

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Tuesday, January 13, 2009)

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Eighty-first Legislature met in the Senate Chamber of the State Capitol on Tuesday, the thirteenth day of January, 2009, at 12:12 p.m.

The Honorable David Dewhurst, Lieutenant Governor and President of the Senate, called the Senate to order.

The Reverend Mac Richard, Lake Hills Church, Austin, offered the invocation as follows:

Our Father in heaven, we come before You now because we need You. Lord, we thank You for the gift of government, government that You have ordained and commanded to dispense justice, make laws, and protect peace in a world that so desperately needs Your peace. Father, I thank You for the men and women who serve in this body. Keep them mindful of the true power that comes through genuine service. And we ask, Lord, for Your power, the power that comes in grace, in humility, in service. I ask that You would grant our leaders an extra measure of vision, creativity, and courage to confront the challenges and address the opportunities before them this session. Lord, we ask these things not because we deserve them, but because You are faithful. I pray Your blessing and protection on these leaders, their homes and families, and ask this prayer in Your powerful, saving name. Amen.

ROLL CALL OF SENATORS

The President directed the Secretary of the Senate to call the roll of the Members of the Senate.

The roll was called and the following Senators answered to their names: Averitt, Deuell, Ellis, Eltife, Hegar, Huffman, Nelson, Nichols, Ogden, Patrick, Shapiro, Shapleigh, Uresti, Watson, Wentworth, Whitmire.

MESSAGE FROM THE SECRETARY OF STATE

The following message from the Secretary of State was read and was filed with the Secretary of the Senate:

THE STATE OF TEXAS
Secretary of State

I, HOPE ANDRADE, Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office the attached is a true and correct list, in alphabetical order, of the members of the Senate of the 81st Legislature, 2009, whose election on November 4, 2008, has been duly and legally certified to this office.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, Texas this 1st day of December, 2008.

(Seal)

/s/Hope Andrade
Secretary of State

The Honorable John Carona, representing the Sixteenth Senatorial District composed of: Part of Dallas County.

The Honorable Wendy R. Davis, representing the Tenth Senatorial District composed of: Part of Tarrant County.

The Honorable Robert Duncan, representing the Twenty-eighth Senatorial District composed of: Armstrong, Borden, Briscoe, Carson, Castro, Childress, Coke, Collingsworth, Concho, Cottle, Crosby, Dawson, Dickens, Donley, Fisher, Floyd, Foard, Garza, Gray, Hale, Hall, Hardeman, Haskell, Hockley, Irion, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Mitchell, Motley, Nolan, Reagan, Runnels, Schleicher, Scurry, Sterling, Stonewall, Swisher, Terry, Tom Green, Upton, and Wheeler counties.

The Honorable Craig L. Estes, representing the Thirtieth Senatorial District composed of: Archer, Baylor, Clay, part of Collin, Cooke, part of Denton, Grayson, Jack, Montague, Palo Pinto, Parker, Shackelford, Stephens, Throckmorton, Wichita, Wilbarger, Wise, and Young counties.

The Honorable Troy Fraser, representing the Twenty-fourth Senatorial District composed of: Bell, Blanco, Brown, Burnet, Callahan, Coleman, Comanche, Eastland, Erath, Gillespie, Hamilton, Kerr, Kimble, Lampasas, Llano, Mason, McCulloch, Menard, Mills, San Saba, and Taylor counties.

The Honorable Mario V. Gallegos, Jr., representing the Sixth Senatorial District composed of: Part of Harris County.

The Honorable Chris Harris, representing the Ninth Senatorial District composed of: Part of Dallas, part of Denton, and part of Tarrant counties.

The Honorable Juan "Chuy" Hinojosa, representing the Twentieth Senatorial District composed of: Brooks, part of Hidalgo, Jim Wells, and Nueces counties.

The Honorable Mike Jackson, representing the Eleventh Senatorial District composed of: Part of Brazoria, part of Galveston, and part of Harris counties.

The Honorable Eddie Lucio, Jr., representing the Twenty-seventh Senatorial District composed of: Cameron, part of Hidalgo, Kenedy, Kleberg, and Willacy counties.

The Honorable Kel Seliger, representing the Thirty-first Senatorial District composed of: Andrews, Bailey, Cochran, Crane, Dallam, Deaf Smith, Ector, Gaines, Glasscock, Hansford, Hartely, Hemphill, Howard, Hutchinson, Lipscomb, Martin, Midland, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, and Yoakum counties.

The Honorable Leticia R. Van de Putte, representing the Twenty-sixth Senatorial District composed of: Part of Bexar County.

The Honorable Royce West, representing the Twenty-third Senatorial District composed of: Part of Dallas County.

The Honorable Tommy Williams, representing the Fourth Senatorial District composed of: Chambers, part of Harris, part of Jefferson, Liberty, part of Montgomery, and Orange counties.

The Honorable Judith Zaffirini, representing the Twenty-first Senatorial District composed of: Atascosa, Bee, part of Bexar, Dimmit, Duval, Frio, Jim Hogg, Karnes, La Salle, Live Oak, McMullen, San Patricio, Starr, Webb, Wilson, Zapata, and Zavala counties.

OATH OF OFFICE ADMINISTERED TO SENATORS-ELECT

The President directed the Senators-elect to proceed to the Bar of the Senate.

Chief Justice Wallace B. Jefferson administered the Constitutional Oath of Office to the Senators-elect as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of Senator of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

ROLL CALL OF NEWLY ELECTED SENATORS

The President directed the Secretary of the Senate to call the roll of newly elected Senators as certified by the Secretary of State.

The roll was called and the following Senators answered to their names: Carona, Davis, Duncan, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Lucio, Seliger, Van de Putte, West, Williams, Zaffirini.

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

SENATE RESOLUTION 1
(Caucus Report)

Senator Whitmire offered the following resolution:

BE IT RESOLVED BY THE SENATE OF THE STATE OF TEXAS:

SECTION 1. CAUCUS REPORT. At a caucus held in the offices of the senate attended by 30 members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. SENATE OFFICERS. (a) Senate officers for the 81st Legislature are:

- (1) Secretary of the Senate—Patsy Spaw;
- (2) Calendar Clerk—Linda Tubbs;
- (3) Doorkeeper—Austin Osborn;
- (4) Enrolling Clerk—Mardi Alexander;
- (5) Journal Clerk—Dianne Arrington; and
- (6) Sergeant-at-arms—Rick DeLeon.

(b) Officers named in this section serve at the will of the senate.

SECTION 3. PARLIAMENTARIAN. The parliamentarian, Karina Davis, is named by the lieutenant governor and serves at the will of the lieutenant governor. The parliamentarian is a senate officer.

SECTION 4. EMPLOYEES. (a) The lieutenant governor may employ staff for the office of the lieutenant governor at salaries set by the lieutenant governor.

(b) Each senator may employ staff for the senator's office at salaries set by the senator.

(c) The chairman of each committee may employ staff of the chair's selection as needed by the committee. A committee employee shall be compensated in amounts similar to the compensation paid to persons in similar senate positions.

(d) The secretary of the senate may employ other staff necessary for the operation of the senate at salaries approved by the administration committee.

(e) The lieutenant governor, the secretary of the senate, and each senator may use the assistance of any assistant sergeant-at-arms or other available senate employee for any and all services needed in and about the senate.

(f) In this resolution, "senate employee" includes an employee of the lieutenant governor, the secretary of the senate, a senator, a senate committee, and any other person compensated from funds appropriated for the operation of the senate.

SECTION 5. DUTIES OF ADMINISTRATION COMMITTEE. (a) In addition to the duties of the administration committee expressly imposed by this resolution, the committee shall take actions necessary to ensure that the administrative operations of the senate comply with applicable law and are conducted effectively and efficiently.

(b) The committee shall establish appropriate and necessary controls over contracts, inventory, and property management.

(c) The committee may delegate any of its responsibilities to the committee chair or to the secretary of the senate to be performed under the general supervision of the committee.

(d) Policies adopted by the administration committee must be consistent with the provisions of this resolution. To the extent of a conflict between a policy and this resolution, this resolution prevails.

(e) Policies adopted by the administration committee are subject to the will of the senate, and a majority of the senate may reject or modify any policy adopted by the committee.

SECTION 6. EMPLOYMENT AND PERSONNEL POLICIES. (a) The administration committee may adopt and enforce personnel and employment policies governing senate employees.

(b) The administration committee may not adopt a policy that limits the salary of an employee of the lieutenant governor, a senator, or a senate committee, except that the administration committee may require approval by that committee of any senate committee employee salary that is proposed to exceed \$5,000 a month.

SECTION 7. MEMBER'S EMPLOYEE LEAVE POLICY. (a) an employee of a senator accrues vacation leave, compensatory leave, or sick leave in accordance with policies adopted by the senator consistent with the requirements of this section.

(b) An employee may accrue vacation leave, compensatory leave, or sick leave only if the employee files a monthly time record with the senate human resources office. Time records are due not later than the 10th day of the following month.

(c) Compensatory time must be used not later than the last day of the 12th month following the month in which the time was accrued.

(d) An employee is not entitled to compensation for accrued but unused compensatory time.

SECTION 8. OUTSIDE EMPLOYMENT. An employee of the senate may not be employed by and receive compensation from any other person during the term of senate employment without the permission of the employee's senate employer.

SECTION 9. WORK HOURS. An employee shall report to work at the time, and work for the number of hours, set by the employee's senate employer.

SECTION 10. LIMIT ON MONTHLY STAFF SALARY AND TRAVEL EXPENSES. (a) The total amount of staff salaries and intrastate staff travel expenses for each senator may not exceed \$37,500 per month.

(b) This monthly amount accrues on the first day of the month and may not be expended prior to the month in which it accrues, but any unexpended portion for a month may be carried forward from one month to the next and expended until the end of the fiscal year.

SECTION 11. SENATORS' EXPENSE REIMBURSEMENT AND PER DIEM. The secretary of the senate shall provide for the reimbursement of the expenses of each senator and the payment of each senator's per diem in accordance with law, this resolution, and the rules of the Texas Ethics Commission.

SECTION 12. OTHER SENATE EXPENSES. (a) The lieutenant governor, the secretary of the senate, and each senator may incur expenses for carrying out official duties, including expenses for items such as subscriptions, stationery, postage, and telecommunications.

(b) Expenses under this section shall be paid from the contingent expense fund of the senate.

SECTION 13. PAYMENT OF SALARIES AND EXPENSES. (a) Salaries and expenses authorized by this resolution shall be paid from the contingent expense fund as provided by this section.

(b) Vouchers for payment of any expense, including salaries and travel expenses, must be signed by the chair of the administration committee and the secretary of the senate.

(c) The administration committee shall adopt policies regarding the presentation of timely, properly completed, and signed vouchers.

SECTION 14. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS. (a) The administration committee shall designate a senator or any employee to attend an official meeting of a national governmental organization during a session of the 81st Legislature. The person designated is entitled to reimbursement for actual and necessary expenses.

(b) The lieutenant governor may designate a senator to represent the senate at ceremonies and ceremonial functions. The necessary expenses of the senator and necessary staff for this purpose shall be paid pursuant to a budget adopted by the administration committee.

SECTION 15. ELECTRONIC RECORDING BY MEMBER PROHIBITED. No member of the senate may electronically record a private conversation held within the brass rail on the senate floor during a legislative session without the knowledge and consent of all participants to the conversation.

SECTION 16. JOURNAL. The secretary of the senate shall provide for the printing of not more than 500 copies of the daily journal. Of that number:

- (1) 175 shall be furnished to the house of representatives;
- (2) 60 shall be furnished to the Legislative Reference Library; and
- (3) the remainder shall be apportioned among the senators and the lieutenant governor.

SR 1 was read and was adopted without objection.

OATH OF OFFICE ADMINISTERED TO OFFICERS OF THE SENATE

The President directed the officers of the Senate to proceed to the Bar of the Senate.

The President administered the Constitutional Oath of Office to the officers as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of _____ of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

MOTION IN WRITING

Senator Whitmire offered the following Motion In Writing:

Mr. President:

I move that two committees, each with five Members of the Senate, be appointed by the President to notify the Governor and the House of Representatives, respectively, that the Senate is organized and ready to transact business.

WHITMIRE

The Motion In Writing was read and was adopted without objection.

Accordingly, the President appointed the following Committee to Notify the Governor: Senators Whitmire, Chair; Ogden, Nelson, Zaffirini, and Huffman, and the following Committee to Notify the House of Representatives: Senators Wentworth, Chair; Seliger, Eltife, Hinojosa, and Davis.

AT EASE

The President at 12:23 p.m. announced the Senate would stand At Ease pending the departure of its guests.

IN LEGISLATIVE SESSION

The President at 12:33 p.m. called the Senate to order as In Legislative Session.

GOVERNOR NOTIFIED

The Committee to Notify the Governor that the Senate was organized and ready to transact business appeared at the Bar of the Senate, and Senator Whitmire, accompanied by Governor Rick Perry, notified the President and the Members that the committee had performed its duty.

The President invited Governor Perry to the President's Rostrum.

The Senate welcomed Governor Rick Perry, who addressed the Senate as follows:

Governor, thank you very much. It's a honor to be with you today, and each of you, as I look across this room and think about the memories that I have in this austere, sometimes austere, but most times quite interesting, and, David, congratulations on doing it one more time. It's one of the most exciting times of my life, John, has been coming to this building, 1985 as a freshman Member of the Legislature, driving down South Congress and about where Guero's is and the road starts going down, Senator, and you see that just magnificent, unique structure of the Texas Capitol, and you realize that that's where you get to go to work every day. And nothing's changed. After 20-plus years, Bob, I still get goose bumps down my spine, thinking about getting to come and work in this place where men and women of exceptional talent have lived and worked and made a difference for our fellow citizens. As I begin to just make some short remarks to you today, I'd like for us to pause just a moment and reflect on the tragic loss that occurred yesterday when a Air National Guard helicopter went down in College Station with a loss of a life, a newly minted Second Lieutenant, a young man who understood the meaning of sacrifice as he joined the United States Army to serve, so that you and I could be in this Chamber today enjoying the freedoms that we have in this country. And the passing of Zachary Cook in the course of military training is a reminder to all of us that the people that we represent and the principles that we value enough to, in some cases, to give up life itself, is something that we never, never should forget, and that we serve those people, that we honor their service. I know that a lot of the Senators, and certainly the staff members, and even spouses, spend a lot of time in the Capitol throughout the year, but let me just say, collectively, welcome back to Austin. Welcome back to our Capitol, and I want to extend

a special welcome to the freshman Members that are here with us today. And, grab hold, you're in for the ride of your life. It's going to be a great and extraordinary, fun time. You're going to work long hours. You're going to take part in heated debates. Boogie will probably teach you some new words from time to time in the legislative vocabulary. But outside of keeping your word, raising your children, and being a good spouse, you're probably not going to do anything as significant as the work that you do in this Chamber for the rest of your life. And you're going to do it in the company of some of the most civic-minded, most interesting, passionate, compassionate, intellectually capable men and women that you've ever been around in your life. As you work your way through this session, understand that I am fully committed to working with you. And when I say the door to the office is open, Steve, that's exactly what I mean, and you know that, that we're here to be a team. My office is open to you as we tackle some real challenges as we always do, Jeff, that come into this building. We come from a lot of different places. We come from some of the remote, most remote parts of the state. We come from another time zone. It's a big ol' state, but are we ever blessed to live in this great state, and particularly at this moment in time. We're real different. We're different as east is to west, as north is to south. And we got one thing in common, though. We love Texas. And that's what this really is all about. Working together, ensuring that our citizens are fully protected, that they're properly educated, and that they're gainfully employed. And if we'll keep those three things in mind, we'll finish up here in May with a successful session behind us and put Texas on even a higher plane than it finds itself today. God bless you, God bless Texas.

HOUSE OF REPRESENTATIVES NOTIFIED

The Committee to Notify the House that the Senate was organized and ready to transact business appeared at the Bar of the Senate, and the President and the Members were notified that the committee had performed its duty.

ACKNOWLEDGMENTS

The President acknowledged the presence of Greg Abbott, Attorney General of Texas, and his wife, Cecilia.

The President also acknowledged the presence of Todd Staples, Commissioner of Agriculture.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Hegar was recognized and presented Dr. Robert Youens of Weimar as the Physician of the Day.

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

**ELECTION OF PRESIDENT PRO TEMPORE
EIGHTY-FIRST LEGISLATURE, REGULAR SESSION**

The President announced that the time had arrived for the election of President Pro Tempore of the 81st Legislature, Regular Session.

Senator Averitt placed in nomination the name of Senator Robert Duncan of Lubbock for the office of President Pro Tempore of the 81st Legislature, Regular Session.

On motion of Senator Whitmire and by unanimous consent, the nominating speech by Senator Averitt and the remarks made to second the nomination were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Averitt: Thank you Mr. President. Members and guests, it is a great honor for me to rise today to nominate the Honorable Robert Duncan of Senate District 28 to serve as the President Pro Tempore of the Texas Senate for the 81st Regular Session. In November of 1992, a lanky, soft-spoken lawyer from the Panhandle was elected to the Texas House. At the same time, a guy with a full head of dark hair was elected from McClennan County. As a Member of the same freshman class, I had the opportunity to watch Robert Duncan rise immediately to the cream of the crop, to tackle the state's toughest issues. It was during his first session that he distinguished himself and earned his long-standing reputation as a man who knew how to get things done. He worked on policy with integrity, distinction, and honesty. While some of you weren't around during that period of time, you may think I might exaggerate because, after all, this is a nominating speech. Well, let me tell you, the fact of the matter is, during that session in 1993, Bob Duncan was unanimously, or not, overwhelmingly nominated as the Outstanding Freshman Legislator. It would have been unanimous had I not decided after deliberation to vote for myself, Bob. Today, Members, I rise to nominate this still lanky, still very soft-spoken statesman to be our President Pro Tempore of the Texas Senate for this upcoming legislative session. When I sat down to write this speech, a lot of words came flooding to the paper that I thought exemplified Bob Duncan: bipartisan, intelligent, integrity, loyalty, dedication, honesty, stamina, endurance, courage. But the word that kept coming back to me over and over again, Members, was sacrifice, above his own needs. Bob Duncan will place his family above his own needs. Bob Duncan will place the needs of his constituents above himself. Bob Duncan will place the needs of the great State of Texas above himself. And in the context that I make this nomination today, Members, I think it's important to know that Bob Duncan puts the needs of this great body above himself. If I had all day to talk about the many accomplishments and the things that we know about Bob Duncan, to tell the Bob Duncan story, I don't believe I'd have enough time. But I do want to share one story that I had the opportunity and the privilege to participate in, kind of gives you a little glimpse of how Bob operates. It was redistricting, and, it was congressional redistricting and the Lieutenant Governor saw fit to put Bob Duncan as the Chair of the Jurisprudence Committee over what arguably was the toughest issue of the day. It was an excruciating process for those of you who were here. It was absolutely a mind-blowing experience. The stakes were very, very high, and the emotions were even higher. And Bob Duncan's calm hand, steady voice, and reasoned approach allowed for a process that we all could respect

and hold our heads high that we knew that the Senate was approaching that difficult task with honor and dignity. Many parts of that story were, in fact, bizarre, and Bob was able to maintain a sense of composure throughout that entire process. For example, the time we were having a meeting in Dallas that lasted for 13 hours, and there was a gentleman sitting on the front row during that entire process eating, from time to time, the potted plant that he had brought with him. Bob Duncan saw fit to treat that gentleman with the same kind of dignity and respect that everybody else got. Senator Gallegos, you remember the day. You'll also remember that there was a Congressman from East Texas that was testifying at that same event, and the Congressman had run his time. Of course we had time limits during the process, and Senator Duncan, very politely, reminded him that rules applied and his time had expired. And then the Congressman indignantly told the Chairman that those rules did not apply to him. Bob, very graciously, invited the Congressman to come back at the end of the hearing and finish his testimony. That testimony ended at 3:00 a.m., and the Congressman was nowhere to be seen. Mr. President, Members, and guests, Bob Duncan is the hardest-working Member of our body. He gets up every morning, he runs for farther than most of us walk in a month, and then he comes here at the end of the day, and he puts in long hours. He puts in hours on issues that sometimes don't garner the headlines, but those are the types of issues that without someone taking care of, without someone paying very close attention to, without someone doing the dirty work, would be a great harm to our state. Bob Duncan is the guy that many times carries out the trash, and he deals with issues that nobody else wants to mess with. They're not glamorous, they're not front page, but they absolutely have to be done, and they have to be done correctly. Bob Duncan is the guy that we turn to more often than not. He tackles tough issues that people sometimes don't understand: ERS, TRS issues, how to fund pensions, how to take care of our retirees. Sometimes the answers are not pretty. Somebody has to step up and make very hard decisions. Bob Duncan is that guy. But Bob Duncan also takes on our highlight issues as well, whether it's redistricting that I've already mentioned, or tort reform, or any number of dozens of issues that are hard to deal with, we all trust the work that Bob Duncan does. And in this body, I can think of no higher compliment than to earn the trust of the Members. Bob Duncan has done that time and time again. I have to mention that we all know that a lot of the Members of the Texas Senate have the opportunity to be trained thoroughly in the process by serving first in the House of Representatives, and it's a unique perspective that many of the Members of this body have. Bob Duncan has yet another notch on his belt, because far before he was elected to the Senate and far before he was elected to the Texas House of Representatives, little Bobby Duncan was a Senate staffer. And I think it goes without saying, I'm sure that we could all agree, that the very best legislators were former Senate staffers. Well, that perspective and all of Bob's experiences over the years, have brought us to a point where we know that the work that he does brings a lot of viewpoints. He's seen a lot of things, he's been through the ringer, he's jumped through all the hoops, and by the time his work gets to our Senate floor here, we're confident that the best work has been done. At the end of the day, we see Bob Duncan working tirelessly, burning the midnight oil, day in and day out, on tough issues, issues that would make the rest of us have stomach ulcers. But at the end of the day, I look over to Senator Duncan's desk, and I see him with his

head back on his chair, pontificating, chewing his gum, thinking about how he's going to finish out the lap, and, frankly, Members, Bob Duncan inspires me. And, Members, with that, it is my high privilege and honor to nominate my oldest and closest friend in the Texas Legislature, the Honorable Robert Duncan, to serve as the President Pro Tempore of the Texas Senate for the 81st Regular Session.

Senator Ogden: Bob, it's an honor to second your nomination as Senate Pro Tempore, and I also want to second every remark that Senator Averitt just made. I first met Bob Duncan in 1993 when he came to the Texas House, and I knew I was in trouble because the first bill he introduced was to put Texas Tech in the Permanent University Fund. And then I knew I had better get to know him well because he almost passed the thing. He is a remarkable legislator with a list of legislative accomplishments that is pages long. Senator Averitt talked about some of them. He, clearly, has led our state and this Senate in the area of higher education funding, saving TRS, tort reform, insurance reform, even his efforts—which we need to revisit—on how we elect judges, he's been a leader. In every area of our Legislature and in our legislative accomplishments, Bob Duncan is there, not only to help but with a constructive solution. One thing that Senator Averitt alluded to, which I think is important in recognizing you, Sir, is that we as a body know that if you bring a bill to the floor, it is going to be well-crafted and we do not ever have to worry about the quality of that legislation from a technical detail. There's nobody better when they bring legislation to this floor. Senator Duncan has been recognized three times by *Texas Monthly* as one of the best legislators. The last time he was recognized, this is what *Texas Monthly* wrote: "He is the rare Senator who masters both the big ideas and the details. When Senate debate gets mired in controversy over the language in a bill, keep your eye on the huddle that forms around him, a sure sign that other Senators are looking to him for a technical fix that will resolve the problem." Senator Duncan, it's my privilege to second the motion. Senator Duncan is a good man, he's a good friend, he's a great Senator, and I second his motion as Senate Pro Tempore.

Senator Shapiro: Thank you very much Mr. President. I, too, rise to second the motion for Robert "Bob" Duncan to become the President Pro Tempore of the Texas Senate. You know, some Senators go by "Robert," other Senators go by "Bob," some Senators go by "Senator Duncan," this Senator goes by "Duncan." If you get a call from him, or you talk to him, he says, this is Duncan. So, I'm here to tell you a little bit more about Duncan, and I want you to be enlightened. I want you to know who he is. I'm not quite as particular as his two long-time friends, and I'm going to give you an insight into who this man, Duncan, really is. First, I'd like to tell you that we think of him sometimes as very quiet and very shy, kind of reserved. Not so. He is loud and he is rambunctious when it comes to his alma mater, Texas Tech. I happen to know that because I sat with him in the box at a football game and, let me tell you, he is loud and rambunctious. Secondly, I'd like to tell you that many people have said that he's kind of passive and kind of reserved. Not so. Get him to talk about Matthew, get him to talk about Lindsey, he is not at all quiet or passive about them. He exudes enthusiasm, he exudes passion, he is very, very proud of his two children, and rightfully so. And many see him as being pensive, maybe even meditative. I think it was actually Senator Averitt that said he rolls his head back and kind of contemplates. Well, that's not so either. When it comes to legislation, he is vocal and he is a staunch

champion for the issues that are important to him, higher education, the state budget, I could go on and on, deeply important issues that make a difference in the Texas Senate. Some people kind of look at him and say, well, he's very soft-spoken, he's kind of a mumbler, maybe he needs a megaphone, I can't hear him, what's the problem? Well, I want to tell you, that's not so either. If you sat next to him, as I do in the Senate Finance Committee, you would find him to be loud, you would find him to be clear, and you would find that you would understand every single thing he has to say, and usually he's right. So, you see, Bob Duncan is an individual who utilizes his legal skills and his intellect, but sometimes people say he doesn't really have any room for emotions. Well, I don't think that's so either. He is always using his keen instinct, and he's always using his ability to know what is best for Texas. So, now that you know Duncan the way I do, and certainly I hope you understand how we feel about him after you've heard the last three speeches, I just want to say that he will make, in my opinion, one of the most outstanding President Pro Tempores. He has wisdom, he has intellect, he has passion, and he has enthusiasm, and he's just a great guy from Lubbock, Texas. I happen to believe that his role would be suited very well with all of these qualities and even more, and that under his leadership, we will flourish as a Texas Senate. It is an honor for me to second the nomination of Duncan for President Pro Tempore of the Texas Senate.

Senator Ellis: Thank you Mr. President. Members, I, too, rise to second the motion of Robert Duncan for President Pro Tempore of the Texas Senate. Lindsey and Matthew, we have watched you grow up over the years, you were very young when your dad first came to this body. My kids only agreed to come today because they could get a day out of school. And as evidenced by the fact they left before their daddy could get up to speak, that's the only reason they came, because they could get a day out of school. But this is a big deal, Lindsey, and you and Matthew ought to know that, and other Members here. It's a big deal because under our Constitution, if the Governor and Lieutenant Governor are out of state, he's third in line to be the Governor of Texas. I was just President Pro Tem of the Senate. It's a nice deal while we're in session because they put your name on the program. Now, you notice, Senator Carona was the President Pro Tem during the interim; he'll save this program. It's the only one he had, but Robert Duncan will have one every day. During the interim, it meant that the Governor and Lieutenant Governor had to have food tasters if they went out to dinner with Senator Carona because, God forbid something would happen to them, God help us, Carona would've been Governor of Texas. But I say that to make the point: Under our tradition, if you serve in this body long enough, we do it by rotation, you will become President Pro Tempore of the Senate. That's how I got it, and some of the others. You stay here long enough, you get your turn. Robert Duncan is coming at a pivotal time in our history because we're going to make some tough decisions this session, as we do every session, make decisions where traditions are important. They make this body work. Now, Robert Duncan has passed about 350, 349 bills during his tenure in this body. That's the easy way to measure his success. You can go online and pull the 153 Senate bills and the 196 House bills. Probably a more adequate measure will be the number of bills that he's killed or the number of times he has always sought to find middle ground. I sit here behind him, the wingman. I can watch his back, throw a few knives from time to time, but mainly watching his

back. It has always mystified me how Robert Duncan has always looked for a middle ground. No matter how controversial the issue, no matter how tough the issue, Robert Duncan cares about this institution. Now, Lindsey and Matthew, I know it's been tough with him being here, and you having to do so many baseball games, soccer games, and volleyball tournaments alone, without him. The great Chinese scholar Confucius once said that if you find a job that you liked, you'll never work a day in your life. Now, I want to say Robert hasn't worked a day in his life, but he has loved this job, the ability to impact, to mold public policy, to impact the lives of other people. He hasn't always taken the Republican position. He hasn't always bent enough for the Democratic position; hasn't always taken the liberal, the conservative, or the moderate position; but he's always sought compromise. Two issues that I've worked with him on that I'm very proud of, one is, we passed a statute so that inmates in Texas could get DNA testing. Craig Watkins is here today, District Attorney from Dallas County. They have the distinction of having had more people wrongfully convicted than any other county in the state. If Dallas County were a separate state, it'd be number two in the country. Robert Duncan passed that bill. You don't get a lot of votes for passing that kind of bill. Nobody will give you an award that you care to put on your résumé for passing that bill. It doesn't enhance one's ability to run for statewide office or win a primary in that district in West Texas. But 35 men and their families have had their lives changed. They've been exonerated by that bill. Robert, the real measure, the test of one's success in a public body is not how many of the big things, the finance bills, the universities that we can create, the programs that we can impact, the monuments that they put our names on, but it's helping people who don't have a voice. And, my friend, for that reason, I proudly join my colleagues in seconding your nomination for President Pro Tempore of the Texas Senate. Thank you for your service.

Senator Fraser: Thank you Governor Dewhurst. I also rise to second the nomination of my extremely good friend, Robert Duncan. And I, like Florence, I'm sure in the conversation he will become "Duncan" because that is the way he's known to all of us. Robert Duncan and I actually, I don't want to one-up the timeframe, but in '89 when he was a staffer and he was working on workers' comp and I was a freshman Member working over in the House on the same issue, we worked together, and we passed at that time one of the largest and the most meaningful pieces of legislation to ever go through the Legislature. And he was a key part of passing that legislation, even before he got in the Legislature. As Kip said, Robert came in in '93 into the House and then in '97 we ran together, we were both elected, and the reason he is here today, he has one spot seniority above me. He won a special election that year, but we entered the Legislature in '97. We found, very quickly, after we got here that we had a lot in common. We're both from the same part of the state. The people we represented looked and their philosophical bent was about the same. And we found ourselves working a whole lot more on rural issues than we did Republican and Democratic issues, and I don't think that's ever changed. Over the years, the last 12 years, we fought a lot of battles. There's been a lot of things we've done. I, like Rodney, I would like to change this, and I would like to address this to Lindsey and Matthew, visit with you, because in our time in the Legislature, we develop a relationship with the family process and the kids. I met Mike Jackson's kids in '89 when, you know, we

were freshman Members. I've watched them grow up. Eddie Lucio's kids, I've got a great relationship through them. Carlos Zaffirini, little Carlos, you know, we saw him so much, things he did. Now, the Seliger kids, you know, where they've become a big part of our life. But, there's really an interesting connection with you two, and a lot of it is that my oldest son shared, my three kids did the same thing you did. You had to share your father with the people of the State of Texas and also the people from the district he represented. But, I would tell you, you have an amazing reason to be proud of your father. You think about the time that he's been in office and the things that he's done, Texas has become the preferred place in the United States for people to live. We're the fastest-growing state in the nation. The legislation that we, and I will say, he passed has made us the hottest business place to do business in America. The workers' comp bill, the tort reform, him serving on the budget committee, conference committee, businesses and people all around the nation are wanting to come to Texas to live because of the work of your father. Kip said he's one of the hardest-working Members, I will echo that. He's here all the time, and I know that the time he spends here is, through his dedication, is that he has to split time with us, with his law practice, with the family, and we all know that that's not easy. I would tell you, your father, probably the biggest legacy he will leave, you're enjoying the benefits of today, Lindsey, as a senior at Texas Tech and Matthew as a freshman. The education you're going to receive and the recognition now that Texas Tech is receiving, not only academically, but also now, you know, as you know they spent some time as the number one team in the nation, football. Texas Tech has become a national leader, and a lot of that is because of your father. I'm very honored, Robert, to have served with you. It's not by accident that we sit next to each other. You're a crutch to me legally. A lot of times with issues, I'll lean forward and I'll say, Duncan, what's going on, what does that one mean, and we'll have to talk about what's going on in the bill, and hopefully there are times that I can offer the same thing back to you. And I'll leave you with one thought, of all the bills that we have passed through the years, I would bet you that both of us, bragging-rights-wise for the people that we represent, the boll weevil eradication bill still is one of our favorites. Mr. President, I am extremely honored to second the nomination of my good friend, Robert Duncan.

Senator Van de Putte: Thank you Mr. President. Mr. President and Members, I rise to second the nomination of a great leader in the Texas Senate, Robert Duncan. Many of us know that Robert is a lover of the law, and he is esteemed in the legal system because it protects fairness, and of anything we know about Robert Duncan is that he treasures fairness. He's always worked for a quality of life, whether that's in education or in our retirement systems, and we all know that he has done a great deal for his beloved West Texas for that economic viability. If you think about West Texas, you think about the stark beauty and the deep canyons of Palo Duro Canyon. Well, I don't know if Bob is a beauty, but he is rugged, and he doesn't look too bad in faded jeans either. So, maybe the new definition of that rugged, West Texas man is not the Marlboro Man, but maybe an intellectual who understands West Texas and is always chewing on some nicotine gum. You know, there's a lot about West Texas that you know is absolutely Robert Duncan: a place where people understand that they've got to have that can-do spirit, a place where rugged individualism is treasured, a place where people understand and first they say, you pull yourself up from your own

bootstraps, but a place in our state that transcends all areas, where they know that neighbor helps neighbor in good times and in bad. And so, although I've heard the comments today of all of my esteemed colleagues, I've got to tell you that it's the neighbor helping neighbor that I think drives Robert Duncan. He has that dry sense of humor just like dry, arid West Texas. And sometimes, when he says something funny, you don't realize it until a day later. He has a way with words and making up new things. Like, instead of saying we need to address this at a later time, he says, we're gonna lean into it, we've gotta lean into it. Or when we're trying to look for new phrases in the education community—tying all boats, going together, or rising waters lift all—no, Robert comes up with, well, we've got to gear-shift this. Instead of triggering or a lever, he talks about gear shifts. So, he puts things in perspective using common ordinary terms that everyone can understand, even though you and I know he's got a brilliant mind. And although he comes from a dry climate, I know that he shared, well, let's just say, he's wet his whistle a couple of times with some of the Senators. His hometown of West Texas is home to Buddy Holly, a rock star. Okay, so maybe Robert Duncan is a rock star in a different sense. Instead of having a prize guitar, he has those irreplaceable notebooks, and those of you that have worked with Robert know these notebooks. He arduously takes notes at every meeting. And he has these cataloged so that whatever project that he's working on, whether it was something on the tort issue or on education or on our retirement systems, there's documentation in the notebook. But, you know, his hometown is also known as one of the places in history where we had, well, you remember the Lubbock Lights incident where that was one of the most famous cases of UFOs? Now, I'm not trying to say, I'm not saying anything, but it was about the time of Robert Duncan's birth. Now, I'm not saying anything about him being an alien, but how can you combine that brilliant mind and work ethic with a sense of compassion? So, he is a very special person. He's an avid fan of Texas Tech, and we've enjoyed hosting Texas Tech many times at the Alamo Bowl in San Antonio, and you will not find anybody more vocal than Robert Duncan. But, finally, I'm reminded of the saying that my grandmother always said in Spanish that says, *el gallo que canta, canta donde quiera*, which means, the rooster that crows is going to crow anywhere. Robert, if you had been a big-time financial investor and in a corporate boardroom, you would've been a phenomenal success, because that rooster would've crowed there, too. If you had decided to be a law professor in one of our esteemed Texas law schools because you respect and you love the law so much, you would've been the rooster that would crow there, too. You would've had that as your barnyard. But we in the Texas Senate are so very proud and honored that *el gallo* decided that this would be your corral, because we have benefited from your insight, your leadership, as well as the entire State of Texas. I love it when you squint. At first I thought, maybe he just doesn't want to see me and look into my eyes, because I can always tell if I can look into someone's eyes. At first I thought, well, maybe he's just got too much West Texas sun when he squints, but it's not. You're just reflecting and you go to that place, that performance zone, so that you can get your point across or reflect and understand that it's all of us as a body that make the public policy. And so, West Texas, rugged, beautiful, sometimes

unforgiving, but always welcoming, just like my friend, Robert Duncan. I am honored to second the nomination of Robert Duncan as President Pro Tempore of the 81st legislative session.

Senator Williams: Thank you Mr. President. It's my pleasure to rise and second the nomination of Bob Duncan for President Pro Tem of the Senate. We've heard wonderful things about what a man of great integrity Bob is, how thoughtful he is, what a thoughtful and deliberate State Senator he is, and all those things are true, and I wish to second those. But there's one other thing that I think I'm in a unique position to share, that people should know, and that is what a patient and instructive mentor you have been to me and to many other Members. It's been my pleasure for the last four years to serve as Vice-chair of the State Affairs Committee that you chair. And during that time, the courtesy that you've extended me, the patience that you have shown with my inexperience in the Senate, and all of the time that you've spent to make sure that I was included in the process and understood how the committee worked and what our goal was, means more to me than you will ever know. It has been one of the highlights of my Senate career, and I would have been remiss if I hadn't stood up and said how much I appreciate that about you, Bob. And it's my pleasure to second your nomination. I'm certain our body will be well served by your election to President Pro Tem of the Texas Senate.

Senator Gallegos: Thank you Mr. President. I also rise to second the nomination. My friend, Bob Duncan, let me, Bob and I served in both the House and the Senate, and I knew he was going to be special when I worked with him in the House. But then in the Senate, when he brought one of the, Governor Bush had brought a couple of issues that were emergency appropriation items, and Bob had brought up an issue before the Senate Finance on the \$25 million emergency appropriation for the eradication of a boll weevil. You know, I grew up in the barrio of Magnolia Park, and I had no idea what a boll weevil was. And I said, well, it's an emergency, so let's vote on it. But then I found out it was because of the cotton, the cotton, and these boll weevils eat the cotton and whatever, they destroy it and all that. And then, I started thinking to myself, well, when you do get the cotton, when you get it baled, then they truck it to Houston, and it goes into my warehouse there at the Port of Houston. It's going to be warehoused for a little bit before it gets put on a boat. So, I decided to come up with an amendment to his emergency amendment, and when that cotton hits that warehouse, we're looking at my channel rats that eat on the cotton. So, I added an amendment for \$25 million for the eradication of channel rats in Houston. I got a second from Senator Lindsay, and I think I had the votes to pass it, but we withdrew. I knew he was going to make his mark when he brought the boll weevil issue up. But then I knew, let me tell you the time when myself and Troy were Co-chairs of Redistricting. We went all over the state on the redistricting issue, and I remember, and Bob took some hits. All of us really took some hits, but I knew he was going to just excel when we went down to South Texas. I'm not going to say the town, but it was standing room only in that town on the Redistricting Committee hearing. And all of a sudden, there's a group come in with drums and bugles and all that. I could tell that Bob was getting a little, I've seen this before, but Bob and others on the committee were getting a little jitterish. And he probably thought, well, what's coming after the drums and the bugles, probably militia and cannons. Those people in South

Texas are really, really strong about redistricting. And so I told, at that time on the committee, I think Senator Lucio was on there with me and Senator West, and Senator West come to me and said, why don't we get out of here and just leave Duncan here by himself before they really break, you know, burn down the place? So, but Bob in his cool fashion, and I've been told this before, too, just told the crowd, he gaveled, and he told the crowd, what part of sit down and shut up do you not understand? That's not what he said, but I don't mind telling you, he was really, I mean, it could've been a disaster there, but he was cool. I mean, that's what's good about him, I mean, regardless of wherever he goes, and he knew exactly how to handle those folks, along with some help from West and myself, and at that time, Gonzalo Barrientos was on the committee, too. But he really showed me a lot there, and he showed me that he could handle folks wherever they come from. And he showed me a lot on that Redistricting Committee. For that, it's an honor and a privilege for me to second the nomination of my good friend, Bob Duncan.

Senator Lucio: Thank you Mr. President. Members, I proudly rise to second the nomination of Robert Duncan. And I have to because there's some stories that came up, and the boll weevil story's probably the best of all. The first rumble I had with this man was over the boll weevil funding, eradication funding, and, Bob, I didn't realize you all grew cotton in West Texas. But I tried to convince Robert that if we stopped them at the border, because they were coming over from Mexico, he wouldn't have to worry about boll weevils in West Texas. Anyway, he's a man that carries a big stick. He does speak softly, and I'm very proud to rise and join my colleagues. You do have a work ethic second to none. You're relentless in your pursuit of excellence. Robert, we're all very proud of having you on the Senate floor, and you took the place of another great statesman. You yourself told me that John Montford was a great time for you in your life, and I have to mention him because he had your style as well. And although there have been droughts in West Texas, one thing there hasn't been a drought for is great Senators like yourself. And we're proud to call you our colleague, and we're proud to work alongside of you for the good of Texas. Thank you, Robert.

The President declared that the Honorable Robert Duncan had been duly elected President Pro Tempore of the 81st Legislature by a rising vote.

The President appointed the following committee to escort Senator Duncan and his family to the President's Rostrum: Senators Harris, Chair; Seliger, Shapleigh, West, and Zaffirini.

Senator Duncan and his party were then escorted to the President's Rostrum by the committee.

OATH OF OFFICE ADMINISTERED

The President administered the Constitutional Oath of Office to Senator Duncan as follows:

I, Robert Duncan, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

ADDRESS BY PRESIDENT PRO TEMPORE

President Pro Tempore Duncan addressed the Senate as follows:

It's a great honor to be here and to be nominated and elected President Pro Tem of the Texas Senate. The Texas Senate is the greatest institution and the greatest deliberative body in the world. I have the greatest and utmost respect for each and every one of the Members of the Texas Senate and their families that make the sacrifice for you being able to serve in this great body. I'm very grateful for my family, Lindsey and Matthew, who have lived through politics all of their life, and the fact that their dad was away from here, and who have supported me in every way in this position. I really have to say thank you to my immediate family, my sister Frankie and Tom Locke, who are here today. I want to introduce Grant Burge, who is Lindsey's friend. Grant, you all stand up a little bit, and let everybody see you. That's not necessarily an endorsement, Grant, but it will get you close. We have, my other sisters who can't be here, but who have played a role in my life, Carol Wright of Plainview and her husband, Tim; Mary Duncan of Washington, D.C.; and Jill Duncan, who lives here in Austin. Also, you don't do this job without sacrificing your business at home and my partners at the firm of Crenshaw, Dupree & Milam, which, by the way, is 100 years old this year, and had one of the first Senators from Lubbock. Senator Bledsoe was a member of that firm back in the early 1900s. Without their help and support, I couldn't do this job. My secretary, Dede Kirkpatrick, and her husband, Eddie—Dede is actually a Senate staffer. She just doesn't know it. She handles all of the things. And then, we don't get to where we want to be without our staffs, and you know, Senator Averitt mentioned the notion of being a staffer and how important that is, but all of us look good because of what our staffs do for us. And so, I have the highest respect for all of our staffs. John Montford was a great mentor for me, and he said, whenever I was a staff member, he said, you know, the greatest club in the world is the Texas Senate. Everyone ought to have an opportunity to do it. And, you know what, he was right. I want to thank each and all of the persons for your nice things that you said in your speeches. I'll try not to disappoint you, and I'm glad that I'm being nominated in the beginning of the session and not the end of the session. May God bless Texas.

VIDEO RELEASE POLICY WAIVED

On motion of Senator Whitmire and by unanimous consent, the Senate policy that governs the release of recordings of the Senate proceedings was waived in order to grant the request of President Pro Tempore Duncan for a DVD of today's session.

SENATE RESOLUTION 4

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize His Eminence, Daniel Cardinal DiNardo, Archbishop of Galveston-Houston, and to congratulate him on his appointment as the first Roman Catholic Cardinal in the American South; and

WHEREAS, The son of Nicholas and Jane DiNardo, Cardinal DiNardo was born on May 23, 1949, in Steubenville, Ohio, and grew up in neighboring Pittsburgh; after earning his bachelor's and master's degrees in philosophy from The Catholic University of America, this gifted scholar went on to study theology in Rome at the Pontifical Gregorian University and the Augustinianum; he was ordained in 1977 and served in the Diocese of Pittsburgh as a parochial vicar, an assistant chancellor, and a professor at Saint Paul Seminary; and

WHEREAS, An appointment to the Vatican Congregation for Bishops took Cardinal DiNardo back to Rome in 1984; six years later, he requested to return to pastoral duties in the United States, and the bishop of Pittsburgh eventually selected him to found the new parish of Saints John and Paul; in addition, he served as an assistant spiritual director at Saint Paul Seminary and taught in the formation program for priests; and

WHEREAS, In 1997, Cardinal DiNardo was ordained bishop of the Diocese of Sioux City, Iowa; his achievements as a theologian, pastor, educator, and administrator led to his appointment in 2004 as coadjutor bishop of Galveston-Houston; the diocese gained the status of a metropolitan archdiocese later that year, and Cardinal DiNardo succeeded Archbishop Joseph Fiorenza on the Archbishop's retirement; on November 24, 2007, he was elevated to the College of Cardinals, a historic milestone for the archdiocese, which encompasses 10 counties and 1.5 million Catholics within its boundaries; and

WHEREAS, Cardinal DiNardo has won wide admiration throughout his career for his insightful sermons, deep compassion, and humble, engaging manner; in guiding the Galveston-Houston Archdiocese, he has made administrative appointments that reflect the area's diversity and has fostered a unity of faith among people of varied ethnic backgrounds; while shepherding a growing flock in South Texas, he also shares his expertise through the United States Conference of Catholic Bishops as an advisor to the National Association of Pastoral Musicians and as a member of the Ad Hoc Committee to Oversee the Use of the Catechism, and serves on the board of The Catholic University of America and with the National Catholic Partnership on Disability; and

WHEREAS, The inspiring spiritual leadership of Cardinal DiNardo has ushered in an exciting era for the Galveston-Houston Archdiocese, and his appointment as the first Roman Catholic Cardinal in the southern United States has gladdened the hearts of many people of faith; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby congratulate His Eminence, Daniel Cardinal DiNardo, Archbishop of Galveston-Houston, on his elevation to the College of Cardinals and welcome him to the State Capitol.

SR 4 was read.

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

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

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate His Eminence Daniel Cardinal DiNardo, Archbishop of Galveston-Houston, accompanied by Bishop Gregory Aymond of Austin.

The Senate welcomed its guests.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 2 by Shapleigh, Recognizing the Honorable Paul Moreno of El Paso for his contributions as a Member of the Texas House of Representatives.

SR 3 by Patrick, Honoring election volunteers on the occasion of Volunteers for Democracy Day.

SR 6 by Watson, Recognizing Diane Vasquez on the occasion of her retirement from the Texas Department of Criminal Justice.

Official Designation Resolution

SR 5 by Hegar, Declaring January 26, 2009, VC Pirates Day in Texas.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:41 p.m. adjourned, in memory of Lieutenant Zachary Cook, who died in a helicopter crash in College Station, until 11:00 a.m. tomorrow.