

# THIRD DAY

(CONTINUED)

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MONDAY, MAY 1, 2006

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## PROCEEDINGS

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### AFTER RECESS

The Senate met at 2:10 p.m. and was called to order by the President.

#### SENATE CONCURRENT RESOLUTION 1

The President laid before the Senate the following resolution:

WHEREAS, The Legislature of the State of Texas proudly joins the citizens of Texas in congratulating The University of Texas Longhorn football team on winning the Rose Bowl and claiming the 2005 National Championship; and

WHEREAS, Living their dream in defeating the University of Southern California, by a score of 41-38 and before a crowd of 93,986, the Longhorns beat the unbeatable and did the unthinkable, further deepening the lore of Texas football; and

WHEREAS, The Big 12 champion and second-ranked Longhorns met the PAC-10 champion and top-ranked University of Southern California Trojans in a contest touted as the game of the century; the victory gave the Longhorns the second-longest winning streak in school history and brought the university its fourth national championship; and

WHEREAS, The perfect 13-0 season saw the Longhorns ranked number one in the nation in scoring and number six in total defense; the dream team gave the university its 20th straight win, chalked up back-to-back Rose Bowl victories, and rounded the overall school record to 800 wins; and

WHEREAS, Most valuable offensive player of the game honors went to Longhorn quarterback Vince Young, who led the team's fourth-quarter comeback from a 12-point deficit by scoring two rushing touchdowns and a game-clinching two-point conversion; he was aided by a superb offensive line that did not allow a single quarterback sack; and

WHEREAS, The Longhorns' tenacious defensive line held the University of Southern California on two key fourth-down plays; Texas defensive back Michael Huff's outstanding performance earned him the title of most valuable defensive player of the game; since taking the field in 2002 as a redshirt freshman, Huff has started in every game and has amassed a career 304 tackles; he added to his already prestigious first-team All America honors by being named the 2005 Jim Thorpe Award winner, a first for a University of Texas player; and

WHEREAS, Head Coach Mack Brown's inspired leadership and the support of his excellent staff enabled the Longhorns to "live the dream"; instilling "one heartbeat" into the team's philosophy melded the 121 team members into the 2005 National Champions and Rose Bowl victors; and

WHEREAS, The triumphant culmination of the Longhorns' banner season has brought great honor to the team, The University of Texas at Austin, and the State of Texas; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas, 3rd Called Session, hereby congratulate The University of Texas Longhorns on their Rose Bowl and 2005 National Championship victories; and, be it further

RESOLVED, That a copy of this resolution be prepared for the team as an expression of high regard from the Texas Legislature.

BARRIENTOS

**SCR 1** was again read.

The resolution was previously adopted on Monday, April 24, 2006.

### **GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate representatives of The University of Texas at Austin: Limas Sweed, football player; William Powers, President; Mack Brown, Head Coach; Patricia Ohlendorf, Vice-president, Institutional Relations and Legal Affairs; DeLoss Dodds, Athletics Director; Cleve Bryant, Associate Athletics Director; Nick Voinis, Senior Associate Athletics Director for Communications; Karen C. Johnson, Administrative Associate to Coach Brown; Brenda Preston-Robinson, Administrative Assistant for Recruiting; and Jan Allgood, Administrative Assistant for Offensive Coordinator.

The Senate welcomed its guests.

### **SENATE RESOLUTION 103**

Senator Wentworth offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas student regents, who have been named to represent students on the boards of regents of public universities in Texas; and

WHEREAS, For more than 40 years, the students of the colleges and universities of Texas have sought representation on the governing bodies of their institutions; with the passage of Senate Bill 34 during the regular session of the 79th Legislature, that longtime hope became a reality; and

WHEREAS, Student representation on the board of regents gives the board first-hand knowledge of the students' perspective on issues; student regents provide insight on issues such as tuition and fee increases, faculty decisions, and budget matters; and

WHEREAS, Student regents are selected by a process that includes the student body, the student government, the university administration, and the governor; the current student regents represent a wide diversity of backgrounds and viewpoints; and

WHEREAS, Current student regents are Tyson T. Voelkel, Texas A&M University System Board of Regents; James W. Morefield, Midwestern State University Board of Regents; Stephanie Tracy, Stephen F. Austin State University Board of Regents; Cynthia A. Spooner, Texas Southern University Board of Regents; Francis E. Bartley, Texas State University System Board of Regents; Chad Allen Greenfield, Texas Tech University System Board of Regents; Rachal E. Salter, Texas Woman's University Board of Regents; Robert B. Johnson, University of Houston System Board of Regents; Brittany Adams, University of North Texas Board of Regents; and Brian J. Haley, University of Texas System Board of Regents; these students devote long hours and work hard to ensure that the wants and needs of their fellow students are heard and addressed, and they are truly deserving of recognition for their efforts; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend the student members of the boards of regents of the public universities in Texas for their hard work and dedication to the welfare of their fellow students; and, be it further

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

**SR 103** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Wentworth was recognized and introduced to the Senate Tyson T. Voelkel, The Texas A&M University System Board of Regents; James W. "Will" Morefield, Midwestern State University Board of Regents; Stephanie Tracy, Stephen F. Austin State University Board of Regents; Francis E. "Frank" Bartley, Texas State University System Board of Regents; Chad Allen Greenfield, Texas Tech University System Board of Regents; Rachal E. Salter, Texas Woman's University Board of Regents; Robert B. Johnson, University of Houston System Board of Regents; Brittany Adams, University of North Texas Board of Regents; Brian J. Haley, The University of Texas System Board of Regents; and Cynthia A. Spooner, Texas Southern University Board of Regents.

The Senate welcomed its guests.

### **RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 2, HCR 17, HCR 20.**

### **HOUSE CONCURRENT RESOLUTION 14**

The President laid before the Senate the following resolution:

WHEREAS, Pittsburg Mayor D. H. Abernathy is retiring from public service in 2006, providing an ideal time to recognize this exemplary Texan for his more than 50 years of work in behalf of his community; and

WHEREAS, The great-great-great-nephew of Major W. H. Pitts, the man for whom Pittsburg was named, Mayor Abernathy was born to Walter and Callie Mae Abernathy and graduated from Pittsburg High School in 1929; he earned a bachelor's degree in mechanical engineering from the University of Oklahoma and worked in

Oklahoma and Arkansas before returning to his hometown to serve as the city electrical inspector for 23 years and to work for the Lone Star Steel Company, where he was employed from 1947 until his retirement as division manager in 1977; and

WHEREAS, This esteemed Texan first embarked on his career in public service in 1949 when he was elected to the Pittsburg City Council; five years later, he began his remarkable 52-year tenure as mayor of Pittsburg, and during his combined 57 years of service on the city council, he was absent from only eight meetings; and

WHEREAS, Mayor Abernathy brought this same commitment to numerous civic organizations as well; a former president of the Camp County Chamber of Commerce, the East Texas Council of Governments, and the Texas Municipal League, to name but a few of the organizations he has led, he has also given of his time and talents to First Methodist Church, the statewide Fire Advisory Committee for the Texas Forest Service, the Camp County Arts Council, the Northeast Texas Economic Development District, Inc., executive committee, and the Camp County Ambulance Service; and

WHEREAS, Especially devoted to transportation issues, Mayor Abernathy has made more presentations before the Texas Department of Transportation than any other individual; his efforts have resulted in a variety of significant improvements, including the widening of several highways and the construction of the Green Carpet Memorial Route and Loop 179, which has been named D. H. Abernathy Boulevard in his honor; furthermore, he helped found and served as president of the East Texas Gulf Highway Association and was a member of the Texas Good Roads/Transportation Association for 18 years; and

WHEREAS, Mayor Abernathy has been the recipient of countless honors recognizing his important contributions to his community, including Man of the Year awards from the Camp County Chamber of Commerce and Pittsburg Business and Professional Women; the Texas State Highway Commission, now the Texas Department of Transportation, presented him with a Road Hand Award, its highest honor, and he has received recognition from the FFA, First Methodist Church, and the Shriners of Pittsburg, as well as several gubernatorial commendations; and

WHEREAS, In all his endeavors, Mayor Abernathy has enjoyed the love and support of his wife, Laverne, their children, Mary Lou, David, and Betty Ann, and their grandchildren and great-grandchildren; and

WHEREAS, Embodying the highest ideals of public service, D. H. Abernathy has made a lasting contribution to his state, and it is indeed an honor to commend him for his years of service and dedication and for the myriad ways he has enhanced the quality of life for his fellow citizens of Pittsburg; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas, 3rd Called Session, hereby recognize D. H. Abernathy on the occasion of his retirement as mayor of Pittsburg and extend to him warmest best wishes for the future; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Mayor Abernathy as an expression of high regard by the Texas House of Representatives and Senate.

ELTIFE

**HCR 14** was read.

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

On motion of Senator Eltife, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

### **GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate D. H. Abernathy, Mayor of Pittsburg; accompanied by his wife, Laverne; his son, W. David Abernathy; his daughter, Mary Lou Spradling; his son-in-law, Joe Bill Spradling; and his grandsons, David H. E. Abernathy, Charles Harris, and John Harris.

The Senate welcomed its guests.

### **SENATE RESOLUTION 100**

Senator Estes offered the following resolution:

WHEREAS, Too often in life our everyday heroes are overlooked or overshadowed in the news by the famous or infamous, although there is little doubt that these individuals exist, and in their brave response to Hurricane Katrina, 111 Texas game wardens proved to be just such heroes; and

WHEREAS, For the first time in its history, the Law Enforcement Division of the Texas Parks and Wildlife Department was asked to assist another state, and on August 30, 2005, within 12 hours of the request, the first of two teams of wardens was deployed to Louisiana for search and rescue operations; and

WHEREAS, From the outset, these dedicated professionals faced myriad challenges in simply trying to secure basic necessities; they moved twice before they found housing that could accommodate them for an indefinite length of time, and they had to confront the issues of finding ample fuel and appropriate replacement parts for their fleet of vehicles and boats; as these supplies were only available well outside of New Orleans, the wardens met another challenge in attempting to organize their efforts 50 miles from the city; and

WHEREAS, Further unimaginable obstacles awaited them when they arrived in the heart of the devastation; amid massive flooding, a heavily damaged infrastructure, looting, periods of gunfire, and grim reminders of the event's human toll, teams of wardens set out to search for those who were trapped or immobile; for 10 days, often working around the clock, they visited numerous homes, apartment complexes, hospitals, and other businesses, rescuing nearly 5,000 hurricane victims along the way; and

WHEREAS, Wardens from across the state, with every level of experience, undertook this extraordinary effort with the utmost professionalism and commitment; there was no way to prepare them for the magnitude of destruction and desperation they would encounter, yet through it all, they remained steadfast in their determination to assist their fellow Americans; and

WHEREAS, Contributing to the search and rescue operations in New Orleans were the following Texas Game Wardens: Colonel Pete Flores, Lieutenant Colonel Craig Hunter, Majors Al Vielma, Bill Robinson, Butch Shoop, David Sinclair,

Grahame Jones, Larry Young, Robert Carlson, and Steve Whiteaker, Captains Albert Lynch, Danny Shaw, Eddie Tanuz, Fred Churchill, Garry Collins, Gary Dugan, Gary Palmer, Gus Sorola, Henry Balderamas, James Connally, Larry Hand, Rex Mayes, Rick Gully, Rick Medford, Robert Goodrich, Scott Krueger, and W. J. Rawls, Lieutenant Scott Jurk, Sergeant Game Wardens Adam Chrane and Johnny Longoria, and Game Wardens Alan Biggerstaff, Albert Flores, Andrew Ozuna, Arthur Lawrence, Bill Jones, Billy Lucio, Bobby Strickland, Brad Meloni, Brannon Meinkowsky, Brent Isom, Brent Whitus, Buddy Mills, Calvin Harbaugh, Chad Jones, Chip Daigle, Chris Davis, Chris Stautzenberger, Chuck Cotton, Chuck Ford, Dale Moses, Dale Waters, Danny Tuggle, David Chavez, David Heard, Dennis Gazaway, Derek Iden, Don Jackson, Ellis Powell, Fred Ruiz, Gary Barnes, Gary Cain, Gary Hobbs, Gary Miller, Heath Bragg, Hector Gonzalez, Ira Zuniga, J. C. Flores, Jason McFall, Jay Oyler, Jerry Ash, Jesse Garcia, Jim Bob Van Dyke, Jim Lindeman, Jimmy Woolley, John Thorne, Jon Brauchle, Josh Koenig, Justin Eddins, Karen Simmons, Ken Jackson, Kerry Peterson, Kevin Stancik, Kirk Jenkins, Kirk Permenter, Lane Pinckney, Leroy Polnick, Luett McMahan, Mark Blount, Mark Chapa, Marty Martin, Marvin Wills, Michael Jaramillo, Michael McCall, Mike Hoffmann, Mike Morse, Mike Wheat, Neal McCarn, Phillip Wood, Quint Balkcom, Ramiro Coronado, Randall Brown, Raul Gonzales, Rick Lane, Rip Fluitt, Shane Lewis, Shawn Moore, Stephen Barbour, Tom Carbone, Tom Gallenbach, Tony Norton, and Zak Benge; and

WHEREAS, Heroism takes many forms, from selflessly responding during a crisis to volunteering for military service, and these hard-working Texas game wardens have demonstrated through their actions that they too are members of this special group of people on whom others can rely; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature, 3rd Called Session, hereby commend these 111 Texas game wardens for their mighty search and rescue efforts following Hurricane Katrina and extend to them deep appreciation for their exemplary actions; and, be it further

RESOLVED, That an official copy of this resolution be prepared for these individuals as an expression of high regard by the Texas Senate.

**SR 100** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate representatives of the Parks and Wildlife Department: Bob Cook, Executive Director; Colonel Pete Flores, Director of Law Enforcement; Lieutenant Colonel Craig Hunter, Deputy Director of Law Enforcement; Major Bill Robinson, Chief of Fisheries Enforcement; and Major Robert Carlson and Major Butch Shoop, Regional Commanders.

The Senate welcomed its guests.

### **SENATE RESOLUTION 107**

Senator Gallegos offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to the stellar career of Antonio Aguilar on the grand occasion of his farewell tour; and

WHEREAS, The farewell tour marks the final appearances of the actor and singer, Antonio Aguilar, and his wife, the beautiful actress and singer, Flor Silvestre; and

WHEREAS, Antonio Aguilar was born in Mexico in Villanueva, Zacatecas, and grew up nearby in the small town of Tayahua; after studying and working on a ranch in the United States, he returned to Mexico and began a singing career; his first big break came in 1950 with airplay on the famous radio station, XEW; he has recorded 163 albums and sold more than 28 million records during his 50-year career; and

WHEREAS, He made numerous film appearances in light comedies of the early 1950s, such as *Mi Papá Tuvo la Culpa*; he acted in Westerns, starting with the popular *Mauricio Rosales*, *El Rayo* series; he has been one of the most important figures in the Mexican entertainment industry for over 40 years; he is a living legend, and he tours with an elaborate musical with a western theme that includes numerous performers and an abundance of horses; and

WHEREAS, He has written and produced many of his own films, often alternating tales of the Mexican Revolution with comedy *rancheras*; in 1970, *Emiliano Zapata* was the most expensive Mexican film ever produced, and Mr. Aguilar has the distinction of having portrayed both Emiliano Zapata and Pancho Villa, as well as other historical and legendary figures; and

WHEREAS, He has been married to his frequent costar, Flor Silvestre, since the 1960s; and

WHEREAS, Antonio Aguilar, known as El Charro de Mexico, has been favorably compared with Hollywood's top Western stars; he is credited with introducing the sport of *la charrería*, to international audiences; he is certainly worthy of legislative recognition for his contributions to Mexican cinema, music, and culture; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend Antonio Aguilar on the occasion of his farewell tour and extend best wishes to him for the future; and, be it further

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

**SR 107** was read and was adopted without objection.

### ACKNOWLEDGMENT

Senator West was recognized and commended the students, teachers, faculty, staff, and administrators of two schools in the Dallas Independent School District, the School for the Talented and Gifted at Yvonne A. Ewell Townview Center and the School of Science and Engineering at Yvonne A. Ewell Townview Center, for being recognized by *Newsweek* magazine as number one and number eight, respectively, of the top performing high schools in the country. Two of the students were featured on the cover of the magazine.

The Senate extended its congratulations.

**SENATE RESOLUTION 106**

Senator Hinojosa offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize The University of Texas Marine Science Institute on the occasion of its 60th anniversary; and

WHEREAS, The University of Texas Marine Science Institute was established by an Act of the Texas Legislature in 1941 following a massive fish kill near Port Aransas, with the charge to conduct basic and applied research aimed at understanding the biological, chemical, and physical processes governing the coastal zone ecosystem; and

WHEREAS, The Marine Science Institute has grown to be a world-class center of marine research whose scientists work on problems of great local and global importance in order to provide the citizens of Texas with critical information about and understanding of coastal and ocean-related issues; and

WHEREAS, The Marine Science Institute has been a fertile home to some of this country's most important marine scientists, including its founder, Dr. Elmer J. Lund, named by *American Men of Science* as one of the first 1,000 scientists in North America; Dr. Gordon P. Gunter, for whom the National Oceanic and Atmospheric Administration named one of its ships; Dr. Howard T. Odum, who is considered the father of modern ecology; and Dr. Patrick L. Parker, whose research the National Science Foundation regards as "one of the greatest achievements in chemical oceanography in the last 50 years"; and

WHEREAS, For the past 32 years the Marine Science Institute has introduced hundreds of thousands of schoolchildren to the wonders of the sea through its visiting class program; the institute has trained hundreds of schoolteachers using marine science as a tool for teaching science, mathematics, art, music, and other topics, and it has enlightened tens of thousands of visitors per year through public displays, aquaria, and educational movies in its visitors center; and

WHEREAS, The Marine Science Institute's academic branch, the Department of Marine Science, has for decades offered intensive, field-based college courses for undergraduate students and research opportunities for graduate students from many universities across the state; and

WHEREAS, In the 15 years since the graduate program in marine science was approved by the Texas Higher Education Coordinating Board, The University of Texas at Austin has conferred more than 30 doctoral degrees and more than 50 master's degrees in marine science to young scholars who now serve the State of Texas, other states, the nation, and other countries; and

WHEREAS, The Marine Science Institute modestly refuses to count its first five years of existence because of the nation's preoccupation with the Second World War, and is this year celebrating "60 Years of Science and the Sea"; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend The University of Texas Marine Science Institute for its long and important service to the state and its citizens through high-caliber research, outstanding instruction, and exceptional public outreach and extend congratulations to the dedicated faculty, staff, students, and supporters of the institute on its 60th anniversary; and, be it further



RESOLVED, That a copy of this Resolution be prepared for The University of Texas Marine Science Institute as an expression of high regard from the Texas Legislature.

**SR 106** was read and was adopted without objection.

**(Senator Armbrister in Chair)**

### **GUESTS PRESENTED**

Senator Hinojosa was recognized and introduced to the Senate Ben Vaughan and Jon Newton, former chairmen of The University of Texas Marine Science Advisory Council; Lee Fuiman, Director of The University of Texas Marine Science Institute; Georgia Neblett, Mayor of Port Aransas; and Colleen McHugh, The University of Texas Board of Regents.

The Senate welcomed its guests.

### **CONCLUSION OF MORNING CALL**

The Presiding Officer, Senator Armbrister in Chair, at 3:15 p.m. announced the conclusion of morning call.

### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

#### **Welcome and Congratulatory Resolutions**

**SR 97** by Zaffirini, Commending the citizens of Laredo who are supporting El Día de los Niños.

**SR 98** by Ellis, Commending Nancy B. Rapoport for her service as Dean of the University of Houston Law Center.

**SR 99** by Ellis, Commending the Homeschool Christian Youth Association for hosting a graduation ceremony.

**SR 102** by Fraser, Recognizing the class of 1959 of Brownwood High School on the occasion of its reunion.

**SR 104** by Whitmire, Congratulating M. O. Campbell for being named the 2006 honoree of the Aldine Scholarship Foundation.

**SR 105** by Hinojosa, Recognizing Ramón Ayala for his contributions to the cultural heritage of Texas.

**SR 108** by Lucio, Congratulating Daniel Caballero of Brownsville for advancing to the INTEL International Science Fair.

**SR 109** by Lucio, Congratulating Adan López of Brownsville for advancing to the INTEL International Science Fair.

**SR 110** by Lucio, Congratulating Laura Torres of Brownsville for advancing to the INTEL International Science Fair.

**SR 111** by Estes, Congratulating the Texas Woman's University Pioneers gymnastics team for winning a national championship.

**SR 112** by West, Recognizing Charlie Mae Ransom for her contributions to the Dallas community.

**SR 113** by Ellis, Recognizing Prairie View A&M University on the occasion of its 130th anniversary.

**HCR 21** (Jackson), Honoring the Distinguished Graduates of La Marque High School of 2006.

**HCR 22** (Zaffirini), Welcoming director Melissa Reyna and the young men and women of the Cantare Community Youth Choir to the State Capitol.

**HCR 23** (Zaffirini), Honoring Hector Trevino on the occasion of his retirement from the U.S. Border Patrol.

### **Official Designation Resolutions**

**SR 101** by West, Recognizing April 29, 2006, as Selma to Montgomery Day.

**SR 114** by Staples, Recognizing May 6, 2006, as Neches Heritage Day.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 3:28 p.m. adjourned, in memory of W. G. "Buddy" Ragley of Richardson, until 4:00 p.m. today.

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## **APPENDIX**

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### **SENT TO GOVERNOR**

May 1, 2006

**SCR 2**