

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTEENTH DAY

(Continued)

(Wednesday, February 16, 2011)

AFTER RECESS

The Senate met at 11:07 a.m. and was called to order by the President.

SENATOR ANNOUNCED PRESENT

Senator Wentworth, who had previously been recorded as "Absent-excused," was announced "Present."

The Reverend Dr. John Mark Robinson, Crossroads Church, Canton, offered the invocation as follows:

Heavenly Father, today we thank You for the opportunities You have provided. We thank You for this generation we have been called to serve in this state of such beauty, prosperity, and diversity. I thank You for these men and women You have chosen to govern and guide. We ask for wisdom in the decisions that are made that will protect, lead, and serve the people of this great land. Let us be men and women of compassion as we govern the people You have created. We know that apart from You we can do nothing, so this day we commit to live and lead with a spirit of awe and reverence. Let us love in such a way that all people may see You through us and may our light so shine that others may know the hope found in You. Father, be with those in our military that are fighting this moment for the freedom we enjoy. Lord, with humility we acknowledge Your provision of our liberty and may all we do bring honor to Your name. Watch over this great land, protect us that we may endure for Your glory. In Jesus' name, I pray. Amen.

PHYSICIAN OF THE DAY

Senator Ogden was recognized and presented Dr. Paul Berg of Georgetown as the Physician of the Day.

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

SENATE RESOLUTION 276

Senator Deuell offered the following resolution:

SR 276, Recognizing February 16, 2011, as Van Zandt County Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a Van Zandt County delegation: County Judge Rhita Koches, Charlotte Bledsoe, Teri Pruitt, and Clay Nicklas.

The Senate welcomed its guests.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 48, HCR 51.**

SENATE RESOLUTION 253

Senator Nelson offered the following resolution:

SR 253, Recognizing February 16, 2011, as Susan G. Komen for the Cure Advocacy Day in Texas.

NELSON
LUCIO
SHAPIRO

The resolution was again read.

The resolution was previously adopted on Monday, February 14, 2011.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate representatives of Susan G. Komen for the Cure.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Davis was recognized and introduced to the Senate Dr. Steve Vernon, Associate Executive Director, Baptist General Convention of Texas, and his wife, Donna; the Reverend Charles Singleton, Director, African American Fellowship of Texas Baptists; Dr. Van Christian, Pastor, First Baptist Church, Comanche, and Board Chairman, Christian Life Commission; and Suzii Paynter, Director, Christian Life Commission. Also in attendance were representatives of Texas Faith for Fair Lending Coalition from the Dallas area including: Stephanie Werner, Dallas United Way; Chris Simmons, Cornerstone Baptist Church; Danielle Ayers and Aretha Adams, Friendship-West Baptist Church; Gerald Britt, CitySquare; and delegations from the Dallas Faith Communities Coalition and Dallas Faith for Fair Lending.

The Senate welcomed its guests.

SENATE RESOLUTION 179

Senator Shapiro offered the following resolution:

SR 179, Recognizing Shannon Schambeau Patterson of McKinney for being chosen Mrs. Texas America 2010.

The resolution was again read.

The resolution was previously adopted on Monday, February 7, 2011.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Shannon S. Patterson, Mrs. Texas America 2010, and her husband, John Patterson.

The Senate welcomed its guests.

(Senator Nelson in Chair)

SENATE RESOLUTION 264

Senator Hinojosa offered the following resolution:

SR 264, Recognizing February 16, 2011, as Mission Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a City of Mission delegation: Mayor Norberto "Beto" Salinas; City Councilmember Ruben Plata; City Councilmember Maria Elena Ramirez; City Manager Julio Cerda; and Chairman, Greater Mission Chamber of Commerce Board of Directors, Fred Kurth.

The Senate welcomed its guests.

SENATE RESOLUTION 274

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pleasure in joining the citizens of Chambers County for the celebration of Chambers County Day at the Capitol on February 16, 2011; and

WHEREAS, Situated on 600 square miles of Gulf Coast plains, Chambers County has a long and colorful history; in 1756, Spaniards erected a mission and presidio near present-day Wallisville to secure their control of the region, and in 1818, a group of French supporters of Napoleon Bonaparte established a short-lived colony near present-day Anahuac; later, in 1832 and 1835, disturbances at Anahuac between Anglo settlers and Mexican authorities foreshadowed the Texas Revolution; and

WHEREAS, Chambers County was created from portions of Liberty and Jefferson Counties in 1858 and named in honor of a prominent local resident, General T. J. Chambers; Wallisville served as the county seat until 1908, when Anahuac assumed that role; other communities in the county today include Beach City, Cove, Double Bayou, Hankamer, Mont Belvieu, Oak Island, Old River-Winfree, Smith Point, Stowell, and Winnie; and

WHEREAS, Countless tourists are drawn to many attractions and events offered by Chambers County; Anahuac, officially known as the Alligator Capital of Texas, hosts the Texas Gatorfest each September at Fort Anahuac Park, the site of early Texas resistance to Mexican rule; another major celebration is the Texas Rice Festival, which is held in September and October; and

WHEREAS, Visitors are also drawn by historic sites, excellent golf courses, and bountiful opportunities for birding, fishing, hunting, crabbing, boating, and photography; among the standout attractions are Wallisville Heritage Park, Houston Raceway Park, Moody National Wildlife Refuge, Anahuac National Wildlife Refuge and the Corps of Engineers Trinity River Recreation Area; and

WHEREAS, In addition to tourism, other enterprises that contribute to the county's economy include the petroleum industry, chemical plants, agribusiness, fish and oyster processing, and manufacturing; and

WHEREAS, Chambers County is situated between the Houston metroplex and the Golden Triangle of Beaumont-Orange-Port Arthur, and it offers its people the best of both worlds—quiet, rural living and convenient access to big-city amenities; and

WHEREAS, The residents of Chambers County are justifiably proud of their achievements, for this noteworthy region and its citizens have played a significant role in the development of the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby declare February 16, 2011, Chambers County Day at the Capitol and extend a warm welcome to the fine citizens who have traveled to Austin to celebrate this occasion; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the people of Chambers County as a memento of this special occasion.

WILLIAMS
HUFFMAN

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate a Chambers County delegation: County Judge Jimmy Sylvia, County Commissioner Mark Huddleston, County Commissioner David "Bubba" Abernathy, County Commissioner Gary Nelson, and County Commissioner Rusty Senac.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a Fayette County delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 280

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the Mexican and Spanish students who are enrolled at The University of Texas at Austin; and

WHEREAS, Students from Mexico have studied at The University of Texas at Austin since 1940; the university and Mexico have historic ties due to shared academic endeavors, and the university's Graduate School of Business has developed joint degree programs with Mexican institutions; and

WHEREAS, In 1991, the Texas Legislature established a tuition assistance program to encourage students from Mexico with limited financial resources to study in our state, thus making Texas a responsive educational partner to Mexico; there are now 479 students from Mexico enrolled at the university; and

WHEREAS, Universities in Spain and The University of Texas have had ongoing relationships since before the 1980s; there are 32 students from Spain enrolled at The University of Texas; with 257 students from Texas studying in Spain, Spain is now the country of choice for University of Texas students studying abroad; and

WHEREAS, The generosity of BBVA Compass and their active participation in the university's community attest to their commitment to the university, and the school's distinguished record of educating Mexican and Spanish students is indicative of the successful collaboration between Texas and Mexico and Texas and Spain; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend BBVA Compass and the Mexican and Spanish students at The University of Texas at Austin for their special and unique contributions to the university and to our state; and, be it further

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

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Dr. Francisco Cigarroa, Chancellor of The University of Texas System; John Jett, President of BBVA Compass-Austin; Arturo Vargas Vega, second year student from Mexico, MBA Program; and Daniela Tijerina, law student from Mexico, LLM Program.

The Senate welcomed its guests.

SENATE RESOLUTIONS

Senator Jackson offered the following resolutions:

SR 265, Recognizing February 16, 2011, as Ellington Field Day at the State Capitol.

JACKSON
VAN DE PUTTE

The resolution was again read.

SR 266, Recognizing the National Aeronautics and Space Administration for its accomplishments in the State of Texas.

The resolution was again read.

SR 265 and **SR 266** were previously adopted on Tuesday, February 15, 2011.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a Bay Area Houston Economic Partnership delegation, accompanied by Bob Mitchell, President, Bay Area Houston Economic Partnership; John Martinec, Director, Ellington Field Task Force; Mike Sullivan, Councilmember, City of Houston; Eugene Tulich, Chair, Houston Military Affairs Committee; and John Wilkins, Director, Bay Area Houston Economic Partnership.

The Senate welcomed its guests.

SENATE RESOLUTION 277

Senator Uresti offered the following resolution:

SR 277, Recognizing February 16, 2011, as Maverick County Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a Maverick County delegation including William Davis, Eagle Pass Chamber of Commerce President; Ramsey English Cantu, Mayor of Eagle Pass; David R. Saucedo, Maverick County Judge; Jesus Sanchez, Eagle Pass ISD Superintendent; and Elcira Bares, Maverick County Hospital District Director.

The Senate welcomed its guests.

SENATE RESOLUTION 190

Senator Ogden offered the following resolution:

SR 190, Honoring the 2011 Class of Leadership Round Rock.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate members of the 2011 Class of Leadership Round Rock.

The Senate welcomed its guests.

SENATE RESOLUTION 243

Senator Rodriguez offered the following resolution:

WHEREAS, Proud residents of El Paso are gathering at the State Capitol on February 16 and 17, 2011, to celebrate El Paso Days, and the event provides a perfect occasion to recognize the dynamism of this great Texas city; and

WHEREAS, Located in the westernmost tip of the state, the city of El Paso combines a modern metropolis with the charm born of its Spanish origins; the area was named El Paso by the Spanish conquistador Don Juan de Onate because of the shallow place in the river where the colonists crossed en route to Santa Fe, New Mexico; and

WHEREAS, The arrival of the railroads in 1881 ushered in an era of prosperity, and El Paso became a flourishing frontier community that has developed into a significant industrial, commercial, and transportation city; and

WHEREAS, Today, trucks, trains, and planes transport manufactured goods through the border cities at the Pass, just as Spanish traders did in the 16th century when they guided ox-drawn carts along the Camino Real from Mexico City to Santa Fe; and

WHEREAS, With a population of nearly 700,000, El Paso is the largest American city on the 2,000-mile United States-Mexico border; it lies across the Rio Grande north of Ciudad Juarez, Mexico's fifth-largest city, with a population of over a million; and

WHEREAS, Nearby Fort Bliss, which celebrated its 160th anniversary in 2008, is immersed in the biggest transformation in its history, with a 300 percent increase in its population projected by 2012; the base is currently investing \$5 billion in construction for new, top-of-the-line facilities for incoming personnel and their families, and it is at the forefront of the U.S. Army's Transformation plan, as it transitions from a TRADOC to a FORSCOM installation; and

WHEREAS, Named an All-America City in 2010, El Paso is a vibrant, bilingual community; its residents enjoy a thriving fine arts community, exemplary educational institutions, and many cultural and historical resources and museums; and

WHEREAS, El Paso Days at the State Capitol provides an opportunity to honor El Paso and its rich heritage, which today is enjoyed by residents and vacationers of all ages; now, therefore, be it

RESOLVED, That the Senate of the 82nd Texas Legislature hereby recognize February 16 and 17, 2011, as El Paso Days at the State Capitol and extend to the visiting delegation sincere best wishes for an enjoyable and memorable visit to Austin.

RODRIGUEZ
URESTI

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodriguez was recognized and introduced to the Senate an El Paso delegation: Mayor John Cook, County Judge Veronica Escobar, Colonel Joseph Simonelli, David Osborn, and Dr. Manny de la Rosa.

The Senate welcomed its guests.

SENATE RESOLUTION 257

Senator Shapiro offered the following resolution:

SR 257, Recognizing February 13 through 19, 2011, as Texas Technology Week.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Texas Technology Week participants.

The Senate welcomed its guests.

SENATE RESOLUTION 202

Senator Jackson offered the following resolution:

SR 202, Recognizing the Texas Economic Development Council on the occasion of its 50th anniversary.

The resolution was again read.

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

(Senator Eltife in Chair)

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate representatives of the Texas Economic Development Council.

The Senate welcomed its guests.

SENATE RESOLUTION 251

Senator Nelson offered the following resolution:

SR 251, Recognizing February 16, 2011, as Texans Support Libraries Day.

The resolution was again read.

The resolution was previously adopted on Monday, February 14, 2011.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation supporting Texas libraries.

The Senate welcomed its guests.

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 Clifton Leo Thomas, Victoria County.

Members, Board of Regents, The Texas A&M University System: Elaine Mendoza-Gay, Bexar County; Judy Kelley Morgan, Bowie County; Clifton Leo Thomas, Victoria County (Watson "Present-not voting"); John David White, Harris County.

Members, Board of Regents, University of Houston System: Nandita Venkateswaran Berry, Harris County; Tilman J. Fertitta, Harris County; Jarvis V. Hollingsworth, Fort Bend County.

Members, Board of Regents, The University of Texas System: Alexis Mount Cranberg, Travis County; Wallace Legette Hall, Dallas County; Robert Steven Hicks, Travis County; Brenda Pejovich, Dallas County.

Adjutant General, Adjutant General's Department: John Frederick Nichols, Comal County.

Member, Advisory Board of Athletic Trainers: David Jerrell Weir, Brazos County.

Members, Board of Trustees, Texas County and District Retirement System: Jerry Van Bigham, Randall County; Daniel R. Haggerty, El Paso County; Jan Westmoreland Kennedy, Comal County; Dorye Kristeen Roe, Brazos County.

Members, Commission on State Emergency Communications: William H. Buchholtz, Bexar County; Mitchell F. Fuller, Williamson County.

Members, Board of Trustees, Texas Emergency Services Retirement System: Graciela G. Flores, Nueces County; Virginia K. Moore, Brazoria County; Dennis Ray Rice, Randall County; Stephen K. Williams, Panola County.

Members, Board of Directors, Texas Guaranteed Student Loan Corporation: Emma Yvonne Batts, Taylor County; Frank Houston Landis, Brazos County; Michael J. Savoie, Denton County; Steven Vaughn Tays, Bexar County.

Members, Texas State Library and Archives Commission: Martha Doty Freeman, Travis County; Larry Gene Holt, Brazos County; Sandra J. Pickett, Liberty County.

Members, Board of Regents, Midwestern State University: Michael Bernhardt, Wichita County; J. Kenneth Bryant, Wichita County; Tiffany Dawn Burks, Tarrant County; Samuel Molinar Sanchez, Tarrant County.

Members, Board of Trustees, Texas Municipal Retirement System: Julie Oakley, Burnet County; Jimmy Dean Parrish, Collin County; Roel Rodriguez, Hildago County.

Member, Board of Directors, Texas Mutual Insurance Company: Linda S. Foster-Smith, Williamson County.

Member, Prepaid Higher Education Tuition Board: Joe Colonna, Dallas County.

Members, Board of Regents, Stephen F. Austin State University: Brigettee Carnes Henderson, Angelina County; Kenton Edward Schaefer, Cameron County; Ralph Clifford Todd, Panola County.

Members, Board of Regents, Texas State Technical College System: Penny Forrest, McLennan County; James Virgil Martin, Nolan County; Linda Lea McKenna, Cameron County.

Members, Board of Regents, Texas Tech University System: Larry Keith Anders, Collin County; Debra Kay Mears Montford, Bexar County; John D. Steinmetz, Lubbock County.

Member, Veterans' Land Board: Alan K. Sandersen, Fort Bend County.

CO-AUTHOR OF SENATE BILL 331

On motion of Senator Shapiro, Senator Carona will be shown as Co-author of **SB 331**.

CO-AUTHOR OF SENATE BILL 407

On motion of Senator Watson, Senator Hinojosa will be shown as Co-author of **SB 407**.

CO-AUTHOR OF SENATE BILL 515

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SB 515**.

CO-AUTHOR OF SENATE BILL 516

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SB 516**.

CO-AUTHOR OF SENATE BILL 554

On motion of Senator Carona, Senator Ellis will be shown as Co-author of **SB 554**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 17

On motion of Senator Carona, Senator Wentworth will be shown as Co-author of **SJR 17**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 250 by Hinojosa, Recognizing Beatriz Zapata on the occasion of her retirement from the Office of the Attorney General of Texas.

SR 281 by Hinojosa and Lucio, Honoring the Autism Council for Educational Support and Scientific Studies and the Rio Grande Valley Task Force of the Texas Council on Autism and Pervasive Developmental Disorders.

Official Designation Resolution

SR 282 by Deuell, Recognizing February 23, 2011, as Rains County Day at the State Capitol.

(President in Chair)

RECESS

On motion of Senator Whitmire, the Senate at 12:37 p.m. recessed, in memory of Jaime Zapata, until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

February 15, 2011

**SR 17, SR 169, SR 219, SR 230, SR 244, SR 248, SR 249, SR 255, SR 260,
SR 261, SR 262, SR 263, SR 265, SR 266, SR 267, SR 268, SR 269, SR 270,
SR 271, SR 272, SR 273**

