

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FORTY-THIRD DAY

(Thursday, April 14, 2011)

The Senate met at 11:19 a.m. pursuant to adjournment and was called to order by Senator Huffman.

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 DeChard Freeman, Abundant Life Community Baptist Church, Pflugerville, offered the invocation as follows:

Most holy and righteous God, we are grateful for this day of blessings and the new mercies bestowed upon us. Thank You, God, for this day that we have never seen before but has been coming ever since the beginning of time. Lord, before I ask You for anything, it is our desire to thank You for everything, for every good and perfect gift comes from You. Now, Father, I pray that Your awesome presence would fill these halls. As we stand on the floor of great decisions, I pray for each and every person that You have allowed to have power and influence to impact others' lives. God, please endow each person here with compassionate hearts, listening ears, and wisdom that only You can give. Lord, I pray for a spirit of unity and productivity in this place and in all things that Your perfect will be done. It is in the matchless name of Jesus that I pray and ask all these things. Amen and thank God.

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.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Deion Sanders and D. L. Wallace.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Monique Cortez of Austin as the Physician of the Day.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, April 14, 2011 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 364 Turner
Relating to condominiums in certain municipalities, including the exercise of eminent domain authority by those municipalities with respect to certain condominiums.

HB 365 Turner
Relating to the use of eminent domain authority by certain municipalities to take abandoned multi-family rental buildings.

HB 558 Deshotel
Relating to payoff statements provided in connection with certain home loans.

HB 1072 Solomons
Relating to the State Bar of Texas membership dues for an attorney employed by the office of the attorney general.

HB 1215 McClendon
Relating to the creation of the offense of unauthorized acquisition or transfer of certain financial information.

HB 1625 Brown
Relating to the renewal of electrical sign apprentice licenses.

HB 1908 Madden
Relating to student loan repayment assistance for certain providers of correctional health care.

HCR 18 Creighton
Urging Congress to propose and submit to the states an amendment to the United States Constitution providing for a federal balanced budget.

HCR 136 Keffer
Commemorating April 2011 as Safe Digging Month.

Respectfully,
/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGES FROM THE GOVERNOR

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

April 13, 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 Judge of the 128th Judicial District Court, Orange County, for a term until the next General Election and until her successor shall be duly elected and qualified:

Courtney Burch-Arkeen
Orange, Texas

Ms. Burch-Arkeen is replacing Judge Patrick Clark who vacated office.

To be a member of the Executive Council of Physical Therapy and Occupational Therapy Examiners for a term to expire February 1, 2013:

Arthur Roger Matson
Georgetown, Texas

Mr. Matson is being reappointed.

To be members of the Texas School Safety Center Board for terms to expire February 1, 2013:

Amy L. C. Clapper
Georgetown, Texas
(Ms. Clapper is being reappointed)

Ruben G. Reyes
Lubbock, Texas
(Judge Reyes is being reappointed)

Carl A. Montoya
Brownsville, Texas
(Dr. Montoya is being reappointed)

Adelaida "Laila" Olivarez
Austin, Texas
(replacing Severita Sanchez of Laredo whose term expired)

James R. Pendell
Clint, Texas
(Mr. Pendell is being reappointed)

Respectfully submitted,

/s/Rick Perry
Governor

April 13, 2011
Austin, Texas

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

On January 19, 2011, I submitted the name of Bob McCan for appointment to the Coastal Coordination Council for a term to expire May 31, 2011.

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

Respectfully submitted,

/s/Rick Perry
Governor

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Hill Elementary School fifth grader Clark Garcia.

The Senate welcomed its guest.

SENATE RESOLUTION 771

Senator Lucio offered the following resolution:

SR 771, Recognizing April 14, 2011, as Willacy County Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a Willacy County delegation: County Judge John F. Gonzales; County Commissioners: Eliberto Guerra, Noe Loya, and Dora Perez; and Sheriff Larry Spence.

The Senate welcomed its guests.

(President in Chair)

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 312**, **SB 716**.

FORMER MEMBERS DAY

Senator Whitmire was recognized and introduced to the Senate former Lieutenant Governors, Deans of the Senate, and Senators.

Former Lieutenant Governors

The Honorable William P. Hobby–Houston
Lieutenant Governor–1973 to 1991

The Honorable Bill Ratliff–Mount Pleasant
Lieutenant Governor–2000 to 2003

Former Senators

The Honorable Don Adams–Jasper
State Senator–1973 to 1977

The Honorable Kip Averitt–McLennan
State Senator–2002 to 2010

The Honorable Gonzalo Barrientos–Austin
State Senator–1985 to 2007

The Honorable Kim Brimer–Tarrant
State Senator–2003 to 2009

The Honorable Chet Brooks–Pasadena
State Senator–1967 to 1993
Dean of the Senate–1981 to 1993

The Honorable J. E. "Buster" Brown–Lake Jackson
State Senator–1981 to 2002

The Honorable David Cain–Dallas
State Senator–1995 to 2003

The Honorable Galloway Calhoun, Jr.–Tyler
State Senator–1961 to 1967

The Honorable Ray Farabee–Wichita Falls
State Senator–1975 to 1988

The Honorable Michael Galloway–The Woodlands
State Senator–1995 to 1999

The Honorable Bill Haley–Center
State Senator–1989 to 1995

The Honorable Kent Hance–Lubbock
State Senator–1975 to 1979

The Honorable O. H. "Ike" Harris–Dallas
State Senator–1967 to 1995
Dean of the Senate–1993 to 1995

The Honorable Don Henderson–Houston
State Senator–1983 to 1997

The Honorable Jack Hightower–Vernon
State Senator–1965 to 1975

The Honorable Kyle Janek–Harris
State Senator–2002 to 2008

The Honorable Cyndi Krier—San Antonio
State Senator—1985 to 1993

The Honorable Jon Lindsay—Houston
State Senator—1997 to 2007

The Honorable John T. Montford—Lubbock
State Senator—1983 to 1996

The Honorable Jack Ogg—Houston
State Senator—1973 to 1983

The Honorable A. R. "Babe" Schwartz—Galveston
State Senator—1960 to 1981

The Honorable Dan Shelley—Crosby
State Senator—1993 to 1995

The Honorable Max Sherman—Amarillo
State Senator—1971 to 1977

The Honorable Bill Sims—Paint Rock
State Senator—1983 to 1997

The Honorable W. E. "Pete" Snelson—Midland
State Senator—1965 to 1983
Dean of the Senate—1981 to 1983

The Honorable Jack Strong—Longview
State Senator—1963 to 1971

The Honorable Carlos Truan—Corpus Christi
State Senator—1977 to 2003
Dean of the Senate—1995 to 2003

The Honorable Jim Turner—Crockett
State Senator—1991 to 1997

The Honorable Jim Wallace—Houston
State Senator—1971 to 1974

The Honorable Craig Washington—Houston
State Senator—1985 to 1990

The Honorable Murray Watson—Mart
State Senator—1963 to 1973

Former Secretaries of the Senate

Charles Schnabel—the youngest elected Secretary of the Senate and second longest serving Secretary of the Senate

Betty King—the longest serving Secretary of the Senate in Texas history

The Senate welcomed its guests.

IN MEMORIAM

Senator Eltife was recognized to read from "A State of Remembrance, April 14, 2011" the following names:

The Honorable Teel Bivens of Amarillo–Potter County
State Senator–1989 to 2004

The Honorable Donley C. Kennard of Fort Worth–Tarrant County
State Senator–1963 to 1973

The Honorable Charles Nesbitt Wilson of Lufkin–Angelina County
State Senator–1967 to 1973

The Honorable James Powell Word of Meridian–Bosque County
State Senator–1963 to 1973

ACKNOWLEDGMENTS

Senator Ellis was recognized and spoke about the First Texas Senate of 1836 and other related historical events.

CONCLUSION

Senator Whitmire was again recognized for closing comments and thanked the honored guests for their service to the State of Texas.

AT EASE

The President at 11:59 a.m. announced the Senate would stand At Ease pending the departure of its guests.

IN LEGISLATIVE SESSION

Senator Eltife at 12:13 p.m. called the Senate to order as In Legislative Session.

SENATE RESOLUTION 653

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

WHEREAS, The Senate of the State of Texas is pleased to welcome the members of the delegation from the Crockett Area Chamber of Commerce and to recognize April 14, 2011, as Houston County Day at the Capitol; and

WHEREAS, Created in 1837 and named for Sam Houston, Houston County was the first county in the Republic of Texas and sits in the heart of the El Camino Real; its county seat, Crockett, was named in 1837 after David Crockett, who camped in the vicinity on his way to the Alamo in 1836; and

WHEREAS, The county's attractions include the Houston County Fair, the Bluegrass Festival, the Houston County Museum, which is housed in the 1909 Crockett railroad depot, the Rice Log Cabin, and the Monroe-Crook House; the county's Davy Crockett National Forest is the largest national forest in the state; and

WHEREAS, The Crockett Area Chamber of Commerce strives to advance the civic, commercial, and industrial opportunities in the county and focuses on having a positive impact on the general welfare of the county and its residents; its members are leaders in the community who seek solutions to a wide variety of issues and who assist new businesses that move into the county; and

WHEREAS, The chamber of commerce encourages its members to participate in activities that contribute to the quality of life and future growth of Houston County, and they and area residents take pride in their county's rich history and its many assets; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby express appreciation to the people of Houston County for preserving their county's charm and many amenities in the face of its growth and extend best wishes to all for a memorable Houston County Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Houston County.

SR 653 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nichols, on behalf of Senator Ogden, was recognized and introduced to the Senate a Houston County delegation.

The Senate welcomed its guests.

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 12:18 p.m. announced the conclusion of morning call.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Williams was granted leave of absence for the remainder of the day on account of important business.

COMMITTEE SUBSTITUTE SENATE BILL 916 ON THIRD READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 916** at this time on its third reading and final passage:

CSSB 916, Relating to ad valorem tax lien transfers.

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

Absent-excused: Williams.

COMMITTEE SUBSTITUTE SENATE BILL 1635 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1635** at this time on its second reading:

CSSB 1635, Relating to contributions to the fund for veterans' assistance.

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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1635 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1635** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: 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 1635**, 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 1635** 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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1739 ON SECOND READING**

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1739** at this time on its second reading:

CSSB 1739, Relating to the use of the fund for veterans' assistance.

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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1739 ON THIRD READING**

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1739** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: 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 1739**, 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 1739** 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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 797 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 797** at this time on its second reading:

CSSB 797, Relating to objective assessment processes for and appropriate provision of acute nursing services and certain other services provided under the Medicaid program.

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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 797 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 797** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: 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 797**, 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 797** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Nays: Lucio.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 162 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 162** at this time on its second reading:

CSSB 162, Relating to developing a developmental education plan for students entering public institutions of higher education.

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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 162 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 162** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: 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 162**, 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 162** 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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1179 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1179** at this time on its second reading:

CSSB 1179, Relating to the elimination of certain required reports prepared by state agencies and institutions of higher education and other obsolete provisions of law.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1179** (Committee Printing) by striking (on page 7, lines 55 thru 57) subdivision 31 of proposed SECTION 26 and renumbering remaining subdivisions accordingly.

The amendment to **CSSB 1179** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

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

CSSB 1179 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:

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1179 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1179** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: 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 1179**, 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 1179** 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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 662 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 662** at this time on its second reading:

CSSB 662, Relating to the continuation and functions of the State Board of Examiners for Speech-Language Pathology and Audiology; providing an administrative penalty.

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

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

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 662 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 662** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: 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 662**, 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 662** 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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 407 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 407** at this time on its second reading:

CSSB 407, Relating to the creation of the offense of electronic transmission of certain visual material depicting a minor and to certain educational programs concerning the prevention and awareness of that offense.

The motion prevailed.

Senator Nichols 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 407** (senate committee printing) as follows:

(1) In SECTION 2 of the bill, in proposed Section 43.261(c)(1), Penal Code (page 1, lines 52-54), strike proposed Paragraph (A).

(2) In SECTION 2 of the bill, in proposed Section 43.261(c)(1), Penal Code (page 1, line 55), strike "(B)" and substitute "(A)".

(3) In SECTION 2 of the bill, in proposed Section 43.261(c)(1), Penal Code (page 1, line 58), strike "(C)" and substitute "(B)".

(4) In SECTION 2 of the bill, in proposed Section 43.261(c)(2)(A), Penal Code (page 2, line 1), strike "or (B)".

(5) In SECTION 2 of the bill, in proposed Section 43.261, Penal Code (page 2, lines 22-32), strike proposed Subsection (f) and substitute the following:

(f) It is a defense to prosecution under Subsection (b)(2) that the actor:

(1) did not produce or solicit the visual material;

(2) possessed the visual material only after receiving the material from another minor; and

(3) destroyed the visual material within a reasonable amount of time after receiving the material from another minor.

(6) In SECTION 3 of the bill, in amended Section 51.03(b), Family Code (page 2, line 68, through page 3, line 1), strike proposed Subdivision (7) and substitute the following:

(7) conduct that violates Section 43.261, Penal Code.

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

SECTION _____. Subsections (b) and (d), Section 51.08, Family Code, are amended to read as follows:

(b) A court in which there is pending a complaint against a child alleging a violation of a misdemeanor offense punishable by fine only other than a traffic offense or a violation of a penal ordinance of a political subdivision other than a traffic offense:

(1) except as provided by Subsection (d), shall waive its original jurisdiction and refer the child to juvenile court if:

(A) the complaint pending against the child alleges a violation of a misdemeanor offense under Section 43.261, Penal Code, that is punishable by fine only; or

(B) the child has previously been convicted of:

(i) [~~(A)~~] two or more misdemeanors punishable by fine only other than a traffic offense;

(ii) [~~(B)~~] two or more violations of a penal ordinance of a political subdivision other than a traffic offense; or

(iii) [~~(C)~~] one or more of each of the types of misdemeanors described in Subparagraph (i) or (ii) [~~Paragraph (A) or (B)~~]; and

(2) may waive its original jurisdiction and refer the child to juvenile court if the child:

(A) has not previously been convicted of a misdemeanor punishable by fine only other than a traffic offense or a violation of a penal ordinance of a political subdivision other than a traffic offense; or

(B) has previously been convicted of fewer than two misdemeanors punishable by fine only other than a traffic offense or two violations of a penal ordinance of a political subdivision other than a traffic offense.

(d) A court that has implemented a juvenile case manager program under Article 45.056, Code of Criminal Procedure, may, but is not required to, waive its original jurisdiction under Subsection (b)(1)(B) [~~(b)(1)~~].

SECTION _____. Section 51.13, Family Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Except as provided by Subsections (d) and (e) [~~Subsection (d)~~], an order of adjudication or disposition in a proceeding under this title is not a conviction of crime. Except as provided by Chapter 841, Health and Safety Code, an order of adjudication or disposition does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.

(e) A finding that a child engaged in conduct indicating a need for supervision as described by Section 51.03(b)(7) is a conviction only for the purposes of Sections 43.261(c) and (d), Penal Code.

SECTION _____. Subsection (a), Section 61.002, Family Code, is amended to read as follows:

(a) Except as provided by Subsection (b), this chapter applies to a proceeding to enter a juvenile court order:

- (1) for payment of probation fees under Section 54.061;
- (2) for restitution under Sections 54.041(b) and 54.048;
- (3) for payment of graffiti eradication fees under Section 54.0461;
- (4) for community service under Section 54.044(b);
- (5) for payment of costs of court under Section 54.0411 or other provisions of law;
- (6) requiring the person to refrain from doing any act injurious to the welfare of the child under Section 54.041(a)(1);
- (7) enjoining contact between the person and the child who is the subject of a proceeding under Section 54.041(a)(2);
- (8) ordering a person living in the same household with the child to participate in counseling under Section 54.041(a)(3);
- (9) requiring a parent or guardian of a child found to be truant to participate in an available program addressing truancy under Section 54.041(f);
- (10) requiring a parent or other eligible person to pay reasonable attorney's fees for representing the child under Section 51.10(e);
- (11) requiring the parent or other eligible person to reimburse the county for payments the county has made to an attorney appointed to represent the child under Section 51.10(j);
- (12) requiring payment of deferred prosecution supervision fees under Section 53.03(d);
- (13) requiring a parent or other eligible person to attend a court hearing under Section 51.115;
- (14) requiring a parent or other eligible person to act or refrain from acting to aid the child in complying with conditions of release from detention under Section 54.01(r);
- (15) requiring a parent or other eligible person to act or refrain from acting under any law imposing an obligation of action or omission on a parent or other eligible person because of the parent's or person's relation to the child who is the subject of a proceeding under this title; ~~[or]~~
- (16) for payment of fees under Section 54.0462; or
- (17) for payment of the cost of attending an educational program under Section 54.0404.

The amendment to **CSSB 407** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

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

CSSB 407 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: Nichols.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 407 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 407** be placed on its third reading and final passage.

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

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

Nays: Nichols, Wentworth.

Absent-excused: 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 407**, 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 407** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Nays: Nichols.

Absent-excused: Williams.

GUEST PRESENTED

Senator Watson was recognized and introduced to the Senate his son, Cooper.

The Senate welcomed its guest.

**COMMITTEE SUBSTITUTE
SENATE BILL 198 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 198** at this time on its second reading:

CSSB 198, Relating to exempting persons who are convicted of certain sexual offenses from registering as a sex offender in this state.

The motion prevailed.

Senators Harris 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: Harris, Patrick.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 198 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 198** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

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

Nays: Harris, Patrick, Wentworth.

Absent-excused: 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 198**, 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 198** 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 28, Nays 2.

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

Nays: Harris, Patrick.

Absent-excused: Williams.

(President in Chair)

SENATE BILL 898 ON THIRD READING

Senator Carona moved to suspend the regular order of business to take up for consideration **SB 898** at this time on its third reading and final passage:

SB 898, Relating to energy efficiency programs in institutions of higher education and certain governmental entities.

The motion prevailed by the following vote: Yeas 20, Nays 10.

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

Nays: Birdwell, Deuell, Estes, Fraser, Harris, Hegar, Nelson, Nichols, Patrick, Shapiro.

Absent-excused: Williams.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1680 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1680** at this time on its second reading:

CSSB 1680, Relating to certain evidence in a prosecution of fraud or theft involving Medicaid or Medicare benefits and to certain criminal procedures involving offenses in general.

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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1680 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1680** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: 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 1680**, 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 1680** 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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1170 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1170** at this time on its second reading:

CSSB 1170, Relating to the regulation of barbers and cosmetologists.

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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1170 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 1170** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: 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 1170**, 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 1170** 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-excused: Williams.

(Senator Eltife in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 726 ON SECOND READING**

Senator Rodriguez moved to suspend the regular order of business to take up for consideration **CSSB 726** at this time on its second reading:

CSSB 726, Relating to the establishment of the judicial access and improvement account to provide funding for basic civil legal services, indigent defense, and judicial technical support through certain county service fees and court costs imposed to fund the account.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hegar, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Fraser, Harris, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro.

Absent-excused: Williams.

The bill was read second time and was passed to engrossment by the following vote: Yeas 19, Nays 11.

Yeas: Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hinojosa, Lucio, Ogden, Rodriguez, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Birdwell, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Patrick, Seliger, Shapiro.

Absent-excused: Williams.

SENATE BILL 988 ON SECOND READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **SB 988** at this time on its second reading:

SB 988, Relating to the creation of a cybersecurity, education, and economic development council.

The motion prevailed.

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

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

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

Nays: Patrick.

Absent-excused: Williams.

SENATE BILL 988 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 **SB 988** be placed on its third reading and final passage.

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

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

Nays: Patrick, Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 988**, 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 988** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Nays: Patrick.

Absent-excused: Williams.

SENATE BILL 844 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 844** at this time on its second reading:

SB 844, Relating to the offense of escape from custody by a person lawfully detained.

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-excused: Williams.

SENATE BILL 844 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 844** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 844**, 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 844** 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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 291 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 291** at this time on its second reading:

CSSB 291, Relating to an alcohol awareness component of the science curriculum used in public schools.

The motion prevailed.

Senators Birdwell, Nelson, and Nichols 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 291** (senate committee printing) in SECTION 1 of the bill, on page 1, line 26, between "curriculum." and "A high school", by inserting "The agency shall make alcohol awareness programs that are available without cost accessible electronically for school districts and open-enrollment charter schools to the extent possible."

The amendment to **CSSB 291** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

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

CSSB 291 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, Nelson, Nichols.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 291 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 291** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Birdwell, Nelson, Nichols, Wentworth.

Absent-excused: 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 291**, 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 291** 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 27, Nays 3.

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

Nays: Birdwell, Nelson, Nichols.

Absent-excused: Williams.

SENATE BILL 54 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration **SB 54** at this time on its second reading:

SB 54, Relating to certification to teach public school students who have visual impairments.

The motion prevailed.

Senators Harris, Nelson, and Ogden 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: Harris, Nelson, Ogden.

Absent-excused: Williams.

SENATE BILL 54 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 **SB 54** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Harris, Nelson, Ogden, Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 54**, 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 54** 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 27, Nays 3.

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

Nays: Harris, Nelson, Ogden.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1001 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 1001** at this time on its second reading:

CSSB 1001, Relating to the practice of certain professions regulated under the Occupations Code.

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

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

Nays: Huffman, Wentworth.

Absent-excused: Williams.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1001** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Sec. 60.002, Occupations Code, on page 1, lines 20-26, and renumber subsequent sections appropriately.

(2) On page 1, strike lines 27-31, and substitute the following:

Sec. 60.003. COLLABORATION BETWEEN PHYSICIANS AND CHIROPRACTORS. A person licensed under Subtitle B, Title 3, and a person licensed under Chapter 201 are authorized to:

(1) collaborate with each other in providing services to a client if

(3) On page 1, strike lines 44-48, and substitute the following:

ASSOCIATIONS. (a) A person licensed under Subtitle B, Title 3, and a person licensed under Chapter 201 of this code may form a partnership, professional association, or professional limited liability company according to the requirements of this section and any other applicable law.

(b) When persons licensed under Chapter 201 of this code form a professional entity with persons licensed under Subtitle B, Title 3 of this code, as provided by this section, the authority of each practitioner is limited by that practitioner's scope of practice, and a practitioner may not exercise control over another practitioner's

clinical authority granted by the other practitioner's license, either through agreements, bylaws, directives, financial incentives, or other arrangements that would assert control over treatment decisions made by the practitioner.

(c) The state agencies exercising regulatory control over professions to which this section applies continue to exercise regulatory authority over their respective licenses.

(d) A person licensed under Subtitle B, Title 3 of this code, who forms a professional entity under this section shall report the formation of the entity and any material change in agreements, bylaws, directives, financial incentives, or other arrangements related to the operation of the entity to the Texas Medical Board no later than the 30th day after the entity is formed or the material change is made.

(4) On page 1, line 50, strike "Title 3" and substitute "Chapter 201".

(5) Strike page 1, line 54 through page 2, line 11, and substitute the following:

(b) If physical modalities and procedures are covered services under a health benefit plan and within the scope of the license of a chiropractor and one or more other type of practitioner, a health benefit plan issuer may not:

(1) deny payment or reimbursement for physical modalities and procedures provided by a chiropractor if:

(A) the chiropractor provides the modalities and procedures in strict compliance with laws and rules relating to a chiropractor's license; and

(B) the health benefit plan issuer allows payment or reimbursement for the same physical modalities and procedures performed by another type of practitioner;

(2) make payment or reimbursement for particular covered physical modalities and procedures within the scope of a chiropractor's practice contingent on treatment or examination by a practitioner that is not a chiropractor; or

(3) establish other limitations on the provision of covered physical modalities and procedures that would prohibit a covered person from seeking the covered physical modalities and procedures from a chiropractor to the same extent that the covered person may obtain covered physical modalities and procedures from another type of practitioner.

The amendment to **CSSB 1001** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

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

CSSB 1001 as amended was passed to engrossment by the following vote: Yeas 30, Nays 0.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 1001 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 1001** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: 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 1001**, 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 1001** 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-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 100 ON SECOND READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 100** at this time on its second reading:

CSSB 100, Relating to the adoption of voting procedures necessary to implement the federal Military and Overseas Voter Empowerment Act, including changing deadlines for declaration of candidacy and dates for certain elections.

The motion prevailed.

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

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 100** in SECTION 1 of the bill, by striking added Section 101.007, Election Code (page 2, lines 3-9, committee printing), and substituting the following:

Sec. 101.007. DESIGNATION OF SECRETARY OF STATE. (a) The secretary of state is designated as the state office to provide information regarding voter registration procedures and absentee ballot procedures, including procedures related to the federal write-in absentee ballot, to be used by persons eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.).

(b) The secretary of state is designated as the state coordinator between military and overseas voters and county election officials. A county election official shall:

(1) cooperate with the secretary of state to ensure that military and overseas voters timely receive accurate balloting materials that a voter is able to cast in time for the election; and

(2) otherwise comply with the federal Military and Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

(c) The secretary of state may adopt rules as necessary to implement this section.

The amendment to **CSSB 100** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 100** by adding the following appropriately numbered SECTIONS and by renumbering the existing SECTIONS as appropriate:

SECTION _____. Section 145.037(e), Election Code, is amended to read as follows:

(e) The certification must be delivered not later than 5 p.m. of the 71st [~~70th~~] day before election day.

SECTION _____. Section 145.038(b), Election Code, is amended to read as follows:

(b) The state chair must deliver the certification of the replacement nominee not later than 5 p.m. of the 69th [~~67th~~] day before election day.

SECTION _____. Section 11.059(e), Education Code, is amended to read as follows:

(e) Not later than December 31, 2011 [~~2007~~], the board of trustees may adopt a resolution changing the length of the terms of its trustees. The resolution must provide for a term of either three or four years and specify the manner in which the transition from the length of the former term to the modified term is made. The transition must begin with the first regular election for trustees that occurs after January 1, 2012 [~~2008~~], and a trustee who serves on that date shall serve the remainder of that term. This subsection expires January 1, 2017 [~~2013~~].

SECTION _____. Subchapter A, Chapter 21, Local Government Code, is amended by adding Section 21.004 to read as follows:

Sec. 21.004. CHANGE OF LENGTH OF TERMS IN GENERAL-LAW MUNICIPALITY. (a) This section applies only to a general-law municipality whose governing body is composed of members that serve a term of one or three years.

(b) Not later than December 31, 2011, the governing body of the general-law municipality may adopt a resolution changing the length of the terms of its members to two years. The resolution must specify the manner in which the transition from the length of the former term to the modified term is made. The transition must begin with the first regular election for members of the governing body that occurs after January 1, 2012, and a member who serves on that date shall serve the remainder of that term.

(c) This section expires January 1, 2015.

SECTION _____. (a) This section applies only to a political subdivision that elects the members of its governing body to a term that consists of an odd number of years.

(b) Not later than December 31, 2011, the governing body of the political subdivision may adopt a resolution changing the length of the terms of its members to an even number of years. The resolution must specify the manner in which the transition from the length of the former term to the modified term is made. The transition must begin with the first regular election for members of the governing body that occurs after January 1, 2012, and a member who serves on that date shall serve the remainder of that term.

(c) This section expires January 1, 2020.

The amendment to **CSSB 100** 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 except as follows:

Absent-excused: Williams.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 100** by striking SECTION 4 of the bill amending Section 41.001(a), Election Code (page 6, lines 54-62, committee printing), and substituting the following:

SECTION 4. Section 41.001, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

(1) the second Saturday in May in an odd-numbered year;

(2) the second Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county; or

(3) ~~(2)~~ the first Tuesday after the first Monday in November.

(d) Notwithstanding Section 31.093, a county elections administrator is not required to enter into a contract to furnish election services for an election held on the date described by Subsection (a)(2).

The amendment to **CSSB 100** 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. 3 except as follows:

Absent-excused: Williams.

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 100 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: Nelson.

Absent-excused: Williams.

**COMMITTEE SUBSTITUTE
SENATE BILL 100 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 100** be placed on its third reading and final passage.

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

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

Nays: Nelson, Wentworth.

Absent-excused: 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 100**, 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 100** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Nays: Nelson.

Absent-excused: Williams.

SENATE JOINT RESOLUTION 37 ON SECOND READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 37** at this time on its second reading:

SJR 37, Proposing a constitutional amendment to repeal the provision that requires the automatic resignation of certain county, municipal, or district officeholders if they become candidates for another office.

The resolution was read second time.

Senator Patrick offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 37** (senate committee printing) by striking all below the resolving clause and substituting the following:

SECTION 1. Section 65(b), Article XVI, Texas Constitution, is amended to read as follows:

(b) If any of the officers named herein shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one [~~(+)~~] year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2011. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to change the length of the unexpired term that causes the automatic resignation of certain elected county or district officeholders if they become candidates for another office."

The amendment to **SJR 37** was read.

Senator Patrick temporarily withdrew Floor Amendment No. 1.

Senator Ellis offered the following amendment to the resolution:

Floor Amendment No. 2

Amend **SJR 37** by striking SECTION 3 of the resolution (page 1, lines 27-33, committee printing) and substituting the following:

SECTION 3. (a) This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2011, only if the secretary of state certifies that an enactment of the 82nd Legislature, Regular Session, that became law provides for a filing deadline for an application for a place on the general primary

ballot that occurs in the calendar year before the year in which the primary is held. If the secretary of state does not make a certification under this subsection, this resolution has no effect.

(b) If the election on this amendment is held, the ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to repeal the provision that requires the automatic resignation of certain county, municipal, or district officeholders if they become candidates for another office."

The amendment to **SJR 37** 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 except as follows:

Absent-excused: Williams.

On motion of Senator Van de Putte, further consideration of **SJR 37** was temporarily postponed.

Question — Shall **SJR 37** as amended be passed to engrossment?

SENATE BILL 821 ON SECOND READING

Senator Watson moved to suspend the regular order of business to take up for consideration **SB 821** at this time on its second reading:

SB 821, Relating to the authority of the Travis County Healthcare District to make capital or financial contributions to charitable organizations.

The motion prevailed by the following vote: Yeas 26, Nays 4.

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

Nays: Birdwell, Harris, Huffman, Patrick.

Absent-excused: Williams.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 821** (senate committee printing) as follows:

(1) on page 1, line 21, between "a" and "charitable", by inserting "public institution or a"; and

(2) on page 1, line 24, between "district" and the period, by inserting ", provided that the public institution or charitable organization receiving the capital or financial contribution does not use any part of the funding, either directly or indirectly, to provide or refer for abortion or abortion-related services."

The amendment to **SB 821** was read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

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

SB 821 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, Harris, Huffman, Patrick.

Absent-excused: Williams.

SENATE BILL 821 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 821** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

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

Nays: Birdwell, Harris, Huffman, Patrick, Wentworth.

Absent-excused: Williams.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 821**, 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 821** 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 25, Nays 5.

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

Nays: Birdwell, Harris, Huffman, Lucio, Patrick.

Absent-excused: Williams.

SENATE JOINT RESOLUTION 37 ON SECOND READING

The Presiding Officer, Senate Eltife in Chair, laid before the Senate **SJR 37** by Senator Van de Putte on its second reading. The resolution had been read second time, amended, and further consideration temporarily postponed:

SJR 37, Proposing a constitutional amendment to repeal the provision that requires the automatic resignation of certain county, municipal, or district officeholders if they become candidates for another office.

Question — Shall **SJR 37** as amended be passed to engrossment?

Senator Patrick again offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 37** (senate committee printing) by striking all below the resolving clause and substituting the following:

SECTION 1. Section 65(b), Article XVI, Texas Constitution, is amended to read as follows:

(b) If any of the officers named herein shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one [~~(1)~~] year and 30 days, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2011. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to change the length of the unexpired term that causes the automatic resignation of certain elected county or district officeholders if they become candidates for another office."

The amendment to **SJR 37** was again read and was adopted by a viva voce vote.

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

Absent-excused: Williams.

On motion of Senator Van de Putte and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

SJR 37 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:

Absent-excused: Williams.

SENATE JOINT RESOLUTION 37 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 **SJR 37** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: 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 **SJR 37**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SJR 37** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

WENTWORTH

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

Absent-excused: Williams.

SENATE BILL 917 ON THIRD READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 917** at this time on its third reading and final passage:

SB 917, Relating to emergency service districts.

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

Absent-excused: Williams.

PERMISSION TO INTRODUCE BILLS AND RESOLUTION

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

SB 1904, SB 1905, SJR 52.

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 1904 by Wentworth

Relating to the definition of a governmental body for the purposes of the open meetings and public information laws.

To Committee on Open Government.

SB 1905 by Uresti

Relating to the provision of emergency services in certain rural counties using admission fees charged at state parks.

To Committee on Agriculture and Rural Affairs.

SJR 52 by Ogden

Proposing a constitutional amendment clarifying that a tax imposed on certain business entities is not subject to Section 24, Article VIII, Texas Constitution, and imposing certain limitations on the computation of a tax imposed on a business entity.

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 205 to Committee on Finance.

HB 563 to Committee on Transportation and Homeland Security.

HB 610 to Committee on Administration.

HB 679 to Committee on Intergovernmental Relations.

HB 716 to Committee on Natural Resources.

HB 1091 to Committee on Intergovernmental Relations.

HB 1344 to Committee on Criminal Justice.

HB 1404 to Committee on Jurisprudence.

HB 1555 to Committee on Education.

HB 1732 to Committee on Finance.

HB 1808 to Committee on Government Organization.

HB 2014 to Committee on Criminal Justice.

HB 2271 to Committee on Government Organization.

HB 2376 to Committee on Business and Commerce.

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

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

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

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

REMARKS ORDERED PRINTED

On motion of Senator Whitmire and by unanimous consent, the following remarks by Senator Ogden were ordered reduced to writing and printed in the *Senate Journal*:

Mr. President, it is my sad privilege to memorialize Staff Sergeant Scott H. Burgess of Franklin, Texas. Staff Sergeant Scott H. Burgess, along with Staff Sergeant Michael Lammerts of Tonawanda, New York, died April 4th of wounds suffered from small arms fire in Faryab Province, Afghanistan. It is reported that the two soldiers were providing security at a meeting between U.S. commanders and the Afghan border police when an Afghan police officer opened fire, deliberately killing them. They were assigned to the 1st Battalion, 84th Field Artillery Regiment, 170th Infantry Brigade Combat Team, and were promoted posthumously. At the age of 32, Staff Sergeant Burgess was known as "Old Man" to his unit, but the close-knit Franklin community who have been deeply impacted by his loss called him "Scotty." He leaves behind his wife, Jennifer, and two daughters, Haley and Amy, and parents, Sam and Deb, and extended family. Staff Sergeant Burgess' funeral will be in the First Baptist Church of Franklin tomorrow. I ask that we adjourn today in his memory with sorrow, but also with respect, admiration, and gratitude for his life and his sacrifice on our behalf.

CO-AUTHOR OF SENATE BILL 662

On motion of Senator Nichols, Senator Hegar will be shown as Co-author of **SB 662**.

CO-AUTHOR OF SENATE BILL 866

On motion of Senator Deuell, Senator Huffman will be shown as Co-author of **SB 866**.

CO-AUTHOR OF SENATE BILL 922

On motion of Senator Deuell, Senator Van de Putte will be shown as Co-author of **SB 922**.

CO-AUTHOR OF SENATE BILL 1545

On motion of Senator Patrick, Senator Nelson will be shown as Co-author of **SB 1545**.

CO-AUTHOR OF SENATE BILL 1682

On motion of Senator Ellis, Senator Duncan will be shown as Co-author of **SB 1682**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 772 by West, Recognizing Clarice Sweeney-Gerald on the occasion of her 80th birthday.

SR 773 by Fraser, Recognizing the Hamilton High School robotics team for winning the 2011 Texas Botball tournament.

SR 774 by Ellis, Recognizing Georgia D. Provost on the occasion of her birthday.

SR 775 by Harris, Recognizing Scott Snow for his service on the board of trustees of the Mansfield Independent School District.

SR 776 by Harris, Recognizing Kimberly Ventura of Irving for being named Outstanding Marketing Student by the Texas Career and Technology Council.

SR 777 by Jackson, Recognizing Jesse Anthony Shipman on the occasion of his high school graduation.

SR 778 by Jackson, Recognizing Andrew Micah George on the occasion of his high school graduation.

SR 779 by Jackson, Recognizing Rachael Ann Hailey on the occasion of her high school graduation.

SR 780 by Jackson, Recognizing Cassandra Dawn Rhodes on the occasion of her high school graduation.

SR 781 by Jackson, Recognizing Bailey Lane Stephenson on the occasion of her high school graduation.

SR 782 by Jackson, Recognizing Erika Beatriz Gutiérrez on the occasion of her high school graduation.

SR 783 by Jackson, Recognizing Rebecca Louise Crim on the occasion of her high school graduation.

SR 784 by Jackson, Recognizing Danielle Denise Crutcher on the occasion of her high school graduation.

SR 785 by Jackson, Recognizing Kori Christian Polston on the occasion of her high school graduation.

SR 786 by Jackson, Recognizing Toni Annette Dockens on the occasion of her high school graduation.

SR 787 by Jackson, Recognizing Olivia Rebekah Moore on the occasion of her high school graduation.

SR 788 by Jackson, Recognizing Hannah Rebekah Stoltenberg on the occasion of her high school graduation.

SR 789 by Jackson, Recognizing Madison Lanae Marquez on the occasion of her high school graduation.

SR 790 by Jackson, Recognizing Allison Renee Leigon on the occasion of her high school graduation.

SR 791 by Jackson, Recognizing Danica Brett Yates on the occasion of her high school graduation.

Legislative Policy Resolution

SR 792 by Jackson, Supporting a public education campaign on the importance of folic acid in the diets of women of childbearing age.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:35 p.m. adjourned, in memory of Scott Burgess, Teel Bevins, Don Kennard, Charlie Wilson, and J. P. Word, until 11:00 a.m. Monday, April 18, 2011.

APPENDIX

COMMITTEE REPORTS

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

April 14, 2011

JURISPRUDENCE — **SB 723, SB 1682**

ECONOMIC DEVELOPMENT — **CSSB 1048**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 529**

NATURAL RESOURCES — **CSSB 1225, CSSB 1293**

INTERGOVERNMENTAL RELATIONS — **CSSB 373, CSSB 1240, CSSB 1368, SB 1385, SB 1393, SB 1592, CSSB 1596**

EDUCATION — **CSSB 4, CSSB 536**

CRIMINAL JUSTICE — **SB 878, SB 879, SB 880, SB 953**

BUSINESS AND COMMERCE — **CSSB 1291**

BILLS ENGROSSED

April 13, 2011

SB 127, SB 218, SB 496, SB 652, SB 653, SB 932, SB 1010, SB 1154, SB 1273, SB 1301, SB 1341, SB 1361, SB 1504, SB 1605, SB 1612, SB 1630, SB 1846

BILLS AND RESOLUTIONS ENROLLED

April 13, 2011

**SB 312, SB 716, SR 689, SR 748, SR 755, SR 757, SR 758, SR 759, SR 761,
SR 762, SR 764, SR 765, SR 766, SR 767, SR 768, SR 769**

SENT TO GOVERNOR

April 14, 2011

SB 312, SB 716

