

# SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

---

---

AUSTIN, TEXAS

---

---

PROCEEDINGS

---

**THIRD DAY**

(Monday, January 26, 2009)

The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

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

The Reverend Amy BeVille Elder, Interim Minister, Bethany Christian Church, Austin, offered the invocation as follows:

Strong yet gentle creator, we thank You for these honorable women and men who gather here to serve all Texans. You have given them enough time to struggle through the important business of our communities. You have given them enough skill and wisdom to deal with the tough issues of the 21st century. You have given them Your patience to deal with each other, difficult times, and even bitter disagreements. For such gifts, we thank You. We pray today for our new administration, for President Barack Obama, and the historic nature of what his presidency means for our country and the world. For the hope and sense of expectancy that his leadership brings, we are grateful. May we, with him, find ways to solve the pressing problems of these days through creative thinking and unique partnerships. Remind all of us that it is our task to work through the hard places. Give us restraint in the face of anger, give us eloquence when our words won't come, give us softness when loud voices cry for attention, and give us compromise so that bitter strife is resolved by working together. These are the things that a mighty God can gift to God's own people on this 26th day of January 2009. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Wednesday, January 14, 2009, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

**CO-AUTHOR OF SENATE BILL 21**

On motion of Senator Zaffirini, Senator Wentworth will be shown as Co-author of **SB 21**.

**CO-AUTHOR OF SENATE BILL 92**

On motion of Senator Van de Putte, Senator Uresti will be shown as Co-author of **SB 92**.

**CO-AUTHOR OF SENATE BILL 93**

On motion of Senator Van de Putte, Senator Uresti will be shown as Co-author of **SB 93**.

**CO-AUTHORS OF SENATE BILL 105**

On motion of Senator Hinojosa, Senators Shapleigh and West will be shown as Co-authors of **SB 105**.

**CO-AUTHOR OF SENATE BILL 160**

On motion of Senator Ellis, Senator Shapiro will be shown as Co-author of **SB 160**.

**CO-AUTHOR OF SENATE BILL 261**

On motion of Senator Deuell, Senator Huffman will be shown as Co-author of **SB 261**.

**CO-AUTHORS OF SENATE BILL 297**

On motion of Senator Van de Putte, Senators Harris and Uresti will be shown as Co-authors of **SB 297**.

**CO-AUTHOR OF SENATE BILL 382**

On motion of Senator Van de Putte, Senator Uresti will be shown as Co-author of **SB 382**.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

January 26, 2009

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:

**SCR 2**, Commemorating the centennial of West Texas A&M University.

**SCR 3**, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 14, 2009, and ending on Monday, January 26, 2009.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 17, HCR 19.**

### **PHYSICIAN OF THE DAY**

Senator Davis was recognized and presented Dr. Sandra Parker of Fort Worth as the Physician of the Day.

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

### **SENATE RESOLUTION 34**

Senator Nelson offered the following resolution:

WHEREAS, Members of the Association of Texas Professional Educators are visiting the State Capitol on January 26, 2009, in conjunction with ATPE Day at the Capitol; and

WHEREAS, The Association of Texas Professional Educators is the preeminent educator association in Texas and the largest independent educators' association in the nation; and

WHEREAS, The association is owned and governed by a membership of more than 112,000 people, including classroom teachers, administrators, paraprofessional educators and school support staff, college students and teacher trainees, retired educators, and members of the general public; and

WHEREAS, The members of the association are committed to supporting quality public education and the professional rights and obligations of the education community; members believe they have an obligation to be effective, proactive leaders in the field of education while representing themselves and their profession; and

WHEREAS, The association encourages its members to be politically active individually and encourages its local units to foster interaction with local legislators and keep legislators knowledgeable about current educational issues and conditions; and

WHEREAS, ATPE Day at the Capitol is an event designed to facilitate direct interaction between legislators and educators and to engage members of the education community in the legislative process through political involvement training and Capitol visits; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby recognize January 26, 2009, as ATPE Day at the State Capitol and extend to association members and officers best wishes for an enjoyable and productive visit to Austin; and, be it further

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

**SR 34** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a delegation of teachers representing the Association of Texas Professional Educators.

The Senate welcomed its guests.

### **ESCORT COMMITTEE APPOINTED**

In accordance with the provisions of **HCR 19**, the President announced the appointment of the following as a Committee to Escort the Governor and First Lady of Texas to the Joint Session: Senators Duncan, Shapiro, West, Nelson, and Lucio.

### **GUESTS PRESENTED**

Senator Huffman was recognized and introduced to the Senate a delegation of citizens from Galveston.

The Senate welcomed its guests.

### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

#### **Memorial Resolutions**

**SR 30** by Hegar, In memory of Edward J. Dokupil of Bastrop.

**SR 44** by Shapleigh, In memory of Ray Pearson of El Paso.

#### **Welcome and Congratulatory Resolutions**

**SR 17** by Watson, Congratulating the recipients of the 2009 Texas Exes Awards for Outstanding Teachers.

**SR 18** by Watson, Recognizing C. Ellis Nelson for his contributions to the Austin Presbyterian Theological Seminary.

**SR 19** by Watson, Welcoming the Korean exchange teachers participating in the Fulbright American Studies Institute for Korean Secondary School Teachers of English program.

**SR 20** by Van de Putte, Recognizing Edgewood Independent School District in San Antonio on the occasion of the opening of the new campus of C. P. Stafford Elementary School.

**SR 22** by Van de Putte, Recognizing Harmony Science Academy-San Antonio on the occasion of the opening of its new school building.

**SR 31** by Hegar, Welcoming BEST Leadership of Bastrop County to the Capitol.

**SR 36** by Ogden, Recognizing Kenneth L. Love on the occasion of his retirement as the Mayor of Hutto.

**SR 38** by Williams, Recognizing Trans Ionics Corporation of The Woodlands for being named one of the top 10 most promising energy and clean technology companies.

**SR 40** by Shapleigh, Commending William Rodriguez for his contributions to his country in the United States Air Force.

**SR 41** by Shapleigh, Congratulating Arturo J. Bañuelas of El Paso for receiving the Adelante Con Ganas Award.

**SR 42** by Shapleigh, Recognizing the Blinded Veterans Association Rio Grande Regional Group for its contributions to the veterans in the Paso del Norte region.

**SR 43** by Shapleigh, Congratulating Cori Harbour of El Paso for being named president-elect of the Texas Young Lawyers Association.

**SR 45** by Seliger, Congratulating Ted Collins, Jr., for earning the Permian Basin Petroleum Association's 2008 Top Hand Award.

#### **Legislative Policy Resolution**

**SR 39** by Whitmire, Granting the Texas DeMolay Association permission to use the Senate Chamber on February 21 and 22, 2009, and February 20 and 21, 2010.

#### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 1:40 p.m. adjourned until 10:30 a.m. tomorrow.

