

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-FIRST DAY

(Continued)

(Monday, March 16, 2009)

AFTER RECESS

The Senate met at 11:08 a.m. and was called to order by President Pro Tempore Duncan.

The Reverend Dr. Mark Denison, First Baptist Church, Gainesville, offered the invocation as follows:

Our Father, we approach Your throne of grace aware of Your authority over the affairs of man. We recognize Your sovereignty in areas of governance and daily life. We offer our gratitude for the opportunity to step, however briefly, out of the complexities of this world into the holiness of Your presence. We beseech You today, O Lord, on behalf of our world that is in turmoil, our nation that is at war, and our state that is at work, seeking to do that which will provide leadership and blessing to our 23 million citizens. We thank You for these Senators who serve faithfully in their elected positions. We pray for all of these who fill these historic halls. We pray that they may truly seek the guidance that is offered freely from above. In our differences, may we celebrate our diversity. In our various views, may we discover unity. In all things, may we practice love. Now, dear God, we pray for the activities of this day. For those who represent us, we pray a special portion of wisdom, civility, and godliness. Bless these who lead our great State of Texas in all that they do this day. This I pray, with respect to those of all faiths, in the name of our precious and risen Lord. Amen.

CO-AUTHORS OF SENATE BILL 9

On motion of Senator Zaffirini, Senators Hinojosa and Uresti will be shown as Co-authors of **SB 9**.

CO-AUTHOR OF SENATE BILL 39

On motion of Senator Zaffirini, Senator Watson will be shown as Co-author of **SB 39**.

CO-AUTHOR OF SENATE BILL 41

On motion of Senator Zaffirini, Senator Jackson will be shown as Co-author of **SB 41**.

CO-AUTHOR OF SENATE BILL 81

On motion of Senator Nelson, Senator Uresti will be shown as Co-author of **SB 81**.

CO-AUTHOR OF SENATE BILL 90

On motion of Senator Van de Putte, Senator Davis will be shown as Co-author of **SB 90**.

CO-AUTHOR OF SENATE BILL 175

On motion of Senator Shapiro, Senator Patrick will be shown as Co-author of **SB 175**.

CO-AUTHOR OF SENATE BILL 182

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

CO-AUTHOR OF SENATE BILL 188

On motion of Senator Deuell, Senator Zaffirini will be shown as Co-author of **SB 188**.

CO-AUTHOR OF SENATE BILL 248

On motion of Senator Shapleigh, Senator Davis will be shown as Co-author of **SB 248**.

CO-AUTHOR OF SENATE BILL 279

On motion of Senator Nelson, Senator Van de Putte will be shown as Co-author of **SB 279**.

CO-AUTHOR OF SENATE BILL 360

On motion of Senator Patrick, Senator Huffman will be shown as Co-author of **SB 360**.

CO-AUTHORS OF SENATE BILL 401

On motion of Senator Seliger, Senators Shapiro and Wentworth will be shown as Co-authors of **SB 401**.

CO-AUTHORS OF SENATE BILL 421

On motion of Senator Van de Putte, Senators Davis and Seliger will be shown as Co-authors of **SB 421**.

CO-AUTHORS OF SENATE BILL 492

On motion of Senator Nelson, Senators Deuell, Huffman, Nichols, and Uresti will be shown as Co-authors of **SB 492**.

CO-AUTHOR OF SENATE BILL 564

On motion of Senator Jackson, Senator Patrick will be shown as Co-author of **SB 564**.

CO-AUTHOR OF SENATE BILL 630

On motion of Senator Davis, Senator Van de Putte will be shown as Co-author of **SB 630**.

CO-AUTHOR OF SENATE BILL 646

On motion of Senator Van de Putte, Senator Deuell will be shown as Co-author of **SB 646**.

CO-AUTHORS OF SENATE BILL 686

On motion of Senator Davis, Senators Ellis, Harris, and Hinojosa will be shown as Co-authors of **SB 686**.

CO-AUTHOR OF SENATE BILL 703

On motion of Senator Nelson, Senator Uresti will be shown as Co-author of **SB 703**.

CO-AUTHOR OF SENATE BILL 730

On motion of Senator Hegar, Senator Patrick will be shown as Co-author of **SB 730**.

CO-AUTHOR OF SENATE BILL 760

On motion of Senator Davis, Senator Hinojosa will be shown as Co-author of **SB 760**.

CO-AUTHOR OF SENATE BILL 769

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

CO-AUTHOR OF SENATE BILL 796

On motion of Senator Hinojosa, Senator Deuell will be shown as Co-author of **SB 796**.

CO-AUTHORS OF SENATE BILL 810

On motion of Senator Davis, Senators Ellis and Shapleigh will be shown as Co-authors of **SB 810**.

CO-AUTHOR OF SENATE BILL 819

On motion of Senator Davis, Senator Nelson will be shown as Co-author of **SB 819**.

CO-AUTHORS OF SENATE BILL 841

On motion of Senator Averitt, Senators Eltife and West will be shown as Co-authors of **SB 841**.

CO-AUTHORS OF SENATE BILL 961

On motion of Senator Ellis, Senators Carona, Davis, Uresti, and West will be shown as Co-authors of **SB 961**.

CO-AUTHORS OF SENATE BILL 965

On motion of Senator Ellis, Senators Carona, Davis, Uresti, and West will be shown as Co-authors of **SB 965**.

CO-AUTHORS OF SENATE BILL 986

On motion of Senator Davis, Senators Van de Putte and West will be shown as Co-authors of **SB 986**.

CO-AUTHOR OF SENATE BILL 987

On motion of Senator Shapiro, Senator West will be shown as Co-author of **SB 987**.

CO-AUTHOR OF SENATE BILL 1030

On motion of Senator Shapleigh, Senator Van de Putte will be shown as Co-author of **SB 1030**.

CO-AUTHOR OF SENATE BILL 1040

On motion of Senator Duncan, Senator Seliger will be shown as Co-author of **SB 1040**.

CO-AUTHOR OF SENATE BILL 1128

On motion of Senator Nichols, Senator Nelson will be shown as Co-author of **SB 1128**.

CO-AUTHORS OF SENATE BILL 1155

On motion of Senator Davis, Senators Deuell, Lucio, and Van de Putte will be shown as Co-authors of **SB 1155**.

CO-AUTHOR OF SENATE BILL 1159

On motion of Senator Carona, Senator Van de Putte will be shown as Co-author of **SB 1159**.

CO-AUTHOR OF SENATE BILL 1164

On motion of Senator Wentworth, Senator Seliger will be shown as Co-author of **SB 1164**.

CO-AUTHORS OF SENATE BILL 1168

On motion of Senator Hinojosa, Senators Carona, Davis, Uresti, and West will be shown as Co-authors of **SB 1168**.

CO-AUTHOR OF SENATE BILL 1239

On motion of Senator Van de Putte, Senator Shapleigh will be shown as Co-author of **SB 1239**.

CO-AUTHOR OF SENATE BILL 1345

On motion of Senator Watson, Senator Van de Putte will be shown as Co-author of **SB 1345**.

CO-AUTHORS OF SENATE BILL 1443

On motion of Senator Zaffirini, Senators Carona and Eltife will be shown as Co-authors of **SB 1443**.

CO-AUTHORS OF SENATE BILL 1569

On motion of Senator Eltife, Senators Ellis and Van de Putte will be shown as Co-authors of **SB 1569**.

CO-AUTHORS OF SENATE BILL 1695

On motion of Senator Ogden, Senators Nelson and Patrick will be shown as Co-authors of **SB 1695**.

CO-AUTHOR OF SENATE BILL 1875

On motion of Senator Zaffirini, Senator Lucio will be shown as Co-author of **SB 1875**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 33

On motion of Senator Carona, Senator Van de Putte will be shown as Co-author of **SJR 33**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 15

On motion of Senator Shapleigh, Senator Ellis will be shown as Co-author of **SCR 15**.

CO-SPONSOR OF HOUSE CONCURRENT RESOLUTION 36

On motion of Senator Nelson, Senator Harris will be shown as Co-sponsor of **HCR 36**.

PHYSICIAN OF THE DAY

Senator Nichols was recognized and presented Dr. Brian Spore of Lufkin as the Physician of the Day.

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

SENATE RESOLUTION 426

Senator Zaffirini offered the following resolution:

WHEREAS, Ambassador John Bruton, Head of the Delegation of the Commission of the European Community in the United States of America, is visiting Texas, and this occasion provides a welcome opportunity to honor the many achievements of this admired political leader and statesman; and

WHEREAS, A native of Ireland who was educated at University College Dublin, Ambassador Bruton was first elected to the Irish Parliament in 1969 at age 22; over the ensuing decades, he held a number of important government positions, including minister for finance, minister for industry and energy, and minister for trade, commerce, and tourism; and

WHEREAS, In 1990, he became the leader of the Fine Gael Party, and when he led the party into government in 1994, he took office as Ireland's prime minister; during the three years that he guided the government, he helped bring about the phenomenal economic growth that earned the country the nickname of "Celtic Tiger"; in addition, he was instrumental in a number of other important developments, including negotiations that led to the Good Friday Agreement of 1998 that has eased tensions in Northern Ireland; and

WHEREAS, Ambassador Bruton's involvement with the European Union began during his tenure as prime minister, and he later served as a leading member of the convention that drafted the proposed European Constitution; in 1999, he became one of the 10 vice presidents of the European People's Party and continued in that role until 2004, when he was appointed the head of the EU Commission to the United States; and

WHEREAS, Since beginning his work in Washington, D.C., Ambassador Bruton has consulted with the United States president, members of congress, and other senior political and business figures, and his skilled diplomacy has helped foster cooperation between the EU and the United States on a range of urgent issues; these endeavors, as well as his many other impressive accomplishments, have distinguished John Bruton as a leader of rare ability, and it is an honor to welcome him to the State of Texas; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby pay tribute to Ambassador John Bruton, Head of the Delegation of the Commission of the European Community in the United States of America and extend to him sincere best wishes for a productive and enjoyable visit to the Lone Star State; and, be it further

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

SR 426 was read and was adopted without objection.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Ambassador John Bruton, who briefly addressed the Senate.

The Senate welcomed its guest.

(President in Chair)

SENATE RESOLUTION 315

Senator Deuell offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing the students, teachers, and administrators who are participants in the Canton Junior High School Gifted and Talented Program; and

WHEREAS, Canton Junior High School aims at providing students with resources, programs, and experiences that inspire excellence in student performance; and

WHEREAS, Sponsored by Martakay Morgan, the school's Gifted and Talented Program offers a first-rate education to a group of exceptional students; the students in the program are disciplined high achievers who generally maintain "A" averages in their classes; and

WHEREAS, Several of the students have been nominated for the Junior National Young Leaders Conference in Washington, D.C., and many are student council members; in addition, some of the students are members of the Leo Club; and

WHEREAS, The students have worked on projects that benefit elementary school students, and they will soon begin collecting toys for the Children's Medical Center Hospital of Dallas; they currently contribute to the Saint Jude's Hospital fund and have made contributions to other funds; the students are dedicated to their work and are proud of the fine education they receive; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the students in the Canton Junior High School Gifted and Talented Program and the teachers and administrators who make the program possible and extend best wishes to all for much future success; and, be it further

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

SR 315 was read and was adopted without objection.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a group of students, teachers, and parents from the Gifted and Talented Program of Canton Junior High School in Canton.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a group of Boy Scouts from Troop 162 in Corpus Christi.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate representatives of Delta Sigma Theta Sorority, Incorporated: Mae Frances Rowlett, Texas/New Mexico State Coordinator; Sabrina Curtis, Texas/New Mexico State Facilitator; Brittany Bass, Southwest Region Representative; and Delores Rice and Shawan Hagan-Thomas, Texas State Social Action Co-coordinators; accompanied by a delegation of sorority members.

The Senate welcomed its guests.

AT EASE

The President at 11:47 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 12:40 p.m. called the Senate to order as In Legislative Session.

SENATE BILL ON FIRST READING

The following bill, filed on or before March 13, 2009, was introduced, read first time, and referred to the committee indicated:

SB 1007 by Hegar

Relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties. To Committee on Government Organization.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Jackson submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Member, State Preservation Board: Charlotte C. Foster, Harris County.

Presiding Judge, First Administrative Judicial Region: John David Ovard, Dallas County.

Members, Advisory Board of Athletic Trainers: Martin Ray Akins, Travis County; Rebecca Spurlock, Tarrant County.

Commissioners, Board of Pilot Commissioners for Galveston County Ports: Vandy Anderson, Galveston County; Sally H. Prill, Galveston County; James Earl Touts, Galveston County.

Members, Board of Directors, Gulf Coast Waste Disposal Authority: Zoe Milian Barinaga, Harris County; Randy Jarrell, Galveston County; Lamont Edward Meaux, Chambers County.

Member, Gulf States Marine Fisheries Commission: David Austin McKinney, Blanco County.

Commissioners, Board of Pilot Commissioners for Jefferson and Orange County: Martin E. Broussard, Jefferson County; George W. Brown III, Jefferson County; Russell S. Covington, Orange County; Travis Miller, D.D.S., Orange County; William F. Scott, Jefferson County.

Members, Public Safety Commission: Carin Marcy Barth, Harris County; Ada Brown, Dallas County; Carleton Thomas Clowe, Jr., McLennan County; John Thomas Steen, Jr., Bexar County.

Member, State Cemetery Committee: Scott Philen Sayers, Jr., Travis County.

Members, Task Force on Indigent Defense: Jon H. Burrows, Bell County; Knox Fitzpatrick, Dallas County; Anthony C. "Tony" Odiorne, Potter County; Olen U. Underwood, Montgomery County; B. Glen Whitley, Tarrant County.

Members, Telecommunications Planning and Oversight Council: Jennifer Nash Anderson, Chambers County; Dennis M. Donelson, Bexar County; Johanne Ibsen-Wolford, Travis County; Alice E. Owen, Ph.D., Dallas County.

Members, Texas Alcoholic Beverage Commission: Melinda Susan Fredricks, Montgomery County; Steven M. Weinberg, Tarrant County.

Members, Texas Funeral Service Commission: Elwynn "Gene" Allen, Kerr County; Carol M. Becker, Parker County; Sue Evenwel, Titus County; Jess Alan Fields, Sr., Harris County; Joyce McCown Odom, Bexar County; Norberto Salinas, Hildago County.

Members, Texas Historical Commission: Thomas E. Alexander, Kerr County; A. Mario Castillo, Tom Green County; Leslie "Kirk" Courson, Ochiltree County; John W. Crain, Dallas County; David Alfred Gravelle, Dallas County; Jon T. Hansen, El Paso County; Lisa A. Hembry, Dallas County; Steven Lee Highlander, Travis County; Sheri Shelby Krause, Travis County; Gilbert Eric Peterson III, Brewster County; Nancy M. Steves, Bexar County.

Members, Texas State Board of Plumbing Examiners: Dave Lilley, Wichita County; Alejandro "Alex" Meade III, Cameron County; Edward Don Thompson, Smith County.

Members, Board of Directors, Texas Underground Facility Notification Corporation: Christian A. Alvarado, Travis County; Joseph F. Berry, Brazoria County; Barry Calhoun, Dallas County; Judith H. Devenport, Midland County; John Linton, Denton County; James "Jim" Wynn, Midland County.

Members, Texas Workforce Commission: Andres Alcantar, Travis County; Thomas W. Pauken, Dallas County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Jackson gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 418 by Van de Putte and Uresti, In memory of Fay Sinkin of San Antonio.

SR 420 by Watson, In memory of Gerald Joseph Miller.

SR 428 by Watson, In memory of Malcolm Kenneth Wilson of Austin.

Congratulatory Resolutions

SR 417 by Nelson, Recognizing the City of Sansom Park on the occasion of its 60th anniversary.

SR 419 by Gallegos, Recognizing the historic and cultural value of the battleship *Texas*.

SR 421 by Watson, Recognizing Sophia Perez DeLa'O of Austin on the occasion of her 102nd birthday.

SR 422 by Watson, Recognizing Joe Avila of Austin on the occasion of his 80th birthday.

SR 423 by Wentworth, Recognizing John R. Heard on the occasion of his 60th birthday.

SR 425 by Davis, Recognizing Rahr & Sons Brewing in Fort Worth for winning a national grand champion prize for Scottish-style ale.

SR 427 by Watson, Recognizing the Texas State Library and Archives Commission on the occasion of its 100th anniversary.

SR 430 by Lucio, Recognizing Juan Jose Aguilar on the occasion of his retirement from Union Pacific Railroad.

SR 431 by Lucio, Commending the City of Brownsville for hosting a 2009 Relay For Life.

SR 432 by Fraser, Recognizing the 1959 class of Brownwood High School on the occasion of the 50th anniversary of their graduation.

SR 433 by Lucio, Commending Caleb Levi Smith for attaining the rank of Eagle Scout.

SR 434 by Lucio, Recognizing Ron Tupper on the occasion of his retirement from the board of El Milagro Clinic in McAllen.

SR 436 by Zaffirini, Recognizing Brennan Kale Mohrer on the occasion of his eighth birthday.

SR 439 by Davis, Commending Riley Reidmiller of Mansfield for earning a place in the NASA High School Aerospace Scholars program.

SR 440 by Davis, Commending Jose Chavez of Fort Worth for earning a place in the NASA High School Aerospace Scholars program.

SR 441 by Davis, Commending Boris Dostinov of Fort Worth for earning a place in the NASA High School Aerospace Scholars program.

Official Designation Resolutions

SR 424 by Estes, Recognizing March 26, 2009, as Wilbarger County and City of Vernon Day at the State Capitol.

SR 429 by Lucio, Declaring the third week in April Shaken Baby Syndrome Awareness Week.

SR 435 by Hegar, Proclaiming the week of March 22 through March 28, 2009, as Boys and Girls Club Week in Fayette and Colorado Counties.

SR 437 by West, Celebrating March 27 and 28, 2009, as Multicultural Education Research Awareness Days in Texas.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:42 p.m. adjourned until 9:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

March 16, 2009

EDUCATION — **CSSB 300, CSSB 398**

