

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**FIFTEENTH DAY**

(Monday, February 18, 2013)

The Senate met at 2:08 p.m. pursuant to adjournment and was called to order by Senator Nelson.

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

Absent-excused: Carona, Van de Putte.

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

Rabbi Eliezer Langer, Congregation Tiferet Israel, Austin, offered the invocation as follows:

This past week has been a most difficult one for the State of Texas. Over the weekend two Bryan firefighters died from injuries sustained while responding to a conflagration, and not seven days ago a former Navy SEAL was laid to rest right here in the Texas State Cemetery among the legendary Texans who have made the state what it is today. His death, as reported, was also in the line of duty, coming while attempting to aid a fellow veteran. In their memory and with prayers for the recovery of the wounded firefighters, I offer this invocation based on a prayer recited in the synagogue every Sabbath. May He who blessed our ancestors bless this entire assembly and their families. May all those who faithfully serve the needs of the community, those who represent and legislate in this august Chamber, and those who defend and protect us, those who share illumination for darkness, food for the hungry, and succor for the needy be themselves saved from all affliction, sickness, and injury. May the holy One grant blessing and success to you, our public servants, in all your endeavors along with us, your constituents and all the residents of our beloved state and our great country. And may the brave defenders of our cherished freedoms come home safely to their families and their futures. Let us all say, 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.

### LEAVES OF ABSENCE

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

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

### GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate a delegation from Woodforest Financial Services in The Woodlands.

The Senate welcomed its guests.

### MESSAGES FROM THE GOVERNOR

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

February 14, 2013  
Austin, Texas

TO THE SENATE OF THE EIGHTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Tech University System Board of Regents for terms to expire January 31, 2019:

Juan D. "John" Esparza  
Austin, Texas  
(replacing Jerry Turner of Blanco whose term expired)

Lawrence Frederick "Rick" Francis  
El Paso, Texas  
(Mr. Francis is being reappointed)

Ivan Tim Lancaster  
Abilene, Texas  
(replacing John Scovell of Dallas whose term expired)

To be Judge of the 248th Judicial District Court, Harris County, for a term until the next General Election and until her successor shall be duly elected and qualified:

Katherine Cabaniss  
Houston, Texas

Ms. Cabaniss is replacing Judge Joan Campbell who resigned.

To be members of the Stephen F. Austin State University Board of Regents for terms to expire January 31, 2019:

David Alders  
Nacogdoches, Texas  
(replacing Carlos Amaral of Plano whose term expired)

John R. "Bob" Garrett  
Tyler, Texas  
(Mr. Garrett is being reappointed)

Barry Nelson  
Dallas, Texas  
(replacing James Dickerson, Jr. of New Braunfels whose term expired)

Respectfully submitted,

/s/Rick Perry  
Governor

February 15, 2013  
Austin, Texas

TO THE SENATE OF THE EIGHTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Sulphur River Basin Authority Board of Directors for terms to expire February 1, 2019:

Bradley Drake  
Paris, Texas

Wallace E. "Wally" Kraft, II  
Paris, Texas

The individuals listed above are being reappointed.

To be members of the Texas State University System Board of Regents for terms to expire February 1, 2019:

Charles Amato  
San Antonio, Texas  
(Mr. Amato is being reappointed)

Vernon Reaser, III  
Bellaire, Texas  
(replacing Patricia Pollard of Bellaire whose term expired)

William F. Scott  
Nederland, Texas  
(Mr. Scott is being reappointed)

To be members of the Council on Cardiovascular Disease and Stroke for terms to expire February 1, 2019:

Paula Gomez  
Brownsville, Texas  
(Ms. Gomez is being reappointed)

Michael M. Hawkins  
Austin, Texas  
(Dr. Hawkins is being reappointed)

Suzanne Hildebrand  
Live Oak, Texas  
(Ms. Hildebrand is being reappointed)

Cheryle Locke Pingel  
Austin, Texas  
(replacing Louis West of Taylor whose term expired)

To be members of the State Health Services Council for terms to expire February 1, 2019:

Jacinto Juarez  
Laredo, Texas  
(replacing Beverly Barron of Odessa whose term expired)

Jeffrey A. Ross  
Bellaire, Texas  
(Dr. Ross is being reappointed)

Maria F. Teran  
El Paso, Texas  
(Ms. Teran is being reappointed)

To be members of the Department of Information Resources for terms to expire February 1, 2019:

Charles E. Bacarisse  
Houston, Texas  
(Mr. Bacarisse is being reappointed)

Cynthia Villa  
El Paso, Texas  
(replacing Rosemary Martinez of Brownsville whose term expired)

To be a member of the Texas Workforce Commission for a term to expire February 1, 2019:

Andres Alcantar  
Pflugerville, Texas

Commissioner Alcantar is being reappointed.

To be a member of the State Preservation Board for a term to expire February 1, 2015:

M. Cris Crouch Graham  
Fredericksburg, Texas

Ms. Graham is replacing Ida Louise Steen of San Antonio whose term expired.

Respectfully submitted,

/s/Rick Perry  
Governor

**SENATE BILL ON FIRST READING**

The following bill was introduced, read first time, and referred to the committee indicated:

**SB 2** by Patrick

Relating to charter schools and home-rule charter school districts, including establishment of the Charter School Authorizing Authority.

To Committee on Education.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Monday, February 18, 2013 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 37**

Isaac

Congratulating Alva and Willie Mae Haydon of Dripping Springs on their 75th wedding anniversary.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**(President in Chair)**

**SENATE RESOLUTION 234**

Senator Eltife offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing William Powers, Jr., president of The University of Texas at Austin, who has recently been honored in diverse areas of endeavor including winning an award for legal scholarship and being elected vice chair of an association of preeminent research universities; and

WHEREAS, Bill Powers is a 2012 corecipient of the prestigious John G. Fleming Memorial Prize for Torts Scholarship; widely recognized as a leading American legal scholar, he was awarded the prize for his definitive interpretations of juridical concepts and for coauthoring a treatise on the general principles of tort law; his extensive writing on personal injury and emotional damages is considered one of the major achievements of modern jurisprudence; and

WHEREAS, President Powers is highly respected for his leadership on issues related to higher education, and he was recently elected vice chair of the Association of American Universities; the association's programs encourage improved funding for research to enable leading universities to continue functioning as centers of innovation

and scientific advancement; with his successful record as an advocate for undergraduate and graduate education, he enriches the association, bringing his expertise and keen intellect to bear on the critical task of maintaining financial resources for programs of advanced learning; and

WHEREAS, President Powers has also been appointed as a member of a group of senior advisors to guide a new initiative of the American Academy of Arts and Sciences entitled the Lincoln Project: Excellence and Access in Public Higher Education; this initiative seeks to advocate for the importance of public colleges and universities; as key engines of economic growth, innovation, and upward mobility, these schools are facing fundamental challenges from cutbacks in government support, competition from for-profit education providers and foreign universities, and emerging technological changes; and

WHEREAS, Since 2010, President Powers has also worked to develop the Texas Higher Education Leadership Consortium with other key leaders from two-year and four-year Texas public higher education institutions and system offices, state policymakers and senior staff, and leading national experts in higher education policy, with the core purpose of cultivating effective collaborations and a sense of shared responsibility for increased higher education excellence, opportunity, and productivity in Texas; and

WHEREAS, President Powers graduated magna cum laude from Harvard Law School, where he was managing editor of the *Harvard Law Review*; he joined the faculty at The University of Texas School of Law in 1977 and taught with distinction before being appointed as dean in 2000; he has been named to the university's Academy of Distinguished Teachers, is a University Distinguished Teaching Professor, and holds the Hines H. Baker and Thelma Kelley Baker Chair in Law; on February 1, 2006, he took office as president of The University of Texas at Austin; and

WHEREAS, President Powers is a Life Fellow of the American Bar Foundation and the author of dozens of books and articles on legal philosophy and the nuances of tort law; and

WHEREAS, His dedication to a clear understanding of legal principles and the means by which they are translated into law has made Bill Powers a well-known and admired figure in the world of jurisprudence, and his commitment to the betterment of higher education through student diversity, increased funding, and curriculum innovation establishes him as a pacesetter in the realm of public university leaders; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby congratulate William Powers, Jr., of The University of Texas at Austin on his many recent accomplishments and honors and extend to him sincere appreciation for his outstanding leadership; and, be it further

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

ELTIFE  
HEGAR  
HUFFMAN  
NELSON  
SELIGER

WATSON  
WHITMIRE  
WILLIAMS  
ZAFFIRINI

**SR 234** was read.

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

On motion of Senator Eltife, the resolution was adopted by a rising vote of the Senate.

### GUEST PRESENTED

Senator Eltife was recognized and introduced to the Senate William Powers, Jr., The University of Texas at Austin President.

The Senate welcomed its guest.

### REMARKS ORDERED PRINTED

On motion of Senator Eltife and by unanimous consent, the remarks regarding **SR 234** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Eltife:** Thank you, Mr. President and Members. I am pleased today to present this resolution, along with my fellow Senators, honoring University of Texas at Austin President Bill Powers. I'll be brief in my remarks, as I know many other Members would like to speak. A few years ago I attended UT Austin. Coming from the small town of Tyler to the University was very intimidating. I knew very few people and had very little means to pay for college. With the help of financial aid and a lot of prayers, somehow I graduated. Some of my best friends to this very day are those I made here at UT. I attribute my success in business to the education I received at UT. The University means a lot to me, and I'm very thankful for having the opportunity to attend. This is the reason that I admire and respect President Powers so much. I see in this President a man who shares the love for the University that so many of the current students and former students have for this great institution. I see a man who always puts the University first, someone who stands up for what he believes in, even if it may not be politically popular. President Powers, I want to thank you for your outstanding leadership. I want to thank you for leading the University with honesty and integrity and thank you for allowing us to honor you here today. May God bless you and your family.

**Senator Watson:** Thank you very much, Mr. President, and thank you, Senator Eltife, for bringing forward this resolution. It's a distinct pleasure to have the opportunity to not only say thank you to President Powers for the role he plays at The University of Texas at Austin but to also recognize him for that role. I'm going to speak a little bit about, from the perspective of having been the Mayor of the City of Austin and the Chair of the Chamber of Commerce and, now, getting to play this wonderful role of being a State Senator that represents this Central Texas region the way I get to. You know, the truth of the matter is that so much good about the economy of Central Texas and therefore, the economy of the State of Texas is a result of the work that goes on at The University of Texas at Austin. It's no coincidence that the City of Austin in Central Texas enjoys a reputation and has become a focal point in a worldwide information and knowledge economy at the same time that it has sitting in its midst an internationally-recognized Tier One research university. It's no coincidence that we are that focal point that people talk of us being the next Silicon

Valley only better, at the same time that, and we're cultivating an economy based upon intellectual capital, at the same time we can point to The University of Texas at Austin and the role that it plays. I remember just a few years ago, leading a delegation to Korea, because what we were hoping to do, was we were hoping to get Samsung to make another multibillion dollar investment in Texas, one of those investments that would make it one of the largest international and foreign investments in the United States in a long time. And when we were in that meeting, one of the people that was there with us was one of the folks from The University of Texas at Austin. And he was able to point out that, at that point in time, and I don't know whether it's still true today, the number one foreign population at The University of Texas at Austin doing research and learning was from South Korea. It made a real difference, Members, in the fact that today we had, we got that investment. Samsung has made that investment. The University of Texas at Austin is a magnet for economic development. And, importantly, it's a magnet for economic development in large part because of leadership from someone like Bill Powers. It's interesting that we ought to point out that UT was recently ranked the 25th best university in the world by the London-based *Times Higher Education*. That is a direct result of leadership from Bill Powers. During his, President Powers' time in office, the number of University of Texas programs ranked in the nation's top 10 has increased by 50 percent. And I just want to pause on that for a minute, because what that means is, that when we are selling Texas to the world, one of our key selling points is that we have The University of Texas at Austin, and it ranks in such a way that its programs are in the top 10 of programs in the country. He's also led reform of the core curriculum, and he has made a number of landmark changes on The University of Texas campus. Members, for an Austin guy, I will tell you, The University of Texas at Austin is the soul of Austin. It's been the heart of this city since the 19th century. But as that, it also makes a difference in the State of Texas, and we would not as a state be able to brag the way we do and attract and retain the talent that we so desperately need to enjoy the kind of economy that we enjoy without the leadership of President Bill Powers. So, President Powers, this is my opportunity to say thank you publicly to you for all you mean, not just to UT and the City of Austin, but to the State of Texas, but also to take a moment so that we might all recognize the great value you bring to our wonderful state. God bless you and thank you.

**Senator Lucio:** Thank you, Mr. President. Thank you, Senator Eltife, Senator Watson. I, too, rise to honor this distinguished gentleman. A gentleman that I have had the pleasure of knowing for many years now. President Bill Powers is exemplary to say the least, and I am happy to have this opportunity, though, to publicly tell everyone on a personal basis what you have meant to me, my family, and to so many in South Texas. President Powers is not a stranger to any part of the state, especially my part in South Texas, which he traveled to and from many times. And the reason he's gone down there is because he's opened the doors of opportunities for so many countless numbers of young men and women seeking to further their education at this wonderful university we call Texas. And I just want to say that when my son first entered law school, it was Dean Powers at the time that greeted him and greeted so many others at the same time in such a professional, and with a lot of warmth and affection, and I'll never forget that moment. Eddie was so encouraged and so happy



that he became a good student, a very good student in law school, and I was very proud. And that came because of the leadership that you provided and the remarks that you made to him and others at the time when I was present that obviously led to successes in their lives—Eddie now is a State Representative and many others, leaders, young leaders in our state. So, we are indebted to this incredible leader, Texas leader that we call our President, right here in Austin, Texas, and I just, I'm happy that we finally brought you on the floor to let everyone know what you've meant to The University of Texas and what you've meant to us individually. God bless you, President Powers.

**Senator Nelson:** Thank you, Mr. President. Senator Eltife, thank you for bringing this resolution to the floor. I'm not going to repeat all the nice things that have been said, but I totally agree with them, and I want to thank you, President Powers, for your service to this state, for your many years of service to our education system. I want to congratulate you on your award and just to tell you all that since being named President of, in what, 2006, President Powers has faithfully led The University of Texas, our state's largest university, one of the largest in the nation. He has done it so well, and we are very grateful, wish you continued success, and, you know, today is Presidents' Day. I thought it was, you know, we were bringing you here because you're President and we're honoring you, but thank you for all you've done. We wish you well.

**Senator Ellis:** Thank you, Mr. President. Senator Eltife, thank you for bringing this forward. I noticed in your comments, you said that you graduated from The University of Texas a few years ago; I think you meant to say, a few too many years ago. I fall in that category as well. When I was at the law school, Mr. President, in 1977, when I started, you were the most popular law professor at the law school then, and I guess we had pretty good judgment back then because you have remained one of the most popular figures in education throughout your career. I remember being on the Law School Foundation Board when you were advising us on a number of issues. And then you became the Dean; you were a very popular Dean, did a great job. Senator Nelson mentioned that this is Presidents' Day, and I'm not going to repeat all the things that have been said about you, but I want to remind you and remind anybody who's listening, this is not a eulogy. You've been such a great President, we want you to keep being the President of The University of Texas. I used to think this was a tough job that the 32 of us, one missing now, but the 31 State Senators and the Lieutenant Governor have. I think being president of a major university in this day and age is probably far more difficult, far more political, far more challenging than the task that we have of being in elected office, because you don't get to just put your name before the voters, and then if you can persuade enough of them, you can get another term. You have to respond to a whole host of interests, and you have done that well. You've done that admirably, and, Sir, we appreciate you. This is an honor today, we'll sing the accolades to you today, but it's only because we respect you, we love you, we want you to keep doing the great job you're doing for my university, The University of Texas. Thank you.

**Senator Huffman:** Thank you, Mr. President. I join today to support Senator Eltife's resolution. I was proud to sign on to that resolution with him. And although, if you'll excuse me, because I'm an LSU graduate and not from The University of Texas, I wanted to let you know that you are renowned throughout the state for your leadership at UT. You bring pride throughout the state, to the way you've led the University with such dignity. And I thought it was interesting to note that, and I don't think anyone has said this yet, that when you were Dean of the UT School of Law, among other things, you recruited a world-class faculty, which you were known for, but also you quadrupled the number of African American students and doubled the number of Hispanics at the Law School, and I think that that's an admirable accomplishment. So, thank you for all you've done for UT, and through your work at the UT, you've made the entire state proud. Congratulations, Sir. Thank you very much.

**Senator Deuell:** Thank you, Mr. President, Members. Thank you, Senator Eltife, for bringing this up. President Powers, I just want to say thank you for the great job you're doing and thank you for being a straight shooter with the Texas Senate. When you testify, we can take what you tell us to the bank, and we deeply appreciate that, because that's not always the case. Thank you.

**Senator West:** Thank you very much, Mr. President. I join with my colleagues, also, and say to you, President Powers, thank you very much for what you have done and what you will do in the future. What is political capital? You know, political capital is the currency here in this building, that individuals have in order to, when they talk to different legislators here about issues that they feel passionate about. When I think about you, I know that you have political capital here in this building, and that's why you're so important to The University of Texas. You're able to come to this building, articulate the priorities of the University, and each and every one of us, I think Senator Deuell kind of hit the nail on the head, he said, you know, we can take your word to the bank. Not only can we take your word to the bank, we can also use it as collateral. And that's real important because if you don't have integrity, if you are a person that cannot be trusted or flip-flops, you get nowhere in this building. You're serving at the helm of The University of Texas. Those issues that are important to Texas have always been considered here as we look at higher education issues and a whole multitude of issues. When I think about issues that we have dealt with, with Texas, in terms of its image, and we know that over the years there's been some image problems, if you will, as it relates to accessibility there, and acceptability. Some of those issues have, in fact, subsided, that's based on your leadership. And, Members, if you haven't had the opportunity to go over to the campus and just kind of hang out with the President, you ought to do that. When I say hang out with the President, I'm talking about going to some of the student organization meetings and watch how students receive him. They receive him with enthusiasm. They know he's the President, and they know that he cares about what they're doing there on the campus, as well as, obviously, them matriculating in a timely fashion so they can be on time, so to speak. When I think about The University of Texas, I can recall, Senator Birdwell, sitting pretty much in the chair that you're sitting in right now when we were looking at recruiting ethnic minority students at The University of Texas, and I made a personal privilege speech encouraging Texas to not only go after the best and brightest linebackers and point guards that I have coming out of the Dallas area but

also go after the students that want to major in engineering and teaching to some of the other areas. I can say that President Powers has made that, in fact, a priority. Is there still work to be done? Yes, there's still work to be done. And I know that, Senator Seliger, that with Bill Powers at the helm, that those issues will, in fact, be addressed. I think The University of Texas looks more like Texas now, and under his continued stewardship, I know that the best days for the University are ahead of it. Thank you.

**Senator Seliger:** Thank you, Mr. President. As Senator Ellis intimated when, want to make sure that this doesn't sound like a funeral oration, but we have to keep a sense of perspective, because if we go back 300 years in the history of higher education in this nation, what made institutions special were special people. There is a stratum of leaders, visionary leaders in the history of higher education in this country that have taken their institutions to new levels and taken higher education to new levels. Names like John Sloan Dickey, Harry Emerson Fosdick, Derek Bok, Hanna Gray, Barry Thompson, have all provided the kind of leadership that essentially took their universities to the next level, as it were, and to see to it that they were as esteemed as their mission. One of the things that I was asked recently about Bill Powers, and I said, in addition to his many gifts, he overreacts to nothing. And think about this. Take a city of 50 some-odd thousand people with a lot of academics and a lot of teenagers and a lot of highly motivated athletes, there's about a crisis a day. And still things go smoothly and the mission is met. It has never been a challenge during this administration to make The University of Texas a large institution. It already is. But I think what sets Bill Powers aside is his dedication toward making it a better institution, an institution that doesn't just prize its size or the number of programs it has but the excellence that it provides. And there are things that people don't often see a lot about, freshman interest groups that take a very large university and try to bring interaction groups down to the size that it is a small college experience—not easy to do. The effort to see to it that more classes are taught by faculty members and not graduate students—not easy to do in a multibillion dollar operation. It is a great honor to have the association with The University of Texas that we get to have. But the point has always been not just the education of those young people but an education that makes those young people truly a benefit to the State of Texas. Congratulations, and thank you for being with us today.

**Senator Duncan:** Thank you, Mr. President. Members, I, too, rise to congratulate President Powers, who's been a good friend for a long time. He has been a wise counsel to the Texas Senate over many years, beginning with the civil justice reforms that we have done over the years to make this state more competitive in this country. He was the guy that we would always go to for the wise balance, and did a great job for us. But more than that, as President of The University of Texas here in Austin, one of the largest, one of our flagship institutions in the state, he has provided not only leadership for that institution but leadership for all of us and higher education generally with an unselfish approach to giving us advice. And I know on many occasions, you've given me good advice, sat down with me, and given me good advice over the years of how to address issues and problems in an unselfish way, and I

appreciate that. And for that, I thank you on behalf of the constituents I represent but also recognize the great leadership you provided in higher education as well as in our civil justice reforms over the years.

**Senator Zaffirini:** Thank you, Mr. President. Mr. President and Members, it is truly my pleasure to rise in support of Senate Resolution 234 and thank you, Senator Eltife, for your leadership in making this wonderful day possible. I applaud you. It's an opportunity to recognize a wonderful leader for higher education and a great Texan who is doing a phenomenal job as President of our beloved University of Texas at Austin. As President he has focused on excellence in all arenas, including by enhancing undergraduate teaching, graduate programs, and research. He's now implementing recommendations made by a task force he created to address undergraduate graduation rates, which developed an ambitious goal, a 70 percent four-year graduation rate by 2016. I'm confident that he will succeed. He's fostered deeper relationships than ever with alumni and with leading corporations. He's improved institutional productivity and efficiency, including by overhauling the University's budget process and reforming its approach to information technology. Because he has prioritized increasing diversity at UT Austin, the University today is a diverse learning community with students from more than 100 countries. African American, Hispanic, and Asian American students now make up more than 35 percent of the enrollment and nine percent are international students. President Powers is a proven leader, not only in Texas but also nationally and internationally. A President who understands the importance of research, he recently was elected Vice-chair of the Association of American Universities, a prestigious organization that is considered the gold standard at designating national research universities. What's more, he serves as a senior advisor to a new initiative of the American Academy of Arts and Sciences called the Lincoln Project: Excellence and Access in Public Higher Education. Interestingly, he also has served as a legal consultant for the United States Congress, the Texas Legislature, and even the Brazilian Legislature. Known for his phenomenal support of students, faculty, and alumni, President Powers is a Texas leader who cares deeply about excellence in higher education. He implemented signature courses to give every freshman an experience to take a course taught by an outstanding faculty member who focuses on writing, critical thinking, and big issues. He even teaches one of the courses, and the students love him, just as he loves them. Many universities in our great nation would covet the opportunity to have Bill Powers as their President, but we are the fortunate ones. He is our President at The University of Texas at Austin, and we are so proud and so appreciative of his leadership, his ability, and his future. As a Texas Ex who is also married to a Texas Ex and the mother of a Texas Ex, some of you know that I bleed burnt orange, and I'm proud to do that, but I know, President Powers, that your support runs deep, not only among Texas Exes but among the alumni and students from throughout our state and even throughout our country, those who recognize what you have done for higher education in general. We are so proud that you will continue as our President, and we will continue to be appreciative of everything that you do for the students, especially, for the communities, and for our great state. Thank you from the bottom of our hearts. Hook 'em horns.

**Senator Whitmire:** Thank you, Mr. President and Members. Dean Powers, from one Dean to another Dean, let me tell you first of all, I'm not real keen on these resolutions. I've had to kind of change my position since I had a real nice resolution addressing my 40 years of service recently. So, in this business, you have to be open-minded, a little flexible, so let me just say, I certainly concur with this resolution today, and I hope to spend a couple of minutes to tell you why. First of all, one of the nicest things that day when I was honored was Senator West said, You're a good man, Whitmire. And that really struck because in this business and in the world you work in, you get a lot of plaques and recognition and awards, but for someone just in public to say you're a good man, just means so much. Similar to that, quite often, I'll describe my daughters who have grown up their entire life while I've been a Senator, is I'm proud to call them normal children because they've been around public service and the opportunities that we get, and they're normal. And I'll describe you as a normal individual in the most positive sense of the word. To put it in perspective, Members, when I was a young State Rep in the '70s, it was a different world. UT was just as powerful as it is today, but the rules of engagement was different. Frank Erwin would come by my office after a week of voting in 1974 when we had the constitutional convention where we looked at the governance of all elements of state government, and he'd come by in his rough voice—I was a young State Rep—and he'd say, Representative Whitmire, last week we voted, we had 19 votes that we monitored that pertained to The University of Texas, 19 votes that we watched, and you were 12 and 7, Representative, and we really are going to pay attention this next week. That was then, this is now. That wouldn't work, probably wouldn't get back in my office under those type of measures. In this day and time of transparency and better governance, Bill Powers is the right man for the right time and the right place in history. Bill, I cannot, and I speak to you on a first name because of our relationship, when we were dealing with, Senator West, a couple of years ago, trying, it's one of the toughest and emotional and meaningful issues that I've dealt with in my career, the top 10 percent. People love it or hate it, appreciate it or disrespect it. Royce, we could not have gotten anywhere without the skill, the credibility of Bill Powers. And I've got to just share also and put a face on that issue. It was so tough. I've actually been in meetings where all the Members weren't invited. Senator Van de Putte held a meeting early one morning, and I and half a dozen of us, very diverse group of individuals were working on it, all Senators, Senator Eltife. We were making what we thought was some progress. There was one person that had not been invited to about a 14-member Senate working group, was Royce West. Royce had not because we knew how he felt—don't mess with the top 10 percent rule. And, you know, what are they going to do to you around here? I knew he wasn't going to beat us up, but we just thought we could maybe make some headway, Royce, if you weren't invited. There was one individual that we trusted to be in that meeting that was not a Senator, it was Bill Powers. I don't know of another human in this state, Mr. President, another college president or chancellor or regent that would've been in that meeting, but we needed Bill Powers because he was the facilitator. We respected him on both sides of that issue, and we were, what we thought, making some progress, Senator Eltife. And about that time, that door swung open, we were over in Senator Van de Putte's annex office, and that door swung open, and it was Senator West. And he said, Excuse me,

did y'all, did I not get the call to this meeting? And I said—you know, you don't get to be Dean because you're going to stand up to Royce West—I said, Oh, excuse me, Senator, you know, I would've invited you, I was, let me, we just, it wasn't planned, we just kind of got together. And it broke up pretty quick, and I told Bill, I said, Bill, you're our partner. We respect you. You have the credibility to make this happen, and he stayed with it, and we made some improvements, and it's still an issue is why we need Bill Powers running The University of Texas to help us address tough issues like that. I can't begin to tell you the thousands of people that we impact on this floor that we never meet. In fact, most of the people we impact, we do never meet. President Powers, I'm certain you understand the impact you have on thousands of Texans that you never meet, in fact, most of them, you never meet. Let me close by saying, in my opinion and the opinion of this body, the best is yet to come, Bill. We need you to continue to be in those closed working sessions of diverse groups of Republican and Democrat and ethnic diverse State Senators and State Representatives. This state needs you. You're an asset. And so, you take care of your health, we're all a phone call away, but I truly believe I'm speaking for this body, that the best is yet to come, because we've got some really tough challenges before us. Thank you for allowing us to honor you today.

**Senator Eltife:** Thank you, Mr. President, Members. There is no doubt that the Texas Senate appreciates the job you've done as the President of UT Austin. We wish you nothing but the best, and we hope you're our President for many years to come. Mr. President, I move adoption of SR 234.

**President:** Thank you, Senator Eltife. Members, if you would not mind, I want to say, Bill Powers, you are a good man. We are lucky to have you. I'm going to speak more about this later. But, at the end of the day, we all want to make sure that our great institutions of higher learning are accessible, that we can control costs, improve our graduation rates, and, like in any big business, we've got to look at new management outcome criteria that are effective. I believe in reform and I know that Bill Powers believes in reform. That's why I'm particularly troubled when I see UT Regents going around this man and this administration. And I see them going to Deans, and I see them trying to micromanage the system. And I see cases, allegedly, I've been told of character assassination, which is unacceptable to the Members of this body. There's one thing I think all of us in politics appreciate, and that is, you can come up anytime, anyplace, anywhere and say whatever you want to about me, as long as it's true. Because if it's not true or if you'd so dare to mention my wife and my daughter, you will hear from me. This man deserves better treatment than what he's getting. I am really upset about this. So, tomorrow I'll have more to say on this, but, ladies and gentlemen, this issue is bigger than just UT Austin and President Powers, although I'm very interested in that. This is about the reputation of the State of Texas. UT Austin is our premier Tier One university nationally, and President Powers deserves a great amount of credit for putting us in that position. This is about the reputation of this University, this fine man, and this great state.

### PHYSICIANS OF THE DAY

Senator Watson was recognized and presented Drs. John and Judith Egerton of Austin as the Physicians of the Day.

The Senate welcomed the Egertons and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

Monday, February 18, 2013 - 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:

**SCR 14**                                      Whitmire                                      Sponsor: Sheets  
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 13, 2013, and ending on Monday, February 18, 2013.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a delegation of Texas SkillsUSA from South Texas.

The Senate welcomed its guests.

**CO-AUTHOR OF SENATE BILL 4**

On motion of Senator Fraser, Senator Estes will be shown as Co-author of **SB 4**.

**CO-AUTHOR OF SENATE BILL 14**

On motion of Senator Williams, Senator Hinojosa will be shown as Co-author of **SB 14**.

**CO-AUTHOR OF SENATE BILL 37**

On motion of Senator Zaffirini, Senator Lucio will be shown as Co-author of **SB 37**.

**CO-AUTHOR OF SENATE BILL 225**

On motion of Senator Seliger, Senator Lucio will be shown as Co-author of **SB 225**.

**CO-AUTHOR OF SENATE BILL 240**

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

**CO-AUTHOR OF SENATE BILL 508**

On motion of Senator Watson, Senator Campbell will be shown as Co-author of **SB 508**.

**CO-AUTHORS OF SENATE BILL 515**

On motion of Senator Eltife, Senators Davis, Ellis, and Rodríguez will be shown as Co-authors of **SB 515**.

**CO-AUTHORS OF SENATE BILL 516**

On motion of Senator Eltife, Senators Davis, Ellis, and Rodríguez will be shown as Co-authors of **SB 516**.

**CO-AUTHORS OF SENATE BILL 517**

On motion of Senator Eltife, Senators Davis, Ellis, and Rodríguez will be shown as Co-authors of **SB 517**.

**CO-AUTHORS OF SENATE BILL 518**

On motion of Senator Eltife, Senators Davis, Ellis, and Rodríguez will be shown as Co-authors of **SB 518**.

**CO-AUTHOR OF SENATE BILL 537**

On motion of Senator Deuell, Senator Nelson will be shown as Co-author of **SB 537**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 226** by Hinojosa, In memory of Mary Frances Diedrick Haas of Corpus Christi.

**Welcome and Congratulatory Resolutions**

**SR 212** by Schwertner, Recognizing the veterans of the Tet Offensive.

**SR 213** by West, Recognizing Earnestine E. Hunt Morris of Dallas on the occasion of her 90th birthday.

**SR 214** by Huffman, Recognizing the Brazoria County Cavalry on the occasion of its fifth anniversary.

**SR 217** by Huffman, Recognizing the Houston Young Lawyers Association on the occasion of its 75th anniversary.

**SR 218** by Birdwell, Welcoming the Leadership Midlothian Class of 2012-2013 to the State Capitol.

**SR 224** by Estes, Recognizing Kevin L. Thompson for his contributions to the Wichita Falls community.



**SR 227** by Ellis, Recognizing the Anti-Defamation League on the occasion of its 100th anniversary.

**SR 228** by Ellis, Congratulating Kevin Gee for being named president of the Texas Optometric Association.

**SR 229** by Ellis, Recognizing Trinity United Methodist Church in Houston on the occasion of its Founders Day.

**SR 232** by Eltife, Welcoming the delegation to Austin for East Texas Coalition Days at the State Capitol.

**SR 235** by Schwertner, Welcoming the 2013 Class of Leadership Round Rock on the occasion of their visit to the State Capitol.

**SR 236** by Schwertner, Commemorating the dedication of the statue of Texas Ranger Frank Hamer in Navasota.

### **Official Designation Resolutions**

**SR 210** by Hegar, Recognizing February 20, 2013, as Aransas County Day at the State Capitol.

**SR 211** by Hegar, Recognizing February 27, 2013, as Waller County Day at the State Capitol.

**SR 215** by Hegar, Recognizing February 26, 2013, as Washington County Day at the State Capitol.

**SR 219** by Deuell, Recognizing February 20, 2013, as Van Zandt County Day at the State Capitol.

**SR 223** by Patrick, Proclaiming February 17 through 23, 2013, National Engineers Week in Texas.

**SR 237** by Birdwell, Recognizing February 19, 2013, as Corsicana and Navarro County Day at the State Capitol.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 3:15 p.m. adjourned, in memory of Eustolia Liendo, Eric Wallace, and Gregory Pickard, until 11:00 a.m. tomorrow.

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### **APPENDIX**

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### **COMMITTEE REPORTS**

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

February 18, 2013

**HEALTH AND HUMAN SERVICES — SB 61, CSSB 66, SB 67, SB 186, CSSB 141, CSSB 149, SB 153, CSSB 406**

**RESOLUTIONS ENROLLED**February 13, 2013**SR 128, SR 177, SR 192, SR 201, SR 202, SR 203, SR 204, SR 205, SR 206,  
SR 207, SR 208, SR 209**