULTURE AND RURAL AFFAIRS — **SB 1905, HB 46, HB 1300, HB 1322, HB 1346, HB 1527, HB 1806**

STATE AFFAIRS — **CSSB 1417**

FINANCE — **CSSB 1334**

BUSINESS AND COMMERCE — **HB 1936, HB 1625, HB 1753, HB 2012, HB 2991**

### BILLS ENGROSSED

May 2, 2011

**SB 462, SB 1206, SB 1864**

### BILLS AND RESOLUTIONS ENROLLED

May 2, 2011

**SB 539, SB 646, SB 785, SR 845, SR 884, SR 886, SR 887, SR 888, SR 889, SR 890, SR 891, SR 894, SR 895**

### SENT TO GOVERNOR

May 3, 2011

**SB 423, SB 539, SB 646, SB 693, SB 785**

**In Memory****of****Jimmy Dean****Senate Resolution 850**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Jimmy Dean, who died June 13, 2010, at the age of 81; and

WHEREAS, Jimmy Dean overcame childhood poverty and a lack of formal education to become one of the most recognized faces in the country as an iconic country singer and entertainer and as spokesman for the successful sausage company that bore his name; and

WHEREAS, Jimmy Dean was born August 10, 1928, and grew up in Plainview; his mother taught him to play piano and he went on to pick up guitar, harmonica, and accordion; he dropped out of school after the ninth grade to join the United States Merchant Marine, where he spent two years before enlisting in the United States Air Force; and

WHEREAS, Mr. Dean began his musical career while serving at Bolling Air Force Base in Washington, sitting in at a local bar for a fiddler who had called in sick; by the early 1950s, he was the frontman for the Texas Wildcats, playing on the radio and at county and state fairs; and

WHEREAS, He recorded his first hit song in 1953 and in 1961 recorded "Big Bad John," a song about a miner who died saving his fellow workers in a mine collapse that spent five weeks at number one on the *Billboard* charts; he hosted a variety show on the ABC television network from 1963 until 1966 and appeared in several television series and films, including the James Bond thriller *Diamonds Are Forever*; and

WHEREAS, Mr. Dean headlined at venues like Carnegie Hall and the Hollywood Bowl and was the first country star to play on the Las Vegas strip; he was the first guest host on *The Tonight Show* and recorded several more hit songs, including "P.T. 109," "Sam Hill," and "I.O.U.," a spoken-word song dedicated to his mother; he was elected to the Country Music Hall of Fame in 2010; and

WHEREAS, He created the Jimmy Dean Meat Company in Plainview in 1969 and for more than three decades served as its spokesman on television, representing its products with his Texas charm; and

WHEREAS, A man of honor, strength, and determination, he will long be remembered for his generous spirit and his many accomplishments, which have enriched the culture of our state and nation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the life and legacy of Jimmy Dean; and, be it further

RESOLVED, That a copy of this Resolution be prepared in memory of this hometown Texas icon, and that when the Senate adjourns this day, it do so in memory of Jimmy Dean.

DUNCAN

**In Memory  
of  
Jaime Jorge Zapata  
Senate Resolution 330**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Jaime Jorge Zapata, who died February 15, 2011, at the age of 32 while serving his country as a special agent for United States Immigration and Customs Enforcement; and

WHEREAS, Jaime Jorge Zapata was born May 7, 1978, in Brownsville to Amador Zapata, Jr., and Mary Zapata-Muñoz; he graduated from The University of Texas at Brownsville in 2005; and

WHEREAS, Mr. Zapata joined United States Immigration and Customs Enforcement in 2006 and served with honor and distinction over the course of his career; he was a member of the Human Smuggling and Trafficking Unit and the Border Enforcement Security Task Force; and

WHEREAS, A young man of courage, strength, and compassion, he gave unselfishly to others, and his patriotism, his dedication to duty, and his commitment to doing the right thing will not be forgotten by those who knew him; and

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

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family of Jaime Jorge Zapata: his parents, Amador Zapata, Jr., and Mary Zapata-Muñoz; his fiancée, Stacye Joyner; and his brothers, Amador Zapata III, Carlos Zapata, Jose Zapata, and Erick Zapata; and, be it further

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

LUCIO

**In Memory  
of  
Jean Moffett Dendy  
Senate Resolution 810**

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Jean Moffett Dendy, whose days were cut short September 27, 2009; and

WHEREAS, To know Jean was to love Jean, because love was her customary frame of mind; she loved working in the Texas Senate, and she loved the people with whom she worked, from the passionate young people she trained to the grizzled veterans who knew she would tell them the unvarnished truth; and

WHEREAS, Jean Dendy was born three days after Christmas, and she carried with her throughout her life a sense of that season's possibilities as well as its good cheer; always quick with a smile or a laugh, she was the glue that held an office together, even on those difficult days that come to pass in every legislative session; and

WHEREAS, Her family in the office of Senator Davis will forever cherish the memories of carpooling to the district, of shared dinners and tours of the Capitol, of her ignoring them while she jammed to the music on her headphones, and of her excitement at finally, finally, getting her own office after 17 years; and

WHEREAS, Jean Dendy left a legacy of service and warm collegiality in the halls of the Texas Capitol; providing her invaluable assistance in several offices, she worked for Senator Moncrief for 12 years and for Senator Ellis for six years before bringing her experience and enthusiasm to the office of Senator Davis; and

WHEREAS, Even more than her life at the Senate, Jean treasured her family above all else; her husband, Henry, her sons, Patrick and Andrew, and her extended family all will remember her for her warmth, her abiding devotion, and her valued counsel; and

WHEREAS, A woman of courage, strength, faith, and compassion, she gave unselfishly to all those who were privileged to share in her life, and she will long be remembered with affection and admiration for her generous spirit and her many accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas hereby extend sincere condolences to the grieving family of Jean Moffett Dendy; and, be it further

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

DAVIS  
ELLIS