

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTEENTH DAY

(Tuesday, February 15, 2011)

The Senate met at 11:08 a.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, West, Whitmire, Williams, Zaffirini.

Absent-excused: Wentworth.

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

The Reverend Charles Ruehl, Houston, offered the invocation as follows:

Gracious and eternal God, we humbly bow before You expressing our sincere thanks for the gift of life. Grant us the wisdom to fully comprehend the responsibility we have as stewards of Your creation. Remind us that we are here to serve with honor and integrity. Remind us we are to be faithful to the task to which we have been called. Remind us we are to constantly seek Your guidance in all decisions we consider. Enable us to know of Your presence each and every day in our hearts and minds as we seek to do Your will. These things we ask in Your holy 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.

LEAVE OF ABSENCE

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 15, 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:

HCR 52, Designating February 15, 2011, as Texas Manufacturers Day.

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 14, 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 members of the Automobile Burglary and Theft Prevention Authority for terms to expire February 1, 2017:

Carlos L. Garcia
Brownsville, Texas

Kenneth R. Ross
Houston, Texas

The individuals listed above are being reappointed.

To be members of the Judicial Compensation Commission for terms to expire February 1, 2017:

Romulo Chavez
Spring, Texas
(replacing Wanda Rohm of San Antonio whose term expired)

Harold Jenkins
Irving, Texas
(Mr. Jenkins is being reappointed)

Michael L. Slack
Austin, Texas
(Mr. Slack is being reappointed)

Respectfully submitted,

/s/Rick Perry
Governor

PHYSICIAN OF THE DAY

Senator Uresti was recognized and presented Dr. Francisco Barrera of Boerne as the Physician of the Day.

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

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 15, HCR 53.**

SENATE RESOLUTION 169

Senator West offered the following resolution:

WHEREAS, Members of the Dallas Assembly are visiting the State Capitol on February 15, 2011; and

WHEREAS, Founded in 1962, the Dallas Assembly is made up of a diverse group of leaders from the greater Dallas area; membership is limited to 150 individuals who have demonstrated exceptional leadership in the arenas of civic life, business, education, government, law, medicine, religion, science, or the arts; and

WHEREAS, This exceptional organization, led by president Brent Christopher, inspires a spirit of community activism, provides networking opportunities, and encourages an interchange of ideas about a variety of issues and community needs; and

WHEREAS, Endeavoring to foster a more informed and involved citizenry, the Dallas Assembly is helping to build a brighter and more promising future for the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the 82nd Texas Legislature hereby recognize February 15, 2011, as Dallas Assembly Day at the State Capitol and extend to all participants sincere best wishes for a memorable visit; 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 169 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Dallas Assembly representatives and officers, Brent Christopher, President, and David McAtee, Vice-president of Programs.

The Senate welcomed its guests.

SENATE RESOLUTION 17

Senator Van de Putte offered the following resolution:

WHEREAS, The Texas Senate is pleased to recognize February 15, 2011, as Viva San Antonio Day at the State Capitol and welcome the visiting delegation from the Alamo City; and

WHEREAS, The history of San Antonio can be traced back to 1691, when a group of Spanish explorers and missionaries came upon a river and named it San Antonio, in honor of Saint Anthony, whose feast day was being celebrated; and

WHEREAS, The city was founded in 1718 by Father Antonio Olivares; he established Mission San Antonio de Valero, which would become etched in the annals of history in 1836 as the Alamo, the site where 189 brave individuals held the mission for 13 days against an army of some 4,000 Mexican soldiers; and

WHEREAS, The cry "Remember the Alamo" became the rallying point of the Texas Revolution; today, the Alamo is a shrine and museum and is widely recognized as the cradle of Texas liberty; and

WHEREAS, San Antonio became formally incorporated in 1837, when the fledgling Republic of Texas granted the city a charter; the city has since retained its sense of history and tradition while carefully blending in cosmopolitan progress; it has served and continues to serve as a crossroads and a meeting place, where the rich sounds and cultural influences of Native Americans, Old Mexico, Germans, the Wild West, African Americans, and the Deep South mingle and merge; and

WHEREAS, The city has a proud military heritage; great military figures like Pershing, Stilwell, Krueger, LeMay, Chennault, and Eisenhower served at San Antonio military institutions, including Fort Sam Houston, the headquarters for the Fifth United States Army and the home of the United States Army Medical Command and the Brooke Army Medical Center; in addition, San Antonio is the site of Lackland Air Force Base, the largest training wing in the United States Air Force, and Brooks City-Base, an innovative master-planned research and technology center; and

WHEREAS, Recent years have brought remarkable economic development to San Antonio as its skilled workforce, excellent institutions of public and higher education, and quality of life have attracted some important corporate business and industry to the city; and

WHEREAS, Millions of visitors a year delight in the discovery of San Antonio; in addition to the Alamo, highlights include La Villita, San Fernando Cathedral, San Antonio Missions Trail, and the famed Paseo del Rio, better known as "The Riverwalk"; among the other attractions that make San Antonio one of the top tourist destinations in the country are SeaWorld San Antonio and the Six Flags Fiesta Texas theme park as well as the PGA Tour Valero Texas Open, the Alamo Bowl, and the four-time world champion San Antonio Spurs; and

WHEREAS, In April 2011, the city will once again celebrate Fiesta San Antonio, the biggest 11-day party in the state; first held 120 years ago, the event was founded by a group of ladies who decorated horse-drawn carriages for a parade in front of the Alamo and battled with flower blossoms instead of bullets to honor the heroes of the Alamo and the Battle of San Jacinto; and

WHEREAS, San Antonio is truly one of the treasures of the Lone Star State, and Viva San Antonio Day provides a welcome opportunity to honor the city and its many fine residents; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby recognize February 15, 2011, as Viva San Antonio Day at the State Capitol and extend to the members of the visiting delegation best wishes for a memorable visit.

WENTWORTH
URESTI
VAN DE PUTTE
ZAFFIRINI

SR 17 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Sam Dawson, Chairman, Greater San Antonio Chamber of Commerce Board of Directors; Robert Puente, President and CEO, San Antonio Water System; Eddie Aldrete, Chairman, San Antonio Hispanic Chamber of Commerce Board of Directors; Ramiro Cavazos, President, San Antonio Hispanic Chamber of Commerce; and Ray Lopez, San Antonio City Councilmember.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate representatives of Midlothian and Cleburne joined by community leaders: Sara Garcia, President, Midlothian Chamber of Commerce, and Cathy Marchal, President, Cleburne Chamber of Commerce.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate a Brownwood delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 268

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Traci Wickett for her outstanding service as chairman of the board of United Way of Texas; and

WHEREAS, United Way of Texas has benefitted immensely from the dedicated leadership of Traci Wickett; during her term as chairman of the board from 2009 to 2010, the organization has made significant progress on a variety of statewide initiatives, improving public access to valuable services such as early education and college readiness programs, financial education and tax preparation assistance, health care for children and seniors, and assistance in disaster recovery and preparedness; and

WHEREAS, Traci Wickett has served as president and chief executive officer of United Way of Southern Cameron County since 1996, and she has played a vital role in the organization's growth; she helped to increase campaign contributions by 26 percent her first year, and the organization has exceeded its annual campaign goal eight times under her direction; and

WHEREAS, She spearheaded the region's Success By 6 initiative, which focuses on the developmental needs of children from birth to age six; it was recently named one of the top five Success By 6 programs in the nation; and

WHEREAS, Under her expert guidance, United Way of Southern Cameron County has expanded its mission beyond raising and distributing funds to increasing awareness of the root causes of societal problems; she regularly addresses national conferences on the United Way's changing role in the community and is a member of United Way of America's faculty for courses in funding system redesign, community impact, and creating Success By 6 initiatives; and

WHEREAS, Active in numerous community organizations, she is noted for her collaborative efforts with state and local officials, and she is truly deserving of recognition for the positive impact she has had on the lives of countless people; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend Traci Wickett on her many achievements and her dedicated service as chairman of the board of United Way of Texas and extend to her best wishes for continued success in all her endeavors; and, be it further

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

SR 268 was read and was adopted without objection.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Traci Wickett, Chairman of the Board of United Way of Texas 2009-2010.

The Senate welcomed its guest.

SENATE RESOLUTION 219

Senator Van de Putte offered the following resolution:

SR 219, Recognizing February 15, 2011, as United Way Day at the State Capitol.

The resolution was read and was adopted without objection.

SENATE RESOLUTION 261

Senator Duncan offered the following resolution:

SR 261, Recognizing February 15, 2011, as Texas Farm Bureau District 1 Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate a Texas Farm Bureau delegation joined by David Davidson, Mark Elmore, Billy Brown, and Billy Bob Brown.

The Senate welcomed its guests.

SENATE RESOLUTION 244

Senator Rodriguez offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Arc of Texas' "Getting to the Heart of the Matter" program for facilitating better understanding between El Paso lawmakers and their constituents with intellectual and developmental disabilities; and

WHEREAS, The program was designed to address the fact that, all too often, constituents with intellectual and developmental disabilities and their families are unable to adequately communicate with their elected officials about the circumstances which arise in everyday life; and

WHEREAS, "Getting to the Heart of the Matter," which paired El Paso policymakers with constituents with intellectual and developmental disabilities, was designed by the Arc of Texas, supported financially by the Texas Council for Developmental Disabilities, and facilitated locally by El Paso community organizer Sandie Olivar; and

WHEREAS, Under the program, Representative Joe Pickett spent time with Matthew Collins, a Bel Air High School student who has autism, and his parents, Sylvia and Tim Collins, and visited Matthew's class at school; and

WHEREAS, Ashley Bullard, a graduating senior from Chapin High School who uses a wheelchair due to cerebral palsy, met with State Representative Marisa Marquez, and the two spent time together during the school day; and

WHEREAS, Advocate Jane Jones, who uses a wheelchair due to a neuromuscular disorder, met with Representative Joe Moody for lunch; because she is dependent on the mass transit system to get to and from work, she found a motorized runabout for Representative Moody to use so that he might also experience the challenges that persons with limited mobility face; and

WHEREAS, Apolonia Alvarez-Lozano, a Volar Center for Independent Living employee, a member of El Paso's Local Advocacy Collaboration, and an Arc of Texas volunteer, helped guide El Paso County Judge Veronica Escobar around El Paso via motorized runabout to experience the barriers that a person in a wheelchair faces on a daily basis; and

WHEREAS, Because of the "Getting to the Heart of the Matter" program, elected officials have had the time to speak to their constituents and their families in an environment where each is able to ask questions and all can engage in discussion and learn from one another; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby commend the Arc of Texas' "Getting to the Heart of the Matter" program; and, be it further

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

SR 244 was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodriguez was recognized and introduced to the Senate Matthew Collins; his parents, Tim and Sylvia Collins; Jane Jones; Apolonia Alvarez-Lozano; and Sandie and Raul Olivar.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 52

The President laid before the Senate the following resolution:

HCR 52, Designating February 15, 2011, as Texas Manufacturers Day.

ELTIFE

The resolution was read.

On motion of Senator Eltife, 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: Wentworth.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate representatives of Texas manufacturers.

The Senate welcomed its guests.

SENATE RESOLUTION 255

Senator Uresti offered the following resolution:

SR 255, Recognizing February 15, 2011, as Sacred Heart Catholic School Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate representatives of Sacred Heart Catholic School in Uvalde.

The Senate welcomed its guests.

SENATE RESOLUTION 230

Senator Duncan offered the following resolution:

SR 230, Recognizing February 15, 2011, as Kidney Day at the State Capitol.

DUNCAN
HARRIS

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Osama Gaber, M.D., Chronic Kidney Disease Task Force Chair and transplant surgeon, and Rita Littlefield, President, Texas Renal Coalition.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate William McKenzie, Colleen McCain Nelson, and Tod Robberson of the *Dallas Morning News*, recipients of the 2010 Pulitzer Prize for editorial writing.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Deuell 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:

Members, Board of Regents, The Texas A&M University System: Elaine Mendoza-Gay, Bexar County; Judy Kelley Morgan, Bowie County; Clifton Leo Thomas, Victoria County; John David White, Harris County.

Members, Board of Regents, University of Houston System: Nandita Venkateswaran Berry, Harris County; Tilman J. Fertitta, Harris County; Jarvis V. Hollingsworth, Fort Bend County.

Members, Board of Regents, The University of Texas System: Alexis Mount Cranberg, Travis County; Wallace Legette Hall, Dallas County; Robert Steven Hicks, Travis County; Brenda Pejovich, Dallas County.

Adjutant General, Adjutant General's Department: John Frederick Nichols, Comal County.

Member, Advisory Board of Athletic Trainers: David Jerrell Weir, Brazos County.

Members, Board of Trustees, Texas County and District Retirement System: Jerry Van Bigham, Randall County; Daniel R. Haggerty, El Paso County; Jan Westmoreland Kennedy, Comal County; Dorye Kristeen Roe, Brazos County.

Members, Commission on State Emergency Communications: William H. Buchholtz, Bexar County; Mitchell F. Fuller, Williamson County.

Members, Board of Trustees, Texas Emergency Services Retirement System: Graciela G. Flores, Nueces County; Virginia K. Moore, Brazoria County; Dennis Ray Rice, Randall County; Stephen K. Williams, Panola County.

Members, Board of Directors, Texas Guaranteed Student Loan Corporation: Emma Yvonne Batts, Taylor County; Frank Houston Landis, Brazos County; Michael J. Savoie, Denton County; Steven Vaughn Tays, Bexar County.

Members, Texas State Library and Archives Commission: Martha Doty Freeman, Travis County; Larry Gene Holt, Brazos County; Sandra J. Pickett, Liberty County.

Members, Board of Regents, Midwestern State University: Michael Bernhardt, Wichita County; J. Kenneth Bryant, Wichita County; Tiffany Dawn Burks, Tarrant County; Samuel Molinar Sanchez, Tarrant County.

Members, Board of Trustees, Texas Municipal Retirement System: Julie Oakley, Burnet County; Jimmy Dean Parrish, Collin County; Roel Rodriguez, Hildago County.

Member, Board of Directors, Texas Mutual Insurance Company: Linda S. Foster-Smith, Williamson County.

Member, Prepaid Higher Education Tuition Board: Joe Colonna, Dallas County.

Members, Board of Regents, Stephen F. Austin State University: Brigettee Carnes Henderson, Angelina County; Kenton Edward Schaefer, Cameron County; Ralph Clifford Todd, Panola County.

Members, Board of Regents, Texas State Technical College System: Penny Forrest, McLennan County; James Virgil Martin, Nolan County; Linda Lea McKenna, Cameron County.

Members, Board of Regents, Texas Tech University System: Larry Keith Anders, Collin County; Debra Kay Mears Montford, Bexar County; John D. Steinmetz, Lubbock County.

Member, Veterans' Land Board: Alan K. Sandersen, Fort Bend County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Deuell 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.

SENATE RULES SUSPENDED

(Posting Rules)

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Finance Subcommittee on Public Education Funding might meet today.

CO-AUTHOR OF SENATE BILL 125

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SB 125**.

CO-AUTHOR OF SENATE BILL 129

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SB 129**.

CO-AUTHOR OF SENATE BILL 165

On motion of Senator Shapiro, Senator Carona will be shown as Co-author of **SB 165**.

CO-AUTHOR OF SENATE BILL 202

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

CO-AUTHOR OF SENATE BILL 369

On motion of Senator Seliger, Senator Van de Putte will be shown as Co-author of **SB 369**.

CO-AUTHOR OF SENATE BILL 371

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

CO-AUTHOR OF SENATE BILL 468

On motion of Senator Shapiro, Senator Patrick will be shown as Co-author of **SB 468**.

CO-AUTHOR OF SENATE BILL 474

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SB 474**.

CO-AUTHOR OF SENATE BILL 497

On motion of Senator Jackson, Senator Van de Putte will be shown as Co-author of **SB 497**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 7

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SJR 7**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 12

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SJR 12**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 20

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SJR 20**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 21

On motion of Senator Patrick, Senator Carona will be shown as Co-author of **SJR 21**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 270 by Van de Putte, In memory of Beatrice Theresa Gonzalez Aleman of San Antonio.

SR 271 by Van de Putte, In memory of Maria Rosa Pena of San Antonio.

SR 272 by Van de Putte, In memory of Terry McGoon Hausman of San Antonio and Eagle Pass.

Welcome and Congratulatory Resolutions

SR 260 by Shapiro, Recognizing the Dallas Can! Academy on the occasion of its 25th anniversary.

SR 266 by Jackson, Recognizing the National Aeronautics and Space Administration for its accomplishments in the State of Texas.

SR 267 by Ellis, Recognizing Robert H. Friedman for his career in obstetrics and gynecology.

SR 269 by Van de Putte, Welcoming the Alamo Angels Accordion Orchestra to the State Capitol.

SR 273 by Deuell, Recognizing Elease Edwards on the occasion of her 100th birthday.

Official Designation Resolutions

SR 248 by Deuell, Recognizing March 28, 2011, as Miss Texas Day at the State Capitol.

SR 249 by Deuell, Recognizing the Terrell Heritage Jubilee Cook-off as a Texas State Barbecue Championship competition.

SR 262 by Estes, Recognizing Texas Farm Bureau Day at the State Capitol.

SR 263 by Zaffirini, Carona, Ellis, Eltife, Hegar, Ogden, Shapiro, Van de Putte, Wentworth, and Williams, Recognizing February 15, 2011, as Orange and Maroon Legislative Day.

SR 265 by Jackson and Van de Putte, Recognizing February 16, 2011, as Ellington Field Day at the State Capitol.

RECESS

On motion of Senator Whitmire, the Senate at 12:17 p.m. recessed, in memory of Jack Paul Leon, until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLED

February 14, 2011

SCR 15, SR 168, SR 215, SR 216, SR 217, SR 218, SR 220, SR 221, SR 222, SR 223, SR 224, SR 226, SR 227, SR 228, SR 229, SR 231, SR 232, SR 233, SR 234, SR 235, SR 236, SR 237, SR 238, SR 239, SR 240, SR 241, SR 242, SR 245, SR 246, SR 247, SR 251, SR 252, SR 253, SR 254, SR 256

SENT TO SECRETARY OF STATE

February 15, 2011

SCR 15

