

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-EIGHTH DAY

(Wednesday, May 11, 2011)

The Senate met at 11:17 a.m. pursuant to adjournment and was called to order by Senator Eltife.

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 Presiding Officer announced that a quorum of the Senate was present.

The Reverend Dr. Mark Nuckols, Saint Paul Lutheran Church, Austin, was introduced by Senator Watson and offered the invocation as follows:

In the name of the Father and of the Son and of the Holy Spirit, amen. The Lord lives, and blessed be my rock, and exalted be the God of my salvation. With the merciful, O Lord, You show Yourself merciful; with the blameless man, You show Yourself blameless; for You save a humble people, but the haughty eyes You bring down. (Psalm 18:46, 26-27) Have mercy, O Lord, upon these Your chosen servants in this Senate, for they deliberate over many difficult decisions, and as such, they must have the wisdom of Your servant Solomon. Therefore, grant unto them Your wisdom and Your humility for the sake of their constituents and for all Texans. As men and women, bring these, Your Senators, the strength to be faithful and loving husbands and wives. Endow them as nurturing fathers and mothers unto their children. Protect and preserve them from despair with Your loving mercy and with Your limitless grace for the sake of the servant of us all. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Wednesday, May 11, 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 12 Solomons
Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

HB 174 Jackson, Jim
Relating to the cancellation of the voter registration and to the eligibility to vote of persons who are deceased or not citizens of the United States.

HB 1013 Brown
Relating to the powers and duties of the Texas Medical Board and the regulation of certain persons licensed by the board.

HB 1799 Bonnen
Relating to the exemption of certain real estate professionals from registration as property tax consultants.

HB 1818 Harper-Brown
Relating to the continuation and functions of the Texas State Affordable Housing Corporation and to the appointment of commissioners of a municipal housing authority; providing penalties.

HB 2078 Villarreal
Relating to the independence of appraisal review boards and the enforcement of appraisal review board orders; changing the elements of an offense.

HB 2098 Davis, John
Relating to the authority of physicians and physician assistants to form certain entities.

HB 2203 Otto
Relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings certain appraisal review board determinations.

HB 2237 Lyne
Relating to the taxation and titling of certain off-road vehicles.

HB 2389 Fletcher
Relating to records of a holder of a motor vehicle title service license.

HB 2439

Gallego

Relating to posting suggestions and ideas on cost-efficiency and certain budget documents on certain state agency websites.

HB 2596

Garza

Relating to the authority of local governments to set speed limits on certain roadways.

HB 2660

Davis, John

Relating to the functions of the Texas Department of Housing and Community Affairs and transferring certain department functions to the Texas State Affordable Housing Corporation.

HB 2759

Hartnett

Relating to the nonsubstantive revision of provisions of the Texas Probate Code relating to durable powers of attorney, guardianships, and other related proceedings and alternatives, and the redesignation of certain other provisions of the Texas Probate Code, including conforming amendments and repeals.

HB 2817

Taylor, Larry

Relating to certain election practices and procedures; providing penalties.

HB 2825

Otto

Relating to the composition and appointment of the board of directors of a corporation to which the board of regents of The University of Texas System delegates investment authority for the permanent university fund or other funds under the control of the board of regents.

HB 2889

Madden

Relating to the expunction of records and files relating to a person's arrest.

HB 3017

Smithee

Relating to the prohibited use of discretionary clauses in certain health maintenance organization and insurance contracts.

HB 3025

Branch

Relating to measures to facilitate the transfer of students within the public higher education system and the timely graduation of students from public institutions of higher education.

HB 3133

Rodriguez, Eddie

Relating to the appraisal for ad valorem tax purposes of property on which housing is being or has been built or repaired for sale to a low-income individual or family.

HB 3727

Hilderbran

Relating to the appraisal for ad valorem tax purposes of certain commercial aircraft that are temporarily located in this state for manufacturing or assembly purposes.

HCR 155

Branch

In memory of Shirley Bird Perry, senior vice president of The University of Texas at Austin.

HCR 157

Hughes

Congratulating Bill and Marlena Terry of White Oak on the occasion of their 50th wedding anniversary.

- SB 198** West Sponsor: Smith, Todd
Relating to exempting persons who are convicted of certain sexual offenses from registering as a sex offender in this state.
- SB 250** Zaffirini Sponsor: Anchia
Relating to protective orders for stalking victims.
- SB 529** Huffman Sponsor: Hunter
Relating to the regulation of motor vehicle dealers, manufacturers, distributors, and representatives.
- SB 758** Deuell Sponsor: Hilderbran
Relating to sales and use tax information provided to certain local governmental entities.
- SB 1024** Rodriguez Sponsor: Rodriguez, Eddie
Relating to the prosecution of the offense of theft of service.
- SB 1082** Hegar Sponsor: Laubenberg
Relating to strategic partnerships for the continuation of certain water districts annexed by a municipality.
(Amended)
- SB 1478** Hegar Sponsor: Crownover
Relating to deadlines for the Railroad Commission of Texas to review certain applications for surface coal mining operation permits.
- SB 1693** Carona Sponsor: Thompson
Relating to periodic rate adjustments by electric utilities.
(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Uresti was recognized and presented Dr. Horacio Ramirez of San Antonio as the Physician of the Day.

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

MESSAGES FROM THE GOVERNOR

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

May 10, 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 Family and Protective Services Council for terms to expire February 1, 2017:

Patricia B. Cole

Fort Worth, Texas

(replacing Mamie Salazar-Harper of El Paso whose term expired)

Anna Maria Jimenez

Corpus Christi, Texas

(replacing Christina Strauch of San Antonio whose term expired)

Benny W. Morris

Cleburne, Texas

(replacing Paul Furukawa of San Antonio whose term expired)

To be the Pecos River Compact Commissioner for a term to expire January 23, 2017:

Fredrick "Rick" Rylander

Iraan, Texas

Mr. Rylander is replacing J. W. Thrasher, Jr. of Monahans whose term expired.

To be members of the State Securities Board for terms to expire January 20, 2017:

David A. Appleby

El Paso, Texas

(replacing Edward Escudero of El Paso whose term expired)

G. Alan Waldrop

Austin, Texas

(replacing Bryan Brown of Spring whose term expired)

To be members of the Board of Pilot Commissioners for Galveston County Ports for terms to expire as indicated:

To Expire February 1, 2012:

Linda R. Rounds

Galveston, Texas

(replacing Sally Prill of Galveston who resigned)

To Expire February 1, 2015:

Edward A. "Eddie" Janek

Galveston, Texas

(Commissioner Janek is being reappointed)

James Earl Toups, Sr.

League City, Texas

(Mr. Toups is being reappointed)

To be members of the Texas Farm and Ranch Lands Conservation Council for terms to expire February 1, 2017:

Pamela McAfee

Driftwood, Texas

(replacing Glen Webb of Abilene whose term expired)

G. Dave Scott, III
Richmond, Texas
(replacing Bob McCan of Victoria whose term expired)

To be a member of the Brazos River Authority Board of Directors for a term to expire February 1, 2017:

Henry W. Munson
Angleton, Texas
Mr. Munson is replacing Mary Ward of Granbury whose term expired.

To be members of the Texas Board Architectural Examiners for terms to expire January 31, 2017:

Debra J. Dockery
San Antonio, Texas
(replacing James Walker, II of Houston whose term expired)

Paula A. Miller
The Woodlands, Texas
(replacing Rosemary Gammon of Plano whose term expired)

Sonya B. Odell
Dallas, Texas
(replacing Peggy Vassberg of Lyford whose term expired)

To be members of the Lavaca-Navidad River Authority for terms to expire May 1, 2017:

Jerry L. Adelman
Palacios, Texas
(replacing Kay Simons of Edna whose term expired)

David M. Muegge
Edna, Texas
(Mr. Muegge is being reappointed)

To be members of the Texas Board of Professional Land Surveying for terms to expire January 31, 2017:

Mary Chruszczak
The Woodlands, Texas
(replacing Douglas Turner of League City whose term expired)

Gerardo M. "Jerry" Garcia
Corpus Christi, Texas
(replacing Anthony Trevino, Jr. of Laredo whose term expired)

Paul P. Kwan
Houston, Texas
(Mr. Kwan is being reappointed)

To be members of the Governing Board of the Texas School for the Deaf for terms to expire January 31, 2017:

Jean F. Andrews
Beaumont, Texas

Shalia H. Cowan
Dripping Springs, Texas

Connie F. Sefcik-Kennedy
Austin, Texas

The individuals listed above are being reappointed.

Respectfully submitted,
/s/Rick Perry
Governor

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

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

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

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

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

Senator Watson asked to be recorded as "Present-not voting" on the confirmation of the nominees for the Finance Commission of Texas.

Members, Assistive and Rehabilitative Services Council: Jon Edward Arnold-Garcia, Bexar County; Tommy G. Fordyce, Walker County; Thomas William Graham, Smith County.

Members, Board of Directors, Coastal Water Authority: Alan Dee Conner, Liberty County; Zebulun Nash, Harris County; Douglas E. Walker, Chambers County.

Members, Finance Commission of Texas: David Jesus Cibrian, Bexar County; Cynthia F. Lyons, El Paso County; Jonathan Bennett Newton, Harris County; Hilliard Judge Shands, Angelina County; William James White, Williamson County. (Watson "Present-not voting")

Members, Real Estate Research Advisory Committee: Mario A. Arriaga, Montgomery County; Russell Lynn Cain, Calhoun County; Jacquelyn Hawkins, Travis County; Kimberly Anne Shambley, Dallas County.

Members, Board of Directors, Rio Grande Regional Water Authority: Wayne Morris Halbert, Cameron County; Paul Glen Heller, Hidalgo County; Brian E. Macmanus, Cameron County; Roel Rodriguez, Hidalgo County; Samuel Robert Sparks, Cameron County.

Members, State Board for Educator Certification: Laurie Bricker, Harris County; Leonard Curtis Culwell, Dallas County; Kathryn Everest, Tarrant County; Suzanne Garcia McCall, Lubbock County; Christine Dona Pogue, Hays County.

Members, State Board of Dental Examiners: James Wesley Chancellor, Comal County; Renee Susanne Cornett, Travis County; David Bradley Dean, Collin County; Tamela L. Gough, Collin County; Christie McAdams Leedy, Taylor County; Evangelia Vionis Mote, Williamson County; Ann Guthrie Pauli, El Paso County; John Thomas Steen, Harris County.

Members, Task Force on Indigent Defense: Jon H. Burrows, Bell County; Knox Fitzpatrick, Dallas County; Anthony C. Odiome, Potter County; Olen U. Underwood, Montgomery County; B. Glen Whitley, Tarrant County.

Members, Texas Board of Licensure for Professional Medical Physicists: Charles Ward Beasley, Harris County; Douglas Allen Johnson, Brazos County; James Robert Marbach, Bexar County; Alvin Lee Schlichtemeier, Collin County; Kiran Kantil Shah, Fort Bend County.

Members, Governing Board, Texas Department of Rural Affairs: Nina Remelle Marlow Farrar, Foard County; Bryan Keith Tucker, Childress County; Patrick Lee Wallace, Henderson County.

Members, Texas Medical Board: Julie K. Attebury, Potter County; Stanley Suchy Wang, Travis County; George Willeford, Travis County; Irvin Edwin Zeitler, Concho County.

Members, Texas State Board of Social Worker Examiners: Theresa Argumaniz Gomez, El Paso County; Nancy Ann Pearson, Washington County; Denise V. Pratt, Harris County.

REASON FOR VOTE

Senator Watson submitted the following reason for vote on the nominees for the Finance Commission of Texas:

I serve as a director of a state bank. So, to avoid even the appearance of a conflict, I chose to register as "Present, not voting" on the nominees for the Finance Commission of Texas.

WATSON

SENATE RESOLUTION 917

Senator Watson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Austin Symphony Orchestra on the grand occasion of its 100th anniversary; and

WHEREAS, One of the leading professional performing arts organizations in Austin and Central Texas, the Austin Symphony Orchestra performed its first concert on April 25, 1911, at the Hancock Opera House; and

WHEREAS, Through the years, numerous prominent citizens have played an important role in furthering the orchestra's success, including Mrs. James V. Allred, Mrs. D. J. Sibley, and Joe R. Long; Mayor Tom Miller officially recognized the organization by providing financial support through the Austin Parks and Recreation Department; and

WHEREAS, The Austin Symphony Orchestra has been supported by numerous community organizations, including the Women's Symphony League of Austin and the Knights of the Symphony; it has offered such popular programs as the Classical Series, Pops Concerts, and the annual free Fourth of July concert and fireworks show; and

WHEREAS, Today, the Austin Symphony Orchestra, under the exceptional leadership of music director and conductor Peter Bay, continues to fulfill its mission of enhancing the cultural quality of life of the people of Central Texas by providing excellent musical performances and educational programming; this exemplary organization is truly deserving of recognition for its many contributions to Austin's rich cultural legacy; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend congratulations to the Austin Symphony Orchestra on its 100th anniversary and extend best wishes for a prosperous and rewarding future; and, be it further

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

(President Pro Tempore Ogden in Chair)

SR 917 was again read.

The resolution was previously adopted on Wednesday, May 4, 2011.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate an Austin Symphony Orchestra Centennial Committee delegation: Joe Long, Honorary Chair; Pat Harris, Centennial Chair; and Peter Bay, Music Director and Conductor; accompanied by committee members, Chuck Kalteyer, Nancy Young, Sonia Wilson, Eva Gayle Gibbs, Anthony Corroa, Jason Nicholson, and Sharlene Strawbridge.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Harmony Science Academy - Brownsville students.

The Senate welcomed its guests.

SENATE RESOLUTION 965

Senator Williams offered the following resolution:

SR 965, In memory of James E. Grayson of Houston and Montgomery.

The resolution was read.

On motion of Senator Williams, **SR 965** was adopted by a rising vote of the Senate.

In honor of the memory of James E. Grayson, the text of the resolution is printed at the end of today's *Senate Journal*.

GUEST PRESENTED

Senator Williams was recognized and introduced to the Senate George Grayson. The Senate welcomed its guest and extended its sympathy.

HOUSE CONCURRENT RESOLUTION 155

The President Pro Tempore laid before the Senate the following resolution:

HCR 155, In memory of Shirley Bird Perry, senior vice president of The University of Texas at Austin.

WATSON

The resolution was read.

On motion of Senator Watson, the resolution was considered immediately and was adopted by a rising vote of the Senate.

In honor of the memory of Shirley Bird Perry, the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Watson was recognized and introduced to the Senate family members of Shirley Bird Perry: her husband, Sam Perry, and her nieces, Shirley and Jenna Franklin, accompanied by The University of Texas at Austin President Bill Powers.

The Senate welcomed its guests and extended its sympathy.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President Pro Tempore 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 President Pro Tempore at 11:44 a.m. announced the conclusion of morning call.

HOUSE BILL 1251 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1251** at this time on its second reading:

HB 1251, Relating to the election of the members of the Board of Port Commissioners of the Port of Port Arthur Navigation District of Jefferson County.

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 1251 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 **HB 1251** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 975 ON SECOND READING**

On motion of Senator Hinojosa and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 975** at this time on its second reading:

CSSB 975, Relating to the operation of dropout recovery programs by certain public junior colleges in partnership with school districts.

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 975 ON THIRD READING**

Senator Hinojosa moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 975** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1360 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1360** at this time on its second reading:

CSSB 1360, Relating to continuing education for physicians and nurses regarding the treatment of tick-borne diseases.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1360** (senate committee report) as follows:

(1) In SECTION 2 of the bill, in added Section 156.059(b), Occupations Code (page 1, line 35), between "shall" and "review", insert "seek input from affected parties and".

(2) In SECTION 3 of the bill, in added Section 301.304(b), Occupations Code (page 1, line 62), between "shall" and "review", insert "seek input from affected parties and".

(3) In SECTION 3 of the bill, in added Section 301.304(b), Occupations Code, strike the third sentence of that subsection (page 2, lines 1 through 4), and substitute "Rules adopted under this section must provide that continuing education courses representing an appropriate spectrum of relevant medical clinical treatment relating to tick-borne diseases qualify as approved continuing education courses for license renewal."

The amendment to **CSSB 1360** 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 Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1360 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 1360 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 **CSSB 1360** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

SENATE BILL 995 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 995** at this time on its second reading:

SB 995, Relating to the sale of souvenir bottles of distilled spirits by the holder of a distiller's and rectifier's permit.

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 995 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 995** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

HOUSE BILL 564 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 564** at this time on its second reading:

HB 564, Relating to maintenance of portable fire extinguishers in government-owned vehicles in certain local governmental jurisdictions.

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 564 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 564** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate fourth-grade students from Beacon Hill Elementary School and seventh-grade students from Bonham Academy.

The Senate welcomed its guests.

SENATE BILL 1610 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1610** at this time on its second reading:

SB 1610, Relating to seat belt requirements for certain vehicles.

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 1610 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1610** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE
HOUSE BILL 1112 ON SECOND READING**

Senator Nichols moved to suspend the regular order of business to take up for consideration **CSHB 1112** at this time on its second reading:

CSHB 1112, Relating to the authority and powers of regional mobility authorities.

The motion prevailed.

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

The bill was read second time.

Senator Rodriguez offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 1112** (Senate Committee Report version) on page 6 line 38 by striking section 13 of the bill and renumbering the subsequent sections appropriately.

The amendment to **CSHB 1112** was read and was adopted by a viva voce vote.

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

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

CSHB 1112 as amended was passed to third reading by a viva voce vote.

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

Nays: Patrick.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1112 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 **CSHB 1112** be placed on its third reading and final passage.

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

Nays: Patrick.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1829 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 1829** at this time on its second reading:

CSSB 1829, Relating to the application of the public information law to chambers of commerce and nonprofit corporations that provide economic services to a governmental body.

The motion prevailed.

Senator Harris 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 the following vote: Yeas 29, Nays 1.

Nays: Harris.

Absent: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1829 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1829** be placed on its third reading and final passage.

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

Nays: Harris.

Absent: Williams.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

HOUSE BILL 994 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **HB 994** at this time on its second reading:

HB 994, Relating to proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.

The motion prevailed.

Senator Huffman 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 third reading by a viva voce vote.

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

Nays: Huffman.

HOUSE BILL 994 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 **HB 994** be placed on its third reading and final passage.

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

Nays: Huffman.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1493 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1493** at this time on its second reading:

CSSB 1493, Relating to the directors of a defense base management authority and to a study on the effectiveness of the authority.

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 1493 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1493** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1611 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1611** at this time on its second reading:

CSSB 1611, Relating to the funding of projects in the boundaries of certain intermunicipal commuter rail districts.

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 1611 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1611** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 197 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 197** at this time on its second reading:

CSSB 197, Relating to the compulsory inspection of motor vehicles; providing penalties.

The motion prevailed.

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

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

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

Nays: Birdwell, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 197 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 197** 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, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

(President in Chair)

**COMMITTEE SUBSTITUTE
HOUSE BILL 716 ON SECOND READING**

Senator Fraser moved to suspend the regular order of business to take up for consideration **CSHB 716** at this time on its second reading:

CSHB 716, Relating to the taking of certain feral hogs and coyotes using a helicopter.

The motion prevailed.

Senator Lucio 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 third reading by a viva voce vote.

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

Nays: Lucio.

**COMMITTEE SUBSTITUTE
HOUSE BILL 716 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 716** be placed on its third reading and final passage.

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

Nays: Lucio.

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

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

Nays: Lucio, Rodriguez.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1763 ON SECOND READING**

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **CSSB 1763** at this time on its second reading:

CSSB 1763, Relating to transferring adult education and literacy programs to the Texas Higher Education Coordinating Board from the Texas Education Agency.

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

BILLS AND RESOLUTIONS SIGNED

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

SB 887, HB 438, HB 444, HB 571, HB 610, HB 755, HB 841, HB 1322, HB 1404, HB 1527, HB 1806, HB 1832, HB 1917, HB 2559, HB 2680, HB 2785, HCR 116, HCR 119, HCR 132, HCR 139.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a New America Alliance delegation.

The Senate welcomed its guests.

SENATE BILL 1074 ON SECOND READING

Senator Jackson moved to suspend the regular order of business to take up for consideration **SB 1074** at this time on its second reading:

SB 1074, Relating to water districts' authority to set rates and a presumption of validity.

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

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

Nays: Davis, Ellis, Watson.

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

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

Nays: Davis, Ellis, Watson.

SENATE BILL 1074 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1074** be placed on its third reading and final passage.

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

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

Nays: Davis, Ellis, Watson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

(Senator Eltife in Chair)

SENATE BILL 748 WITH HOUSE AMENDMENTS

Senator Carona called **SB 748** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **SB 748** (senate engrossment) in Section 44 of the bill, in added Section 152.308(f), Business Organizations Code (page 35, line 26), by striking "limited".

Committee Amendment No. 2

Amend **SB 748** (senate engrossment) by striking SECTION 33 of the bill, amending Section 22.153(a), Business Organizations Code (page 27, lines 8-14), and renumbering subsequent SECTIONS of the bill accordingly.

The amendments were read.

Senator Carona moved to concur in the House amendments to **SB 748**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1107 WITH HOUSE AMENDMENT

Senator Davis called **SB 1107** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1107** (House Committee Printing) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, lines 8 and 9), strike "Subsections (b), (c), and (e), Section 51.9192, Education Code, are amended to read as follows" and substitute "Section 51.9192, Education Code, is amended by amending Subsections (b), (c), and (e), and adding Subsection (d-1) to read as follows".

(2) In SECTION 2 of the bill, between amended Subsections (c) and (e), Section 51.9192, Education Code (page 2, between lines 11 and 12), insert the following:

(d-1) An institution of higher education or private or independent institution of higher education shall provide, with the registration materials that the institution provides to a student to whom this section applies before the student's initial enrollment in the institution, written notice of the right of the student or of a parent or guardian of the student to claim an exemption from the vaccination requirement in the manner prescribed by Subsection (d) and of the importance of consulting a physician about the need for immunization to prevent the disease.

The amendment was read.

Senator Davis moved to concur in the House amendment to **SB 1107**.

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, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Patrick.

PERMISSION TO INTRODUCE BILLS AND RESOLUTION

Senator Whitmire moved to suspend Senate Rule 7.07(b) and Section 5, Article III, of the Texas Constitution to permit the introduction of the following bills and resolution: **SB 1931, SB 1932, SJR 54**.

The motion prevailed.

Senators Birdwell, Huffman, and Patrick asked to be recorded as voting "Nay" on suspension of Senate Rule 7.07(b) and Section 5, Article III, of the Texas Constitution.

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 1931 by West

Relating to making an appropriation of money from the economic stabilization fund for the Foundation School Program.

To Committee on Finance.

SB 1932 by Hegar

Relating to the appointment of a master in chancery to oversee, and payment of certain expenses in, an insurance receivership.

To Committee on Business and Commerce.

SJR 54 by West

Proposing a constitutional amendment authorizing an appropriation from the economic stabilization fund for the Foundation School Program.

To Committee on Finance.

HOUSE BILLS ON FIRST READING

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

HB 12 to Committee on Transportation and Homeland Security.

HB 174 to Committee on State Affairs.

HB 1818 to Committee on Government Organization.

HB 2203 to Committee on Finance.

HB 2237 to Committee on Transportation and Homeland Security.

HB 2389 to Committee on Transportation and Homeland Security.

HB 2439 to Committee on Government Organization.

HB 2596 to Committee on Transportation and Homeland Security.

HB 2660 to Committee on Intergovernmental Relations.

HB 2759 to Committee on Administration.

HB 2817 to Committee on State Affairs.

HB 2825 to Committee on Finance.

HB 2889 to Committee on Criminal Justice.

HB 3017 to Committee on State Affairs.

HB 3025 to Committee on Higher Education.

HB 3133 to Committee on Intergovernmental Relations.

HB 3727 to Committee on Finance.

HB 3807 to Committee on Criminal Justice.

(Senator Duncan in Chair)

COMMITTEE SUBSTITUTE**SENATE BILL 1265 ON SECOND READING**

On motion of Senator Uresti and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1265** at this time on its second reading:

CSSB 1265, Relating to the accreditation of paramedic training programs.

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 1265 ON THIRD READING**

Senator Uresti moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1265** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1588 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1588** at this time on its second reading:

CSSB 1588, Relating to the creation and re-creation of funds and accounts, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1588** (senate committee report) in SECTION 13 of the bill as follows:

- (1) On page 3-52, strike "and".
- (2) On page 3-56, strike "." and substitute "; and".
- (3) On page 3, insert the following between lines 56 and 57:

"(16) the dedication of all fees to be deposited to the credit of the sexual assault program fund as provided by Senate Bill No. 23 or similar legislation."

The amendment to **CSSB 1588** was read and was adopted by a viva voce vote.

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

Senator Ogden, on behalf of Senator Carona, offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1588** (senate committee printing) as follows:

- (1) In Section 14 of the bill, immediately following the heading to that section (page 3, line 57), add "(a)".
- (2) Between the end of Section 14 and Section 15 of the bill (page 3, between lines 67 and 68), insert:

(b) Section 2 of this Act does not apply to the Internet Crimes Against Children Fund created as a special fund by Senate Bill No. 1843, House Bill No. 3746, or similar legislation of the 82nd Legislature, Regular Session, 2011, or to the revenue dedicated to that fund by that legislation.

The amendment to **CSSB 1588** 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.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1588** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter E, Chapter 404, Government Code, is amended by adding Section 404.074 to read as follows:

Sec. 404.074. NOTICE OF EXCESS REVENUE CREDITED TO CERTAIN ACCOUNTS; SUSPENSION OF FEES. (a) In this section, "fee" means an amount required to be paid in exchange for a service or other benefit or as part of a regulatory system. The term includes an amount charged in exchange for a direct personal benefit, such as an amount charged to engage in a regulated occupation or activity, to enter a state park, museum, or other facility, or for the issuance of specialty license plates. The term does not include a tax imposed under the Tax Code or other law.

(b) This section applies only to an account in the general revenue fund:

(1) the revenue credited to which is dedicated only by statute to a particular purpose or entity; and

(2) a portion of the revenue of which in excess of amounts appropriated by the General Appropriations Act or other law would, through the application of Section 403.095(b) or a successor law providing that certain dedicated revenue is available for general governmental purposes, be available for those purposes and considered available for the purpose of certification under Section 403.121.

(c) On the date amounts credited during a state fiscal biennium to an account to which this section applies equal at least 200 percent of the total amounts appropriated by the General Appropriations Act and other law for that biennium, the comptroller shall:

(1) identify each person who collects or remits revenue credited to that account; and

(2) notify each person identified under Subdivision (1) in writing that:

(A) the credited amounts exceed the appropriations for the biennium;

and

(B) the imposition of the portion of the fee from which the revenue credited to the account is derived that the person would otherwise collect or remit to the comptroller is suspended during the period beginning on a date stated in the notice.

(d) The date on which the suspension period described by Subsection (c)(2)(B) begins must be the first day of a calendar month and may not be later than the 45th day after the date the notice is sent. The period ends on a date determined by the comptroller after considering the account balance necessary to cover appropriations from the account to which the suspended fee would be deposited.

(e) Notwithstanding any other law, including a law under which a fee is otherwise imposed, the imposition of the portion of a fee that is the subject of a notice required by Subsection (c) is suspended for the period specified in the notice. A person who receives the notice may not impose or collect the portion of the fee that is the subject of the notice during the specified period but shall remit to the comptroller in accordance with applicable law:

(1) all fees collected before the beginning of the period that have not been remitted; and

(2) delinquent fees that were imposed and became due before the beginning of the period but are collected during the period.

(f) The suspension of the imposition of a fee under Subsection (e) does not affect the availability of or access to the benefit or service, or operation of the regulatory system, with respect to which the fee would be imposed if not suspended.

(g) The comptroller shall maintain in a conspicuous location on the comptroller's Internet website a current list of fees the imposition of which is suspended under this section. The list must:

(1) contain information that clearly identifies each suspended fee; and

(2) specify the suspension period for each of those fees.

(h) The comptroller by rule shall establish procedures by which a person who pays a fee that was imposed on the person in violation of Subsection (e) may request a refund of the amount paid. The comptroller shall determine whether the fee was imposed in violation of Subsection (e).

(i) If the comptroller determines through procedures established under Subsection (h) that a fee was imposed on the person requesting a refund in violation of Subsection (e), the comptroller shall refund the amount of the fee paid. A person aggrieved by a determination of the comptroller under those procedures may appeal that determination. The appeal is a contested case under Chapter 2001.

(b) Notwithstanding any other provision of this Act, this section takes effect September 1, 2013.

The amendment to **CSSB 1588** was read.

Senator Watson withdrew Floor Amendment No. 3.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1588** (Senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. AMENDMENT OF SECTION 403.095, GOVERNMENT CODE, EFFECTIVE SEPTEMBER 1, 2013. Effective September 1, 2013, Subsections (b), (d), and (e), Section 403.095, Government Code, are amended to read as follows:

(b) Notwithstanding any law dedicating or setting aside revenue for a particular purpose or entity, dedicated revenues that, on August 31, 2015 [~~2014~~], are estimated to exceed the amount appropriated by the General Appropriations Act or other laws enacted by the 83rd [~~81st~~] Legislature, to a maximum amount of 200 percent of the amount of those appropriations, are available for general governmental purposes and are considered available for the purpose of certification under Section 403.121.

(d) Following certification of the General Appropriations Act and other appropriations measures enacted by the 83rd [~~81st~~] Legislature, the comptroller shall reduce each dedicated account as directed by the legislature by an amount that may not exceed the lesser of the amount equal to 200 percent of the appropriations made by that legislature from the account and the amount by which estimated revenues to the account and unobligated balances of the account exceed appropriations from the account. The reductions may be made in the amounts and at the times necessary for cash flow considerations to allow all the dedicated accounts to maintain adequate cash balances to transact routine business. The legislature may authorize, in the General Appropriations Act, the temporary delay of the excess balance reduction required under this subsection. This subsection does not apply to revenues or balances in:

- (1) funds outside the treasury;
 - (2) trust funds, which for purposes of this section include funds that may or are required to be used in whole or in part for the acquisition, development, construction, or maintenance of state and local government infrastructures, recreational facilities, or natural resource conservation facilities;
 - (3) funds created by the constitution or a court; or
 - (4) funds for which separate accounting is required by federal law.
- (e) This section expires on September 1, 2015 [~~2014~~].

The amendment to **CSSB 1588** was read.

On motion of Senator Ogden, Floor Amendment No. 4 was tabled by the following vote: Yeas 19, Nays 12.

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

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

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

CSSB 1588 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 1588 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1588** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate eighth-grade students from Robert Vale Middle School, serving today as Honorary Senate Pages: Christian S. Abinsay, Melanie Chavez, Stephanie Cruz, Lia Victoria Gomez, Sydney Harris, Brian Christopher Lewis, Gideon Lyda, Matt Reitman, Justin McManus, Kimberly Mar, Kevin Noah Shackelford, Joshua Torres, Patrick Weathersby, Jr., Derek White, and Samantha Wyatt.

The Senate welcomed its guests.

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

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

**SENATE RULES SUSPENDED
(Posting Rules)**

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

HB 265, HB 1495, HB 1504, HB 1774, HB 2605.

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

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

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Harris and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet and consider **SB 1432** today.

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)**

On motion of Senator Eltife and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting tomorrow.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

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

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:06 p.m. agreed to adjourn, in memory of James E. Grayson, Shirley Bird Perry, and Victor Paul Zepeda, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

CO-AUTHOR OF SENATE BILL 187

On motion of Senator Davis, Senator Patrick will be shown as Co-author of **SB 187**.

CO-AUTHOR OF SENATE BILL 975

On motion of Senator Hinojosa, Senator Davis will be shown as Co-author of **SB 975**.

CO-AUTHOR OF SENATE BILL 1843

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

CO-SPONSOR OF HOUSE BILL 12

On motion of Senator Williams, Senator Patrick will be shown as Co-sponsor of **HB 12**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 966 by Ogden, In memory of Terry Omar Smith.

Congratulatory Resolutions

SR 964 by Shapiro, Recognizing Henry's Homemade Ice Cream in Plano on the occasion of its 25th anniversary.

SR 968 by Lucio, Recognizing Rey Farias for his service to the Los Fresnos Consolidated Independent School District.

SR 969 by Zaffirini, Recognizing Destiny Bailey for being selected as Laredo's 2011 Youth of the Year.

HCR 157 (Eltife), Congratulating Bill and Marlena Terry of White Oak on the occasion of their 50th wedding anniversary.

RECESS

On motion of Senator Whitmire, the Senate at 2:07 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

May 11, 2011

AGRICULTURE AND RURAL AFFAIRS — **CSHB 92, HB 413, HB 1449, HB 1450, HB 1840, HB 2108**

FINANCE — **HB 205, HB 930, CSHB 1179, HB 2403**

ECONOMIC DEVELOPMENT — **CSSB 1574, CSHB 2457**

BUSINESS AND COMMERCE — **HB 2699**

EDUCATION — **HB 1682, HB 1286, HB 34**

HEALTH AND HUMAN SERVICES — **HB 5, HB 253, HB 824, HB 1965, HB 2170, HB 2229, HB 2245, HB 2258, HB 3065, HB 3234**

FINANCE — **CSSB 1652, CSHB 2476**

TRANSPORTATION AND HOMELAND SECURITY — **SB 1925**

NATURAL RESOURCES — **CSHB 240, HB 451, HB 960, HB 1906, HB 2289, HB 2418, HB 2859, HB 3847**

BUSINESS AND COMMERCE — **HB 1123** (Amended)

BILLS ENGROSSED

May 10, 2011

SB 5, SB 40, SB 146, SB 200, SB 371, SB 467, SB 471, SB 649, SB 669, SB 765, SB 1073, SB 1114, SB 1285, SB 1330, SB 1449, SB 1671, SB 1735, SB 1857, SB 1880, SB 1881, SB 1906, SB 1907, SB 1922

BILL AND RESOLUTIONS ENROLLED

May 10, 2011

SB 887, SR 925, SR 945, SR 946, SR 947, SR 948, SR 949, SR 950, SR 951, SR 952, SR 953, SR 954, SR 955, SR 956, SR 957, SR 958, SR 959, SR 960, SR 961, SR 962, SR 963

SIGNED BY GOVERNOR

May 10, 2011

SB 416, SB 729

SENT TO GOVERNOR

May 11, 2011

SB 887

In Memory
of
James E. Grayson
Senate Resolution 965

WHEREAS, The Senate of the State of Texas joins the citizens of Houston and Montgomery in mourning the loss of James E. Grayson, who died December 3, 2010, at the age of 86; and

WHEREAS, James Grayson served in the United States Navy and was a veteran of World War II; he had the honorable distinction of being the longest-tenured employee of the Texas Department of Transportation, where he worked for 56 years and seven months; and

WHEREAS, He began his career in 1946 in the department's Greenwood office and worked for many years in Design and Programs; he retired in August of 2002 to take care of his wife, Tedd, who had Alzheimer's disease; and

WHEREAS, James Grayson was a charter member of the Texas Public Employees Association; to honor him for his many years of service, the association's Houston Chapter created an award in his name, which is presented yearly to a member who shows outstanding efforts within the organization; and

WHEREAS, An exemplary gentleman, Mr. Grayson was respected and beloved by many; after his retirement, he maintained his ties with his former co-workers and visited with them at the retirees' luncheons; in earlier days, he was a marathon runner, and in his later years, he enjoyed walks in Memorial Park; and

WHEREAS, A man of integrity, strength, and generosity, he gave unselfishly to others, and his wisdom, warmth, and valued counsel will not be forgotten by those who knew him; and

WHEREAS, James Grayson was a devoted husband and father, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere condolences to the bereaved family of James E. Grayson; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of 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 James Grayson.

WILLIAMS

In Memory
of
Shirley Bird Perry
House Concurrent Resolution 155

WHEREAS, Shirley Bird Perry, whose association with The University of Texas at Austin spanned six decades and who made an incalculable contribution both to the university and to the UT System, passed away on May 4, 2011, at the age of 74; and

WHEREAS, A fifth-generation Texan, Mrs. Perry was born to Homer and Laura Stevenson Bird near Stockdale in 1936; she arrived at UT as a freshman in 1954, and though the campus was vastly larger than the small-town high school she had attended, she thrived on the Forty Acres; while an undergraduate, she served on the Texas Union Board of Directors and was tapped for membership in the Orange Jackets and Mortar Board; her senior year, she was named Most Outstanding Woman Student by the Dads' Association; and

WHEREAS, After graduating with a degree in education in 1958, Mrs. Perry worked as program director for the Texas Union before moving to California, where she found a teaching position; a year in the classroom with seventh-graders quickly persuaded her that her future lay elsewhere, and she returned as program director of the Texas Union in 1960; over the next decade, she focused on providing a diverse array of programs for UT students and organized appearances by such figures as Martin Luther King, Jr., Robert Kennedy, and Marianne Moore, while also earning a master's degree in educational psychology from UT in 1967; she became director of the union in 1972; and

WHEREAS, During her time there, Mrs. Perry played an active role in the Association of College Unions–International, becoming the first woman to be elected to the group's executive committee and the first woman to serve as ACUI president; in 1976 she left the university for a brief period to serve as coordinator for ACUI educational programs and services; and

WHEREAS, Shirley Bird Perry returned to The University of Texas in 1979, when Dr. Peter Flawn named her assistant to the president and coordinator of the university's centennial observance; her new responsibilities included overseeing the activities of the Centennial Commission, a series of commemorative events, and a capital campaign that substantially augmented faculty endowments and the funds for lectureships and scholarships; in 1981 she was promoted to vice president, and in 1983, the culminating year of the centennial celebration, she became vice president for development and community relations; and

WHEREAS, Mrs. Perry continued to serve in that capacity under Dr. William Cunningham, who followed Dr. Flawn as university president in 1985; when Dr. Cunningham stepped down in 1992 to become chancellor of the UT System, he was loathe to lose such a priceless asset and persuaded Mrs. Perry to accompany him, naming her vice chancellor for development and external relations; her duties with the UT System included directing fund-raising operations, public affairs programs, the management of estates and trusts, and event planning, among other activities; and

WHEREAS, In 2004, Mrs. Perry resigned her office as vice chancellor to rejoin the administration at the university, accepting a position as senior vice president; in addition to overseeing the fund-raising efforts of the UT president and coordinating his visits to communities around the state, she worked with the Dolph Briscoe Center for American History to more fully document the history of the university she loved so well; and

WHEREAS, Honored repeatedly throughout her career, Shirley Bird Perry received a Top Hand Award and a Distinguished Alumnus Award from the Texas Exes in 1984 and 2005, respectively, an Award of Distinction from the UT Parents' Association in 1992, and a Presidential Citation, the highest recognition conferred by The University of Texas, for 2010; in addition, the Texas Union has created the Shirley Bird Perry Leadership Award to salute outstanding students, and the UT presidents with whom she served have established the Shirley Bird Perry Endowment Fund for University History; Mrs. Perry also received accolades for her work from the Association of College Unions–International, the Council for the Advancement and Support of Education, and the National Association of State Universities and Land Grant Colleges; and

WHEREAS, Shirley Bird was married to Sam R. Perry, an equally fervent UT alum and an Austin attorney, in 1963, and they shared a devoted union until her passing; and

WHEREAS, To her consummate skills as an administrator, Mrs. Perry added unflinching kindness, unerring instincts, inexhaustible energy, and a matchless knowledge of the university, its history, and its inner workings; over the years, her endeavors helped to build the foundation on which the reputation of the university rests, and her wise counsel informed myriad decisions by university and system leaders; she was, in the words of one, "the caretaker for UT's soul," and she will be deeply and sorely missed; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby pay tribute to the life of Shirley Bird Perry and extend sincere sympathy to the members of her family: to her husband, Sam R. Perry; to her sisters and brother-in-law, Mary Jane and Errol Jonsson, Virginia Bird Davis, and Patsy Bird Weber; to her nephew, Charles Cotter; to her great-nephews, Jake and Trevor Cotter; to her cousin, Betty Bird; to her sisters-in-law, Polly

Perry-Vincent and her sons, Blair and Scott Franklin, and their families, and Jenny Kay Kubiak and her husband, L. B. Kubiak, and their children, Lindsay and Logan; and to her other relatives and many friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for her family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of Shirley Bird Perry.

WATSON

