

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**TWENTY-FIRST DAY**

(Monday, March 7, 2011)

The Senate met at 1:40 p.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.

Pulpit Minister David Chisholm, Rockwall and Brin Church of Christ, Terrell, offered the invocation as follows:

Our Father in heaven, we come before You now as a humble and grateful people. We are grateful for this day and recognize that everything good in our lives comes from You. We thank You for the opportunities You give us to serve others, and we pray that we would always be selfless as we seek to live lives of service. Father, we pray Your blessing upon the works that we do, and we pray that You would bless those works that they might help this land become even better. Father, we pray for Your continued blessings on Texas, we pray for Your blessings on the United States of America, and we pray Your blessing upon each one of us gathered here today. All of this we pray in the name of Your son, Jesus. 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, March 7, 2011 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 28** Branch

In memory of Don Meredith, former SMU and Dallas Cowboys quarterback and longtime sportscaster.

**HCR 62** Workman

Congratulating the Regents School of Austin football team on winning the 2010 TAPPS Division III state championship.

**SCR 23** Whitmire Sponsor: Hochberg

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, March 2, 2011, and ending on Monday, March 7, 2011.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### MESSAGES FROM THE GOVERNOR

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

March 3, 2011  
Austin, Texas

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

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

To be a member of the State Soil and Water Conservation Board for a term to expire February 1, 2013:

Joe L. Ward  
Telephone, Texas

Mr. Ward is being reappointed.

To be members of the Texas Physician Assistant Board for terms to expire February 1, 2017:

Anna Arredondo Chapman  
Del Rio, Texas

Felix Koo  
McAllen, Texas

Richard R. Rahr  
Texas City, Texas

The individuals listed above are being reappointed.

To be members of the Texas Woman's University Board of Regents for terms to expire February 1, 2017:

Deborah S. Gibson  
Houston, Texas  
(replacing Virginia Dykes of Dallas whose term expired)

Melissa D. Tonn  
Dallas, Texas  
(replacing Harry Crumpacker, II of Prosper whose term expired)

Mary Pincoffs Wilson  
Austin, Texas  
(Ms. Wilson is being reappointed)

Respectfully submitted,

/s/Rick Perry  
Governor

### **PHYSICIAN OF THE DAY**

Senator Shapiro was recognized and presented Dr. Christopher Lawrence of McKinney as the Physician of the Day.

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

### **RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 19, SCR 22, HCR 49, HCR 70.**

### **SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time, and referred to the committees indicated:

**SB 3** by Shapiro

Relating to the flexibility of the board of trustees of a school district in the management and operation of public schools in the district.

To Committee on Education.

**SB 9** by Williams

Relating to homeland security.

To Committee on Transportation and Homeland Security.

**SB 24** by Van de Putte, Birdwell, Carona, Davis, Deuell, Ellis, Eltife, Gallegos, Harris, Huffman, Lucio, Nelson, Nichols, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Watson, West, Williams, Zaffirini

Relating to the prosecution, punishment, and certain criminal and civil consequences of offenses involving or related to the trafficking of persons and to certain protections for victims of those offenses.

To Committee on Criminal Justice.

**SENATE RESOLUTION 326**

Senator Wentworth offered the following resolution:

**SR 326**, Recognizing July 23, 2011, and July 28, 2012, as National Day of the Cowboy.

The resolution was read and was adopted without objection.

**GUEST PRESENTED**

Senator Wentworth was recognized and introduced to the Senate Bethany Braley.

The Senate welcomed its guest.

**SENATE RESOLUTION 385**

Senator Van de Putte offered the following resolution:

**SR 385**, Commending the CyberPatriot team from the Alamo Colleges Information Technology and Security Academy on its victory at the regional CyberPatriot III competition.

VAN DE PUTTE  
URESTI  
WENTWORTH  
ZAFFIRINI

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate The Alamo Colleges' Information Technology and Security Academy CyberPatriot team: Clint Sierra, Mario Puente III, Lawrence Roberts, Robert Flores, Jr., Jose Ricardo Banda, and their supporters: Major General Richard E. Webber, 24th Air Force Division; Gene Bowman, Executive Director of Alamo Academies; Erica Garza and Sandi Boyd, Coordinators of Program; Mike Matusek and Troy Touchette, Coaches and faculty members; Bill Mock, Chris Cook, Richard Perez, Will Garrett, Liza Gonzalez, and Becky Bridges, The Greater San Antonio Chamber of Commerce.

The Senate welcomed its guests.

**NOMINATION RETURNED**

On motion of Senator Deuell and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

Member, Manufactured Housing Board: Devora Denice Mitchell, Winkler County.

**AT EASE**

The President at 1:59 p.m. moved that the Senate stand At Ease subject to the call of the Chair.

The motion prevailed without objection.

**IN LEGISLATIVE SESSION**

The President at 2:02 p.m. called the Senate to order as In Legislative Session.

**SENATE RESOLUTION 173**

Senator Deuell offered the following resolution:

**SR 173**, Celebrating March 7, 2011, as Kaufman County Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Monday, February 7, 2011.

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a Kaufman County delegation: Mayor Darren Rozell of Forney, Mayor William Fortner of Kaufman, Mayor Hal Richards of Terrell, Mayor Cody Frazier of Crandall, and Mayor Matt Ganssle of Kemp.

The Senate welcomed its guests.

**SENATE RESOLUTION 412**

Senator Deuell offered the following resolution:

**SR 412**, In memory of Thomas Randall Snow of Terrell.

The resolution was read.

On motion of Senator Deuell, **SR 412** was adopted by a rising vote of the Senate.

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

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate Molly Akin, sister of Randy Snow, and her husband, Craig Akin.

The Senate welcomed its guests and extended its sympathy.

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

On motion of Senator Deuell 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 Shapiro 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 3** today.

**CO-AUTHORS OF SENATE BILL 9**

On motion of Senator Williams, Senators Deuell, Huffman, and Seliger will be shown as Co-authors of **SB 9**.

**CO-AUTHOR OF SENATE BILL 24**

On motion of Senator Van de Putte, Senator Estes will be shown as Co-author of **SB 24**.

**CO-AUTHOR OF SENATE BILL 28**

On motion of Senator Zaffirini, Senator Wentworth will be shown as Co-author of **SB 28**.

**CO-AUTHOR OF SENATE BILL 141**

On motion of Senator Eltife, Senator Davis will be shown as Co-author of **SB 141**.

**CO-AUTHOR OF SENATE BILL 238**

On motion of Senator West, Senator Wentworth will be shown as Co-author of **SB 238**.

**CO-AUTHOR OF SENATE BILL 252**

On motion of Senator Jackson, Senator Nichols will be shown as Co-author of **SB 252**.

**CO-AUTHOR OF SENATE BILL 460**

On motion of Senator Seliger, Senator Uresti will be shown as Co-author of **SB 460**.

**CO-AUTHOR OF SENATE BILL 582**

On motion of Senator Harris, Senator Watson will be shown as Co-author of **SB 582**.

**CO-AUTHOR OF SENATE BILL 683**

On motion of Senator Huffman, Senator Hegar will be shown as Co-author of **SB 683**.

**CO-AUTHOR OF SENATE BILL 684**

On motion of Senator Huffman, Senator Hegar will be shown as Co-author of **SB 684**.

**CO-AUTHOR OF SENATE BILL 885**

On motion of Senator Whitmire, Senator Ellis will be shown as Co-author of **SB 885**.

**CO-AUTHOR OF SENATE BILL 912**

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 912**.

**CO-AUTHOR OF SENATE BILL 1116**

On motion of Senator Whitmire, Senator Hinojosa will be shown as Co-author of **SB 1116**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 23**

On motion of Senator Wentworth, Senator Deuell will be shown as Co-author of **SJR 23**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Congratulatory Resolutions**

**SR 433** by Shapiro, Recognizing David Dew for his service with the Sons of the American Legion.

**SR 437** by Van de Putte, Uresti, Wentworth, and Zaffirini, Recognizing Richard A. Middleton on the occasion of his retirement as superintendent of the North East Independent School District.

**SR 438** by Van de Putte, Recognizing Katie and Jim Reed of San Antonio on the occasion of their 50th wedding anniversary.

**SR 445** by Nelson and Harris, Recognizing the members of the Leadership Flower Mound Class of 2011 on the occasion of their visit to Austin and the State Capitol.

**SR 448** by Harris, Congratulating Maria Zuniga on her advancement to the national finals of the Poetry Out Loud: National Recitation Contest.

**Official Designation Resolutions**

**SR 441** by Jackson and Huffman, Recognizing March 8, 2011, as Brazoria County Day at the State Capitol.

**SR 446** by Nelson, Proclaiming March 8, 2011, as Nurse Day at the Capitol.

**SR 449** by Jackson, Recognizing March 9, 2011, as Texas Chemicals Day at the State Capitol.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 2:22 p.m. adjourned, in memory of Randy Snow, 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:

March 7, 2011

**BUSINESS AND COMMERCE — CSSB 425, CSSB 763, CSSB 322, CSSB 488, CSSB 748**

**HIGHER EDUCATION — SB 67, SB 74, SB 176, SB 179, SB 386, SB 489, SB 514, SB 528**

**HEALTH AND HUMAN SERVICES — SB 191, SB 227, SB 257**

**BUSINESS AND COMMERCE — CSSB 416**

**INTERGOVERNMENTAL RELATIONS — SB 131, SB 173, SB 396, SB 422**

**CRIMINAL JUSTICE — SB 244, SB 316, CSSB 121, CSSB 321**

**HEALTH AND HUMAN SERVICES — SB 192, CSSB 796**

**INTERGOVERNMENTAL RELATIONS — CSSB 472**

**EDUCATION — CSSB 140, CSSB 391**

**HEALTH AND HUMAN SERVICES — CSSB 190, CSSB 263, CSSB 510, CSSB 76, CSSB 78**

**INTERNATIONAL RELATIONS AND TRADE — SB 508, SB 509, SCR 5**

**RESOLUTIONS ENROLLED**

March 2, 2011

**SCR 19, SCR 22, SR 99, SR 389, SR 397, SR 411, SR 414, SR 417, SR 418, SR 419, SR 420, SR 421, SR 422, SR 423, SR 424, SR 425, SR 426, SR 427, SR 428, SR 429, SR 430, SR 431, SR 432**

**SIGNED BY GOVERNOR**

March 2, 2011

**SCR 13**

**SENT TO GOVERNOR**

March 7, 2011

**SCR 19, SCR 22**

**In Memory**  
**of**  
**Randy Snow**  
**Senate Resolution 412**

WHEREAS, Thomas Randall Snow of Terrell experienced a life-changing accident while still a teen, yet he went on to become a world-renowned athlete who inspired countless admirers across the Lone Star State and beyond; and

WHEREAS, Born on May 24, 1959, Randy Snow was a state-ranked tennis player dreaming of a professional career when he was paralyzed at the age of 16 in a farm accident; he graduated from Terrell High School and enrolled at The University of Texas at Austin, establishing a wheelchair basketball team there, and he later transferred to The University of Texas at Arlington and participated in the school's wheelchair athletic program, ultimately earning a bachelor's degree in 1986; he subsequently received a master's degree in psychology from the University of Phoenix; and

WHEREAS, Mr. Snow competed in wheelchair tennis, track, and basketball, with an impressive record of success in all three sports; after receiving a standing ovation and a silver medal for his performance in the men's 1500-meter wheelchair exhibition race at the 1984 Summer Olympics, he helped focus attention on disabled athletes and assisted in the launch of the Paralympic Games; he was a 16-time United States Open wheelchair champion between 1981 and 1993, won gold medals in the 1992 Summer Paralympic Games in Barcelona for singles and doubles tennis, and was a member of the bronze-medal-winning wheelchair basketball team at the 1996 Atlanta Games; moreover, he was named outstanding athlete at the National Wheelchair Games and became the only participant to medal in three different sports in the summer Paralympic Games; and

WHEREAS, This notable competitor was inducted into the Texas Tennis Hall of Fame in 2001 and the National Spinal Cord Injury Hall of Fame in 2005, and he was the first paralympian inducted into the United States Olympic Hall of Fame, in 2004; and

WHEREAS, Also a leader in business and motivational speaking and the author of three books, Mr. Snow conducted the Randy Snow Wheelchair Tennis Camps and developed the United States Professional Tennis Association wheelchair certification; he had a 20-year career with Sunrise Medical, a company that makes wheelchairs and other devices, and he founded his own venture, NO XQs, Incorporated, in 1999; in addition, he served on the board of the Terrell Friends of the Library and was active in Wheels for Humanity, Turning Point Nation, and other groups that encourage and support individuals with disabilities; he was leading a wheelchair tennis camp in El Salvador for the International Tennis Federation at the time of his

death on November 19, 2009, and he was posthumously inducted into the United States Professional Tennis Association Hall of Fame the following year; and

WHEREAS, In conjunction with the annual Kaufman County Day festivities at the State Capitol, the date of March 7, 2011, is also being recognized as Randy Snow Day in memory of this longtime county resident and esteemed Texan; and

WHEREAS, Refusing to let his disability define him, Randy Snow brought to all of his endeavors great skill, optimism, and determination, and his achievements have touched more lives than he could ever know; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 82nd Legislature, hereby recognize March 7, 2011, as Randy Snow Day and pay tribute to the life and legacy of this remarkable Texan; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of his life, and that when the Senate adjourns this day, it do so in memory of Thomas Randall Snow.

DEUELLE