

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTEENTH DAY

(Tuesday, February 12, 2013)

The Senate met at 11:04 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

Minister Matthew A. Mays, Mount Sinai Missionary Baptist Church, Austin, offered the invocation as follows:

O God, divine creator and ruler of everything, we come to You this morning through the access of Jesus the Christ. We ask that You would hear us as we pray this time, as You have heard us in times past. We thank You for who You are and all the blessings You have bestowed upon us. We realize You have blessed the State of Texas, and we pause to thank and praise You. Now, dear Lord, please bless the men and women who make up this body, who serve as a part of the operation of our government in this State of Texas. We pray that You would bless them with wisdom, understanding, and compassion as they make decisions for the betterment of all citizens and the good of the whole State of Texas. Please watch over each of them as well as their families and shield them from any danger or threat. Please protect them so that they might serve responsibly on the behalf of others in every issue. I pray this prayer of covering for them in Jesus' name. Amen.

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

The motion prevailed without objection.

SENATE RESOLUTION 162

Senator Nelson offered the following resolution:

SR 162, Recognizing February 12, 2013, as Senior Day at the Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 11, 2013.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate Texas seniors.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Georgeanne Freeman of Austin as the Physician of the Day.

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

GUESTS PRESENTED

Senator Nichols was recognized and introduced to the Senate an Athens Chamber of Commerce delegation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate a Texas Society of Anesthesiologists delegation, accompanied by Marty Giesecke, President; David Mercier, President-elect; David Gloyna, Treasurer; and Sherif Zaafran, Chair, Governmental Affairs Committee.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate a Wise County delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 168

Senator Duncan offered the following resolution:

SR 168, Recognizing February 12, 2013, as Texas Food Bank Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate David Weaver, Board of Directors President, Texas Food Bank Network, and Executive Director of the South Plains Food Bank, and Celia Cole, CEO, Texas Food Bank Network.

The Senate welcomed its guests.

SENATE RESOLUTION 194

Senator Taylor offered the following resolution:

SR 194, Recognizing February 12, 2013, as Texas Community Association Advocates Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Taylor was recognized and introduced to the Senate a Texas Community Association Advocates delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 176

Senator Rodríguez offered the following resolution:

SR 176, Recognizing February 12, 2013, as Texas Physical Therapy Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate a Texas Physical Therapy Association delegation, accompanied by Cynthia Fisher, President, Board of Directors.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Davis was recognized and introduced to the Senate a Kennedale delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 179

Senator Hinojosa offered the following resolution:

SR 179, Recognizing February 12, 2013, as Jim Wells County Day at the State Capitol.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a Jim Wells County delegation: County Judge Arnoldo Saenz, and Commissioners Margie Gonzalez, Ventura Garcia, and Richard Miller.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Birdwell was recognized and introduced to the Senate a Leadership Cleburne delegation.

The Senate welcomed its guests.

SENATE RESOLUTION 180

Senator Hinojosa offered the following resolution:

SR 180, In memory of the life of Kenneth Raymond Fleenor.

On motion of Senator Hinojosa, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Kenneth Raymond Fleenor, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Hinojosa was recognized and introduced to the Senate family members of General Kenneth Fleenor: Kathy Thomas, John Fleenor, Patti Wood, Kerry Horne, and Kay Duc.

The Senate welcomed its guests and extended its sympathy.

(President in Chair)

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 2, HCR 33, SCR 11.**

CO-AUTHORS OF SENATE BILL 24

On motion of Senator Hinojosa, Senators Paxton and Uresti will be shown as Co-authors of **SB 24.**

CO-AUTHOR OF SENATE BILL 120

On motion of Senator Rodríguez, Senator Duncan will be shown as Co-author of **SB 120.**

CO-AUTHOR OF SENATE BILL 191

On motion of Senator Birdwell, Senator Schwertner will be shown as Co-author of **SB 191.**

CO-AUTHOR OF SENATE BILL 240

On motion of Senator Van de Putte, Senator Rodríguez will be shown as Co-author of **SB 240.**

CO-AUTHOR OF SENATE BILL 256

On motion of Senator Deuell, Senator Schwertner will be shown as Co-author of **SB 256.**

CO-AUTHOR OF SENATE BILL 301

On motion of Senator Zaffirini, Senator Schwertner will be shown as Co-author of **SB 301.**

CO-AUTHOR OF SENATE BILL 313

On motion of Senator Uresti, Senator Hinojosa will be shown as Co-author of **SB 313.**

CO-AUTHOR OF SENATE BILL 377

On motion of Senator Lucio, Senator Rodríguez will be shown as Co-author of **SB 377**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

HCR 39 (Birdwell), In memory of the Honorable M. A. Taylor of Waco.

Welcome and Congratulatory Resolutions

SR 188 by Schwertner, Recognizing Jeffery Musgrave for receiving the Bronze Star with Valor Device and the Purple Heart.

SR 189 by Estes, Recognizing the Wylie Chamber of Commerce for its contributions to the Wylie and Collin County area.

SR 191 by Uresti, Welcoming the citizens of Crockett County on the occasion of Crockett County Day.

SR 193 by Birdwell, Welcoming the members of the Leadership Waxahachie Class XVIII to the State Capitol.

SR 195 by Schwertner, Recognizing the Granger Independent School District on the occasion of its 125th anniversary.

SR 199 by West, Recognizing Marvin E. Robinson, Sr., for his achievements.

SR 200 by West, Commending Beverly Kerl Mitchell-Brooks for receiving the Susan B. Anthony Award from the League of Women Voters of Dallas.

Official Designation Resolutions

SR 190 by Uresti, Recognizing the Briscoe Ranch Cook-off in Uvalde as a Texas State Barbecue Championship competition.

SR 196 by Carona and Deuell, Celebrating February 12, 2013, as Rowlett Day at the State Capitol.

SR 197 by Carona and Hancock, Recognizing February 12, 2013, as Irving Day at the State Capitol.

SR 198 by Campbell, Celebrating February 13, 2013, as Leadership Boerne Day at the Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 11:45 a.m. adjourned, in memory of Kenneth Raymond Fleenor and Esther Buckley, until 11:00 a.m. tomorrow.

APPENDIX

RESOLUTIONS ENROLLEDFebruary 11, 2013

**SCR 11, SR 73, SR 125, SR 141, SR 142, SR 143, SR 144, SR 145, SR 146,
SR 147, SR 148, SR 150, SR 151, SR 152, SR 154, SR 155, SR 156, SR 157,
SR 158, SR 159, SR 160, SR 161, SR 162, SR 163, SR 164, SR 165, SR 166,
SR 167, SR 169, SR 170, SR 171, SR 173, SR 174, SR 175, SR 178, SR 181,
SR 182, SR 183, SR 184, SR 185, SR 186, SR 187**

In Memory
of
Kenneth Raymond Fleenor
Senate Resolution 180

WHEREAS, The Senate of the State of Texas honors and commemorates the life of United States Air Force Brigadier General Kenneth Raymond Fleenor, Retired, who died December 10, 2010, at the age of 81; and

WHEREAS, Kenneth Fleenor was born and raised in Bowling Green, Kentucky, and graduated from Western Kentucky State University; and

WHEREAS, He served the nation with distinction in the armed forces for 28 years; while he was serving in Vietnam, his F-4 Phantom fighter jet was shot down near Hanoi, and he spent more than five years as a prisoner of war, enduring starvation, isolation, and torture; after his release from captivity in 1973, he continued his military career and held numerous important posts at Randolph Air Force Base, including Base Commander, Wing Commander, and Deputy Commander of Operations for the Air Training Command; and

WHEREAS, General Fleenor went on to work for the state as a coordinator for Texans War on Drugs, and he was on the boards of numerous companies; for 10 years, he served the citizens of Selma as a city council member and as mayor; and

WHEREAS, A man of courage, strength, and compassion, he gave generously to others, and his wisdom and foresight will not be forgotten by those who knew him; and

WHEREAS, He was a devoted husband, father, and grandfather, and he left behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to the legacy of Brigadier General Kenneth Raymond Fleenor; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family to commemorate the life of this dedicated patriot, and that when the Senate adjourns this day, it do so in memory of Kenneth Fleenor.

HINOJOSA

