

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TENTH DAY

(Monday, February 7, 2011)

The Senate met at 1:37 p.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend G. V. Clark, Mount Zion Baptist Church, Austin, offered the invocation as follows:

Most gracious God, we beseech Thee, as for the people of the State of Texas generally, especially for this legislative body, the Senate, that You, O God, would be pleased to direct and prosper all their consultations to the advancement of the good and well-being of all citizens and others in our state. May genuineness be put forth by this legislative body that will result in truth, happiness, and prosperity for now and generations to come. Bless these Senators with wisdom and understanding that truth may be discerned and that they may impartially be about the matters and concerns of the citizens of our state. Thank You that we are given the privilege to serve and bless us in this day, in His name. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 7, 2011

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 12, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 2, 2011, and ending on Monday, February 7, 2011.

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:

February 7, 2011

Austin, Texas

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

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

To be a member of the Prepaid Higher Education Tuition Board for a term to expire February 1, 2017:

Joseph Colonna, Jr.

Dallas, Texas

Mr. Colonna is being reappointed.

To be members of the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments for terms to expire as indicated:

To Expire February 1, 2013:

Martin DeLeon, Jr.

Corpus Christi, Texas

(replacing John Moore of Denison who resigned)

To Expire February 1, 2017:

Mary D. Ford

Stephenville, Texas

(replacing Kevin Haynes of Ovilla whose term expired)

Christopher Kirk

College Station, Texas

(Sheriff Kirk is being reappointed)

Robert D. Morgan

Lubbock, Texas

(replacing Gabriel Holguin of San Antonio whose term expired)

To be members of the Texas A&M University System Board of Regents for terms to expire February 1, 2017:

Elaine Mendoza

San Antonio, Texas

(replacing Gene Stallings of Powderly whose term expired)

Judy Morgan

Texarkana, Texas

(replacing Ida Louise Steen of San Antonio whose term expired)

Clifton L. Thomas, Jr.

Victoria, Texas

(replacing Lupe Fraga of Sugar Land whose term expired)

To be members of the Council on Sex Offender Treatment for terms to expire February 1, 2017:

Ronnie Fanning

Waco, Texas

Aaron P. Pierce

Temple, Texas

The individuals listed above are being reappointed.

To be a member of the Advisory Board of Athletic Trainers for a term to expire January 31, 2017:

David J. Weir

College Station, Texas

Mr. Weir is being reappointed.

To be members of the Texas Funeral Service Commission for terms to expire February 1, 2017:

Joyce McCown Odom

San Antonio, Texas

(Ms. Odom is being reappointed)

Patrick Wayne Robertson

Clarendon, Texas

(replacing Doug Carmichael of Pampa whose term expired)

To be members of the Texas Guaranteed Student Loan Corporation for terms to expire January 31, 2017:

E. Yvonne Batts
Tuscola, Texas

Steven V. Tays
San Antonio, Texas

Frank H. Landis
College Station, Texas

Michael J. Savoie
Northlake, Texas

The individuals listed above are being reappointed.

To be members of the Texas Municipal Retirement System for terms to expire February 1, 2017:

Jimmy Parrish
McKinney, Texas
(replacing Patricia Hernandez of Plainview whose term expired)

Roel Rodriguez
McAllen, Texas
(Mr. Rodriguez is being reappointed)

To be a member of the Correctional Managed Health Care Committee for a term to expire February 1, 2017:

Margarita de la Garza-Grahm
Tyler, Texas

Dr. de la Garza-Grahm is replacing Desmar Walkes of Bastrop whose term expired.

To be a member of the Veterans' Land Board for a term to expire December 29, 2014:

Alan K. Sandersen
Missouri City, Texas
Mr. Sandersen is being reappointed.

To be presiding officer of the Sulphur River Regional Mobility Authority for a term to expire February 1, 2013:

E. Delbert Horton, III
Cooper, Texas

Dr. Horton is replacing Donald Wall of Paris whose term expired.

Respectfully submitted,

/s/ Rick Perry
Governor

February 7, 2011
Austin, Texas

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

On January 19, 2011, I submitted the name of Jason Kevin Patteson for appointment to the State Employee Charitable Campaign Policy Committee for a term to expire January 1, 2012.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,
/s/ Rick Perry
Governor

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Larry Kravitz of Austin as the Physician of the Day.

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

SENATE RESOLUTION 15

Senator Nelson offered the following resolution:

SR 15, Recognizing the senior citizens of this state on the occasion of Senior Day at the State Capitol in 2011.

The resolution was again read.

The resolution was previously adopted on Tuesday, January 18, 2011.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation of Texas senior citizens.

The Senate welcomed its guests.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 35, HCR 36, HCR 43, HCR 44.**

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Hahn Tran of Houston.

The Senate welcomed its guest.

NOMINATION RETURNED

Senator Deuell moved that the Senate grant the request of the Governor to return the following nomination:

Member, Texas Higher Education Coordinating Board: Wallace L. Hall, Jr., Dallas County.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CO-AUTHOR OF SENATE BILL 16

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SB 16**.

CO-AUTHORS OF SENATE BILL 18

On motion of Senator Estes, Senators Ellis, Harris, and Van de Putte will be shown as Co-authors of **SB 18**.

CO-AUTHOR OF SENATE BILL 101

On motion of Senator Van de Putte, Senator Nelson will be shown as Co-author of **SB 101**.

CO-AUTHOR OF SENATE BILL 152

On motion of Senator Huffman, Senator Carona will be shown as Co-author of **SB 152**.

CO-AUTHOR OF SENATE BILL 321

On motion of Senator Hegar, Senator Carona will be shown as Co-author of **SB 321**.

CO-AUTHOR OF SENATE BILL 325

On motion of Senator Van de Putte, Senator Wentworth will be shown as Co-author of **SB 325**.

CO-AUTHOR OF SENATE BILL 329

On motion of Senator Watson, Senator Hinojosa will be shown as Co-author of **SB 329**.

CO-AUTHOR OF SENATE BILL 371

On motion of Senator Seliger, Senator Nichols will be shown as Co-author of **SB 371**.

CO-AUTHOR OF SENATE BILL 404

On motion of Senator Hegar, Senator Patrick will be shown as Co-author of **SB 404**.

CO-AUTHOR OF SENATE BILL 425

On motion of Senator Carona, Senator Hegar will be shown as Co-author of **SB 425**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 1

On motion of Senator Hegar, Senators Nichols and Patrick will be shown as Co-authors of **SCR 1**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 16

On motion of Senator Estes, Senator Watson will be shown as Co-author of **SJR 16**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 177 by Fraser, In memory of William Barton Harris.

SR 184 by Nelson, In memory of Richard Reese Wenneker.

Congratulatory Resolutions

SCR 13 by Fraser, Congratulating the Hardin-Simmons University women's soccer team on winning a national championship title.

SR 179 by Shapiro, Recognizing Shannon Schambeau Patterson of McKinney for being chosen Mrs. Texas America 2010.

SR 180 by Davis, Recognizing Ryan Place Addition of Fort Worth on the occasion of the neighborhood's 100th anniversary.

SR 182 by Ellis, Recognizing Hanh Tran of Houston on the occasion of her current art installation.

SR 185 by West, Recognizing the members and clergy of the African Methodist Episcopal Church for their contributions to our society.

SR 186 by West, Recognizing Bobbie Moore for her 28 years of service to Trinity Valley Church of God in Christ and the West Dallas community.

SR 187 by Harris, Congratulating the Marcus High School marching band on winning its third consecutive University Interscholastic League Class 5A marching band championship.

SR 188 by Harris and Davis, Recognizing The University of Texas at Arlington on the occasion of the dedication of the new Engineering Research Building.

Official Designation Resolutions

SR 170 by Deuell, Recognizing February 28, 2011, as Hunt County Day at the State Capitol.

SR 171 by Deuell, Recognizing February 28, 2011, as Rockwall County Day at the State Capitol.

SR 172 by Deuell, Celebrating March 23, 2011, as Sunnyvale Day at the Capitol.

SR 173 by Deuell, Celebrating March 7, 2011, as Kaufman County Day at the State Capitol.

SR 174 by Deuell, Recognizing February 15, 2011, as Van Zandt County Day at the State Capitol.

SR 175 by Deuell, Celebrating March 8, 2011, as Fannin County Day at the State Capitol.

SR 176 by Deuell, Recognizing February 22, 2011, as Rains County Day at the State Capitol.

SR 181 by Birdwell, Celebrating February 9, 2011, as Waco Day at the State Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:50 p.m. adjourned, in memory of Ryan A. Gartner, until 10:30 a.m. tomorrow.

APPENDIX

COMMITTEE REPORT

The following committee report was received by the Secretary of the Senate:

February 7, 2011

STATE AFFAIRS — **SB 18**

RESOLUTIONS ENROLLED

February 2, 2011

SR 145, SR 155, SR 157, SR 164, SR 165, SR 166, SR 167