

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## TWENTY-THIRD DAY

(Wednesday, March 9, 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, Wentworth, West, Whitmire, Williams, Zaffirini.

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

The Reverend Alex Lupo, First United Methodist Church, East Bernard, offered the invocation as follows:

Eternal and almighty creator, we acknowledge You as the giver of every good and perfect gift. You are our solid rock and our foundation. You arm us with wisdom, strength, and discernment. You have blessed us with much and entrusted us, as Your stewards, with the treasures of this great state. Today, bless our lawmakers. Illumine their lives to keep them on the right paths. Help them to make the right decisions. Give them patience in shouldering the heavy burdens they bear. Bless their families and constituents back home. Make them faithful stewards of not only the land but the gifts, graces, and potential of every man, woman, and child. Bless this time that these Senators come together to perform the work at hand. Fill their minds with wisdom and their hearts with compassion, as together they create a Texas for today and for future generations. Fill them with courage as You show them Your unfailing love. Give them an attitude of openness to receive the fullness of Your grace and truth. We pray in Your sacred 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.

## PHYSICIAN OF THE DAY

Senator Nichols was recognized and presented Dr. Thomas Cherry of Chandler as the Physician of the Day, accompanied by his son, Joseph Cherry, who was serving as an Honorary Senate Page.

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

**(President Pro Tempore Ogden in Chair)**

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Wednesday, March 9, 2011 - 1

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 56**

Munoz, Jr.

Designating April 9, 2011, as LZ:RGV Welcome Home South Texas Vietnam Veterans Day.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE RESOLUTION 448**

Senator Harris offered the following resolution:

**SR 448**, Congratulating Maria Zuniga on her advancement to the national finals of the Poetry Out Loud: National Recitation Contest.

The resolution was again read.

The resolution was previously adopted on Monday, March 7, 2011.

**GUESTS PRESENTED**

Senator Harris was recognized and introduced to the Senate Maria Zuniga; her father and mother, Roberto and Maria Zuniga; Anina Moore; and Gary Gibbs, Executive Director, Texas Commission on the Arts.

The Senate welcomed its guests.

**SENATE RESOLUTION 175**

Senator Deuell offered the following resolution:

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

The resolution was again read.

The resolution was previously adopted on Monday, February 7, 2011.

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a Fannin County delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 471**

Senator Lucio offered the following resolution:

**SR 471**, Recognizing March 9, 2011, as Mid-Valley Day at the State Capitol.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a Mid-Valley delegation: Mayor Rudy Villarreal, City of Alamo; Hector "Tito" Palacios, Hidalgo County Commissioner; Lupe Rivera, Weslaco City Commissioner; Homero Garcia, South Texas ISD School Board President; and Fernando Castillo, Progreso ISD Superintendent.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Nelson, joined by Senator Harris, was recognized and introduced to the Senate a Leadership Flower Mound delegation.

The Senate welcomed its guests.

**SENATE RESOLUTION 391**

Senator Harris offered the following resolution:

**SR 391**, Congratulating the Hebron High School Girls' Volleyball Team on winning the University Interscholastic League Class 5A state championship title.

The resolution was again read.

The resolution was previously adopted on Monday, February 28, 2011.

**GUESTS PRESENTED**

Senator Harris was recognized and introduced to the Senate a Hebron delegation and the Hebron High School Girls' Volleyball Team, winners of the University Interscholastic League Class 5A state championship title: Andie Barron, Rachel Buckley, Brittany Sample, Tiffany Baker, and Kate King, joined by their teammates in the gallery.

The Senate welcomed its guests.

**SENATE RESOLUTION 449**

Senator Jackson offered the following resolution:

**SR 449**, Recognizing March 9, 2011, as Texas Chemicals Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, March 7, 2011.

### **GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate representatives from the Texas Chemical Council and the Association of Chemical Industry of Texas.

The Senate welcomed its guests.

### **SENATE CONCURRENT RESOLUTION 24**

The President Pro Tempore 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 82nd 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 9, 2011, and ending on Monday, March 14, 2011.

WHITMIRE

**SCR 24** was read.

On motion of Senator Whitmire, the resolution was considered immediately and was adopted by the following vote: Yeas 31, Nays 0.

### **SENATE RULE 11.10(a) SUSPENDED (Public Notice of Committee Meetings)**

On motion of Senator Harris and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Jurisprudence might meet today.

### **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 Deuell.

Senator Deuell 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 31, Nays 0.

Senator Nichols asked to be recorded as voting "Nay" on the confirmation of Roderick A. Bordelon, Travis County.

Judge, 244th Judicial District Court, Ector County: James Marion Rush, Ector County.

Judge, 76th Judicial District Court, Camp, Morris, and Titus Counties: Kerry Dan Woodson, Titus County.

Members, Board of Directors, Angelina and Neches River Authority: Dominick Benedict Bruno, Cherokee County; Keith Drewery, Nacogdoches County; James E. Hughes, Newton County.

Members, Board, Texas Department of Motor Vehicles: Clifford Ernest Butler, Titus County; Ramsay Howze Gillman, Harris County; Laura Ryan Heizer, Harris County; Blake William Ingram, Dallas County; Cheryl E. Johnson, Galveston County; Victor Rodriguez, Hidalgo County; William Marvin Rush, Guadalupe County; Victor Thomas Vandergriff, Tarrant County; John H. Walker, Harris County.

Presiding Officer, Camino Real Regional Mobility Authority: Scott Anthony McLaughlin, El Paso County.

Commissioner, Texas Department of Insurance Division of Workers' Compensation: Roderick A. Bordelon, Travis County (Nichols "Nay").

Members, Board of Directors, Lower Neches Valley Authority: Mary Cleveland, Hardin County; Jimmie R. Cooley, Tyler County; Kathleen Thea Jackson, Jefferson County.

Members, Parks and Wildlife Commission: Thomas Dan Friedkin, Harris County; Dan Allen Hughes, Bee County; Richard R. Scott, Hays County.

Commissioner, Public Utility Commission of Texas: Donna L. Nelson, Williamson County.

Members, Board of Directors, Sabine River Authority: Cary McClure Abney, Harrison County; Connie Wade, Gregg County; Constance M. Ware, Harrison County.

Member, Sabine River Compact Administration: Jerry F. Gipson, Gregg County.

Member, Texas Commission on Environmental Quality: Carlos Rubinstein, Williamson County.

Member, Texas Facilities Commission: Betty Pinckard Reinbeck, Austin County.

### **CONCLUSION OF MORNING CALL**

President Pro Tempore Ogden at 11:37 a.m. announced the conclusion of morning call.

**(President in Chair)**

### **SENATE BILL 912 ON SECOND READING**

Senator West moved that Senate Rule 5.14; Senate Rule 7.13; Section 5, Article III, of the Texas Constitution; and the regular order of business be suspended and that **SB 912** be taken up for consideration at this time:

**SB 912**, Relating to temporary modification under certain circumstances of procedures authorized for the nonrenewal of public school teacher term contracts.

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

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

### **SENATE BILL 912 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 912** be placed on its third reading and final passage.

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

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

### **SENATE RULES SUSPENDED (Posting Rules)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider the following bills today: **SB 271, SB 341.**

#### **CO-AUTHOR OF SENATE BILL 9**

On motion of Senator Williams, Senator Ogden will be shown as Co-author of **SB 9.**

#### **CO-AUTHOR OF SENATE BILL 115**

On motion of Senator Uresti, Senator Deuell will be shown as Co-author of **SB 115.**

#### **CO-AUTHOR OF SENATE BILL 247**

On motion of Senator Shapiro, Senator Ellis will be shown as Co-author of **SB 247.**

#### **CO-AUTHOR OF SENATE BILL 330**

On motion of Senator Watson, Senator Rodriguez will be shown as Co-author of **SB 330.**

#### **CO-AUTHOR OF SENATE BILL 585**

On motion of Senator Watson, Senator Rodriguez will be shown as Co-author of **SB 585.**

#### **CO-AUTHOR OF SENATE BILL 852**

On motion of Senator Ellis, Senator Rodriguez will be shown as Co-author of **SB 852.**

#### **CO-AUTHOR OF SENATE BILL 965**

On motion of Senator Uresti, Senator Lucio will be shown as Co-author of **SB 965.**

**CO-AUTHOR OF SENATE BILL 991**

On motion of Senator Carona, Senator Watson will be shown as Co-author of **SB 991**.

**CO-AUTHORS OF SENATE BILL 1007**

On motion of Senator Williams, Senators Ellis, Gallegos, Hegar, Huffman, Jackson, and Whitmire will be shown as Co-authors of **SB 1007**.

**CO-AUTHOR OF SENATE BILL 1106**

On motion of Senator Harris, Senator Huffman will be shown as Co-author of **SB 1106**.

**CO-AUTHOR OF SENATE BILL 1220**

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 1220**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 464** by Nichols, In memory of Richard Lewis Waltman of Athens.

**SR 478** by Jackson, In memory of Phillip McClanahan Hopkins, Sr., of Tiki Island.

**SR 479** by Jackson, In memory of Lynn Levin Cantini of Galveston.

**SR 483** by Jackson, In memory of Lewis Edward Cook III.

**Congratulatory Resolutions**

**SR 453** by Whitmire, Recognizing Houston's Korean Community Center on the occasion of the grand opening of its new building.

**SR 454** by Deuell, Recognizing the First State Bank of Ben Wheeler on the occasion of its 100th anniversary.

**SR 462** by Eltife, Recognizing Israel Smith of Tyler on the occasion of his 100th birthday.

**SR 463** by Nichols, Recognizing the Toyota Texas Bass Classic for its support of the Parks and Wildlife Department.

**SR 466** by Nelson, Davis, and Harris, Recognizing the members of the Leadership Fort Worth Class of 2011 on the occasion of their visit to Austin and the State Capitol.

**SR 467** by Nelson, Recognizing SafeHaven of Tarrant County on the occasion of its annual Legacy of Men Breakfast.

**SR 469** by Williams, Recognizing the Golden Triangle Women's History Museum on the occasion of its first annual Women's History Celebration.

**SR 470** by Williams, Recognizing the organizers of the Texas Star Music Festival in Vidor.

**SR 473** by Ellis, Recognizing the Houston Chapter of the Huston-Tillotson University International Alumni Association on the occasion of this year's concert by the university's concert choir.

**SR 474** by Birdwell, Congratulating the Happy Hill Farm Academy Lady Pioneers basketball team for winning the 2011 Texas Association of Private and Parochial Schools 1A state championship.

**SR 475** by Estes, Congratulating Glenda Culpepper for receiving the Whitesboro Chamber of Commerce 2011 Lifetime Achievement Award.

**SR 477** by Jackson, Congratulating Sharon Li of Manvel on being named a top youth volunteer in Texas in the 2011 Prudential Spirit of Community Awards program.

### **Official Designation Resolutions**

**SR 455** by Eltife, Recognizing April 20, 2011, as "Retire in Texas Day."

**SR 468** by Nelson, Recognizing March 23, 2011, as Robson Ranch Women's Club Day at the State Capitol.

**SR 476** by Estes, Recognizing May of 2011 as Motorcycle Safety and Awareness Month.

**HCR 56** (Hinojosa and Lucio), Designating April 9, 2011, as LZ:RGV Welcome Home South Texas Vietnam Veterans Day.

**HCR 59** (Eltife), Designating February 28 to March 1, 2011, as East Texas Coalition Days at the State Capitol.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 11:55 a.m. adjourned, in memory of Corey C. Owens, until 1:30 p.m. Monday, March 14, 2011.

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### **APPENDIX**

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### **COMMITTEE REPORTS**

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

March 9, 2011

**BUSINESS AND COMMERCE — SB 351, SB 799, SB 889, SB 890, SB 892, CSSB 762**

**EDUCATION — SB 764**



NATURAL RESOURCES — **SB 292, SB 312, SB 333, SB 360, SB 370, SB 408, SB 433**

BUSINESS AND COMMERCE — **CSSB 690**

**RESOLUTIONS ENROLLED**

March 8, 2011

**SR 386, SR 413, SR 434, SR 435, SR 436, SR 439, SR 440, SR 442, SR 443, SR 444, SR 450, SR 451, SR 452, SR 456, SR 457, SR 458, SR 459, SR 460, SR 461**

