

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

TWENTY-FOURTH DAY

(Monday, March 11, 2013)

The Senate met at 2:05 p.m. pursuant to adjournment and was called to order by President Pro Tempore Van de Putte.

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

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

Dr. Ken Baldwin, Kinney Avenue Christian Fellowship, Austin, offered the invocation as follows:

Our Father, who art in heaven, examine our thoughts; we are each an open book to You anyway. When there is a vote up or down, You know what each is thinking even before the vote is cast and even when someone casts a vote in our absence. You watch us when we are traveling and how we live at home. You know everything we do. You go before us and follow us. You shaped us each, first inside and then outside, from our conception in our mother's womb. Thank You for making each so wonderfully complex. Your workmanship is marvelous, how well we know it. You watched us being formed in utter seclusion as each was woven together in the dark of the womb. Every day of our life was recorded in Your book. Every moment was laid out. We pray, therefore, that all the thoughts and work of this great body of leadership be guided by these truths, and that all decisions made will seek to bring precious life to the citizens of the great State of Texas. 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.

NOTICE FROM THE GOVERNOR

The following notice from the Governor was read:

In the name and by the authority of the State of Texas, THIS IS TO CERTIFY that at a special election runoff held on Saturday, March 2, 2013, Sylvia R. Garcia was duly elected State Senator, District 6.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of the State of Texas to be affixed at my Office in the City of Austin, Texas, this the 11th day of March, 2013.

(Seal)

/s/ Rick Perry
Governor

Attest: /s/ Coby Shorter, III
Deputy Secretary of State

ACKNOWLEDGMENT

The President Pro Tempore acknowledged the presence of newly elected Senator Sylvia Garcia.

The Senate welcomed Senator Garcia, and she briefly addressed the Senate.

MESSAGE FROM THE LIEUTENANT GOVERNOR

The following Message from the Lieutenant Governor was read and was filed with the Secretary of the Senate:

Pursuant to Senate Rule 11.02, I hereby appoint Senator Garcia to serve on the following Senate Standing Committees:

Government Organization
Intergovernmental Relations
Jurisprudence
Nominations

DEWHURST

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Tamarah Duperval-Brownlee of Georgetown as the Physician of the Day.

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

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate Girl Scout Troop 85.

The Senate welcomed its guests.

MESSAGES FROM THE GOVERNOR

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

March 6, 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 Woman's University Board of Regents for terms to expire February 1, 2019:

Anna Maria Farias
Brownsville, Texas
(replacing P. Mike McCullough of Dallas whose term expired)

Nancy P. Paup
Fort Worth, Texas
(replacing Cecilia Moreno of Laredo whose term expired)

George R. Schrader
Dallas, Texas
(Mr. Schrader is being reappointed)

Respectfully submitted,
/s/Rick Perry
Governor

March 7, 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 a member of the Texas Facilities Commission for a term to expire January 31, 2019:

Michael J. Novak
San Antonio, Texas

Mr. Novak is being reappointed.

To be a member of the Jefferson and Orange County Board of Pilot Commissioners for a term to expire August 22, 2013:

James Scott
Nederland, Texas

Mr. Scott is replacing William Scott of Nederland who resigned.

To be a member of the Texas Workforce Commission for a term to expire February 1, 2015:

Esperanza "Hope" Andrade
Boerne, Texas

Secretary Andrade is replacing Thomas Pauken of Dallas who resigned.

To be members of the Commission on Human Rights for terms to expire February 1, 2019:

Thomas M. Anderson
Richmond, Texas

Danny L. Osterhout
Andrews, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Rick Perry
Governor

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas

Monday, March 11, 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 48 Branch
In memory of George Pierce Cullum, Jr., of Dallas.

HCR 52 Sheffield, Ralph
In memory of Texas State Representative Ken Legler.

HCR 67 Rodriguez, Eddie
Recognizing March 2013 as Child Nutrition Month.

SCR 22 Whitmire Sponsor: Isaac
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 6, 2013, and ending on Monday, March 11, 2013.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL ON FIRST READING

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

SB 1724 by Patrick, Birdwell, Campbell, Hegar, Lucio, Paxton, Taylor
Relating to high school graduation requirements, including end-of-course assessment instruments.

To Committee on Education.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President Pro Tempore announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Tuesday, March 5, 2013, by Senator Hegar.

Senator Hegar moved confirmation of the nominees reported by the Committee on Nominations.

The President Pro Tempore asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Judge, 36th Judicial District Court, Aransas, Bee, Live Oak, McMullen, and San Patricio Counties: Starr Boldrick Bauer, Bee County.

Members, Board of Directors, Central Colorado River Authority: Mathew Kemper Gaines, Coleman County; Herman Ira Law, Coleman County; Bruce Norris Pittard, Coleman County; Andrew Mark Young, Coleman County.

Members, Council on Cardiovascular Disease and Stroke: Paula Sela Gomez, Cameron County; Michael Murphy Hawkins, Bell County; Suzanne Scism Hildebrand, Bexar County; Floristene Johnson, Dallas County; Howard R. Marcus, Travis County; Cheryle Locke Pingel, Travis County; John Neal Rutledge, Travis County.

Members, Council on Sex Offender Treatment: Elsie Mae Allen, Tarrant County; Terri L. Bauer, Dallas County; Louis Gonzales, Williamson County.

Executive Commissioner, Health and Human Services Commission: Kyle Lee Janek, Travis County.

Inspector General, Health and Human Services Commission Office of Inspector General: Douglas Carl Wilson, Travis County.

Members, State Board for Educator Certification: Laurie Kuper Bricker, Harris County; Sandra Davis Bridges, Rockwall County; Dawn Carlisle Pearson Buckingham, Travis County; Jill Jolynn Harrison Druessedow, Haskell County.

Members, State Board of Examiners for Speech-Language Pathology and Audiology: Patricia Elaine Brannon, Bexar County; Vickie B. Dionne, Jefferson County; Sonya Nelda Salinas, Hidalgo County.

Members, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments: Gary Allen Haun, Tom Green County; William Murdock McCrae, Bexar County; Jesus Fausto Rangel, Gregg County; Barbara Ann Willy, Fort Bend County.

Members, State Health Services Council: Jacinto Pablo Juarez, Webb County; William Terry Lovell, Dallas County; Jeffrey Alan Ross, Harris County; Maria Francisca Teran, El Paso County.

Members, Board of Directors, Sulphur River Basin Authority: Bradley Kyle Drake, Lamar County; Wallace Eugene Kraft, Lamar County.

Members, Texas Board of Professional Land Surveying: Jon Edwin Hodde, Washington County; William Edward Merten, Harris County.

Members, Texas State Board of Acupuncture Examiners: Rodrigo Ceballos, El Paso County; Allen D. Cline, Travis County; Raymond J. Graham, El Paso County; Jingyu Gu, Travis County; Karen Anne Siegel, Harris County; Rachelle L. Webb, Travis County.

Members, Board of Regents, Texas State University System: Charles E. Amato, Bexar County; Vernon Neal Reaser, Harris County; William Fred Scott, Jefferson County.

AT EASE

The President Pro Tempore at 2:24 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

President Pro Tempore Van de Putte at 2:34 p.m. called the Senate to order as In Legislative Session.

HOUSE CONCURRENT RESOLUTION 52

The President Pro Tempore laid before the Senate the following resolution:

HCR 52, In memory of Texas State Representative Ken Legler.

TAYLOR

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

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

Senator Taylor was recognized and introduced to the Senate family and friends of Ken Legler: Barbara Legler, Kip Legler, Krystina Legler, Tammie Nielsen, and Keith Nielsen.

The Senate welcomed its guests and extended its sympathy.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate participants in The Omega Sparks Youth Organization.

Senator West also introduced to the Senate Victoria Lennox, recipient of the Texas High School Mock Trial Outstanding Advocate Award, and her mother, Robin Davis.

The Senate welcomed its guests.

ACKNOWLEDGMENT

Senator Nelson was recognized and congratulated Yash Patel of Carrollton for his SAT score.

GUESTS PRESENTED

The President Pro Tempore introduced to the Senate students, Garrett Waits and Tess Waits.

The Senate welcomed its guests.

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

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

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Patrick and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Education might meet and consider **SB 1724** tomorrow.

CO-AUTHOR OF SENATE BILL 99

On motion of Senator Patrick, Senator Davis will be shown as Co-author of **SB 99**.

CO-AUTHOR OF SENATE BILL 459

On motion of Senator Rodríguez, Senator Zaffirini will be shown as Co-author of **SB 459**.

CO-AUTHOR OF SENATE BILL 589

On motion of Senator Hegar, Senator Van de Putte will be shown as Co-author of **SB 589**.

CO-AUTHOR OF SENATE BILL 635

On motion of Senator Duncan, Senator Deuell will be shown as Co-author of **SB 635**.

CO-AUTHOR OF SENATE BILL 860

On motion of Senator Lucio, Senator Birdwell will be shown as Co-author of **SB 860**.

CO-AUTHOR OF SENATE BILL 896

On motion of Senator Estes, Senator Davis will be shown as Co-author of **SB 896**.

CO-AUTHOR OF SENATE BILL 964

On motion of Senator Williams, Senator Taylor will be shown as Co-author of **SB 964**.

CO-AUTHOR OF SENATE BILL 987

On motion of Senator Hegar, Senator Campbell will be shown as Co-author of **SB 987**.

CO-AUTHOR OF SENATE BILL 1119

On motion of Senator West, Senator Huffman will be shown as Co-author of **SB 1119**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 422 by Van de Putte, In memory of Ruth Cowie Buerkle.

SR 431 by Van de Putte, In memory of Edward Ancira Calderon of San Antonio.

SR 435 by Davis, In memory of Pamela Jeanne Rogers of Fort Worth.

Congratulatory Resolutions

SR 421 by Hegar, Recognizing Earl Ross Pence on the occasion of his retirement from the Giddings Police Department.

SR 425 by Watson, Congratulating Adela Garcia of Austin for winning her seventh title as Ms. Fitness Olympia.

SR 426 by Watson, Recognizing Joe Pulido on the occasion of his retirement from the Texas Lottery Commission.

SR 427 by Schwertner, Congratulating the Mexia High School Lady Cats basketball team for winning a state championship title.

SR 428 by Schwertner, Congratulating the Centerville High School Lady Tigers basketball team for advancing to the state tournament semifinals.

SR 429 by Schwertner, Congratulating the Georgetown High School Lady Eagles basketball team for winning a state championship title.

SR 430 by Campbell, Recognizing the citizens of Comal County on the occasion of the restoration and rededication of the Comal County Courthouse.

SR 432 by Davis, Recognizing Mike Berry on the occasion of his induction into the North Texas Commercial Real Estate Hall of Fame.

SR 434 by Davis, Congratulating Lillie Biggins for being honored by the Fort Worth Metropolitan Black Chamber of Commerce.

SR 436 by Rodríguez, Recognizing Tony Harper for his 45-year career as a high school coach.

SR 439 by Campbell, Recognizing William Alloway of New Braunfels on the occasion of his 102nd birthday.

SR 440 by Campbell, Recognizing Tessye B. Maurer of Bulverde on the occasion of her 89th birthday.

SR 441 by Seliger, Recognizing Roy Dale and MaryBeth Messer on the occasion of their 25th wedding anniversary.

SR 442 by Schwertner, Congratulating Valerie Covey of Williamson County for receiving the Road Hand Award from the Texas Department of Transportation.

Official Designation Resolutions

SR 438 by Campbell, Recognizing March 12, 2013, as TURF Day at the State Capitol.

SR 443 by Carona, Recognizing March 13, 2013, as Responsible Pet Owners Alliance Lobby Day at the Capitol.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:00 p.m. adjourned, in memory of Adrienne McFarland and the Honorable Ken Legler, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

March 11, 2013

TRANSPORTATION — **SB 165, SB 223, SB 274, SB 276, SB 466, SB 510, CSSB 139**

JURISPRUDENCE — **SB 714, SB 677, SB 394, CSSB 717**

HIGHER EDUCATION — **SB 31, SB 497, CSSB 24, CSSB 120, CSSB 498**

NATURAL RESOURCES — **CSSB 291, CSSB 198, CSSB 595, CSSB 347**

ADMINISTRATION — **SCR 1, SCR 12, SCR 13**

RESOLUTIONS ENROLLED

March 6, 2013

SR 267, SR 345, SR 351, SR 352, SR 373, SR 387, SR 412, SR 414, SR 415, SR 416, SR 417, SR 418

In Memory**of****Ken Legler****House Concurrent Resolution 52**

WHEREAS, The untimely passing of State Representative Ken Legler on June 1, 2012, at the age of 54, brought a profound loss to the community of Pasadena and to the Lone Star State; and

WHEREAS, Born in Houston on December 27, 1957, Ken Legler was the son of Clarence and Shirley Legler; he attended Pasadena public schools and began his career with Houston Wire Works right out of high school, rising to become president of the firm; he and his wife, Barbara, bought the company in 2001 and went on to expand its operations abroad; and

WHEREAS, Representative Legler first won election to the Texas House in November 2008 and served the residents of District 144 with tremendous diligence and dedication; he shared his expertise as a member of both the Environmental Regulation and Pensions, Investments, and Financial Services Committees; with his sunny disposition, he brightened the days of his colleagues at the Capitol, and his wonderful sense of humor diffused tensions at stressful times; he even dressed as Colonel Sanders at the end of the 82nd Legislative Session to bring some welcome levity to the proceedings; and

WHEREAS, This dynamic Texan was a district staff officer and state liaison for the United States Coast Guard Auxiliary 8th Coastal Region, and he mentored and supervised state liaison officers in five states; he received a Coast Guard Unit Commendation for operations excellence in 2010; and

WHEREAS, Before joining the legislature, Representative Legler served by gubernatorial appointment as a member of the Texas Commission on Environmental Quality Advisory Board for Small Business; he also chaired the Federal Environmental Protection Agency National Advisory Board, and he was a member of the boards of the Texas Association of Business and the National Federation of Independent Business; in addition, he served on the boards of the local chamber of commerce and of area economic development organizations; committed to the youth of Pasadena, he coached boys' and girls' sports and gave generously of his time and talents as commissioner of teen baseball; moreover, he was a valued member of Zion Lutheran Church; and

WHEREAS, A devoted family man, Representative Legler shared a fulfilling marriage of 34 years with Barbara Legler, who was elected to finish his term in the Texas House; he was the proud father of three children, Joseph, Krystina, and Kathryn, and the devoted grandfather of Brendan, Tucker, and Olivia; and

WHEREAS, Ken Legler made a lasting, positive difference through his outstanding leadership in business and in civic life, and he is remembered with deepest respect and affection by all who were privileged to know him; now, therefore, be it

RESOLVED, That the 83rd Legislature of the State of Texas hereby pay tribute to the memory of the Honorable Ken Legler and extend sincere sympathy to the members of his family: to his wife, former state representative Barbara Legler; to his children, Joseph Legler and his wife, Victoria, Krystina Legler, and Kathryn Cruz and her husband, Shelby; to his grandchildren, Brendan, Tucker, and Olivia; to his brothers, Kip Legler and his wife, Linda, and Kim Legler; and to his many other relatives and friends; and, be it further

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

TAYLOR

