

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

EIGHTEENTH DAY
(Tuesday, March 3, 2009)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by President Pro Tempore Duncan.

The roll was called and the following Senators were present: Averitt, Carona, Davis, Deuell, Duncan, 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.

Absent-excused: Ellis.

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

The Reverend Dr. Tom Barnette, Believers Baptist Church, Pattison, offered the invocation as follows:

Be gracious to me, O God, according to Your loving kindness. Merciful, most high, and heavenly Father, we obediently ask You to pardon and forgive our multitude of many sins. Wash me thoroughly from my iniquity and cleanse me from my sin. Wash us and we will be whiter than snow. We ask this day that Your merciful grace will overshadow us with wisdom and purpose. Create in us a clean heart, O God, and renew a steadfast spirit within us. Forgive us for all that we have done and should not do; forgive us for all that we have to do and have not yet accomplished; and prepare us to receive the confidence and hope to do that which is righteous. Dear Lord, let Your light so shine through our deeds that all men will call You blessed. Let the resolution of praise for Your glory never be silent. O Lord, bless this assembly this day that as they do righteousness, You will uplift them on eagles' wings. Restore to us the joy of Your salvation and sustain us with a willing spirit because Your loving kindness is better than life. My lips will praise You and I will bless You, Lord, as long as I live. I pray in the name above all names, the Lord Jesus Christ. O mighty God, bless Texas and God bless the United States of America. All who love righteousness and justice for all say, 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.

LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Ellis was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 26

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-author of **SB 26**.

CO-AUTHORS OF SENATE BILL 86

On motion of Senator Nelson, Senators Shapleigh and Uresti will be shown as Co-authors of **SB 86**.

CO-AUTHOR OF SENATE BILL 98

On motion of Senator Lucio, Senator Hinojosa will be shown as Co-author of **SB 98**.

CO-AUTHOR OF SENATE BILL 189

On motion of Senator Shapleigh, Senator Davis will be shown as Co-author of **SB 189**.

CO-AUTHOR OF SENATE BILL 202

On motion of Senator Shapleigh, Senator Uresti will be shown as Co-author of **SB 202**.

CO-AUTHOR OF SENATE BILL 242

On motion of Senator Shapleigh, Senator Davis will be shown as Co-author of **SB 242**.

CO-AUTHOR OF SENATE BILL 243

On motion of Senator Shapleigh, Senator Davis will be shown as Co-author of **SB 243**.

CO-AUTHOR OF SENATE BILL 244

On motion of Senator Shapleigh, Senator Davis will be shown as Co-author of **SB 244**.

CO-AUTHORS OF SENATE BILL 343

On motion of Senator Nelson, Senators Estes and Shapleigh will be shown as Co-authors of **SB 343**.

CO-AUTHOR OF SENATE BILL 361

On motion of Senator Patrick, Senator Nichols will be shown as Co-author of **SB 361**.

CO-AUTHOR OF SENATE BILL 525

On motion of Senator Nelson, Senator Shapleigh will be shown as Co-author of **SB 525**.

CO-AUTHOR OF SENATE BILL 540

On motion of Senator Estes, Senator Davis will be shown as Co-author of **SB 540**.

CO-AUTHORS OF SENATE BILL 643

On motion of Senator Nelson, Senators Nichols and Williams will be shown as Co-authors of **SB 643**.

CO-AUTHOR OF SENATE BILL 769

On motion of Senator Williams, Senator Hinojosa will be shown as Co-author of **SB 769**.

CO-AUTHOR OF SENATE BILL 843

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

CO-AUTHOR OF SENATE BILL 982

On motion of Senator Van de Putte, Senator Davis will be shown as Co-author of **SB 982**.

CO-AUTHOR OF SENATE BILL 1059

On motion of Senator Hegar, Senator Zaffirini will be shown as Co-author of **SB 1059**.

CO-AUTHOR OF SENATE BILL 1261

On motion of Senator Uresti, Senator Zaffirini will be shown as Co-author of **SB 1261**.

SENATE RESOLUTION 338

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the players, coaches, and fans of Faith Christian School in Grapevine and the Gainesville State School for their inspirational demonstration of sportsmanship at the football game played between the schools in November, 2008; and

WHEREAS, Mindful of playing a team that plays no home games and that was without a win for the season, Faith Christian School head coach Kris Hogan determined that the team members of the Gainesville State School could benefit from an expression of support and goodwill; and

WHEREAS, Coach Hogan asked that half of the Faith Christian School fans at the game cheer for the visiting team; the fans responded wholeheartedly by creating a spirit line for them to run through and by cheering for the state school players by name; and

WHEREAS, Responding to the encouragement of the Faith Christian School fans, the state school team had one of their best games of the season; and although they ultimately lost the game 33-14, their scoring two touchdowns in the game matched the number of touchdowns they had scored in their previous eight games; and

WHEREAS, Following the game, players from Gainesville received a meal for the ride home, a Bible, and an encouraging letter from a member of the Faith Christian School team; Coach Mark Williams of the state school expressed deep gratitude on behalf of his team for this unexpected show of sportsmanship and fellowship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the coaches, players, and fans of Faith Christian School on their generosity and sportsmanship and extend to both teams best wishes for future success; and, be it further

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

SR 338 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate Kris Hogan, Coach, Faith Christian School in Grapevine, and his wife, Amy, and Mark Williams, Coach, Gainesville State School, and his wife, Keitha.

The Senate welcomed its guests.

SENATE RESOLUTION 281

Senator Seliger offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize March 3, 2009, as Cotton Day at the State Capitol in honor of the significant role cotton has played in the economic history of Texas; and

WHEREAS, Cotton farming began in Texas as early as 1745 and was practiced by Spanish missionaries living around present-day San Antonio; later, Anglo-American colonists who traveled to Texas with Stephen F. Austin would begin cultivating cotton on their settlements between the Trinity and Brazos Rivers; and

WHEREAS, In the late 1850s and early 1860s, a sharp rise in cotton production occurred when new areas for planting were opened with the westward push of Texas settlers; and

WHEREAS, Several developments aided cotton production in West Texas, an arid region devoted to ranching; inventions like barbed wire, along with the expansion of the railroad and improved methods of irrigation, allowed cotton to be grown in the plains and the prairies of the Panhandle by the early 20th century; and

WHEREAS, Because of its pervasiveness, cotton earned the title of "King" in Texas; today, cotton is still King in Texas, as our state's annual cotton harvest accounts for approximately one third of the nation's total cotton production; and

WHEREAS, Since 1999, the annual cotton crop yield in Texas has averaged 5.8 million bales; the total value of upland and pima lint cotton produced in Texas in 2007 was \$1.8 billion, and cottonseed value in 2007 was \$343.4 million; and

WHEREAS, Due to improved seed cotton varieties, along with the recent success of the Boll Weevil Eradication Program in Texas, cotton production for the last five years has averaged seven million bales, allowing the state to account for 35.5 percent of our nation's total production; and

WHEREAS, In this new millennium, uses for cotton are ever increasing; in addition to using its fiber for cloth, cottonseeds are now used for cooking oils, bio-diesel fuel, livestock feed, and cleansing products, as well as for various other products made from its linters, hulls, and meats; and

WHEREAS, Texas is a major supplier of cotton, not only for the United States, but for the world; major buyers of Texas cotton are located in Asia, Central America, and Mexico; and

WHEREAS, Consumers around the world prefer the natural fiber and renewable qualities of cotton; and

WHEREAS, The state is especially proud of its tradition of cotton growth and production; cotton is a versatile crop which affords thousands of Texans their livelihood, and those citizens associated with its production are deserving of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby extend a warm welcome to all those associated with the cotton industry who are visiting Austin on this day and best wishes for an enjoyable Cotton Day at the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the cotton industry as an expression of appreciation from the Texas Senate.

SR 281 was again read.

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

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate David Wyatt of Woodsboro, President, Texas Cotton Ginners' Association; Gerald Miligan of Lyford, President, Texas Agricultural Cooperative Council; Brandon Mikeska of Eola, President, Texas Independent Ginners' Association; Wilbert Braden of Midland, President, Texas Cotton Producers, Incorporated; and Tony Williams of Austin, Executive Vice-president, Texas Cotton Ginners' Association.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

March 3, 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:

HCR 78, Declaring March 2 and 3, 2009, as Kilgore Days at the State Capitol.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

(Senator Hegar in Chair)

SENATE RESOLUTION 196

Senator Duncan offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the members of the Rolling Plains Communities Partnership and citizens across the Lone Star State in celebrating March 3, 2009, as Rolling Plains Day at the State Capitol; and

WHEREAS, The scenic Rolling Plains of North Central Texas is an area of approximately 28 million acres, much of which is covered with juniper woodlands and prairie midgrasses; the rugged Caprock Escarpment separates the Rolling Plains from the High Plains; and

WHEREAS, Four Texas rivers run through the soft prairie sands and clay soil of the region; the Canadian River, the Colorado River, the Concho River, and the Red River offer scenic beauty and many recreational opportunities; and

WHEREAS, The Rolling Plains Communities Partnership encourages rural counties to pool their resources in order to promote economic and community development in the area; the counties of Wheeler, Donley, Collingsworth, Briscoe, Hall, Childress, Motley, Cottle, Foard, and Hardeman have all benefited from the partnership's work; and

WHEREAS, The leadership and services provided by the Rolling Plains Communities Partnership have assisted numerous Texans, and this outstanding organization is truly deserving of recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the citizens of the Rolling Plains for their many contributions to our state and welcome the delegation of the Rolling Plains Communities Partnership to Austin for Rolling Plains Day at the State Capitol; and, be it further

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

SR 196 was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Karl Holloway, Greater Paducah Economic Development Council Board Member; Silas Ragsdale and Amber Henderson, Childress Economic Development Corporation Board Members; Bryan Tucker, Childress City Manager; and Toby Tucker, Childress Independent School District Assistant Superintendent.

The Senate welcomed its guests.

(President Pro Tempore Duncan in Chair)**GUESTS PRESENTED**

Senator Carona was recognized and introduced to the Senate faculty and students from The University of Texas at Dallas.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Ogden was recognized and presented Dr. John Keller of Fairfield as the Physician of the Day.

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

GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate a delegation representing the Texas Building Owners and Managers Association.

The Senate welcomed its guests.

SENATE RESOLUTION 339

Senator Uresti offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Val Verde County and Texans across the state in celebrating March 3, 2009, as Val Verde County Day at the State Capitol; and

WHEREAS, Situated in southwest Texas along the Mexican border, Val Verde County has been the site of human settlement for more than 6,000 years; early settlers were drawn by the numerous springs that flowed in the area and drained into the Pecos and Devils Rivers; and

WHEREAS, Val Verde County was organized in 1885 from territory from Crockett, Kinney, and Pecos Counties, and Del Rio became the county seat; in that same 1885 election, Roy Bean of Langtry was elected justice of the peace; he presided in a saloon and became known as the "Law West of the Pecos"; and

WHEREAS, Val Verde County is known for the Amistad Dam and Reservoir, a joint United States-Mexico project that provides flood control and power in addition to many recreational opportunities; international cooperation is celebrated in October each year at the Fiesta de Amistad, which is held in Del Rio and its sister city, Ciudad Acuña, Coahuila, Mexico, with a week of festivities and an international parade; and

WHEREAS, Another important feature of Val Verde County is Laughlin Air Force Base, home of the 47th Flying Training Wing of the Air Education and Training Command; the base sees more takeoffs and landings than any other airport in the country; and

WHEREAS, The citizens of Val Verde County are rightly proud of its distinguished history and the many contributions its people have made to the growth and progress of our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the citizens of Val Verde County on their many contributions to our state and extend to them a sincere welcome to Austin as they celebrate Val Verde County Day at the State Capitol; and, be it further

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

SR 339 was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate Val Verde County Sheriff Joe Frank Martinez, Del Rio Mayor Efrain Valdez, and Val Verde County Judge Manuel Fernandez, accompanied by a delegation of citizens from Val Verde County.

The Senate welcomed its guests.

SENATE RESOLUTION 330

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the members of the Texas Medical Association and the Texas Medical Association Alliance and the medical students and residents who have come to Austin to take part in the First Tuesdays at the Capitol program; and

WHEREAS, Texas Medical Association physicians and Alliance members, students, and residents travel to Austin from across the state on the first Tuesday of each month during legislative sessions to visit their legislators and discuss issues that relate to the practice of medicine and the health of Texas citizens; and

WHEREAS, Participants in the First Tuesdays initiative make up a highly visible contingent when they visit the Capitol, their white coats signalling their professional dedication to health care and the improvement of medical policy and services; and

WHEREAS, The 81st Legislature is the fourth session for the First Tuesdays at the Capitol program, which takes place this year on February 3, March 3, April 7, and May 5; and

WHEREAS, In 2009, First Tuesdays at the Capitol participants are discussing issues that include health insurance and medical liability reform, improved funding for Medicaid and the Children's Health Insurance Program and a reduction in the burden of administering those programs, increasing patient safety, keeping newly graduated physicians in Texas, and finding positive solutions to the problems of obesity and insufficient immunizations; and

WHEREAS, The visits occasioned by First Tuesdays at the Capitol present an excellent opportunity for the Senate to recognize the outstanding contributions made by physicians and health care representatives who work to improve health care for all Texans; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby welcome the participants in the First Tuesdays at the Capitol program and extend to them best wishes for a productive visit; and, be it further

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

SR 330 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson, joined by Senator Deuell, was recognized and introduced to the Senate a delegation of members representing the Texas Medical Association, the Texas Medical Association Alliance, and the participants of the First Tuesdays at the Capitol program.

The Senate welcomed its guests.

SENATE RESOLUTION 331

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the registered nurses and licensed vocational nurses who are visiting the State Capitol as part of Nurse Day at the Capitol 2009; and

WHEREAS, The 162,000 registered nurses and 67,000 licensed vocational nurses caring for Texans every day in hospitals, nursing homes, home health agencies, and other settings are critical to the quality of health care provided in our state; and

WHEREAS, Nurses are consistently rated by national polls as among the highest of professionals in honesty and ethics and are indeed deserving of our respect and admiration; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby proclaim March 3, 2009, Nurse Day at the Capitol and commend all nurses for their invaluable service to this state; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the nursing profession as an expression of high regard from the Texas Senate.

SR 331 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation of registered nurses and licensed vocational nurses.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 28

The President Pro Tempore laid before the Senate the following resolution:

HCR 28, Designating March 2 to March 3, 2009, as Tyler Days at the State Capitol.

ELTIFE

The resolution was read.

On motion of Senator Eltife and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Absent-excused: Ellis.

GUESTS PRESENTED

Senator Eltife, joined by Senators Deuell and Nichols, was recognized and introduced to the Senate Charles Alworth, Mayor Pro Tempore, City of Tyler; Smith County Judge Joel Baker and his wife, Melanie; and Robert Hancock, Chair, Tyler Area Chamber of Commerce, and his wife, Jennifer; accompanied by a delegation of citizens from the City of Tyler and Smith County.

The Senate welcomed its guests.

SENATE RESOLUTION 335

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Edinburg native Captain Leonel A. Peña, who has the distinction of being the youngest person and the first and only Hispanic selected as a conductor for the United States Army Band program; and

WHEREAS, Captain Peña is one of only 20 commissioned officers authorized for the worldwide United States Army Band program; his latest assignment is as director of the United States Army Soldiers' Chorus and Associate Bandmaster of the Army Field Band at Fort Meade, Maryland; and

WHEREAS, Captain Peña's first assignment in the Army was as the Executive Officer and Associate Conductor of the Army Ground Forces Band; he has also served as the Staff Bands Officer for the United States Army Forces Command at Fort McPherson in Atlanta, Georgia, and as Commander of the Staff and Faculty at the Army School of Music in Norfolk, Virginia; and

WHEREAS, He earned a bachelor of music degree from Southwest Texas State University, a master of science degree in administration from Central Michigan University, and certification from the Contemporary Commercial Music Vocal Pedagogy Institute at the Shenandoah Conservatory of Music; and

WHEREAS, He has earned numerous awards and commendations during his career in the Army; he has performed as a soloist on national television and recorded with the Atlanta Symphony Chorus and the Virginia Symphony Chorus, and he is widely recognized for his musical talents and his professionalism; and

WHEREAS, Service to the American people has been an important part of our nation's military history, and music is an important part of that tradition; as an officer in the Army Band program, Captain Leonel Peña passed a highly selective audition and demonstrated superior leadership capabilities, and he is among the finest musicians in the United States; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend Captain Leonel A. Peña for his many talents and his exceptional achievements in the United States Army; and, be it further

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

LUCIO
HINOJOSA

SR 335 was read and was adopted without objection.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Captain Leonel A. Peña of the United States Army.

The Senate welcomed its guest.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate representatives of DeVry University in Irving.

The Senate welcomed its guests.

SENATE RESOLUTION 322

Senator Watson offered the following resolution:

WHEREAS, Aggies and Longhorns will unite today at the State Capitol to celebrate Orange and Maroon Legislative Day 2009 and to promote higher education in the State of Texas; and

WHEREAS, Alumni from the two schools total over 700,000, and Texas A&M University and The University of Texas at Austin have a combined annual enrollment of more than 95,000 students, with over 22,000 students receiving degrees each year; the schools boast superb museums and libraries, including the George Bush Presidential Library and the Lyndon Baines Johnson Library and Museum, and both universities are renowned for their exceptional research; and

WHEREAS, Texas A&M University and The University of Texas at Austin help prepare Texas youth for higher education through the universities' six outreach centers located throughout the state, and more than 90 percent of the centers' participants have successfully pursued higher education; and

WHEREAS, The universities' faculties feature Nobel laureates and nationally recognized scholars, and the student bodies include national merit scholars, Olympic gold medalists, and many of the Lone Star State's most promising young people; in addition, the schools offer an amazing range of postgraduate opportunities with nearly 300 graduate degree programs; and

WHEREAS, Texas A&M University and The University of Texas at Austin have established themselves as preeminent institutions of higher education on the state, national, and international levels, and Texans are fortunate to have access to these two exceptional state university systems; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby recognize March 3, 2009, as Orange and Maroon Legislative Day and commend alumni from Texas A&M University and The University of Texas at Austin for their commitment to promoting higher education in the Lone Star State.

WATSON	SHAPLEIGH
CARONA	VAN DE PUTTE
ELTIFE	WENTWORTH
HEGAR	WILLIAMS
OGDEN	ZAFFIRINI
SHAPIRO	

SR 322 was read and was adopted without objection.

GUESTS PRESENTED

Senator Watson, joined by Senators Ogden and Zaffirini, was recognized and introduced to the Senate representatives of The University of Texas at Austin and Texas A&M University in College Station.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Averitt, joined by Senator Nelson, was recognized and introduced to the Senate a delegation of citizens from Ellis County.

The Senate welcomed its guests.

SENATE RESOLUTION 367

Senator Zaffirini offered the following resolution:

SR 367, In memory of August E. Caron, Jr., of George West.

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 the Honorable August E. Caron, Jr., 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 August E. Caron, Jr.: his son, Christopher Caron; his daughter, Suzette Caron Bellows; and his son-in-law, Roger Bellows.

The Senate welcomed its guests and extended its sympathy.

SENATE RESOLUTION 364

Senator Ogden offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to honor and commemorate the life and legacy of Sam Houston, which are being celebrated at the Bob Bullock Texas State History Museum on March 3, 2009; and

WHEREAS, One of the most important American political figures of the 19th century, Sam Houston was born in Virginia on March 2, 1793; and

WHEREAS, At the age of 16 he ran away from home to live with Cherokee Indians, returning three years later to briefly teach school before enlisting in the United States Army in 1813; and

WHEREAS, When he was grievously wounded at the Battle of Horseshoe Bend in 1814, his gallantry and character were noted by General Andrew Jackson; and

WHEREAS, Sam Houston's election as Governor of Tennessee in 1827 led many to believe that he would succeed Andrew Jackson as President of the United States; and

WHEREAS, Ruined in a marital scandal, Sam Houston moved west to the Indian Territory and became a citizen of the Cherokee Nation; coming to Mexican Texas, he took a leading part in the political conventions that led to revolution; and

WHEREAS, As commander in chief of the Texas Army, he won Texas independence at the Battle of San Jacinto; he served two terms as President of the Republic of Texas and engineered annexation of the country into the United States; and

WHEREAS, He served 13 years as a United States Senator from Texas, exhausting himself in the struggle to prevent the breakup of the Union; and

WHEREAS, Believing he could accomplish more at home, he ran for the office of governor; he was elected Governor of Texas on a pro-Union platform, but he was removed from office when he refused to swear an oath of allegiance to the Confederacy; Sam Houston died July 26, 1863; and

WHEREAS, Sam Houston was a key figure in the history of the American West; his victory at San Jacinto opened the door to America's expansion into a continental power; and

WHEREAS, He was equally important to the history of the American South; his stance as that section's only leader to steadfastly oppose secession and civil war rendered him a tragic figure, even as his passionate oratory against extremism from both North and South earned him respect as the conscience of the nation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby pay tribute to this illustrious figure in the history of our state and nation and urge all Texans to honor the legacy of Sam Houston by joining in the celebration of his life and accomplishments; and, be it further

RESOLVED, That a copy of this Resolution be prepared as a memento of this special occasion.

SR 364 was read and was adopted without objection.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President Pro Tempore announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Jackson.

Senator Jackson moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President Pro Tempore asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

Member, Board for Lease of Texas Department of Criminal Justice Lands: Wesley D. Lloyd, McLennan County.

Member, Board for Lease of Texas Parks and Wildlife Department Lands: Wesley D. Lloyd, McLennan County.

Members, Commission on Law Enforcement Officer Standards and Education: Stephen M. Griffith, Fort Bend County; Patricia Scheckel Hollingsworth, Tarrant County; Johnny Edwin Lovejoy II, Bexar County; Joel W. Richardson, Randall County.

Members, Commission on State Emergency Communications: David Adrian Levy, Archer County; Steve Mitchell, Dallas County; Gregory Parker, Comal County.

Commissioner, Texas Department of Insurance Division of Workers' Compensation: Roderick A. "Rod" Bordelon, Jr., Travis County.

Member, Board of Directors, Evergreen Underground Water Conservation District: Darrell Travis Brownlow, Wilson County.

Fire Fighters' Pension Commissioner: Lisa K. Ivie Miller, Travis County.

Public Counsel, Office of Injured Employee Counsel: Norman W. Darwin, Parker County.

Public Counsel, Office of Public Insurance Counsel: Deeia Denise Beck, Tarrant County.

Counsellor, Office of Public Utility Counsel: Don Ballard, Travis County.

Commissioners, Public Utility Commission of Texas: Kenneth W. Anderson, Jr., Dallas County; Donna L. Nelson, Williamson County; Barry Thomas Smitherman, Travis County.

Members, Board of Directors, State Bar of Texas: Curtis V. Flowers, Harris County; Deborah Ruth Gagliardi; Pamela Gilbert; John Hatchel, McLennan County; Rob Kyker; Samuel B. Lovelady, Randall County.

Members, Board of Directors, Texas Agricultural Finance Authority: Lisa Ann Lackey Birkman, Williamson County; Ted F. Conover, Smith County; Darwin Dallas "Dal" DeWees, Tom Green County; Sydney Michael "Mike" Golden, Brazoria County; Stan Ray, Williamson County; Victoria Salin, Brazos County; Larry Shafer, Hood County.

Commissioners, Texas Animal Health Commission: Randy Chris Brown, Lubbock County; William Frank Edmiston, Jr., D.V.M., Schleicher County; Ken Jordan, San Saba County; Chuck Real, Bexar County; Mark Allyn Wheelis, Victoria County; Richard Wall Winters, Jr., McCulloch County.

Members, Texas Board of Professional Engineers: Govind B. Nadkarni, Nueces County; Gary W. Raba, Bexar County; Elvira Reyna, Denton County; Daniel O. Wong, Fort Bend County.

Members, Texas Commission on the Arts: Alphonse A. Dotson, McCulloch County; Susan Howard-Chrane, Kendall County; Molly Hipp Hubbard, Harris County; Paul Kellam McCash, Jr., Bowie County; Lee William "Bill" McNutt III, Dallas County; Jeanne Parker, Travis County.

Members, State Board of Trustees, Texas Emergency Services Retirement System: Danny Lee Key, Galveston County; Ronald V. Larson, El Paso County; Maxie Patterson, Harris County; Don Richard Shipman, Tarrant County.

Members, Texas Farm and Ranch Lands Conservation Council: Dan Dierschke, Travis County; Mark Willoughby Jones, McCulloch County; Thomas R. Kelsey, Harris County; Neal Wilkins, Brazos County.

Members, Board of Directors, Texas Mutual Insurance Company: Robert Charles "Bob" Barnes, Hood County; Jay L. Eisen, Jefferson County; Linda Stuckey Foster, Midland County.

Members, Texas State Board of Examiners of Dietitians: Belinda Bazan-Lara, M.A., R.D., L.D., Bexar County; Janet Suzanne Hall, Williamson County; Brian K. Irons, Lubbock County; Amy Nicholson McLeod, Angelina County; Hawley S. Poinsett, Travis County; Dwight Albert "D. A." Sharpe, Wise County; Mary Kate "Suzy" Weems, McLennan County.

Members, Texas State Library and Archives Commission: William Scott McAfee, Hays County; Michael Cooper Waters, Collin County.

SENATE CONCURRENT RESOLUTION 36

President Pro Tempore Duncan laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 81st Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, March 4, 2009, and ending on Monday, March 9, 2009.

WHITMIRE

SCR 36 was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Ellis.

SENATE RULE 11.18(a) SUSPENDED (Public Hearings)

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Health and Human Services might consider **SB 662** today.

RESOLUTIONS SIGNED

The President Pro Tempore announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 32**, **HCR 55**.

SENATE RESOLUTION 372

Senator Zaffirini offered the following resolution:

WHEREAS, Residents of Live Oak County are gathering in Austin on March 3, 2009, to share their justifiable pride in their unique part of the Lone Star State; and

WHEREAS, In the years before the land became part of Texas, the area now known as Live Oak County was home to Native American tribes, Spanish and Mexican colonists, and Irish immigrants, and this rich cultural diversity has greatly influenced the development of the area; and

WHEREAS, The county was created on February 2, 1856, from San Patricio and Nueces Counties and was named after the imposing and majestic live oaks that grew throughout much of the region; and

WHEREAS, The rugged beauty of Live Oak County's brushy plains is complemented by the Frio, Nueces, and Atascosa Rivers, and admirers of the Texas landscape are drawn to such attractions as Lake Corpus Christi and Choke Canyon State Park; and

WHEREAS, Area revenue originally came from sheep, cattle, and cotton, but later was diversified by the discovery of oil and natural gas in the county in the 1930s and by the discovery of uranium in the 1960s; and

WHEREAS, In addition to George West, the county seat, the communities located in Live Oak County include Three Rivers, Dinero, Lagarto, Oakville, Pernitas Point, and Whitsett, and residents of these towns join in honoring their distinctive part of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby recognize March 3, 2009, as Live Oak County Day at the State Capitol and extend to all those associated with this event best wishes for a meaningful and memorable day; and, be it further

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

SR 372 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a delegation of students and their sponsors from Three Rivers High School in Live Oak County.

The Senate welcomed its guests.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 361 by Van de Putte, In memory of Salvadore Rios Hernandez, Sr., of San Antonio.

SR 362 by Averitt, In memory of Bob Crafton.

SR 376 by Williams, In memory of Joe Audway Knight of Dayton.

Congratulatory Resolutions

SR 350 by Lucio, Recognizing The University of Texas at Brownsville and Texas Southmost College Mariachi Escorpión on the occasion of their invitation from the World American Cultural Exchanges and Chinese universities.

SR 351 by Lucio, Commending the Harlingen community for hosting a Relay For Life.

SR 352 by Lucio, Recognizing Herman's Optical in Brownsville on the occasion of its 20th anniversary.

SR 353 by Lucio, Commending the Brownsville community for hosting a Relay For Life.

SR 354 by Lucio, Commending Texas A&M University-Kingsville Citrus Center for its service to the citrus industry.

SR 355 by Lucio, Congratulating Regino C. Corona for being inducted into the Rio Grande Valley Sports Hall of Fame.

SR 356 by Lucio, Recognizing the Fuel7 Student Center in San Benito on the occasion of its benefit night.

SR 358 by Deuell, Congratulating the Sulphur Springs High School football team for winning the 2008 Class 4A Division II state championship.

SR 360 by Van de Putte, Recognizing Augustin Lopez, Jr., on the occasion of his retirement from the United States Air Force.

SR 366 by Harris and Shapiro, Recognizing the Irving Independent School District on the occasion of its 100th anniversary.

SR 370 by Davis, Recognizing Jo LeRue Todd for her contributions to the field of education.

SR 373 by Hinojosa, Lucio, and West, Congratulating John David Franz of Hidalgo for being named Border Texan of the Year.

SR 374 by Watson, Recognizing the Nash Hernandez Orchestra on the occasion of its 60th anniversary.

Official Designation Resolutions

SR 357 by West, Proclaiming March 3, 2009, DeVry Day in the State of Texas.

SR 363 by Averitt, Recognizing March 10, 2009, as Auto Alliance Day at the State Capitol.

SR 375 by Hegar, Recognizing March 10, 2009, as Matagorda County Day at the Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:14 p.m. adjourned, in memory of the Honorable August E. Caron, Jr., of George West, until 11:00 a.m. tomorrow.

APPENDIX

SENT TO SECRETARY OF STATE

March 3, 2009

SCR 32

In Memory
of
August E. Caron, Jr.
Senate Resolution 367

WHEREAS, The Senate of the State of Texas joins the citizens of George West in mourning the loss of the Honorable August E. Caron Jr., who died March 30, 2008, at the age of 80; and

WHEREAS, August E. Caron Jr. was born August 21, 1927, in George West; following his high school graduation, he served in the United States Army during World War II working as a code breaker; and

WHEREAS, Following the war, Mr. Caron attended Texas A&I University, where he studied civil engineering; he went to work for the Texas Highway Department, where he enjoyed a productive 38-year career and played a significant role in the construction of Interstate Highway 37 and other road projects throughout Live Oak County; and

WHEREAS, Mr. Caron was first elected to the George West city council in 1982, and in 1987, he was elected mayor, a position he held for the rest of his life; as mayor, he worked to improve the city's infrastructure and to expand quality utility services to all areas of the city; and

WHEREAS, A thoughtful man of courage and vision, Mr. Caron was a devoted husband, father, and grandfather, and he leaves behind memories that will be cherished forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby extend sincere condolences to the bereaved family of August E. Caron Jr.; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of August E. Caron Jr.

ZAFFIRINI