

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

SIXTEENTH DAY

(Wednesday, February 25, 2009)

The Senate met at 11:06 a.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 John F. McCormick, Wesley Chapel African Methodist Episcopal Church, Georgetown, offered the invocation as follows:

To You, O God, we give thanks. We thank You for yesterday's blessings and today's new mercies. We thank You for protecting us during our most vulnerable times and strengthening us during our weakest moments, for reassuring us during our times of doubt, and for encouraging us when we are down. We pray for Your divine presence, not only in this Chamber but in every constituency represented here today. Bless each elected official, each family, and staff member connected with this Chamber. We pray for the peace that surpasses all understanding, even during spirited debate. Thank You for reminding us that despite our differences, we are all related through our humanity, a gift from You that cannot be taken for granted. To You, O God, we give thanks. Amen.

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

The motion prevailed without objection.

CO-AUTHORS OF SENATE BILL 18

On motion of Senator Estes, Senators Eltife, Hegar, Jackson, Patrick, Uresti, Van de Putte, and Zaffirini will be shown as Co-authors of **SB 18**.

CO-AUTHOR OF SENATE BILL 31

On motion of Senator Zaffirini, Senator Ogden will be shown as Co-author of **SB 31**.

CO-AUTHORS OF SENATE BILL 108

On motion of Senator Ellis, Senators Van de Putte and Zaffirini will be shown as Co-authors of **SB 108**.

CO-AUTHOR OF SENATE BILL 182

On motion of Senator Patrick, Senator Nichols will be shown as Co-author of **SB 182**.

CO-AUTHOR OF SENATE BILL 843

On motion of Senator Uresti, Senator Van de Putte will be shown as Co-author of **SB 843**.

CO-AUTHORS OF SENATE BILL 1100

On motion of Senator Watson, Senators Carona, Davis, Van de Putte, and Wentworth will be shown as Co-authors of **SB 1100**.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 17**.

PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. James Marshall of Abilene as the Physician of the Day.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 25, 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 26, Recognizing Ipswich, Queensland, Australia, on the occasion of the 40th Anniversary Memorial Service in honor of the crew of the USS Frank E. Evans.

SCR 27, Recognizing February 26, 2009, as TIPRO Day at the State Capitol.

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:

Austin, Texas

February 24, 2009

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

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas State Board of Acupuncture Examiners for terms to expire January 31, 2015:

Suehing Yee Woo Chiang

Sugar Land, Texas

(replacing Sheng Chen of Austin whose term expired)

Linda Wynn Drain

Lucas, Texas

(replacing Pedro Garcia of Frisco whose term expired)

Donald Ray Counts, M.D.

Austin, Texas

(Dr. Counts is being reappointed)

To be members of the State Board of Examiners of Marriage and Family Therapists for terms to expire February 1, 2015:

Joe Ann Clack

Missouri City, Texas

Michael R. Puhl

McKinney, Texas

Beverly Womack

Jacksonville, Texas

(the individuals listed above are being reappointed)

To be members of the Task Force on Indigent Defense for terms to expire February 1, 2011:

Anthony C. Odiorne

Amarillo, Texas

Olen U. Underwood

Willis, Texas

(the individuals listed above are being reappointed)

To be a member of the State Securities Board for a term to expire January 20, 2015:

Derrick Maurice Mitchell

Houston, Texas

(Mr. Mitchell is being reappointed)

To be members of the Texas Commission of Licensing and Regulation for terms to expire February 1, 2015:

Mike Arismendez, Jr.
Shallowater, Texas

LuAnn Morgan
Midland, Texas

Fred N. Moses
Plano, Texas

(the individuals listed above are being reappointed)

To be members of the Texas Municipal Retirement System for terms to expire February 1, 2015:

April Nixon
Arlington, Texas

H. Frank Simpson
Missouri City, Texas

(the individuals listed above are being reappointed)

Respectfully submitted,

/s/Rick Perry
Governor

SENATE RESOLUTION 141

Senator Williams offered the following resolution:

WHEREAS, The office of justice of the peace, first established in 1362 by King Edward of England, and the office of constable, first established in 1215 by King John of England, were two of the first offices established in the American colonies in 1620; and

WHEREAS, In Texas, both offices were created by the Texas Constitution, and they serve a vital role in the delivery of county government responsibilities to citizens on the local level; and

WHEREAS, The justices of the peace are an integral part of the Texas judiciary; they exercise jurisdiction in criminal misdemeanor cases punishable by fine or sanctions and exercise civil jurisdiction in matters of controversy under \$5,000; justices of the peace preside over those courts closest to the people and were first established as "grass roots" courts in 1836 when Texas became a republic; and

WHEREAS, The constables serve as officers of the court as bailiffs, execute civil and criminal processes issued by Texas courts, and enforce criminal laws as certified peace officers; constables were first documented in Texas in 1823 by Stephen F. Austin when Texas was still under Mexican rule; and

WHEREAS, The men and women who accept the responsibilities of the offices of justice of the peace and constable perform the duties of their office with integrity, dedication, and the required knowledge of the law, thereby contributing immeasurably to the justice system, the safety of the citizens of Texas, and the peace and order of our society; and

WHEREAS, The Justices of the Peace and Constables Association of Texas, Incorporated, has represented the interests of more than 4,000 Texas justices of the peace, constables, and members of their staffs for over 60 years; and

WHEREAS, The dedication of a special day to focus attention on the contributions of these public officials to our state is appropriate and will enlighten the public as to their role in our judicial system; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby proclaim February 25, 2009, Justices of the Peace and Constables Day, welcome the visiting members of the Justices of the Peace and Constables Association of Texas, Incorporated, to the State Capitol, and commend the justices of the peace and constables of our state for serving and protecting the citizens of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Justices of the Peace and Constables Association of Texas, Incorporated, as an expression of high regard from the Texas Senate.

SR 141 was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams, joined by Senators Seliger, Hinojosa, Patrick, Gallegos, Averitt, and Hegar, was recognized and introduced to the Senate Harris County Constable Ron Hickman; Midland County Justice of the Peace David Cobos; Matagorda County Justice of the Peace Suzan Thompson; Ellis County Justice of the Peace Jackie Miller, Jr.; and Hidalgo County Constable Larry Gallardo; accompanied by a delegation of constables and justices of the peace.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate a delegation of citizens from the City of Athens.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Averitt was recognized and introduced to the Senate a delegation of citizens from Hood County.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Daniel Miller, Heritage Middle School, Saint Hedwig; Kevin Anderson, Oak Crest Intermediate School, San Antonio; and Matthew Anderson, East Central High School, San Antonio; serving today as Honorary Senate Pages.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate a delegation of students from East Texas Baptist University, accompanied by Tommy Young, and a delegation of students from Le Tourneau University, accompanied by Linda Fitzhugh.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a delegation of citizens representing the 2009 Leadership Mid Valley Class.

The Senate welcomed its guests.

SENATE RESOLUTION 306

Senator Wentworth offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Guadalupe River Trout Unlimited for its efforts in conserving, protecting, and restoring North America's cold-water fisheries and their watersheds for future generations; and

WHEREAS, Guadalupe River Trout Unlimited is the largest chapter of Trout Unlimited in North America, boasting 4,800 members in Texas; and

WHEREAS, Guadalupe River Trout Unlimited is one of the oldest, continuously active conservation organizations in Texas; it was created in 1968 after the successful introduction of rainbow trout in the Guadalupe River; and

WHEREAS, The organization cooperates with Texas Parks and Wildlife by annually stocking \$45,000 worth of rainbow and brown trout in the Guadalupe River; and

WHEREAS, Guadalupe River Trout Unlimited contracts with the Guadalupe-Blanco River Authority to maintain a minimum in-stream flow from unallocated water in Canyon Lake, which benefits the trout fishery and improves opportunities for water recreation; and

WHEREAS, Guadalupe River Trout Unlimited contributes significantly to the local economy as a result of its stocking program and the contractual flows that encourage the recreational use of the river; and

WHEREAS, Guadalupe River Trout Unlimited educates the public by teaching fly-fishing skills and by introducing the sport to children in the classroom; it sponsors scientific studies of the Guadalupe River for better management of trout potential; and

WHEREAS, This nonprofit organization promotes "catch and release" as the fundamental tenet of conservation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby recognize Guadalupe River Trout Unlimited for its notable achievements and extend to the members of the organization best wishes for success in their future endeavors; and, be it further

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

SR 306 was read and was adopted without objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a delegation representing the Guadalupe River Chapter of Trout Unlimited: Phil Dopson, David Schroeder, and David Brown, accompanied by other representatives.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 25, 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 9, Requesting that the Texas Legislature send a letter of congratulations to President Barack H. Obama.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 293

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing February 25, 2009, as Texas Dental Association Day; and

WHEREAS, The Texas Dental Association originated at a meeting of members of the dental profession held in Houston in 1869; the association was chartered on May 17, 1871, and the first organized meeting for which official minutes survived was held September 1, 1873, in Austin; and

WHEREAS, The association's *Texas Dental Journal* was first published in 1883 and is the oldest continuously operating dental periodical in the Western Hemisphere; following seven years of study and discussion by the association on the regulation of dental practice in Texas, the first law regulating dental practice was passed by the Texas Legislature in 1889; and

WHEREAS, The association has grown from a membership of 18 Texas dentists and 22 honorary members in 1873 to a membership of over 8,000 in 2009; its core purpose is to be the "Voice of Dentistry in Texas" and it strives to advance the profession with credibility and integrity, nurture and mentor professionals in the field of dentistry, and promote quality oral health care for all Texans; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the Texas Dental Association for representing the oral health care providers in our state and for advocating the highest of standards for the dental profession; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the association on Texas Dental Association Day.

SR 293 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro, joined by Senator Nelson, was recognized and introduced to the Senate a delegation of representatives of the dental profession: Dr. John Findley, President, American Dental Association; Dr. Hilton Israelson, President, Texas Dental Association; and Dr. Paul Rubin, President, Texas Academy of Pediatric Dentistry; accompanied by other representatives of the dental profession.

The Senate welcomed its guests.

SENATE RESOLUTION 268

Senator Davis offered the following resolution:

WHEREAS, Members and alumni of Leadership Colleyville contribute immeasurably to the betterment of their community through their outstanding civic engagement; and

WHEREAS, Founded in 1987, this notable program provides opportunities for participants to increase their knowledge of vital issues and to visit with leaders who are making decisions that affect their community; and

WHEREAS, The group's offerings inspire the spirit of activism and provide a diverse membership with leadership training, networking opportunities, and insight from knowledgeable people in both the public and private sectors; topics covered include ethics in business, city history and government, stress management and public speaking, transportation, the environment, the judicial system, economic development, health care, and more; and

WHEREAS, Participants also experience personal development and engage in team building through their involvement in a community service project and a ropes challenge course; and

WHEREAS, Through its efforts to develop new leaders and build a more informed and involved citizenry, Leadership Colleyville is helping to create a brighter and more promising future for the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby commend all those associated with Leadership Colleyville for their civic leadership and volunteerism and extend to them sincere best wishes for continued success and achievement; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the group as an expression of high regard by the Texas Senate.

DAVIS
NELSON

SR 268 was again read.

The resolution was previously adopted on Monday, February 23, 2009.

GUESTS PRESENTED

Senator Davis, joined by Senator Nelson, was recognized and introduced to the Senate a delegation of citizens representing Leadership Colleyville.

The Senate welcomed its guests.

SENATE RESOLUTION 265

Senator Nelson offered the following resolution:

WHEREAS, Members and alumni of Leadership Grapevine contribute immeasurably to the betterment of their community through their outstanding civic engagement; and

WHEREAS, Sponsored by the city and the local chamber of commerce, this notable 12-week program provides opportunities for participants to increase their knowledge of vital issues and to visit with leaders who are making decisions that affect their communities; and

WHEREAS, The group's offerings inspire the spirit of activism and provide a diverse membership with leadership training, networking opportunities, and insight from knowledgeable people in both the public and private sectors; topics covered include municipal government, Grapevine CISD, economic development, and historical preservation; and

WHEREAS, Through its efforts to develop new leaders and to build a more informed and involved citizenry, Leadership Grapevine is helping to create a brighter and more promising future for the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby commend all those associated with Leadership Grapevine for their civic leadership and volunteerism and extend to them sincere best wishes for continued success and achievement; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the group as an expression of high regard by the Texas Senate.

SR 265 was again read.

The resolution was previously adopted on Monday, February 23, 2009.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation of citizens representing Leadership Grapevine.

The Senate welcomed its guests.

SENATE RESOLUTION 266

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the members of the Leadership Hurst-Eules-Bedford Class of 2009 who are traveling to Austin to visit the State Capitol and to learn more about state government; and

WHEREAS, Program participants are provided many opportunities over a 10-month period to gain more insight into significant public issues and to visit with leaders who make crucial decisions on policies that affect their community; and

WHEREAS, The members of Leadership Hurst-Eules-Bedford are a group of diligent and qualified residents who have proven leadership abilities and who are committed to building an involved citizenry; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the members of the Leadership Hurst-Eules-Bedford Class of 2009 for their dedication to civic responsibilities and extend best wishes to them for a memorable and enjoyable visit to Austin; and, be it further

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

NELSON
DAVIS

SR 266 was again read.

The resolution was previously adopted on Monday, February 23, 2009.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation of citizens representing the Leadership Hurst-Eules-Bedford Class of 2009.

The Senate welcomed its guests.

SENATE RESOLUTION 267

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the members of Leadership Southlake for their many contributions to the current and future success of the Southlake community; and

WHEREAS, Committed to introducing new and acknowledged leaders to the Southlake community, Leadership Southlake is an eight-month program of classes and community involvement designed to teach emerging leaders the fine points of such issues as local government, health care, and the impact of technology; and

WHEREAS, Leadership Southlake is sponsored by the Southlake Chamber of Commerce and the City of Southlake; it offers participants the opportunity to meet other community leaders and to involve their businesses in issues that affect quality of life in the community; and

WHEREAS, By offering the opportunity to gain greater knowledge of the region, increased leadership skills, and a network of other community leaders, Leadership Southlake plays an important role in ensuring the continuing prosperity of the Southlake area; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the members of Leadership Southlake on their commitment to improving their community and extend to them best wishes for success in all their future endeavors; and, be it further

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

NELSON
DAVIS

SR 267 was again read.

The resolution was previously adopted on Monday, February 23, 2009.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation of citizens representing Leadership Southlake.

The Senate welcomed its guests.

SENATE RESOLUTION 244

Senator Jackson offered the following resolution:

WHEREAS, Proud citizens of Pearland are gathering in Austin to celebrate Pearland Days at the State Capitol on February 25 and 26, 2009; and

WHEREAS, Situated on the alluvial lowlands of Brazoria County, Pearland lies at the center of a region traversed by Native Americans and such famous historical figures as Cabeza de Vaca, Cavalier de La Salle, and Stephen F. Austin; and

WHEREAS, Founded in 1882 as a siding switch on the Gulf, Colorado, and Sante Fe Railroad, the site was originally called Mark Belt after the man whose house served as a local post office; in the mid-1890s the Southern Homestead Company constructed the town's first building, a rail depot, and the community was renamed Pearland because of the abundance of pear trees in the vicinity; the depot was the town's only link to the outside world and the center of town life; the combination freight and passenger train known as the "Bobby Train" was the only way for citizens of Pearland to travel back and forth to Houston; and

WHEREAS, The Galveston hurricane of 1900 destroyed Pearland's fruit orchards, but the region rebounded and was promoted only 10 years later by the Allison-Richey Suburban Garden Company as an "agricultural Eden" where fruit could be raised on a commercial scale; and

WHEREAS, From the mid-1960s to the present, Pearland has grown from a population of 1,497 to 80,000, making it one of the fastest-growing cities on the Gulf Coast; the life of the city is enriched with such annual events as the Winterfest in January and the Silverlake Sprint Triathlon every May; and

WHEREAS, With the original railway depot still standing as a reminder of its colorful past, Pearland looks forward to an even more dynamic future, and it is appropriate to take this opportunity to honor it; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby recognize February 25 and 26, 2009, as Pearland Days at the State Capitol and extend to the visiting delegation best wishes for an informative and enjoyable stay in Austin.

SR 244 was read and was adopted without objection.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a delegation of citizens from Pearland accompanied by Mayor Tom Reid; Gary Bucek, Co-chair, Pearland Days in Austin; Brandon Dansby, Chair, Pearland Chamber of Commerce Board of Directors; and Bill Eisen, Pearland City Manager.

The Senate welcomed its guests.

SENATE RESOLUTION 302

Senator Hinojosa offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join citizens of the Coastal Bend area in recognizing February 25, 2009, as Coastal Bend Day at the State Capitol; and

WHEREAS, Home to many of Texas' top attractions, the Coastal Bend area is an economic powerhouse with a notable history and a bright future; and

WHEREAS, The Padre Island National Seashore's 68-mile beach constitutes the longest undeveloped shoreline in the country and is a favorite of outdoor enthusiasts; the Aransas National Wildlife Refuge draws 75,000 visitors a year, and the Texas Maritime Museum draws more than 1,000 visitors a month; and

WHEREAS, The Port of Corpus Christi is the sixth-largest port in the nation and an important strategic deployment port for the United States military; Naval Air Station Kingsville is the United States Navy's largest advanced jet-training base, and Naval Air Station Corpus Christi and Naval Air Station Ingleside have played a vital role in the growth of the area; and

WHEREAS, Education plays a major role in the life of the area, with Texas A&M University—Corpus Christi, Texas A&M University—Kingsville, and Del Mar College serving over 26,000 students; Texas A&M University-Kingsville recently opened the doors of its Rangel College of Pharmacy, the state's first professional school to open south of San Antonio, and Texas A&M University—Corpus Christi recently created the Harte Research Institute for Gulf of Mexico Studies; and

WHEREAS, With its deep-water port facilities, abundant natural resources, and hard-working citizens, the Coastal Bend area of Texas is an inviting place in which to live, work, and raise a family; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the citizens of the Coastal Bend area for their many contributions to the rich cultural and economic fabric of our state and extend to them a heartfelt welcome to Austin on Coastal Bend Day at the State Capitol; and, be it further

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

HINOJOSA
LUCIO

SR 302 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa, joined by Senator Lucio, was recognized and introduced to the Senate Nueces County Judge Loyd Neal; Mayor Henry Garrett, City of Corpus Christi; Mayor Rodrigo Ramon, City of Robstown; Bobby Gonzalez, Port of Corpus Christi Commissioner; and Ariel Monte, LULAC Council No. 1 Feria de las Flores Queen; accompanied by a delegation of citizens from the Coastal Bend area.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate a delegation of citizens from the City of San Antonio, accompanied by City Councilmember Justin Rodriguez.

The Senate welcomed its guests.

SENATE RESOLUTION 316

Senator Zaffirini offered the following resolution:

SR 316, In memory of Francisco Javier Montemayor, Sr., of Laredo.

On motion of Senator Zaffirini, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Francisco Javier Montemayor, Sr., the text of the resolution is printed at the end of today's *Senate Journal*.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate family members of Francisco Javier Montemayor, Sr.: his wife, Catalina; his sons, Marco and Javier; his grandson, Luis; and his granddaughter, Jennifer.

The Senate welcomed its guests and extended its sympathy.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President 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.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:08 p.m. agreed to adjourn, in memory of Francisco Javier Montemayor, Sr., and in honor of city officials in Ciudad Juárez, Chihuahua, upon completion of the introduction of bills and resolutions on first reading, until 1:30 p.m. Monday, March 2, 2009.

SENATE BILLS ON FIRST READING

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

SB 701 by Ellis

Relating to state assistance to fund public school instructional facilities that meet certain design and construction, renovation, or improvement standards.

To Committee on Education.

SB 702 by Carona

Relating to the regulation of the towing and storage of vehicles.

To Committee on Transportation and Homeland Security.

SB 703 by Nelson

Relating to the provision of a certified copy of a birth certificate for certain minors receiving services from the Department of Family and Protective Services.

To Committee on Health and Human Services.

SB 704 by Nelson

Relating to disclosure of the prices charged to state agencies in connection with pharmacy benefit manager services.

To Committee on State Affairs.

SB 705 by Nelson

Relating to the Medicaid consolidated waiver program and other Medicaid long-term care waiver programs.

To Committee on Health and Human Services.

SB 706 by Nelson

Relating to incentives to recruit and retain allied health education program faculty.

To Committee on Higher Education.

SB 707 by Nelson

Relating to requiring a sexually oriented business to maintain certain photographic identification records; providing a criminal penalty.

To Committee on Criminal Justice.

SB 708 by Nelson

Relating to the authority of the attorney general to seek an injunction against certain employment practices involving children.

To Committee on Criminal Justice.

SB 709 by Nelson

Relating to activity that constitutes maintaining a common nuisance.

To Committee on Criminal Justice.

SB 710 by Nelson

Relating to the punishment for the offense of employment harmful to children.

To Committee on Criminal Justice.

SB 711 by Nelson

Relating to creating a winery festival permit.

To Committee on Business and Commerce.

SB 712 by Hegar

Relating to the requirement that certain defendants in a criminal case undergo testing for HIV infection and other diseases.

To Committee on Criminal Justice.

SB 713 by Carona

Relating to a prohibition on the disclosure and use of certain information recorded or collected by a transponder used to electronically assess or collect a toll.

To Committee on Transportation and Homeland Security.

SB 714 by Van de Putte

Relating to regulation of the secondary market in certain physician and health care provider discounts; providing administrative penalties.

To Committee on State Affairs.

SB 715 by Shapiro

Relating to the North Texas Municipal Water District.

To Committee on Natural Resources.

SB 716 by Carona

Relating to late fees under a residential lease.

To Committee on Business and Commerce.

SB 717 by Nichols

Relating to the consolidation of more than one water or sewer system under a single tariff by an investor-owned utility.

To Committee on Natural Resources.

SB 718 by Nichols

Relating to certificates of public convenience and necessity to provide water or sewer utility service.

To Committee on Natural Resources.

SB 719 by Nichols

Relating to the rates charged by a water and sewer utility.

To Committee on Natural Resources.

SB 720 by Nichols

Relating to the recovery of certain rate case expenses by a water and sewer utility.

To Committee on Natural Resources.

SB 721 by Hegar

Relating to a temporary prohibition on increasing the appraised value of a residence homestead for ad valorem tax purposes following determination of a protest or appeal.

To Committee on Finance.

SB 722 by Lucio

Relating to requiring counseling before closing certain home loans.

To Committee on Business and Commerce.

SB 723 by Lucio

Relating to imposing an additional duty on mortgage brokers with respect to mortgage applicants.

To Committee on Business and Commerce.

SB 724 by Hegar

Relating to the qualification of supervisors of a fresh water supply district.

To Committee on Natural Resources.

SB 726 by Eltife

Relating to the creation of the Harrison County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

To Committee on Natural Resources.

SB 727 by Patrick

Relating to the creation of DNA records for the DNA database system.

To Committee on Criminal Justice.

SB 728 by Carona

Relating to the exercise of eminent domain authority by private entities.

To Committee on State Affairs.

SB 729 by Hegar

Relating to creating a defense to prosecution for the offense of unlawful carrying of a handgun by a license holder on the premises of certain businesses.

To Committee on Criminal Justice.

SB 730 by Hegar

Relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

To Committee on Criminal Justice.

SB 731 by Jackson

Relating to the sale of certain alcoholic beverages to private club registration permit holders.

To Committee on Business and Commerce.

SB 732 by Jackson

Relating to a franchise tax credit for employers that allow employees to telecommute.

To Committee on Finance.

SB 733 by Jackson

Relating to electrical consumption by a public school district.

To Committee on Education.

SB 734 by Jackson

Relating to the board of directors of the Texas Windstorm Insurance Association.

To Committee on Business and Commerce.

SB 735 by Hegar

Relating to the issuance of marine conservation specialty license plates.

To Committee on Transportation and Homeland Security.

SB 736 by Watson

Relating to the funds consolidation process and the use of state revenue dedicated by law for a particular purpose.

To Committee on Finance.

SB 737 by Watson

Relating to conducting a study to improve transparency in the state's budgeting process and electronic access to information about the state budget.

To Committee on Finance.

SB 738 by Watson

Relating to a state agency review and analysis of the revenue sources that pay for the agency's functions and the adjustment by certain agencies of fee amounts.

To Committee on Finance.

SB 739 by Watson

Relating to transferring the Legislative Budget Board's performance review duties to the comptroller.

To Committee on Finance.

SB 740 by Watson

Relating to the computation of the franchise tax.

To Committee on Finance.

SB 741 by Nichols

Relating to jurisdiction over a wage claim filed after the deadline.

To Committee on Economic Development.

SB 742 by Wentworth

Relating to the qualifications to serve as an associate judge or visiting associate judge in certain family law proceedings.

To Committee on Jurisprudence.

SB 743 by Wentworth

Relating to the time allowed for execution of a search warrant issued to obtain an item or specimen for DNA analysis.

To Committee on Criminal Justice.

SB 744 by Wentworth

Relating to qualifications for an ad valorem tax exemption for property used to provide low-income or moderate-income housing.

To Committee on Finance.

SB 745 by Duncan

Relating to state travel policies and procedures for the reimbursement or payment of travel expenses.

To Committee on Government Organization.

SB 746 by Wentworth

Relating to the permissible uses of the state highway fund.

To Committee on Finance.

SB 747 by Carona

Relating to notice of a hospital lien.
To Committee on State Affairs.

SB 748 by Hegar

Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 161; providing authority to impose a tax and issue bonds.
To Committee on Intergovernmental Relations.

SB 749 by Hegar

Relating to the powers and duties of the Fort Bend County Municipal Utility District No. 163; providing authority to impose a tax and issue bonds.
To Committee on Intergovernmental Relations.

SB 750 by Zaffirini

Relating to the administration of psychoactive medications to persons receiving services in a residential care facility.
To Committee on Health and Human Services.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 308 by Ellis, In memory of Fauvette V. Kemper of Houston.

SR 310 by Ellis, In memory of Lani Hanako Silver.

SR 312 by Ellis, In memory of Eleanor Whilden Tinsley of Houston.

Congratulatory Resolutions

SR 309 by Ellis, Recognizing Congregation Beth Israel's West Dallas Cemetery for being designated a Historic Cemetery by the Texas Historical Commission.

SR 311 by Ellis, Recognizing A. Chyrise Wilson on the occasion of her retirement from the City of Houston.

SR 314 by Williams, Recognizing the Booze Fighters 58 Mike Buckley Memorial Barbeque Cook Off in Cleveland, Texas.

SR 317 by Shapleigh, Congratulating Teresa and Carlos Gándara for receiving the Adelante Con Ganas Award for March 2009.

SR 318 by West, Commending the Dallas County Juvenile Department for maintaining the legacy of Lyle B. Medlock.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:28 p.m. adjourned, in memory of Francisco Javier Montemayor, Sr., and in honor of city officials in Ciudad Juárez, Chihuahua, until 1:30 p.m. Monday, March 2, 2009.

APPENDIX

RESOLUTIONS ENROLLED

February 24, 2009

SCR 17, SR 64, SR 211, SR 287, SR 296, SR 300, SR 301, SR 303, SR 304

SENT TO GOVERNOR

February 25, 2009

SCR 17

In Memory
of
Francisco Javier Montemayor, Sr.
Senate Resolution 316

WHEREAS, Residents of Laredo lost a dedicated civic leader and cherished friend with the passing of Francisco Javier Montemayor Sr. on July 4, 2008, at the age of 63; and

WHEREAS, A native of Laredo, Javier Montemayor attended local public schools before earning a bachelor's degree from Texas A&M University—Kingsville and a master's degree from Texas A&M International University; answering his nation's call to duty, he was commissioned a lieutenant in the United States Army in 1968, and served a two-year tour during the Vietnam conflict; at the time of his retirement from the armed forces, he held the rank of lieutenant colonel; and

WHEREAS, In the 1970s, Mr. Montemayor worked for the Laredo Independent School District as a Reserve Officers' Training Corps drill instructor and as a counselor at the veterans affairs office, assisting area veterans in pursuit of higher-education opportunities; and

WHEREAS, After he graduated from the Thurgood Marshall School of Law at Texas Southern University in 1982, Mr. Montemayor went to work as an assistant district attorney for Webb and Zapata Counties and later as an associate municipal court judge for the City of Laredo; in 1986, he was appointed by the Webb County Commissioners Court to establish the Webb County public defenders office, which he launched in 1988; a tireless advocate for those who could not afford legal counsel, Mr. Montemayor motivated his staff to follow his example, and the county agency grew considerably under his skilled leadership; highly respected in the legal community, Mr. Montemayor directed the public defenders office until he retired in 2005 to enter private practice; through the years, he maintained professional affiliations with the Laredo-Webb County Bar Association, the State Bar of Texas, and the Texas Criminal Defense Lawyers Association; and

WHEREAS, This esteemed Texan was an avid hunter and horseman who loved spending time on his ranch, and he took great pleasure in entertaining his friends and family by singing and playing the guitar; held in deep affection for his generous spirit and readiness to extend a helping hand to others, he also contributed to numerous organizations, including the American Legion, the League of United Latin American Citizens, and the Washington's Birthday Celebration Association; and

WHEREAS, Javier Montemayor believed in protecting the rights of the underrepresented and less privileged members of his community, and he leaves behind a legacy of public service that will continue to inspire all those who were fortunate enough to know him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby pay tribute to the life of Francisco Javier Montemayor Sr. and extend sincere sympathy to the members of his family: to his wife of more than 40 years, Catalina Montemayor; to his sons, Javier, Tony, and Marco Montemayor; to his grandchildren, Jennifer, Valerie, Tony, Mia, Alexandra, and Marco; and to his other relatives and many friends; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family and that when the Texas Senate adjourns this day, it do so in memory of Francisco Javier Montemayor Sr.

ZAFFIRINI

