

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## SEVENTY-SECOND DAY

(Monday, May 30, 2011)

The Senate met at 10:47 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 C. William Mays, Rising Star Missionary Baptist Church, Austin, offered the invocation as follows:

Our Father which is in heaven, we have now come to the close of the legislative session with thanksgiving in our hearts for all that You have allowed us to accomplish. We ask, Father God, that You will bless our efforts. Direct us, O Lord, in all our doings with Your most gracious favor and further us with Your continual help for the future. Now may Your grace abound and Your peace be with us all for ever and ever. In Jesus Christ's name we pray. 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

Monday, May 30, 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 ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

- HB 242** (80 Yeas, 61 Nays, 4 Present, not voting)
- HB 300** (145 Yeas, 0 Nays, 1 Present, not voting)
- HB 335** (139 Yeas, 0 Nays, 2 Present, not voting)
- HB 362** (143 Yeas, 1 Nays, 2 Present, not voting)
- HB 2093** (121 Yeas, 21 Nays, 4 Present, not voting)
- HB 2327** (114 Yeas, 30 Nays, 1 Present, not voting)
- HB 2357** (139 Yeas, 6 Nays, 1 Present, not voting)
- HB 2608** (144 Yeas, 3 Nays, 1 Present, not voting)
- HB 2770** (147 Yeas, 0 Nays, 1 Present, not voting)
- HB 3025** (140 Yeas, 0 Nays, 2 Present, not voting)
- HB 3275** (86 Yeas, 60 Nays, 1 Present, not voting)
- HB 3328** (137 Yeas, 8 Nays, 2 Present, not voting)
- HB 3468** (141 Yeas, 1 Nays, 2 Present, not voting)
- SB 100** (147 Yeas, 0 Nays, 1 Present, not voting)
- SB 293** (146 Yeas, 0 Nays, 1 Present, not voting)
- SB 694** (119 Yeas, 21 Nays, 2 Present, not voting)
- SB 1010** (147 Yeas, 0 Nays, 1 Present, not voting)
- SB 1130** (140 Yeas, 0 Nays, 2 Present, not voting)
- SB 1320** (112 Yeas, 15 Nays, 2 Present, not voting)
- SB 1543** (140 Yeas, 6 Nays, 1 Present, not voting)
- SB 1788** (144 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

**SB 316**

The House discharges conferees on SB 316.

**SB 1198**

The House discharges conferees on SB 1198.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**PHYSICIAN OF THE DAY**

Senator Wentworth was recognized and presented Dr. Eugene David Pampe of Dripping Springs as the Physician of the Day.

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

### **ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM EIGHTY- SECOND LEGISLATURE**

The President announced that the time had arrived for the election of President Pro Tempore Ad Interim of the 82nd Legislature.

Senator Whitmire placed in nomination the name of Senator Mike Jackson for the office of President Pro Tempore Ad Interim of the 82nd Legislature.

On motion of Senator Eltife and by unanimous consent, the nominating speeches by Senators Whitmire, Fraser, Williams, Shapiro, Carona, and Watson were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Whitmire:** Thank you Mr. President. Members, and Senator Jackson's family, and our guests in the gallery this morning, this is the time in the session where we choose one of our colleagues for the position of President Pro Tempore, which is a position that is called for in the instance of our Lieutenant Governor being out of state or not present to govern the Senate. This Senator becomes, essentially, the Lieutenant Governor. Also, that individual, when the Governor leaves the state, becomes our acting Governor. So it's a ceremony this morning where we get to honor one of our colleagues. It is really, really an important position. Certainly, in recent years the President Pro Tempore has acted as our Governor in overseeing executions, that most serious act of state government. They have seen, overseen crises such as hurricane preparation, recovery, forest fires. I could go on, the important position and responsibilities of this position. We all believe it is a real likelihood that during the future months that this position could even be more important than any time in recent history because of the likely aspirations of our Governor Perry and even our own Lieutenant Governor. So while we're going to have fun this morning and honor a very special friend, it's also a very sober process of choosing someone that we're actually going to place the reins and the full responsibilities of the 25 million Texans that look to state government to safeguard them, provide for them, and have access to their state government. It is my honor this morning to place in nomination Senator Mike Jackson. I have all the confidence, his colleagues, all 31 of us, have the confidence that Mike can fulfill the responsibility that he is fixing to be placed in. The greatest honor I could give him as a longtime friend and colleague is that he's a Senator's Senator. Now what I mean by that? It means if someone, students or my constituents or my family said, what do you Senators look for in a Senator? I would point to Mike Jackson, because Mike Jackson is committed to the people of Texas. He has stayed in touch with his district since he became a State Representative in 1999 and later a Senator, a Rep. in '89, a Senator in '99. The neatest thing, as his buddy, I could say is, he hasn't changed a bit. Some could say that's part of the problem, too. But I think it is tremendous. As someone who's been in public office his entire adult life as I have, I've seen them come and go around here. I've seen what the power and the influence and position can do to someone. It has not affected Mike in any negative way. His family knows this, his colleagues know this, his constituents know this. Mike is the

hard working, blue-collar, small business man, family man that he was when he came to Austin in 1999. He's a Senator's Senator because when he gives you his word, you can bet on it. Unfortunately, sometimes people in this forum will tell you they're going to do something, and they change their mind, and they don't tell you. I can poll this floor and come up with what the Members are going to do on a particular piece of legislation, and if I'm not recognized the day that I did my poll, I can place it in my desk, and it doesn't matter how long it stays in my desk, Members, you know that Mike Jackson's still committed to the position that he told you. Mike is a Senator's Senator. Let me tell you something else that I'm proud of Mike about. A lot of time people will ask me about this body, and they'll comment on some of us, what makes people do what they do, what's their personality on the Senate floor, or when they're in committees or campaigning? I'm fond of saying there's workhorses and show horses. Mike Jackson's a workhorse. And that's what we need in this body. We got enough show horses, quite frankly. We need workhorses in state government. Let me tell you about family, most of us really become friends in this body and bond because of our families. Mike's and my children are the same age. So as he became a Senator in '99, I knew him as a House Member, mostly on the golf course, but in '99 we started running together, and our kids were the same age. Sometime after that, he was sharing with me that Michelle was so active in 4-H, and she loved her four young heifers that were now mama cows. But we were having a tremendous drought that year, and Mike being the dad and family person, had these four mama cows in downtown La Porte. I'm surprised the animal cruelty didn't—the bill we passed the other day will probably take care of that situation, although we didn't have large animals. But he had a problem, he's committed to his daughter, the love of his life, to take care of her four mama cows that had become her pets, and he was having to feed them expensive hay, haul it over to a lot there in La Porte. And I said, well, Mike, why don't you let me help you out? We'll just take them over to my farm or ranch over at Brenham. He said, you'd do that? I said, in a heartbeat. So I had my ranch hand go pick up, and, of course, Michelle's concerned, Vickie, the mother and probably the boss of the family, they're worried how I was going to treat those cows. I said, don't worry, Tomas, we got about another hundred, they'll just, they'll fit right in. Now what they didn't tell me after we hauled them to my place in Chappell Hill, is that one of them, large Santa Gertrudis mama cows, one just refused to stay in the pasture. They didn't tell me that, you know, regularly would be jumping the fence. Messes up your entire herd when you have one that is so disruptive. But, you know, that's what friends are for. So my ranch hand would go gather this mama cow, then, but they really didn't tell me is, she liked to fight. So I'm trying to handle criminal justice and legislation over here, and my ranch hand's calling me, "What are we going to do about your best friend's mama cow, because she won't stay in, she's messing up the herd, and I have to act like I'm at a bullfight to get her back in our location?" That's how you become best of friends, and that's how you can go to someone and ask them for a vote on a piece of legislation that they may not want. And I'll say, Mike, remember the cows. In fact, I still got three of them. And of course, Vickie makes sure that when they have a calf, that we get the right prize for their offspring. But let me get back to being a Senator's Senator. In 2001, we had a real difficulty with redistricting, which speaks greatly to Senator Seliger's success this spring. In

2001, Senator Sibley decided that it would be in his party's best interest to go to the Redistricting Board. I think I was probably the senior Senator at that time, senior Democratic Senator at that time. So anybody that thought that I could come out of the redistricting in 2001 was not present. Everyone thought I was doomed. Most of us really didn't want to go to the Redistricting Board. Mike, I've already explained to you, had bonded, we're best of friends. Our kids are best of friends. Vickie is a close friend. And as we approached the deadline of that session, Mike and I most of the time didn't even want to talk about redistricting. I mean, really, it's the hardest thing you have to do, to deal with redistricting, because of the impact it has on your opportunity to continue representing the State of Texas. But let me tell you what Mike did. He knew he had to send it to the Redistricting Board because that was the position of his party and the majority of the Senators using, Senator Patrick, the two-thirds rule to block redistricting and send it to the Redistricting Board, which posed a real dilemma. Right before the end of the session, when it was becoming apparent we were running out of time, my good friend, a colleague, someone that I respect and care for and it's mutual, called me about seven o'clock on a Sunday evening and said, John, where are you? I said, I'm at home. He said, I need to see you, it's important. He said, and we don't have to go in the Capitol, if you'll just pull up, I need to speak to you briefly. Mike, when I got to the east side, was waiting in his pickup. I got in his pickup cab. Mike's not long on words, he said, John, he teared up, said, you know what I've got to do. I hate to do it to you, but I'm going to vote tomorrow, and we're going to send redistricting to the Redistricting Board. And I hate to do it to you because I know probably what the outcome will be. I said, Mike, I don't like it, but I understand. Folks, that's what good government and good friendship is about. He was doing his job for his district, but he cared enough about me to let me know why he was doing it and that he was going to do it. That's what being a State Senator and a part of this body should be all about. Looking out for one another as you represent your district, being honest, being a Senator's Senator, being a workhorse, keeping your word. And that's why I stand up for you this morning in these most challenging times as we go forward. It is my honor and pleasure to present to you and nominate Mike Jackson for President Pro Tempore because if he gets ready to do you in, he'll let you know before he does it. Mr. President, I yield at this time, and I'm excited about the presentation that I just made.

**Senator Fraser:** Thank you, Governor. I will now also rise to second the nomination of Mike "Landslide" Jackson. I actually, Michael, I've sat here thinking about the potential of what could happen in the next year and a half. And those of us that have done it and kind of know what you're headed into, probably it would've been smart if you asked me to filibuster your nomination. I'm extremely honored to get to do this. And we were sitting here, Michelle was laughing a while ago because I was frantically making notes, and Jackson said, you know, you've known about this for weeks. Then I said, yeah, but the speech I was going to make I threw in the trash, and I'm rewriting because I look over here at people, and I recognize faces, and we've had a pretty interesting journey that we've taken to get to where we're sitting on the Senate, House. Mike and I think, other than family that are here, I think I probably have known him longer than anybody that's in this room, I think. Way back in 1987 when I was being recruited to run for the Texas House, I started hearing stories. I

said, well, who else are you trying to get to run? And they said, well, you know, we got a guy out of Fort Worth named Brimer that we're trying to get to run, and there's a guy in San Antonio, a Wentworth guy, that is down there, that I think is probably going to try to run in a special election. We've got a real crazy guy out in El Paso, Haggerty, that we understand is running. And I said, but we got a real sharp whippersnapper, young businessman, down in La Porte that we feel very, very strongly about. He's got two little kids, got a real good wife, runs a business, and we're real, real high on this guy. So I watched during that period, and we ran, and, interestingly, Mike was running in a Democrat district that was held by a veteran Democrat, probably, realistically, unwinnable. I was running in a district that was held by a veteran Democrat, probably unwinnable, they forgot to tell us that, though. We didn't realize to look it up before we ran. And a combination of husband, wife, kids, family, knocking on doors, we went out, and we were victorious, and we ended up winning. My race was narrow, but it wasn't anything close to "Landslide" Jackson. On election night, I'm setting in my house, we're counting votes, and, obviously, I'm watching mine, but I'm also—that was before computers, so we're on the phone, and we're calling back and forth and asking. And so, I call to headquarters and I said, how's the guy in La Porte doing, how's Jackson doing? And they said, well, it's pretty close, you know, we're not ready to call it yet. And so, we followed it through the night. Next morning they called back in and they said, he squeaked by, he won by 17 votes. And I go, great. Well, within about a day we realized 17 votes might not stand. So Ed Watson, who he was running against, called for a recount, and that recount took, what, another week or so to do. And first recount he loses 5 votes, so he's down to 12 as his margin. And so, we think, well, 12, 12's pretty good, but Ed Watson wasn't through, and Ed Watson challenged again, and there was a second recount. Second recount they found some other ballots that they decided to throw out, and so he loses 5 more, and he's down to 7. So Mike is ahead by 7 votes. They attempt to challenge it. They go ahead and say, well it's certified. Well, everybody agreed with that except Ed Watson. So if Haggerty setting over here on the back, and he, I remember how upsetting it was now, and I can remember it as if it was yesterday. I walk into the Texas House, and I'm setting there, and I noticed there's a lot of, you know, discussion and unrest, and I'm asking, what's going on? I said something about, what's happening? And they said, Watson won't leave. He's refusing to leave his seat and that he's going to force a vote of the House to try to overthrow the election. And I said, what does that mean? And they said, well your first vote's going to be a pretty hard one. And so, I'm sitting there watching it, and I noticed Gib Lewis is up on the stand, and he's, you know, they're going through a lot of discussion, and there's a, I look in the back and Mike is standing on the back wall, on the right side of the wall, leaning against the wall almost at attention, just standing there. Gib Lewis, there's a big, you know, he, I can see that he's made a decision. He come walking down, and then right across from me, right across the aisle, and he walks there, and I can hear the conversation. He come up and he said, Ed, get up, you got beat. Get up, you know you lost the election. Get out of the seat. Go, you know, go ahead and leave the Chamber. So Watson gets up, walks over, walks out the back door, Jackson walks up, sits down in his seat. Gib comes in, gavels in, and we start our career together. The other thing that was really interesting about that is that all of us as

freshmen, that was when we were all in the Capitol, and we got just atrocious offices. The offices were terrible that we had, except Jackson, because he had waited, he got Watson's office, and he had this gigantic office of a veteran Member. We've had so much fun during the years. I've got to watch your kids grow up. The first memory of these two I remember was the Easter egg hunt in 1989. Got rained out, and we had to have the Easter egg hunt inside the Chamber, and had all the kids in there with Governor Clements that was here, and he was there presiding over it. But, we've had some fun through the years, we've had a lot of things that we look back on. I will tell you, Michael, 22 years of us setting here looking at legislation, assuming there was seven to eight thousand bills, you know, filed per year, I would suspect you and I have maybe had, it could be as much as tens of thousands of discussions about bills. And I would suspect, during that period of time, you can count on one hand the number of times we voted differently. You're my oldest friend, for sure, in the Senate, without a doubt one of my most trusted friends. You're a very, very trusted political ally. You're one of the few people that when you and I, like Whitmire, we have a discussion, we talk about it, it always amazes me when we go into setting in committee, which we've done a lot, when I'm trying to decide who, which side is really telling the truth, you have the ability to ask the question that drills down and cuts through all the rhetoric, and it makes it so clear where we need to be. You're a good friend. You're going to be a very, very good President Pro Tem. During this period that you're serving under, assuming, depending on who runs for what, you could pull a Rodney Ellis and end up with your picture on the back wall. So I wish you luck during this period. I will now stand to second the nomination of Mike "Landslide" Jackson.

**Senator Williams:** Thank you Mr. President. I'm honored to rise and second the nomination for my friend and colleague, Mike Jackson, for President Pro Tempore of the Texas Senate. Now, you've really heard most of what I had to say from Senator Whitmire and Senator Fraser. I loved the story. I like to tease Mike and call him "Landslide" Jackson, too. I didn't come into the House within, during that session, but rather Mike's next. His last session in the Texas House was my first session, and Mike was one of those guys that, he was disarming with his good humor and his almost laconic way of responding to you when you ask him a question. He always had something kind of funny to say about it. But I soon learned that he was a very serious legislator, and he was someone that I could look to for how I wanted to vote if I wanted to be a good conservative and if I wanted to have a good voting record for business. Because he certainly had those things in mind and always had done his homework and knew exactly what the issue was and what needed to be said about it. Now, you know, we've already heard we're lucky to have you here, Mike, because it almost wasn't to be. If they hadn't been able to get Ed to leave, you know, we might not have the benefit of having you serve as President Pro Tem of the Senate. You know, from this exciting start in his political career, Mike has had a very distinguished career, both in the House and since 1999 in the Texas Senate. And the citizens of Texas and, in particular, folks along the Gulf Coast have all benefited from your hard work and your astute political advice along the way. He's loved and respected at home by all of his constituents in the community. But like so many of us, the real secret to his success is not in his business or his political career, it's in who he married. And if you want to know who the force is in Force construction, you look to Vickie Jackson,

right. And so, everybody's smiling and they know that that's the truth. You know, I often joke that people call me Mr. Marsha Williams. Well, that would make you Mr. Vickie Jackson, I think. And so, it's, Vickie has not only loved and supported Mike and his political endeavors, she's made a beautiful home for them, raised two wonderful children, and she's been involved in the Senate Ladies Club and many civic activities back home. Mike and Vickie have been such good friends to Marsha and I during our time in the Legislature. And I can tell you that back in 2002, when I was thinking of running for the Senate and giving up my House seat, I had a pretty dead cinch House seat I knew I could get reelected to, and did I want to roll the dice and run for that Senate seat? And so, Marsha just wasn't sure. My wife was on the bubble, and the person that she called to talk to this about was Vickie Jackson, because she knew that Vickie would tell it like it was, and she knew that Vickie, like Marsha, was involved in the business together, and they not only worked together but were involved in the political career together, and they had been such great friends to us. I can't tell you how much your whole family, your friendship has meant to Marsha and I through the years. Members, it's my great honor and pleasure to second the nomination for Senator Mike Jackson for President Pro Tempore of the Texas Senate. You'll do a great job.

**Senator Shapiro:** Thank you Mr. President and Members. I rise to second the nomination of my desk mate. What in the world is a desk mate? I have no idea what that is, but that's what he always says to me, my desk mate. I think a desk mate over on the other side is someone that sits right next to you, but then again we have to remember that Mike Jackson was House-trained. I think Mike Jackson is going to be an amazing President Pro Tempore. I think that although he sits in front of me, one of the things that I can honestly tell you is, he's always got my back. And that's an unusual thing to be involved in in this particular body. When we ask ourselves as Senators, what is it that we're looking for, what characteristics, what qualities do we look for in a President Pro Tempore, a person that's going to be the third highest ranking person in this Capitol? We think about a lot of different things and what comes to mind for me, for this current President Pro Tempore, is I think about someone who is knowledgeable. I think about someone who's committed. I think about someone who's courageous. Let me start with knowledgeable. I don't know how many of you realize this, but when we look at issues, Mike Jackson knows all the issues. I know that because we talk about them together every single day when I'm on the floor. This is a man who is always involved in all the issues. He will sit at his desk and study and talk and be sure that all of us recognize what the issues are, and his knowledge expands to all of us, and for that we're very lucky. I would say that of all of us sitting here today, there's a good chance that if we were looking at how often people sit on the floor and spend their time on the floor, Mike Jackson probably spends more time on the Senate floor listening to the debate and the dialogue than just about anybody that I know, save, of course, Senator Zaffirini. I think we look for someone who's committed, as I mentioned earlier. He's always at his desk. He's never wandering the halls. I have never found him to come into the lounge just to lounge around. He does what he needs to do, whether it's a meal or a conversation, and comes right back out on the Senate floor. He's also very courageous. I say he's courageous for a lot of different reasons, but no matter what the issue is, he's got this



conviction and the sense of courage that he's willing to stand up and do what needs to be done when it's time to talk about an issue. Particularly, he's courageous on anything that has anything to do, Senator Duncan, with tobacco. Seems to me that no matter how many times we talk about issues on this floor, and he is knowledgeable, when the word tobacco is in the sentence, he is very courageous, and he will stand up and defend at all costs the issue of tobacco. Always courageous because he's standing alone. He is just about the only person I know that will stand up alone on any tobacco issue in this body. And I'm here to tell you that he is also very witty. For those of you that know him well, you know about his dry wit. For those of you that don't, please make sure that you spend a little quality time with Mike Jackson. He has an amazing, an amazing sense of humor. In fact, each and every day he'll turn his chair around, and he'll start to talk to me, and you would be amazed at all the witty things he says about each and every one of you. Are you embarrassed? I hope so. That is the truth. But I have a philosophy, what happens on the Senate floor, stays on the Senate floor. So none of you can pry those witticisms out from me because I am not going to reveal what his innermost thoughts are, I assure you. So as we select the President Pro Tempore for this 83rd, nope, nope, nope, interim close, what we will be doing is we will be putting a man in office that I believe has all those qualities that we admire, that we care most about. And I want to make sure that we realize that we are going to put into office a man who, I believe, and you've heard it from several other people, who's word is his bond, who believes that he is here with a conviction and purpose and a rationale for why we do, sometimes, the very difficult work that we do in the Texas Senate. But more than anything else, what I want you to remember is, this is a man who has your back no matter where you sit on the Senate floor. Mike Jackson has your back. And so, with that, Mr. President, I am proud and honored to be able to stand here and second the nomination of our friend, Mike Jackson, for President Pro Tempore of the Texas Senate.

**Senator Carona:** Members, as I begin, I will remind you there are celebratory mustaches for those of you inclined to place one on today in recognition of this gentleman that we are about to honor, my good friend, Mike Jackson. So I stand to second the nomination of Mike Jackson as President Pro Tempore. But, Members, I'd like to talk to you for just a few minutes about my friend, Mike Jackson. In preparation for these remarks I asked fellow staff members and friends and others for stories about Mike that I could share with the body. And I have to tell you I got a similar response from almost all of them: Not on the Senate floor. But don't worry, because I always have a few in my back pocket that I've been waiting just for this opportunity to share. Now I know that every interim and every session we appoint a new President Pro Tem, but, Members, I have to tell you, for some time now, I've been looking forward to Mike's term. If you have to spend any time on the floor, you know how Mike likes to announce from his chair, Members, my desk is clear. And although he's never been in the President's chair during one of these pronouncements, and it's usually long before we actually get to adjourn, I've been heeding his word for some time now and have taken it as my cue to leave. So I'll be glad for this to be official for final, if for once, once along the way. Senator, I encourage you to continue this grand tradition. It's enabled me to be at Ruth's Chris hours before the rest of you. So, thank you. It's this humor of Mike's that has made him such a good friend and a

good colleague. I recall a session or two, Senator Wentworth introduced a bill which required drivers to turn on their headlights if their windshield wipers were in use. Well, when the bill went to the floor, Senator Jackson, without missing a beat, politely asked the author of the bill if his windshield wipers were on intermittently, would he be required to flash his headlights, too? That's Mike Jackson. Mike always has a way of getting to the heart of the issue. It was just a week or two ago, on the floor, I was listening to the debate between Senator Hegar and Senator Fraser, actually, on Senate Bill, I'm sorry, on House Bill 725, it was the omnibus water bill, as I recall. And as I sat here listening, they were using terms like firm water, interruptible water, trigger levels, projected demand, and drought contingency manners, and somehow they managed to compare the whole thing to apples and oranges. And yet, I haven't had the pleasure of serving on Natural Resources, Mr. President, not that I'm asking you for that pleasure at this time, but as an outsider, this insider baseball, as Senator Hegar called it, was really somewhat exhausting. So I found respite in the lounge where Mike and I spoke for a few minutes about the discussion on the floor, and I mentioned that I was not familiar with all of the water terminology, since I had never served on Natural Resources, and some of the issues that surrounded the discussion with House Bill 725. But in a single sentence, Mike was able to break down the issue so someone like myself could understand. What he said was this, he said, well, basically, Senator Hegar is trying to protect the aquifers and Senator Fraser's just trying to make sure there's enough water in the lake for his jet skis. And that pretty well explained it. Suddenly, I understood exactly what they were talking about. Well, it, this job comes with a lot of pressure, and one comes to truly appreciate those like Mike that can have a good attitude about all of it. Even during a difficult session like this one, Mike has kept his lighthearted manner. You might've noticed that several of the bills we've heard on the floor in the past session would typically have gone to the Local and Uncontested Calendar, and you might've spent all session blaming Senator Ogden for bringing some of these bills onto the floor. But I have to tell you, I think the culprit might, in fact, be Mike Jackson. And let me tell you why. There is nobody on this floor that has taken greater pleasure than to question Members on such issues as eyelash extensions, manure, noodling. In fact, thanks to Senator Jackson's scrutiny, Senator Deuell's noodling bill has received a lot more attention than any of the major bills I tried to carry this session. But in the spirit of fairness, I'd like to take time to highlight a few of Senator Jackson's bills for the session because I want you to know what a focused man he is. For example there was Senate Bill 252, related to the management, breeding, and destruction of deer and to procedures regarding certain deer permits, not to forget Senate Bill 498 of Senator Jackson, relating to the trapping and transport of surplus white-tailed deer. But, of course, that's not enough, Senate Bill 499, relating to the identification of breeder deer by microchips. Well, I could go on and on but, frankly, it'd be pretty repetitive. In addition to hunting, Mike enjoys riding his motorcycle, and I know that he shared this hobby on occasion with Senator Watson. While I've never had the pleasure to take one of these rides with Senator Jackson, at the end of the last Regular Session, he presented me with a gift of a helmet inscribed with my Senate District number for the work that we had done on the Transportation Committee together. And I treasure that gift and that personal touch to which Mike Jackson brings to all of his friendships and all of his work. Senator

Jackson's also a champion for his constituents. He's always concerned about how legislation will affect them, and he has his finger on the pulse of his district. And judging by his questions, frankly, I think everybody in his district drives a pickup truck and lives at the beach. I can tell you with certainty he has vetted these issues thoroughly. Truly though, one of my favorite stories about Mike is that, is really what happened after the very storm of Hurricane Ike, 2008. Much of Mike's district was devastated. And many of you know Mike's own home was destroyed during that time, and he lived temporarily in a trailer, I believe out in front of your house, while they were rebuilding his home. He was also in the middle of an election, only eight weeks out, and, frankly, he could've been very focused on himself, his campaign, the circumstance of his, of his own home, but he wasn't. Instead he went right out into the community, and he began helping people rebuild that community. And for that very commitment to his community, he's been awarded by numerous groups, recognized, and it's that, I believe, commitment to his community that has assured his reelection. There's one more quality I'd like to highlight about my friend and his perseverance. Mike Jackson is a man of perseverance. When Mike is passionate about an issue, he truly sticks to his guns. I could give you a few examples. Well, red-light cameras would be one, but we're not going to talk about that. But what I will tell you is I'd like to highlight his work on the Texas Windstorm Insurance Association because as a coastal legislator and a veteran Member of the Committee on Business and Commerce, Senator Jackson has truly been an asset to myself, to the entire Committee, as we worked through all of the issues surrounding TWIA. His stance has not been partisan but rather it's been one of personal experience, someone who understands the issues of the coast and seeks the best possible resolution for his constituents. And that means a great deal, I think, to all of us. And although this has been a difficult issue, he has risen to the occasion. Not too long ago, when we were hearing matters of TWIA at one of our Committee hearings in the extension auditorium, he gave what—Mike, I'm very serious about this—he gave what amounts to one of the most elegant and articulate speeches that I've ever heard any of us give in this Chamber. And I really, I was really impressed by it. I went back to the archives to listen to it again, and, unfortunate, Mike, as it turns out the, as you would expect, the microphone was off. We even went on to the video to check that, and all you can hear is a dull hum, and, frankly, that could've been Senator Harris. So we really, I will tell you this, I really, I heard that speech, I was there that day, and I mean what I say, your passion and your expertise on the issue couldn't have come through any clearer. And, frankly, it's for those reasons that I'm recommending to the Governor and the Lieutenant Governor that you handle TWIA during the Special Session. Members, with that, my desk is clear.

**Senator Watson:** Thank you very much, Mr. President. I am really happy to have the opportunity to second the nomination of Mike Jackson to be President Pro Tem of the Senate, and let me start off by addressing the family, loved ones, and friends. I am not related to Ed Watson. You know, I only first met Senator Jackson about four years ago, little over four years ago now, but I feel like I've known him forever. I sort of feel like I grew up with Mike Jackson. Jackson makes us all feel like that. He's the kind of guy that makes you feel like you're always with one of your old friends. He's the sort of guy who's kind but not obnoxious, generous but not obvious, and confident but not

arrogant. The sort of strong, solid person who makes you feel better so that you always look forward to seeing. He's happy, quick with that smile, and as ready to take a joke as to dish it out, and you can disagree with Mike Jackson. And I will say that from my perspective, he's very, very wrong about many, many things. He's unique in this building. In fact, he's unique in any building, or anywhere, for that matter. Personally, as Senator Carona just talked about, some of my favorite times with Mike have been talking about motorcycles and riding them. A few weeks back, the Senator and I took our motorcycles, and we went out into the Hill Country. Picture Peter Fonda and Dennis Hopper. Imagine Steppenwolf music blaring as we took off. Now, I'm a relatively new rider and I'm really proud of my bike, quite proud of my bike. But compared to Jackson's, it's sort of, well, let's just say it's smaller, and he's been very gracious about how he addresses that. But anyway, we were out in the Hill Country, he was Easy Rider, I was cheesy rider. Born to be wild versus born to be mild. We rode off to Llano to eat at Cooper's. We drove the Willow City Loop. We stopped at Harry's on the Loop. We went through Johnson City, and then we came on home. And he's totally at ease, as comfortable out on the road as he is in this Chamber, and, as you might expect, he was happy. But I can't really imagine him any other way. While we were eating ribs and sausage out there in Llano, he told me the funny story that Senator Fraser just brought up and we've referred to about his first election. He also told me, as a newcomer to riding motorcycles, about all of his years riding on motorcycles. For example, he told me the story about when he was back in college, every summer he'd travel up to Washington state and go mountain climbing. He would go to Washington state to mountain climb, and, of course, looking over there at him, so full of life and, obviously, fleet of foot, I mean, I'm sure he was a great mountain climber. But he and some of his friends would go up there and they would work days at the Green Giant cannery. His job was canning green beans. A life experience that we can only assume provided the foundation for his astonishingly consistent disgust with all legislation that can be considered green in any way. He and his buddies would work to save enough dough to spend the rest of the summer on the mountain, mostly Mount Rainier. Anyway, he told me about how one trip he decided to ride his motorcycle all the way out there. It was on, as he described it, one of those old, boxy Honda 750s. He had all of his possessions in a backpack. It was such an unpleasant experience that he tried everything he could to get that bike back to Texas without actually having to ride it. But he didn't have the money to get both the bike and himself back to Texas, other than crawling back in the saddle and just pointing it south. That was also a foundational experience for Mike Jackson. This is a man who found that he would never again ride anything small. He will now only ride the big bikes like his Harley Road King. Riding with Senator Jackson, obviously, left me with a lot of good memories, and I look forward to a lot of future road trips. But my favorite image of him on that trip was out on 290 as we were coming back into Austin. He'd blown past me on that big dude, and I'm pedaling as fast as I can behind him. Traffic is whizzing past us. I'm worried about the wind blowing me off the road. My right hand has become numb from the number of miles we've ridden that day, and, of course, he keeps telling me how you need to get a cruise control. I'm hunkered down, quietly praying I'll survive. And I look up ahead, and there he is throwing both of his arms out to the side, no hands. A happy man, totally

comfortable. Mike, I'm very happy you are my friend. And congratulations to you on this wonderful honor. Mr. President, I proudly second the nomination of Senator Mike Jackson to be the President Pro Tempore of the Texas Senate.

**President:** Thank you Senator Watson. Members, the question before us, boy, y'all look good in those mustaches.

On motion of Senator Whitmire, Senator Jackson was elected President Pro Tempore Ad Interim by acclamation.

The President declared that the Honorable Mike Jackson had been duly elected President Pro Tempore Ad Interim of the 82nd Legislature.

The President appointed the following committee to escort Senator Jackson, his wife, Vickie, son, Vic, and daughter, Michelle, to the President's Rostrum: Senators Huffman, Nelson, Wentworth, and Zaffirini.

Senator Jackson and his party were then escorted to the President's Rostrum by the committee.

### **OATH OF OFFICE ADMINISTERED**

The President administered the Oath of Office to Senator Jackson as follows:

I, Mike Jackson, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore Ad Interim of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

### **ADDRESS BY PRESIDENT PRO TEMPORE AD INTERIM**

President Pro Tempore Ad Interim Jackson addressed the Senate as follows:

Thank you. Wow. What an honor. I really appreciate all of the things that everybody has had to say here today. I want to say thank you to all of you who had to study hard and probably embellish quite a bit in order to say so many nice things about me, and then, of course, my family. You honor me, you honor my family, you honor my friends by this honor today. I am very, very humbled. I must say thanks to Vickie, my wife of, well, almost 28 years. Without her help and her encouragement and her tenacity, and, Senator Whitmire, I think you had it about right about who's the boss, but I would certainly not be here today without their help. My son, Vic, and my daughter, Michelle, who are up with me, of which I am so proud, they grew up, as you heard, during my tenure as serving in the House and through the Senate. And, Senator Fraser, you know the same thing, your kids, that's the life that they know and they get subjected to. But, Vic was four years old when we first ran for office, and I don't know if any of y'all got very close to him, but he grew up. Michelle was two, and I remember Vickie pushing her around in a stroller when we were going around knocking on doors and campaigning. And, you know, they're just two of the finest kids you'd ever want to see. And Vickie and I now always think that we must've been just about the world's best parents because our two kids were lucky enough to

go through high school and graduate. They both went to universities here in Texas, in the state, and graduated, and they loved it so much they just came right back home after that. So it's got to be, it's got to be what it is. I wish, one thing I really do wish is that my mother and father were still here for today's activities or were still with us. I'm pretty sure they would've been quite amazed and would've never dreamt that one day I would be up here as the President Pro Tempore of the Senate. It's quite an honor. I know they're probably looking down today on us, and with a smile. But I also want to acknowledge my family and my friends that are here today, and I thank them for all of their support for all of the years I had. My two sisters, Kathy and Karen, are right here, Kathy's husband, Bill. We've got Vickie's sister, Patricia, and her husband, Sadegh, the Davari family, and Vickie's mom, Marjorie. A lot of you have probably, have met over the years as we have traveled together sometime in the summer. And I couldn't be functional around this place, as you all well know, without the staff of people that we have here that are so loyal and dedicated and help us and make us look good. They don't help us, they make us look good because we probably have enough things that we do that we shouldn't do that they kind of turn us around on, but my chief of staff is Holly Deshields, right here, Beth Shields. I've got Riley Stinnett, Jason Damen, Jenna Dailey, Judy Brooks. Thank all of you for all of your hard work, not to mention our staff that is back in the district taking care of business when we're up here doing that. I would be remiss if I didn't say thanks to Lieutenant Governor David Dewhurst for trusting in me and appointing me Chairman of the Economic Development Committee. David Dewhurst, I really do appreciate your leadership, your talent that you exhibit here, and it's great for, I'm proud to call you my friend, I really appreciate your help. You know, economic development, it's kind of a touchy subject this session when we have no money. One of the things that I think has made Texas great over the past ten years where a lot of other states have faltered, is that we have invested a lot of time and effort in economic development and setting up an environment in our state where businesses want to move to and do business in the State of Texas, and we're all a lot better off for it. So I also have to mention about my colleagues in the Senate, this is one of the most talented group of individuals that I have ever been around. And I hate to start naming names because each and every one of you possess skills that work together. When you combine all those skills, we are able to achieve some monumental things. Senator Whitmire, one of the most, well, one of those discussions I remember the most the other day were when you and Senator West were debating on a criminal justice bill on the floor and Senator Ellis, maybe, and you're right there too, you guys can put a face on an issue more clearly than anybody I've ever seen. You say, what do all these words mean? Well, you know, you can just turn it around and relate it to somebody trying to go to work, has a problem, and you're expert at it. Senator Whitmire, I don't know how you do it but you're able to put a lid on a pot of boiling water before it all spills out and blows up. Somehow through your talents that you possess as Dean of this

Senate, because we have had several times, as all you Members know, some very contentious issues that we need to try to resolve, and Senator Whitmire is one that kind of keeps us all in line, so we appreciate that. Senator Shapiro, Senator Fraser, Senator Duncan, I think the Lieutenant Governor would agree with me, Senator Duncan is the negotiator premier of the Texas Senate. He can make the two sides of an issue that is so far apart come together more quickly than anybody I've ever seen. Senator Williams, Senator Carona, thank all of you for all of your hard work. Without you we wouldn't have gotten as far as we got this session with all of the issues that we had there. Senator Carona brought a whole new meaning to the Business and Commerce Committee this year. I think I served on that Committee for about four or five terms, and four or five sessions, and he brought a new meaning to, heck yeah, I'll hear your bill, we may not pass it, but we'll sure hear it. We had more bills in the Business and Commerce than ever before. But, Senator Shapiro, your expertise on education is kind of, you've been our guiding light through this process. Senator Ogden, with his talents on the budget and finance. Senator Eltife, somebody said I had a, I had a good humor. Well, I think Senator Eltife's going to win that, he'll win that award because he just makes every day to be around him fun. It's truly amazing, an amazing place. The responsibility as serving as President Pro Tem is truly humbling. According to research by our great Secretary of the Senate, the lovely Ms. Patsy Spaw, I will be Texas' two hundred and sixty-third President Pro Tempore. As it's outlined in our Constitution, the Senate shall, at the beginning and the close of each session, and at such other times as may be necessary, elect one of its Members President Pro Tempore, who shall perform the duties of the Lieutenant Governor in any case of absence or temporary disability of that officer. When the Governor and the Lieutenant Governor are both out of the state or unable to perform their duties, the President Pro Tempore of the Senate acts as a temporary Governor. So as Senator Whitmire alluded to a little bit ago, this is a day of celebration, ceremony, but there's definitely a far more serious side of this office, and I've just, yesterday, been briefed on an upcoming execution scheduled sometime in the month of June, middle part of June. And it's possible that day that both Lieutenant Governor Dewhurst and Governor Perry may be out of the state, and in case of their absence it would be my responsibility to oversee the sobering logistics of such an event. And I tell you what, Members, it makes you think about it. Senator Ellis was sharing with me earlier some of the activities and actions he had to take back when he was President Pro Tem, and it's a big responsibility. So trust me when I say I treat this office with high regard. The history books are filled with amazing examples of others who have served in this capacity before me. Over 165 years ago, the first President Pro Tem was Edward Burleson, who served the First through the Fourth Legislatures. His service ended only with his death from pneumonia. Hopefully, that won't follow through with this. But Burleson was a hero of the Texas revolution and he served as the first Vice President of the Republic of Texas, and he was elected to the

Texas Senate after Texas achieved its statehood. And, Senator Zaffirini, Margie E. Neal was the first woman to serve as a Senator in Texas, and during the late 1920s and '30s, the first woman to serve as President Pro Tempore. Senator Ellis, I know one that you revere and hold closely, as we all do, Barbara Jordan became the first African American woman to be elected President Pro Tempore in 1972. There's a lot of history that goes with this office. For more than 55 years now, the Senate has had the tradition of swearing in the President Pro Tempore as Governor for a Day, and this is a tradition that I do plan to uphold during either the spring or the fall of next year, year 2012. Members, our work with TWIA is unfinished, Senator Carona, as you referred to. We haven't passed a congressional redistricting map. And now, after last night, we have some other financial issues that we probably have to deal with. I don't know where we will end up exactly in dealing with that, that'll be Governor Perry and Governor Dewhurst, and I'm sure Speaker Straus' conversation about those. I was going to say be very, very careful on your way home either tonight or in the morning when you leave, but I'm not so sure we're going to be leaving anymore. But Texans are engaging more in state government than ever before, in my observation, and I want to tell all of you that when we go home to keep your ears to the ground and your eyes open and just remember that this building, this Capitol, is the people's Capitol, and we need to take care and serve the people of this great State of Texas. And let us not forget that today is Memorial Day. The most important thing about today is Memorial Day, and we think about families who have members of their family have given the ultimate sacrifice. I want to thank you for this honor. It's truly humbling for me. You make me very, very proud, and I will endeavor to return this favor to you as we go home and back to our districts. Texas is a great, great state, and all I can say is God bless all of you Members for everything that you do in taking care of the state, and may God bless the State of Texas. Thank you very much.

#### **VIDEO RELEASE POLICY WAIVED**

On motion of Senator Eltife and by unanimous consent, the Senate policy that governs the release of recordings of the Senate proceedings was waived in order to grant the request of Senator Jackson for a DVD of today's session.

#### **RECESS**

On motion of Senator Whitmire, the Senate at 12:00 p.m. recessed until 2:30 p.m. today.

#### **AFTER RECESS**

The Senate met at 3:16 p.m. and was called to order by the President.

#### **SENATE RESOLUTION 1264**

Senator Eltife offered the following resolution:

WHEREAS, It is a pleasure for the Texas Senate to honor a respected longtime staff member, Scott Caffey, by naming him the 2011 administrative recipient of the Betty King Public Service Award; and



WHEREAS, The Committee Coordinator for the Senate, Scott Caffey has served the Senate with honor and distinction for 18 years and 11 months; over the course of his career, he has handled his responsibilities with dedication and skill, and he is held in high regard by the legislators and the many Capitol staff members with whom he works; and

WHEREAS, Scott joined the Senate staff in 1992 and worked for Senator Zaffirini with the Human Services Committee; in 2001, he joined the staff of Senator Moncrief and served with the Health and Human Services Committee; Scott became the Committee Coordinator in January of 2003; in that capacity, he assists committee clerks with the preparation of hearing notices, committee reports, and meeting arrangements; he also is responsible for scheduling and posting all legislative committee hearings during sessions and interims; and

WHEREAS, In addition, Scott is in charge of the public use of the Senate chamber and committee rooms and is responsible for coordinating the services of a sign language interpreter when needed for committee hearings or other Senate-related activities; and

WHEREAS, Widely admired for his organizational skills and efficiency, Scott plays a major role in helping to keep the Senate committee procedures running smoothly, and due to his imperturbable attitude and thorough understanding of the legislative process and what is needed for timely scheduling, he has become an invaluable asset to the Senate; and

WHEREAS, A role model for anyone in public service, Scott is known for his wry humor, his professionalism, and his ability to accomplish whatever mission is set before him; his high standards and commitment to excellence represent the finest qualities of this institution; and

WHEREAS, He is highly respected for his dedication, his loyalty, and his positive attitude, and he is most deserving of his selection for the Betty King Public Service Award; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere appreciation to Scott Caffey for his outstanding service to the Texas Senate and congratulations to him on earning a 2011 Betty King Public Service Award; and, be it further

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

**SR 1264** was read and was adopted without objection.

### **SENATE RESOLUTION 1265**

Senator Eltife offered the following resolution:

WHEREAS, It is a pleasure for the Texas Senate to honor a beloved and respected longtime staff member, Reta Cooke, by naming her a 2011 legislative recipient of the Betty King Public Service Award; and

WHEREAS, The Executive Assistant in the office of Senator Tommy Williams, Reta is known for handling her multifaceted duties with enthusiasm, dedication, and efficiency, and she is cherished by legislators and by her colleagues for treating all who walk the Capitol halls with unfailing courtesy, warmth, and graciousness; and

WHEREAS, After working in the House of Representatives for 19 years, Reta joined the Senate as part of Senator Williams's staff in January of 2003 and has served with distinction in his office for over eight years; as the senator's Executive Assistant, she holds a position that entails a wide range of responsibilities and puts her in daily contact with the public; and

WHEREAS, Talented and resourceful, she has a well-established reputation for carrying out her duties in a flawless manner; she performs highly responsible administrative work and is known for using her initiative to handle the complex work in the office and for her reliable judgment; and

WHEREAS, An exemplary Senate employee, Reta is noted for her poise, her cheerful spirit, and her ready smile, and her ability to maintain composure, even in the midst of chaos, endears her to all who know and work with her; and

WHEREAS, Reta has now served the state for 27 years and four months; she is a valuable team leader who is highly respected for her loyalty, integrity, and professionalism, and she is most deserving of her selection for the Betty King Public Service Award; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere appreciation to Reta Cooke for her commendable service to the Texas Senate and congratulations to her on earning a 2011 Betty King Public Service Award; 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 1265** was read and was adopted without objection.

### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Monday, May 30, 2011 - 2

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 180** Hughes

In memory of Angus McSwain, dean emeritus of Baylor Law School.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives



policy issues to her position and helps to shepherd bills through the legislative process; along with a staff of legislative aides, she replies to the many questions on the various political issues that are typically directed to a senator's office; and

WHEREAS, A first-rate team leader with superior organizational skills, Pat is a model Senate employee who is noted for her convivial personality and the high standards she

consistently upholds, and she is truly a treasured asset to the Senate staff; and

WHEREAS, Respected and admired for her loyalty and for her commitment to excellence in all of her endeavors, Pat is most deserving of her selection for the Betty King Public Service Award; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby extend sincere appreciation to Pat Kelly for her valuable service to the Texas Senate and congratulations to her on earning a 2011 Betty King Public Service Award; 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 1266** was read and was adopted without objection.

#### **HOUSE CONCURRENT RESOLUTION 71**

The President laid before the Senate the following resolution:

**HCR 71**, Conferring the Texas Legislative Medal of Honor on U.S. Marine Corporal Roy Cisneros of San Antonio.

VAN DE PUTTE

The resolution was read.

On motion of Senator Van de Putte and by unanimous consent, 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.

#### **REMARKS ORDERED PRINTED**

On motion of Senator Patrick and by unanimous consent, his remarks regarding Officer Kevin Will of Harris County were ordered reduced to writing and printed in the *Senate Journal* as follows:

Members, if I could have you take your seats. It is with a heavy heart I stand today. Senator Van de Putte was on this floor just yesterday. A police officer in San Antonio was gunned down. I lost an officer from Senate District No. 7 overnight, a night and a half ago. His name was Kevin Will. He was 38 years old, and I've been thinking about this, really, since it happened. Your heart breaks for the family. He has a six year old, he has a ten year old, and his wife is six months pregnant. Kevin, 38, had worked on a unit that investigates accidents, and at 3:15 in the morning, in Senator Whitmire's district, up on the North Loop, even though there were barricades around the accident scene, even though there were police cruisers with lights flashing around the accident scene, police have arrested a man, the alleged driver, who barreled through those barrels. And as Officer Will

stood there taking witness testimony, he had a moment to either save his life or the life of the person, the citizen he was taking facts from. And he shouted to the witness, "Get out of the way!" And in that split second that he waited there for a moment, even though he saw the car barreling towards him, the citizen was saved, but the officer was run down by an alleged drunken driver who now police say was in this country illegally. When are we in this nation and when are we in this state going to take the issue of driving while drunk seriously? Texas leads the nation in drunk driving. Harris County leads Texas. And when are we going to secure our border? Kevin Will should be at home today with his two children and his pregnant wife. He celebrated one year that morning on this detail and joked with his officers at morning call, was he now a veteran? We need to make driving while drinking a zero tolerance policy in this state. And, obviously, we need to secure our borders. Kevin Will should be alive today and his family should be rejoicing his one year on this unit. So I hope the next time that we take a tough vote on these types of issues, we remember Kevin Will and all of the other people in the State of Texas who have been mowed down, their life taken from them by a drunk driver, whether they are a citizen or a noncitizen. It is time we in this Legislature stand tall in the name of Kevin and everyone else. Kevin was a hero, the last thing he did to serve the citizens of Houston was to save a citizen. And I ask that you keep his family in your prayers, and I ask the Dean that we close in memory of Kevin Will, an officer who gave the total sacrifice for the citizens of Houston.

### **HOUSE CONCURRENT RESOLUTION 180**

The President laid before the Senate the following resolution:

**HCR 180**, In memory of Angus McSwain, dean emeritus of Baylor Law School.

WATSON

The resolution was read.

On motion of Senator Watson, the resolution was considered immediately and was adopted by a rising vote of the Senate.

In honor of the memory of Angus McSwain, the text of the resolution is printed at the end of today's *Senate Journal*.

### **HOUSE CONCURRENT RESOLUTION 181**

The President laid before the Senate the following resolution:

WHEREAS, House Bill No. 2329 has been adopted by the house of representatives and the senate; and

WHEREAS, The bill contains typographical errors that should be corrected; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That the enrolling clerk of the house be instructed to make the following corrections:



**HB 2194, HB 2226, HB 2327, HB 2337, HB 2357, HB 2367, HB 3109, HB 3268, HB 3302, HB 3395, HB 3396, HB 3409, HB 3453, HB 3468, HB 3577, HB 3691, HB 3708, HB 3804, HB 3841, HB 3859, HCR 126, HCR 144, HCR 160, HCR 166, HCR 172, HCR 173, HCR 176.**

### **HOUSE CONCURRENT RESOLUTION 174**

The President laid before the Senate the following resolution:

WHEREAS, House Bill No. 1422 has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED, by the 82nd Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct House Bill No. 1422 in amended Section 501.092(a), Transportation Code, by striking "Section 502.0925" and substituting "Section 501.0925".

WATSON

**HCR 174** was read.

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

### **HOUSE CONCURRENT RESOLUTION 182**

The President laid before the Senate the following resolution:

WHEREAS, Senate Bill No. 1198 has been adopted by the senate and the house of representatives and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 82nd Legislature of the State of Texas, That the enrolling clerk of the senate be instructed to make the following corrections:

(1) In the recital to SECTION 1.40 of the bill (house committee report, page 59, lines 18 and 19), strike "Subsection (i), Section 25.0022, Government Code, is amended" and substitute "Section 25.0022, Government Code, is amended by amending Subsection (i) and adding Subsection (t-1)".

(2) Between SECTIONS 1.40 and 1.41 of the bill (house committee report, page 59 between lines 23 and 24), insert the following and renumber subsequent SECTIONS in Article 1 of the bill accordingly:

(t-1) The service requirement in Subsection (t)(4) is 72 months instead of 96 months.

SECTION 1.40A. Section 74.141, Government Code, is amended to read as follows:

Sec. 74.141. DEFENSE OF JUDGES. The attorney general shall defend a state district judge, a presiding judge of an administrative region, the presiding judge of the statutory probate courts, or an active, retired, or former judge assigned under this chapter in any action or suit in any court in which the judge is a defendant because of his office as judge if the judge requests the attorney general's assistance in the defense of the suit.

(3) In SECTION 2.53 of the bill (house committee report, page 136, line 14), strike "352.003" and substitute "255.201".

RODRIGUEZ

**HCR 182** was read.

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

### **HOUSE CONCURRENT RESOLUTION 169**

The President laid before the Senate the following resolution:

WHEREAS, House Bill No. 3833 has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED, by the 82nd Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct House Bill No. 3833 as follows:

(1) In added Section 15.111(3)(C), Family Code, strike "15.107(b)" and substitute "15.107".

(2) In added Section 15.112(a)(1), Family Code, strike "77.0021(b)" and substitute "71.0021(b)".

HARRIS

**HCR 169** was read.

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

### **SENATE RULES SUSPENDED**

Senator Birdwell moved to suspend all necessary rules to take up for consideration **HCR 83** at this time.

The motion prevailed without objection.

### **HOUSE CONCURRENT RESOLUTION 83**

The President laid before the Senate the following resolution:

WHEREAS, Texas is widely known for its excellent recreational activities and vacation destinations, and among the state's most unspoiled and inviting getaways is the picturesque Lake Whitney area; and

WHEREAS, Located in the Brazos River Basin, Lake Whitney was one of the earliest recreational lakes built near the Dallas/Fort Worth area; completed in April 1951 as part of the Brazos River Conservation and Reclamation Program, it is maintained by the United States Army Corps of Engineers, Fort Worth District, and is situated five miles from the town of Whitney on the edge of Hill and Bosque Counties; other nearby communities that help provide visitors with the comforts of home include Hillsboro, Clifton, Meridian, Aquilla, Morgan, Lakeside Village, Laguna Park, Blum, Valley Mills, and Kopperl; and



WHEREAS, The 955-acre Lake Whitney State Park features campsites, screened shelters, swimming beaches, boat ramps, and an air strip; the region also provides full service marinas and a broad range of overnight accommodations; and

WHEREAS, Lake Whitney's reputation as a premier location to catch bass and catfish is a big draw for the nation's fishing enthusiasts, and the lake has received positive coverage from national sporting publications; and

WHEREAS, For those who prefer their recreation on land, the area is home to a number of golf courses and 3,000 acres of winding trails for horseback riding; bird and wildlife watchers can delight in the lake area's 300 migratory and nonmigratory bird species, and a local wildlife population that features more than 50 different species of mammals, including the white-tailed deer; and

WHEREAS, Historically visited by everyone from Native Americans and European settlers to gunslingers, such as John Wesley Hardin, the Lake Whitney area is today easily accessible from major metropolitan areas of the state, making it the perfect getaway for those who enjoy a relaxed pace and abundant amenities; and

WHEREAS, The 79th Legislature of the State of Texas designated the Lake Whitney area as the Getaway Capital of Texas in 2005 in recognition of its myriad attractions; this outstanding destination remains as enjoyable as ever, and it is indeed fitting that this official title be continued; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby redesignate the Lake Whitney area as the Getaway Capital of Texas.

BIRDWELL

**HCR 83** was read.

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

### **HOUSE CONCURRENT RESOLUTION 2**

The President laid before the Senate the following resolution:

**HCR 2**, In memory of former governor William P. "Bill" Clements.

CARONA

The resolution was read.

On motion of Senator Wentworth and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Carona, the resolution was considered immediately and was adopted by a rising vote of the Senate.

In honor of the memory of William P. "Bill" Clements, the text of the resolution is printed at the end of today's *Senate Journal*.

### **SENATE RESOLUTION 1262**

#### **(Caucus Report)**

Senator Whitmire offered the following resolution:

BE IT RESOLVED BY THE SENATE OF THE STATE OF TEXAS:

SECTION 1. CAUCUS REPORT. At a caucus held on May 30, 2011, and attended by 26 members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. EMPLOYEES. (a) The lieutenant governor may employ the employees necessary for the operation of the office of the lieutenant governor from the closing of this session and until the convening of the next session. The lieutenant governor and the secretary of the senate shall be furnished postage, telegraph, telephone, express, and all other expenses incident to their respective offices.

(b) The secretary of the senate is the chief executive administrator and shall be retained during the interval between adjournment of this session and the convening of the next session of the legislature. The secretary of the senate may employ the employees necessary for the operation of the senate and to perform duties as may be required in connection with the business of the state from the closing of this session and until the convening of the next session.

(c) Each senator may employ secretarial and other office staff for the senator's office.

(d) The chairman of the administration committee is authorized to retain a sufficient number of staff employees to conclude the work of the enrolling clerk, calendar clerk, journal clerk, and sergeant-at-arms. The administration committee shall establish the salaries for the senate staff.

SECTION 3. SENATE OFFICERS. (a) The following elected officers of the 82nd Legislature shall serve for the interval between adjournment of this session and the convening of the next session of the legislature:

- (1) Secretary of the Senate—Patsy Spaw;
- (2) Calendar Clerk—Linda Tubbs;
- (3) Doorkeeper—Austin Osborn;
- (4) Enrolling Clerk—Mardi Alexander;
- (5) Journal Clerk—Polly Emerson; and
- (6) Sergeant-at-Arms—Rick DeLeon.

(b) All employees and elected officers of the senate shall operate under the direct supervision of the secretary of the senate during the interim.

(c) Officers named in this section serve at the will of the senate.

SECTION 4. DUTIES OF CHAIRMAN OF ADMINISTRATION COMMITTEE. (a) The chairman of the administration committee shall place the senate chamber in order and purchase supplies and make all necessary repairs and improvements between the adjournment of this session and the convening of the next session of the legislature.

(b) The chairman shall make an inventory of all furniture and fixtures in the senate chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the purchasing and supply department and shall close the books for the Regular Session of the 82nd Legislature.

(c) The chairman shall not acquire any equipment on a rental/purchase plan unless the equipment is placed on the senate inventory at the termination of the plan.

(d) The chairman shall examine records and accounts payable out of the contingent expense fund as necessary to approve all claims and accounts against the senate, and no claim or account shall be paid without the consent and approval of the chairman.

(e) The chairman and any member of the administration committee shall be entitled to receive actual and necessary expenses incurred during the interim.

(f) In addition to the duties of the administration committee expressly imposed by this resolution, the committee shall take actions necessary to ensure that the administrative operations of the senate comply with applicable law and are conducted effectively and efficiently.

SECTION 5. JOURNAL. (a) The secretary of the senate shall have 225 volumes of the Senate Journal of the Regular Session of the 82nd Legislature printed. Two hundred and twenty-five copies shall be bound in buckram and delivered to the secretary of the senate who shall forward one volume to each member of the senate, the lieutenant governor, and each member of the house of representatives on request.

(b) The printing of the journals shall be done in accordance with the provisions of this resolution under the supervision of the chairman of the administration committee. The chairman shall refuse to receive or receipt for the journals until corrected and published in accordance with the preexisting law as finally approved by the chairman of the administration committee. When the accounts have been certified by the chairman of the administration committee, the accounts shall be paid out of the contingent expense fund of the 82nd Legislature.

SECTION 6. PAYMENT OF SALARIES AND EXPENSES. (a) Salaries and expenses authorized by this resolution shall be paid out of the per diem and contingent expense fund of the 82nd Legislature as provided by this section.

(b) The senate shall request the comptroller of public accounts to issue general revenue warrants for:

(1) payment of the employees of the lieutenant governor's office, the lieutenant governor, members of the senate, employees of the senate committees, and employees of the senate, except as provided by Subchapter H, Chapter 660, Government Code, upon presentation of the payroll account signed by the chairman of the administration committee and the secretary of the senate; and

(2) the payment of materials, supplies, and expenses of the senate, including travel expenses for members and employees, upon vouchers signed by the chairman of the administration committee and the secretary of the senate.

SECTION 7. EXPENSE REIMBURSEMENT AND PER DIEM. (a) In furtherance of the legislative duties and responsibilities of the senate, the administration committee shall charge to the individual member's office budget:

(1) the reimbursement of all actual expenses incurred by the members when traveling in performance of legislative duties and responsibilities or incident to those duties; and

(2) the payment of all other reasonable and necessary expenses for the operation of the office of the individual senator during any period the legislature is not in session. Expenditures for these services by the administration committee are authorized as an expense of the senate and shall not be restricted to Austin but may be incurred in individual senatorial districts. Such expenses shall be paid from funds

appropriated for the use of the senate on vouchers approved by the chairman of the administration committee and the secretary of the senate in accordance with regulations governing such expenditures.

(b) Each senator shall be permitted a payroll of \$35,625 per month to employ secretarial and other office staff and for intrastate travel expenses for staff employees. This payroll amount accrues on the first day of the month and may not be expended prior to the month in which it accrues, but any unexpended portion for a month may be carried forward from month to month until the end of the fiscal year. Other expenses, including travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of the member's office or incident thereto, shall be provided in addition to the maximum salary authorized.

(c) The secretary of the senate may order reimbursement for legislative expenses consistent with this resolution and the establishment by the Texas Ethics Commission of per diem rates.

(d) Any member of the senate and the lieutenant governor are eligible to receive such reimbursement on application of the member or the lieutenant governor to the secretary of the senate.

(e) On the application of a member of the senate or the lieutenant governor, the applicant shall be entitled to reimbursement for legislative expenses for each legislative day.

(f) For purposes of this section, a legislative day includes each day of a regular or special session of the legislature, including any day the legislature is not in session for a period of four consecutive days or less, and all days the legislature is not in session if the senator or lieutenant governor attends a meeting of a joint, special, or legislative committee as evidenced by the official record of the body, and each day, limited to 12 days per month for non-chairs or 16 days per month for chairs and the lieutenant governor, the senator or the lieutenant governor, including those living within a 50-mile radius, is otherwise engaged in legislative business as evidenced by claims submitted to the chairman of the administration committee.

**SECTION 8. MEMBER'S EMPLOYEE LEAVE POLICY.** (a) An employee of a senator accrues vacation leave, compensatory leave, or sick leave in accordance with policies adopted by the senator consistent with the requirements of this section.

(b) An employee may accrue vacation leave, compensatory leave, or sick leave only if the employee files a monthly time record with the senate human resources office. Time records are due not later than the 10th day of the following month.

(c) Compensatory time must be used not later than the last day of the 12th month following the month in which the time was accrued.

(d) An employee is not entitled to compensation for accrued but unused compensatory time.

**SECTION 9. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS.** (a) The lieutenant governor may appoint any member of the senate, the secretary of the senate, or any other senate employee to attend meetings of the National Conference of State Legislatures and other similar meetings. Necessary and actual expenses are authorized upon the approval of the chairman of the administration committee and the secretary of the senate.

(b) The lieutenant governor may designate a member of the senate to represent the senate at ceremonies and ceremonial functions. The necessary expenses of the senator and necessary staff for this purpose shall be paid pursuant to a budget approved by the administration committee.

SECTION 10. MEETINGS DURING INTERIM. (a) Each of the standing committees and subcommittees of the senate of the 82nd Legislature may continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation, and perform research on matters directed either by resolution, the lieutenant governor, or as determined by majority vote of each committee.

(b) Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable.

(c) Expenses for the operation of these committees and subcommittees shall be paid pursuant to a budget prepared by each committee and approved by the administration committee.

(d) The operating expenses of these committees shall be paid from the contingent expense fund of the senate, and committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committees.

SECTION 11. SENATE OFFICES. Members not returning for the 83rd Legislature shall vacate their senate offices by December 15, 2012.

SECTION 12. FURNISHING OF INFORMATION BY SENATE EMPLOYEE. An employee of the senate may not furnish any information to any person, firm, or corporation other than general information pertaining to the senate and routinely furnished to the public.

SECTION 13. OUTSIDE EMPLOYMENT. An employee of the senate may not be employed by and receive compensation from any other person, firm, or corporation during the employee's senate employment without the permission of the employee's senate employer.

SECTION 14. REMOVAL OF SENATE PROPERTY. The secretary of the senate is specifically directed not to permit the removal of any of the property of the senate from the senate chamber or the rooms of the senate except as authorized by the chairman of the administration committee.

**SR 1262** was read and was adopted by the following vote: Yeas 31, Nays 0.

#### **BILLS SIGNED**

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

**HB 2380, HB 2457, HB 2463, HB 2477, HB 2490, HB 2499, HB 2516, HB 2549, HB 2560, HB 2605, HB 2608, HB 2643, HB 2694, HB 2702, HB 2728, HB 2729, HB 2734, HB 2761, HB 2770, HB 2779, HB 2810, HB 2817, HB 2847, HB 2853, HB 2857, HB 2910, HB 2931, HB 2949, HB 2975, HB 2981, HB 3025, HB 3033, HB 3090, HB 3099, HB 3726, HB 3743.**

**MOTION TO ADJOURN SINE DIE**

On motion of Senator Whitmire, the Senate of the 82nd Legislature, Regular Session, at 4:55 p.m. agreed to adjourn sine die, in memory of Angus McSwain, Kevin Will, and William P. "Bill" Clements, subject to the completion of administrative duties.

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**SB 100, SB 293, SB 660, SB 694, SB 1010, SB 1082, SB 1130, SB 1198, SB 1320, SB 1420, SB 1543, SB 1788, SCR 60, HB 1** (Signed subject to Sec. 49-a, Art. III, Texas Constitution), **HB 4** (Signed subject to Sec. 49-a, Art. III, Texas Constitution), **HB 1386, HB 1422, HB 1665, HB 2329, HB 2466, HB 3328, HB 3647** (Signed subject to Sec. 49-a, Art. III, Texas Constitution), **HB 3833, HCR 2, HCR 15, HCR 71, HCR 83, HCR 169, HCR 174, HCR 180, HCR 181, HCR 182.**

**CO-AUTHOR OF SENATE BILL 575**

On motion of Senator Van de Putte, Senator Zaffirini will be shown as Co-author of **SB 575**.

**CO-AUTHOR OF SENATE BILL 903**

On motion of Senator Patrick, Senator Ellis will be shown as Co-author of **SB 903**.

**CO-AUTHOR OF SENATE BILL 1051**

On motion of Senator Ellis, Senator Zaffirini will be shown as Co-author of **SB 1051**.

**CO-AUTHOR OF SENATE BILL 1524**

On motion of Senator Hinojosa, Senator Zaffirini will be shown as Co-author of **SB 1524**.

**CO-AUTHOR OF SENATE BILL 1718**

On motion of Senator Duncan, Senator Wentworth will be shown as Co-author of **SB 1718**.

**CO-AUTHOR OF SENATE BILL 1848**

On motion of Senator Hegar, Senator Van de Putte will be shown as Co-author of **SB 1848**.

**CO-AUTHOR OF SENATE BILL 1863**

On motion of Senator Davis, Senator Lucio will be shown as Co-author of **SB 1863**.

**CO-AUTHOR OF SENATE BILL 1930**

On motion of Senator Nelson, Senator Nichols will be shown as Co-author of **SB 1930**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 1268** by Wentworth, In memory of Kenneth Gary Vann of Bexar County.

**HCR 15** (Uresti), In memory of John R. Boettiger, Jr., of Houston.

**Congratulatory Resolutions**

**SR 1261** by Hegar, Commending the citizens of Smithville on their Texas Soldiers Memorial proposal.

**SR 1263** by Fraser, Recognizing Linda Hopkins on the occasion of her retirement from the Texas Senate.

**SR 1267** by Eltife, Paying tribute to the service and legacy of Jean Moffett Dendy and Diana Sue Brown.

**SR 1269** by Lucio, Recognizing Jose S. Mayorga for his leadership of the Texas Military Forces as adjutant general.

**ADJOURNMENT SINE DIE**

The President announced that the hour for final adjournment of the Regular Session of the 82nd Legislature had arrived and, in accordance with a previously adopted motion, declared the Regular Session of the 82nd Legislature adjourned sine die, in memory of Angus McSwain, Kevin Will, and William P. "Bill" Clements, at 7:55 a.m. Tuesday, May 31, 2011.

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**APPENDIX**

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**BILLS AND RESOLUTIONS ENROLLED**

May 29, 2011

**SB 28, SB 40, SB 89, SB 158, SB 341, SB 408, SB 472, SB 516, SB 542, SB 652, SB 747, SB 1134, SB 1331, SB 1534, SB 1588, SB 1600, SB 1664, SR 1248, SR 1249, SR 1250, SR 1252, SR 1253, SR 1254, SR 1255, SR 1256, SR 1257, SR 1259, SR 1260**

May 30, 2011

**SB 100, SB 293, SB 660, SB 694, SB 1010, SB 1082, SB 1130, SB 1198, SB 1320, SB 1420, SB 1543, SB 1788, SCR 60, SR 1261, SR 1262, SR 1263, SR 1264, SR 1265, SR 1266, SR 1267, SR 1268, SR 1269**

**SENT TO GOVERNOR**May 30, 2011

**SB 5, SB 49, SB 71, SB 76, SB 78, SB 81, SB 144, SB 156, SB 197, SB 209, SB 221, SB 222, SB 223, SB 249, SB 263, SB 303, SB 313, SB 321, SB 322, SB 332, SB 377, SB 385, SB 391, SB 407, SB 425, SB 462, SB 469, SB 480, SB 498, SB 502, SB 563, SB 573, SB 594, SB 629, SB 647, SB 663, SB 731, SB 736, SB 760, SB 767, SB 773, SB 776, SB 803, SB 809, SB 844, SB 859, SB 875, SB 924, SB 932, SB 942, SB 943, SB 978, SB 981, SB 988, SB 993, SB 1003, SB 1035, SB 1048, SB 1068, SB 1094, SB 1170, SB 1178, SB 1179, SB 1185, SB 1196, SB 1209, SB 1216, SB 1233, SB 1234, SB 1250, SB 1271, SB 1285, SB 1286, SB 1338, SB 1413, SB 1416, SB 1422, SB 1449, SB 1489, SB 1546, SB 1551, SB 1605, SB 1616, SB 1620, SB 1636, SB 1649, SB 1732, SB 1733, SB 1736, SB 1760, SB 1796, SB 1810, SB 1909, SB 1920**

**SIGNED BY GOVERNOR**May 30, 2011**SB 1928****SENT TO COMPTROLLER**May 31, 2011**SB 1000****SENT TO GOVERNOR**May 31, 2011

**SB 28, SB 40, SB 89, SB 100, SB 158, SB 293, SB 316, SB 341, SB 408, SB 472, SB 516, SB 542, SB 602, SB 652, SB 660, SB 694, SB 747, SB 1010, SB 1082, SB 1087, SB 1130, SB 1134, SB 1198, SB 1320, SB 1331, SB 1420, SB 1534, SB 1543, SB 1588, SB 1600, SB 1664, SB 1788, SCR 60**

June 2, 2011**SB 1000****SIGNED BY GOVERNOR**June 8, 2011**SB 247**June 17, 2011

**SB 5, SB 17, SB 19, SB 20, SB 27, SB 28, SB 29, SB 31, SB 32, SB 36, SB 41, SB 43, SB 49, SB 54, SB 58, SB 61, SB 71, SB 74, SB 76, SB 77, SB 78, SB 80, SB 81, SB 82, SB 86, SB 89, SB 100, SB 101, SB 116, SB 122, SB 131, SB 141, SB 144, SB 149, SB 150, SB 155, SB 156, SB 158, SB 162, SB 166, SB 173, SB 176, SB 179, SB 181, SB 187, SB 189, SB 192, SB 193, SB 197, SB 199, SB 201, SB 209, SB 218, SB 219, SB 220, SB 221, SB 222, SB 223, SB 226, SB 227, SB 229, SB 233, SB 234, SB 244, SB 246, SB 249, SB 256, SB 258,**



SB 260, SB 263, SB 264, SB 266, SB 267, SB 283, SB 290, SB 293, SB 303,  
SB 304, SB 310, SB 311, SB 313, SB 315, SB 316, SB 321, SB 322, SB 324,  
SB 327, SB 329, SB 332, SB 335, SB 349, SB 350, SB 364, SB 365, SB 370,  
SB 373, SB 377, SB 385, SB 387, SB 391, SB 400, SB 402, SB 407, SB 412,  
SB 419, SB 422, SB 425, SB 430, SB 431, SB 432, SB 434, SB 436, SB 438,  
SB 449, SB 460, SB 461, SB 462, SB 469, SB 470, SB 471, SB 472, SB 475,  
SB 479, SB 480, SB 481, SB 482, SB 485, SB 489, SB 490, SB 493, SB 494,  
SB 496, SB 498, SB 502, SB 508, SB 510, SB 512, SB 514, SB 516, SB 519,  
SB 520, SB 524, SB 530, SB 540, SB 542, SB 543, SB 544, SB 545, SB 548,  
SB 554, SB 558, SB 563, SB 573, SB 577, SB 578, SB 579, SB 580, SB 587,  
SB 594, SB 601, SB 602, SB 609, SB 613, SB 626, SB 627, SB 633, SB 639,  
SB 647, SB 650, SB 652, SB 660, SB 662, SB 663, SB 682, SB 688, SB 690,  
SB 694, SB 701, SB 710, SB 717, SB 731, SB 735, SB 736, SB 738, SB 743,  
SB 747, SB 760, SB 761, SB 762, SB 764, SB 766, SB 767, SB 768, SB 773,  
SB 776, SB 778, SB 781, SB 789, SB 791, SB 792, SB 794, SB 795, SB 796,  
SB 799, SB 800, SB 801, SB 802, SB 803, SB 804, SB 809, SB 810, SB 811,  
SB 812, SB 813, SB 819, SB 822, SB 844, SB 847, SB 851, SB 855, SB 859,  
SB 860, SB 864, SB 866, SB 867, SB 875, SB 880, SB 882, SB 886, SB 888,  
SB 889, SB 896, SB 898, SB 899, SB 901, SB 910, SB 917, SB 924, SB 932,  
SB 937, SB 943, SB 953, SB 957, SB 959, SB 966, SB 969, SB 975, SB 981,  
SB 988, SB 990, SB 992, SB 993, SB 1000, SB 1002, SB 1003, SB 1008, SB 1009,  
SB 1010, SB 1020, SB 1026, SB 1030, SB 1042, SB 1043, SB 1044, SB 1046,  
SB 1047, SB 1048, SB 1055, SB 1057, SB 1058, SB 1065, SB 1068, SB 1073,  
SB 1082, SB 1087, SB 1094, SB 1100, SB 1103, SB 1106, SB 1120, SB 1124,  
SB 1130, SB 1132, SB 1133, SB 1134, SB 1154, SB 1159, SB 1167, SB 1169,  
SB 1170, SB 1176, SB 1178, SB 1179, SB 1184, SB 1185, SB 1187, SB 1196,  
SB 1197, SB 1198, SB 1200, SB 1208, SB 1209, SB 1216, SB 1220, SB 1225,  
SB 1228, SB 1231, SB 1233, SB 1234, SB 1243, SB 1248, SB 1250, SB 1271,  
SB 1273, SB 1290, SB 1291, SB 1292, SB 1295, SB 1308, SB 1311, SB 1320,  
SB 1322, SB 1330, SB 1331, SB 1338, SB 1342, SB 1352, SB 1360, SB 1361,  
SB 1368, SB 1378, SB 1383, SB 1386, SB 1393, SB 1404, SB 1410, SB 1413,  
SB 1414, SB 1416, SB 1420, SB 1421, SB 1422, SB 1431, SB 1434, SB 1438,  
SB 1441, SB 1449, SB 1477, SB 1480, SB 1484, SB 1489, SB 1493, SB 1504,  
SB 1518, SB 1521, SB 1522, SB 1534, SB 1543, SB 1545, SB 1546, SB 1551,  
SB 1557, SB 1560, SB 1578, SB 1588, SB 1596, SB 1598, SB 1600, SB 1605,  
SB 1610, SB 1613, SB 1616, SB 1617, SB 1618, SB 1619, SB 1620, SB 1630,  
SB 1635, SB 1636, SB 1638, SB 1649, SB 1660, SB 1661, SB 1662, SB 1664,  
SB 1667, SB 1668, SB 1669, SB 1681, SB 1686, SB 1687, SB 1692, SB 1698,  
SB 1714, SB 1719, SB 1726, SB 1732, SB 1733, SB 1736, SB 1737, SB 1739,  
SB 1751, SB 1755, SB 1760, SB 1787, SB 1788, SB 1789, SB 1796, SB 1799,  
SB 1810, SB 1812, SB 1831, SB 1857, SB 1887, SB 1907, SB 1909, SB 1910,  
SB 1913, SB 1914, SB 1915, SB 1916, SB 1920, SB 1925, SB 1926, SB 1927,  
SCR 2, SCR 5, SCR 10, SCR 11, SCR 16, SCR 18, SCR 35, SCR 39, SCR 50,  
SCR 51, SCR 53, SCR 54, SCR 55, SCR 56, SCR 57, SCR 58, SCR 60

**FILED WITHOUT SIGNATURE OF GOVERNOR**June 17, 2011**SB 271, SB 341, SB 367, SB 629, SB 683, SB 900, SB 942, SB 987, SB 1285, SB 1286, SB 1875, SB 1877, SB 1880, SB 1882, SB 1895, SB 1899, SB 1922****VETOED BY GOVERNOR**June 17, 2011**SB 40, SB 167, SB 191, SB 408, SB 978, SB 1035, SB 1807****VETO PROCLAMATIONS**

The following Veto Proclamations by the Governor were filed with the Secretary of the Senate:

PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 40 as passed by the Eighty-Second Texas Legislature, Regular Session, because of the following objections:

Senate Bill 40 would make a number of changes to the enabling statute of the Texas Guaranteed Student Loan Corporation (TGS LC), a state-chartered nonprofit corporation that serves as the guarantor for subsidized student loans originated under the Federal Family Education Loan Program (FFELP). FFELP was terminated last year by the federal government.

Many of the changes in Senate Bill 40, such as allowing TGS LC board members to attend meetings via teleconference or requiring TGS LC's to appoint an ombudsman for internal complaints, are good for TGS LC and the state. However, their benefits are outweighed by other parts of the bill.

Senate Bill 40 gives TGS LC much broader authority to enter into revenue-generating activities, but does so at a time when TGS LC loan portfolio will shrink, limiting the resources available for new ventures and exposing TGS LC's operating fund to additional risk.

TGS LC also faces uncertainty at the federal level. TGS LC is a strong guarantor, but it would be unwise to commit scarce resources without additional clarity as to future policies regarding guarantors and the residual FFELP portfolio.

Senate Bill 40 also contains language regarding the governor's appointments to TGS LC that conflicts with TGS LC language in other bills that are moving toward passage in the special session.

Since the Eighty-Second Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2011.

(Seal)

/s/Rick Perry  
Governor of Texas

ATTESTED BY:

/s/Hope Andrade  
Secretary of State

PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 167 as passed by the Eighty-Second Texas Legislature, Regular Session, because of the following objections:

Senate Bill 167 suffers from technical citation problems and a need to correct language. House Concurrent Resolution 177, which sought to correct the problems in Senate Bill 167, did not pass both houses. The intent of Senate Bill 167 is covered in House Bill 351.

Since the Eighty-Second Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2011.

(Seal)

/s/Rick Perry  
Governor of Texas

ATTESTED BY:

/s/Hope Andrade  
Secretary of State

PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 191 as passed by the Eighty-Second Texas Legislature, Regular Session, because of the following objections:

I am vetoing Senate Bill 191 because I have serious concerns regarding overreliance on the State Office of Administrative Hearings (SOAH) in the disposition of contested case hearings at the Texas Medical Board. This provision is also included in House Bill 680.

The board is charged with regulating the practice of medicine in Texas by, among other things, enforcing physicians' standards of conduct and imposing appropriate sanctions when those standards are violated. When the board is unable to resolve a case, it is referred to an administrative law judge (ALJ) at SOAH. Senate Bill 191 requires the board to accept an ALJ's findings of fact on whether a physician has committed a violation.

This provision weakens the board's authority to oversee physicians, and vests that authority instead in the ALJ. This bill treats the Texas Medical Board differently from every other occupational licensing agency by mandating that the board accept the ALJ's findings.

The responsibility for deciding whether a physician has violated a standard of conduct should belong to the multimember board, and not to a single ALJ. ALJs serve the important role of providing an independent forum for conducting adjudicative hearings to determine the facts, but their role is to assist agencies in reaching a proper decision, not to supplant them or relieve them of that duty.

Since the Eighty-Second Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2011.

(Seal)

/s/Rick Perry  
Governor of Texas

ATTESTED BY:

/s/Hope Andrade  
Secretary of State

PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 408 as passed by the Eighty-Second Texas Legislature, Regular Session, because of the following objections:

Senate Bill 408 includes a provision that would prohibit the use of boats or other crafts that use an aircraft-type propeller for propulsion on approximately 113 miles of the John Graves Scenic Riverway. Attempting to balance private property rights with water conservation and recreational use of this riverway is laudable. However, I am vetoing Senate Bill 408 at the request of the bill's sponsor, and I am directing the Texas Parks and Wildlife Department and the Texas Commission on Environmental Quality (TCEQ) to study and report the potential effects of a prohibition of the commercial or recreational use of these types of boats on the riverway. This review will be part of TCEQ's biennial report to the legislature.

Since the Eighty-Second Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2011.

(Seal)

/s/Rick Perry  
Governor of Texas

ATTESTED BY:

/s/Hope Andrade  
Secretary of State

PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 978 as passed by the Eighty-Second Texas Legislature, Regular Session, because of the following objections:

Senate Bill 978 would allow the entire City of McAllen and members of Hidalgo County Water Improvement District No. 3 to vote for the dissolution of the district. This bill puts the district at a clear disadvantage because the overwhelming majority of votes would come from outside the boundaries of the district, effectively allowing the city to take the district's water rights and property. This would set a troubling precedent.

Since the Eighty-Second Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2011.

(Seal)

/s/Rick Perry  
Governor of Texas

ATTESTED BY:

/s/Hope Andrade  
Secretary of State

PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1035 as passed by the Eighty-Second Texas Legislature, Regular Session, because of the following objections:

Senate Bill 1035 would expand county permitting of motor vehicle title service companies and create a state licensing requirement administered by the Texas Department of Motor Vehicles (DMV). The bill would establish additional criminal and civil penalties, including a state jail felony if a service company violated a license requirement.

While the state may benefit from the DMV performing a licensing or oversight function, this bill would not address the burden imposed on motor vehicle title service companies by a state licensing requirement, nor would it address the inherent problems of the creation of 254 different county registration processes. The dual state and county registration and licensing procedures, and different associated fees, are too cumbersome.

Senate Bill 1035 could also have unintended consequences through its definition of a motor vehicle title service company. That definition would include any individual directly or indirectly assisting with the registration process. It would be problematic that a friend or family member who is familiar with the registration process could not assist, if any compensation was received, without being subject to civil and criminal penalties.

Because I appreciate the goal of Senate Bill 1035, I am requesting the DMV to work with the motor vehicle title service industry and county governments to find a reasonable solution that does not add layers of government, but protects Texans against individuals operating with the intent to defraud consumers or the state.

Since the Eighty-Second Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2011.

(Seal)

/s/Rick Perry  
Governor of Texas

ATTESTED BY:

/s/Hope Andrade  
Secretary of State

PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1807 as passed by the Eighty-Second Texas Legislature, Regular Session, because of the following objections:

Senate Bill 1807 would allow the 444th District Court of Cameron County to have concurrent jurisdiction in Willacy County. However, this bill was not thoroughly discussed with all affected entities in Willacy and Cameron counties. While I appreciate any attempt to improve the efficiency of Texas courts, all parties affected by this change should be involved in determining the best methods for making such improvements.

Since the Eighty-Second Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2011.

(Seal)

/s/Rick Perry  
Governor of Texas

ATTESTED BY:

/s/Hope Andrade  
Secretary of State

**SENATE RESOLUTION 1267**  
**(Jean Moffett Dendy and Diana Sue Brown)**

WHEREAS, The men and women who work at the Texas Senate are an exceptionally dedicated and talented group who understand that their service to the institution is both a privilege and a deep responsibility; and

WHEREAS, The Betty King Public Service Award is given each regular legislative session to one legislative and one administrative employee who embodies the spirit of state service exemplified by longtime Secretary of the Senate Betty King; and

WHEREAS, This year, two long-standing members of the Senate family were nominated posthumously for these awards to honor their exceptional contributions over the course of many years; and

WHEREAS, It is a reflection of the spirit of this body that the contributions of these two individuals are still remembered and cherished by Senate members and staff, who have put forward their names to commemorate their legacies of service and loyalty; and

WHEREAS, Jean Moffett Dendy was posthumously nominated for the Legislative Betty King Public Service Award; Jean served the Texas Senate for nearly two decades as a special assistant and administrator for Senator Mike Moncrief, Senator Rodney Ellis, and Senator Wendy Davis; she inspired in all those with whom she worked a spirit of collegiality and mutual respect, and her grace, warmth, and good humor left a lasting impression on everyone she knew; and

WHEREAS, Diana Sue Brown was posthumously nominated for the Administrative Betty King Public Service Award; for 27 years, Susie served the Texas Senate as a messenger, sharing her unique point of view, her love of red hats, her cheerful outlook on life, and her indomitable determination with people throughout the Capitol; and

WHEREAS, Both Jean and Susie became a part of the Senate family, and their service and their contributions are remembered with great warmth and affection; it is truly fitting that the institution they both loved so much honor them for their dedication and for the many contributions they made to the state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby pay tribute to the extraordinary service, the life, and the legacy of Jean Moffett Dendy and Diana Sue Brown.

ELTIFE



**In Memory**  
**of**  
**Angus McSwain**  
**House Concurrent Resolution 180**

WHEREAS, The life of a distinguished legal scholar and educator drew to a close with the passing of Angus McSwain, dean emeritus of Baylor Law School, who passed away on May 29, 2011; and

WHEREAS, Born in 1923, Mr. McSwain graduated from Stephen F. Austin High School in Bryan; he enrolled at Texas A&M University but interrupted his studies to serve in the U.S. Army Corps of Engineers during World War II; following the war, he completed his civil engineering degree at A&M in 1947 and graduated cum laude two years later with his bachelor of laws degree from Baylor, where he was first in his class; he went on to receive a master of laws degree from the University of Michigan; and

WHEREAS, Mr. McSwain became a professor at Baylor Law School in 1949; he was appointed dean in 1965 and guided the institution for the next 19 years; during his tenure, he maintained the high academic standards that are the hallmark of Baylor Law School and helped to bring in a number of outstanding faculty members; and

WHEREAS, After returning to teaching in 1984, Dean McSwain became the Governor Bill and Vara Faye Daniel Chair of Property Law, and he received the Master Teacher designation, Baylor's highest teaching honor, in 1990; his official retirement came four years later, but this remarkable professor continued to conduct classes until 2008, when he marked his 59th year with the law school; and

WHEREAS, A highly respected figure in the Texas legal community, he served as both secretary and chair of the Family Law Section of the Texas Bar Association and was the author of numerous articles for the *Texas Bar Journal* as well as textbooks and casebooks; in all of his endeavors, he enjoyed the love and support of his wife, Betty Ann, who preceded him in death, and his son, Andy, who followed in his father's footsteps as a Baylor Law graduate; and

WHEREAS, Angus McSwain influenced generations of Baylor Law School students with his unwavering commitment to excellence, and his legacy will continue to resonate for years to come; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby pay tribute to the life of Dean Emeritus Angus McSwain and extend deepest condolences to the members of his family: to his son, Andy McSwain, and his wife, Chris; to his grandson, Stewart McSwain; and to his other relatives and friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of Dean Angus McSwain.

WATSON

**In Memory**  
**of**  
**William P. "Bill" Clements**  
**House Concurrent Resolution 2**

WHEREAS, The Lone Star State lost a distinguished and pivotal figure in Texas politics on May 29, 2011, with the death of former governor William P. Clements, Jr.; and

WHEREAS, The state's second-longest-serving governor and first Republican governor since Reconstruction, Bill Clements was initially elected in 1978, having never before run for public office; he served until 1983 and then made a stunning comeback four years later to serve another term; and

WHEREAS, During his combined eight-year tenure, he established a reputation as an efficient, business-like chief executive, and his gubernatorial appointments generally reflected a results-oriented approach; he also named the first two women to the Texas Supreme Court and the first African American to the Texas Court of Criminal Appeals; moreover, he took a leading role in the war on drugs and advocated powerfully for anticrime bills passed by the legislature, and he initiated an extensive renovation of the State Capitol; and

WHEREAS, Born in Dallas on April 13, 1917, Bill Clements was an all-state guard on the Highland Park High School football team; he was offered athletic scholarships but turned them down in order to help his family during the Great Depression; after working in South Texas as a roughneck and driller, he attended The University of Texas at Austin and graduated from Southern Methodist University in 1939; he returned to the oil fields, and in 1947 he and two partners borrowed the money to buy two oil rigs and start a company, SEDCO, which grew to become the world's largest oil drilling contracting firm; and

WHEREAS, This self-made multimillionaire initially rejected attempts by Texas Republicans to recruit him for public office though he worked actively in the party; in 1972, he served as Texas co-chair of President Richard Nixon's reelection campaign, and he was appointed deputy secretary of defense the following year and remained at the Pentagon during the Ford administration; he decided to run for governor in 1978 and surprised many when he defeated a better-known opponent; and

WHEREAS, Over the years, Governor Clements was a generous benefactor of institutions of higher education; he and his wife, Rita, contributed well over \$20 million for facilities, programs, and professorships at SMU, and he served several terms as a member and officer of the board of trustees; through his support, the university's William P. Clements Center for Southwest Studies developed into an internationally known catalyst for

research, publishing, and public programming in a variety of disciplines related to the American Southwest and the U.S.-Mexico borderlands; named trustee emeritus in 1991, he was also recognized with the Mustang Award, an honorary Doctor of Humane Letters degree, and the SMU Distinguished Alumni Award; in 2009, Governor Clements continued his philanthropy and gave a remarkable \$100 million to UT Southwestern Medical Center in Dallas, the largest single gift in the history of the institution; and

WHEREAS, Plain-spoken, pragmatic, and dedicated to the prosperity of the Lone Star State, Bill Clements brought a business perspective to government, and his achievements will continue to resonate in the lives of his fellow Texans for years to come; now, therefore, be it

RESOLVED, That the 82nd Legislature of the State of Texas hereby pay tribute to the memory of the Honorable William P. Clements, Jr., and extend sincere condolences to the members of his family: to his wife, Rita Crocker Clements; to his daughter, Nancy Clements Seay; and to all those who mourn the passing of this esteemed Texan; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of former governor Bill Clements.

CARONA