

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-FOURTH DAY

(Monday, March 14, 2011)

The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by President Pro Tempore Ogden.

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

The Reverend Elizabeth Zarelli Turner, Saint Mark's Episcopal Church, Austin, offered the invocation as follows:

O God, ruler of the universe, blessed are You, Lord, our God, king of the universe. You are a compassionate God, a forgiving God, a just God, and a merciful God. We ask for Your presence with, and Your blessing upon, this assembly of the Texas State Senate. We pray for these Senators that they be given a spirit of wisdom, charity, and justice, that with steadfast purpose they may faithfully serve in their elected position to promote the well-being of the people of this state. In their deliberations, help them to order the affairs of this state with both justice and mercy. In these difficult times, grant them the wisdom and courage to legislate in ways that promote the common good with which they have been entrusted. Keep them mindful always of the needs of the people they have been elected to serve, but particularly those who are most vulnerable, who live in the shadows of life. Grant this legislative body a spirit of civility that will enable them to aim first for the reconciliation of differences rather than the triumph of victory. We remember before You this afternoon those who live beyond the borders of our state and nation, those who are engaged in struggles for freedom and peace, those who are recovering from natural disasters. And finally, we give thanks to You, our creator, for Your innumerable blessings. O God of all compassion, all mercy, and all justice, make us worthy stewards of the bounty You have showered upon us. 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.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate his aunt, Ruth Estes, and his cousin, Jamie Estes.

The Senate welcomed its guests.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

March 9, 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 Texas Historical Commission for terms to expire February 1, 2017:

Earl P. Broussard, Jr.
Westlake Hills, Texas
(Mr. Broussard is being reappointed)

Matthew F. Kreisle, III
Austin, Texas
(replacing Donna Carter of Austin whose term expired)

Frank "Tom" Perini
Buffalo Gap, Texas
(replacing Diane Bumpas of Dallas whose term expired)

Judy C. Richardson
Caldwell, Texas
(replacing Marcus Watson of Dallas whose term expired)

Daisy White
Houston, Texas
(replacing Sara Armstrong Hixon of Houston whose term expired)

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

Gloria Hicks
Corpus Christi, Texas

Robert Schmidt
Fort Worth, Texas

The individuals listed above are being reappointed.

To be members of the Texas Water Development Board for terms to expire December 31, 2015:

Billy R. Bradford, Jr.

Brownsville, Texas

(replacing Jack Hunt of Houston whose term expired)

Monte D. Cluck

Gruver, Texas

(replacing James Herring of Amarillo whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

March 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 the Canadian River Compact Commissioner for a term to expire December 31, 2015:

James E. Herring

Amarillo, Texas

Mr. Herring is replacing Richard McDonald of Amarillo who is deceased.

To be a member of the Texas Veterans Commission for a term to expire December 31, 2013:

Daniel P. Moran

Cypress, Texas

Captain Moran is replacing John McKinney of El Paso who is deceased.

Respectfully submitted,

/s/Rick Perry

Governor

MESSAGE FROM THE SUPREME COURT OF TEXAS

The following message from the Supreme Court of Texas was read and was referred to the Committee on Nominations:

THE SUPREME COURT OF TEXAS

March 11, 2011

The Honorable Patsy Spaw

Secretary of the Senate

State Capitol, Room 2E.13

Austin, Texas 78701

Dear Ms. Spaw:

The Supreme Court of Texas has made the following appointment to the State Commission on Judicial Conduct which requires the advice and consent of the Senate:

Honorable David Bradford Gaultney
Justice, Ninth Court of Appeals
Beaumont, Texas

Justice Gaultney was appointed on March 7, 2011, to fulfill the unexpired term of Justice Jan Patterson, which will expire November 19, 2013.

The Supreme Court of Texas requests the consent and confirmation of the Senate for this appointment.

Sincerely,

/s/Wallace B. Jefferson
Chief Justice

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas

Monday, March 14, 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 76 King, Susan
In memory of William B. Decker of Abilene.

SCR 24 Whitmire Sponsor: Munoz, Jr.
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 9, 2011, and ending on Monday, March 14, 2011.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILLS ON FIRST READING

The following bills, filed on or before Friday, March 11, 2011, were introduced, read first time, and referred to the committees indicated:

SB 4 by Shapiro

Relating to certification, performance, continuing education, and appraisal of public school teachers.

To Committee on Education.

SB 5 by Zaffirini

Relating to public institutions of higher education, including the administration, operation, financial management, and reporting requirements of those institutions.

To Committee on Higher Education.

SB 6 by Shapiro

Relating to the foundation curriculum, the establishment of the instructional materials allotment, and the adoption, review, and purchase of instructional materials and technological equipment for public schools.

To Committee on Education.

SB 13 by Huffman

Relating to the reform of certain remedies and procedures in civil actions.

To Committee on State Affairs.

SB 15 by Fraser

Relating to state energy policy and the planning of energy development and utilization.

To Committee on Natural Resources.

SB 20 by Williams

Relating to a grant program for certain natural gas motor vehicles.

To Committee on Transportation and Homeland Security.

SB 22 by Shapiro

Relating to public school finance.

To Committee on Finance.

SB 1312 by Van de Putte

Relating to certain criminal and civil consequences of trafficking of persons, compelling prostitution, and certain other related criminal offenses and to the prevention, prosecution, and punishment of those offenses.

To Committee on Criminal Justice.

SB 1436 by Van de Putte

Relating to creating the offense of continuous trafficking of persons; providing a penalty and other civil consequences.

To Committee on Criminal Justice.

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Mitchell Finnie of San Antonio as the Physician of the Day.

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

SENATE RESOLUTION 503

Senator Patrick offered the following resolution:

SR 503, Commending the Patriot Guard Riders on their commitment to supporting the families of veterans and active-duty military members.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate members of Girl Scout Troop 162.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Guadalupe Castillo and his son, David.

The Senate welcomed its guests.

SENATE BILL 815 REREFERRED**(Motion In Writing)**

Senator Lucio submitted a Motion In Writing requesting that **SB 815** be withdrawn from the Committee on Transportation and Homeland Security and rereferred to the Committee on International Relations and Trade.

The Motion In Writing prevailed without objection.

SENATE BILL 826 REREFERRED**(Motion In Writing)**

Senator Lucio submitted a Motion In Writing requesting that **SB 826** be withdrawn from the Committee on Agriculture and Rural Affairs and rereferred to the Committee on International Relations and Trade.

The Motion In Writing prevailed without objection.

GUESTS PRESENTED

Senator Rodriguez was recognized and introduced to the Senate his wife, Carmen, his grandson, Santiago, and his nephew, Sammie.

The Senate welcomed its guests.

SENATE RULE 11.18(a) SUSPENDED**(Public Hearings)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Criminal Justice might consider **SB 1436** tomorrow.

CO-AUTHOR OF SENATE BILL 121

On motion of Senator Ellis, Senator West will be shown as Co-author of **SB 121**.

CO-AUTHOR OF SENATE BILL 257

On motion of Senator Carona, Senator Nelson will be shown as Co-author of **SB 257**.

CO-AUTHOR OF SENATE BILL 321

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

CO-AUTHOR OF SENATE BILL 371

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

CO-AUTHOR OF SENATE BILL 449

On motion of Senator Watson, Senator Seliger will be shown as Co-author of **SB 449**.

CO-AUTHOR OF SENATE BILL 492

On motion of Senator Fraser, Senator Rodriguez will be shown as Co-author of **SB 492**.

CO-AUTHOR OF SENATE BILL 1007

On motion of Senator Williams, Senator Patrick will be shown as Co-author of **SB 1007**.

CO-AUTHOR OF SENATE BILL 1118

On motion of Senator Hinojosa, Senator Rodriguez will be shown as Co-author of **SB 1118**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 33

On motion of Senator Hinojosa, Senator Rodriguez will be shown as Co-author of **SJR 33**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 494 by Uresti, In memory of Raul R. Ayala.

SR 498 by Ellis, In memory of Wallace Edward Lockett.

HCR 76 (Fraser), In memory of William B. Decker of Abilene.

Congratulatory Resolutions

SCR 28 by Watson, Commending Joe E. Gonzales for his career in education and for his contributions to the success of Austin Can! Academy.

SCR 29 by Watson, Recognizing Austin Can! Academy, a dropout recovery charter high school serving at-risk students of Travis County.

SR 472 by Ogden, Recognizing Richard L. Cosper of Georgetown for his service to his country.

SR 482 by Whitmire, Recognizing Bob Wessels on the occasion of his retirement as court manager for the Harris County Courts at Law.

SR 484 by Uresti, Recognizing the Del Rio Chamber of Commerce on the occasion of its 75th anniversary.

SR 485 by West, Recognizing Rai Cole Malone on the occasion of her 25th year as a member of Alpha Xi Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated.

SR 489 by Seliger, Recognizing Walt Kelley on the occasion of his retirement as emergency administration manager for the City of Amarillo.

SR 490 by Watson, Recognizing the Mexican American Experience 2011 event at the Emma S. Barrientos Mexican American Cultural Center in Austin.

SR 492 by Hinojosa, Commending Jacob Thomas Gaslin for achieving the rank of Eagle Scout.

SR 493 by Hinojosa, Commending Matthew Franke for achieving the rank of Eagle Scout.

SR 495 by Seliger, Congratulating the Canyon High School Lady Eagles basketball team on winning the Class 4A state championship title.

SR 499 by Birdwell, Recognizing the Texas State Technical College Student Leadership Council of Waco on the occasion of its visit to the State Capitol on March 22, 2011.

SR 500 by Ellis, Paying tribute to the founders of our nation's African American press on the occasion of the 184th anniversary of the establishment of *Freedom's Journal*.

Official Designation Resolution

HCR 40 (Huffman), Designating the Sunday through Saturday surrounding World Suicide Prevention Day, September 10, each year as Texas Suicide Prevention Week.

Legislative Policy Resolution

HCR 58 (Whitmire), Granting the legislature permission to adjourn for more than three days.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:51 p.m. adjourned, in memory of Robert Garza, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 14, 2011

TRANSPORTATION AND HOMELAND SECURITY — **SB 132**

JURISPRUDENCE — **SB 283, SB 286, SB 481, SB 485, SB 543, SB 605, SB 502, SB 582, SB 886**

ECONOMIC DEVELOPMENT — **SB 309, SB 439, SB 458, SB 563, SB 580**

CRIMINAL JUSTICE — **SB 250, SB 279, CSSB 116, CSSB 170, CSSB 542**

HEALTH AND HUMAN SERVICES — **SB 37, SB 80, SB 228, SB 256, SB 335, SB 594, SB 798**

INTERGOVERNMENTAL RELATIONS — **SB 398, SB 490, SB 494, SB 558, SB 559, CSSB 101**

BUSINESS AND COMMERCE — **CSSB 781, CSSB 566**

JURISPRUDENCE — **CSSB 61**

INTERGOVERNMENTAL RELATIONS — **CSSB 761**

HEALTH AND HUMAN SERVICES — **CSSB 72, CSSB 77, CSSB 193, CSSB 219, CSSB 222**

HIGHER EDUCATION — **SB 633, CSSB 282, CSSB 850, CSSB 851**

CRIMINAL JUSTICE — **CSSB 545**

ECONOMIC DEVELOPMENT — **CSSB 638**

JURISPRUDENCE — **CSSB 716, CSSB 785**

NATURAL RESOURCES — **CSSB 160, CSSB 271, CSSB 341, CSSB 527**

HEALTH AND HUMAN SERVICES — **CSSB 622, CSSB 355**

BILL ENGROSSED

March 9, 2011

SB 912

RESOLUTIONS ENROLLED

March 9, 2011

SR 453, SR 454, SR 455, SR 462, SR 463, SR 464, SR 466, SR 467, SR 468, SR 469, SR 470, SR 471, SR 473, SR 474, SR 475, SR 476, SR 477, SR 478, SR 479, SR 483

