

FIFTH DAY

TUESDAY, JANUARY 25, 2005

PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Nelson.

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

The Right Reverend Monsignor John McCaffrey, Catholic Diocese of Austin, offered the invocation as follows:

Lord, our God, we have come together in Your name to work for the good of this great State of Texas. Stay with these state Senators with Your invisible presence and pour out Your blessings on them. Make them work in a spirit of trust and love, as well as a spirit of prudence and understanding, so that they may experience an abundance of light, compassion, and peace. Let harmony reign ever among them and let them keep their eyes fixed upon You. Enable them to implement Your known will for the State of Texas, no matter what difficulty it may entail, and reward them for the good they do. Blessed are You, Lord, our God, forever and ever. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

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

PHYSICIAN OF THE DAY

Senator Ogden was recognized and presented Dr. Flint DeShazo of Round Rock as the Physician of the Day.

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

SENATE RESOLUTION 16

Senator Ogden offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Catholic health care in Texas on the occasion of its 62nd Annual Conference and Advocacy Day, which is taking place January 25, 2005; and

WHEREAS, Catholic health care, which is based upon the fundamental belief that human life is sacred and that each person has inherent dignity, is committed to caring for the body, mind, and spirit of all patients; and

WHEREAS, The first Catholic hospital in Texas was founded 136 years ago in Galveston by a religious community of nuns; since that time, Catholic health care in Texas has grown enormously, and nuns have continued to play a vital role in its progress; and

WHEREAS, Today Catholic health care encompasses 10 health systems, 38 acute care hospitals, 95 clinics and outpatient centers, and other critical health services; and

WHEREAS, Each year, Catholic health care provides high-quality and affordable health care to many Texans in both urban centers and rural areas and reaches out to many who would otherwise not receive health care; and

WHEREAS, During the 62nd Annual Conference and Advocacy Day, leaders from all 10 Catholic health care systems are gathering in Austin to celebrate their commitment to a health ministry based on the compassion, faith, and skills of a dedicated team of health care providers; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend Catholic health care for its unwavering dedication to preventive and direct health care and welcome its leaders to Austin; and, be it further

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

SR 16 was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate Sister Gretchen Kunz, Chief Executive Officer, Saint Joseph Health System; Jack Buckley, Chief Executive Officer, Saint Joseph Health Center; Pat Hayes, Executive Vice President and Chief Operating Officer, Seton Healthcare Network; Tom Permetti, Administrator, Christus Saint John Hospital; and Patrick Carrier, Chief Executive Officer, Christus Health Gulf Coast; accompanied by a delegation from The Catholic Hospital Association of the United States.

The Senate welcomed its guests.

SENATE RESOLUTION 22

Senator Duncan offered the following resolution:

WHEREAS, Many notable citizens of Lubbock are visiting Austin on January 25, 2005, to pay tribute to their city's rich heritage and to celebrate Lubbock Day at the State Capitol; and

WHEREAS, A thriving city on the southern High Plains, Lubbock is located on one of the oldest inhabited places in Texas; in Yellow House Draw, in the northern part of the city, archeologists have discovered evidence of some 12,000 years of continuous habitation; known as the Lubbock Lake Site, the area now enjoys protection as a national historic and state archeological landmark; and

WHEREAS, In early historic times this land was occupied by Indians who were probably ancestors of the Apaches; during the 1600s, members of various Spanish expeditions traveled a route through Yellow House Draw and other canyons, confident of finding water there on their passage across the South Plains; in the 1700s, Comanches swept down into Texas from the north, and they maintained dominion over this region until the 1870s; and

WHEREAS, The city of Lubbock was established in 1890 and became the seat of Lubbock County, which was organized the following year; population growth in Lubbock began in earnest with the arrival of the railroads in 1909; and

WHEREAS, The railroads stimulated Lubbock's growth as a trade center, but residents also wanted the benefits that an institution of higher learning would bring; when legislation creating Texas Technological College was finally passed in 1923, the site selection committee, impressed by the enthusiasm and hospitality of Lubbock citizens, chose Lubbock for its location; and

WHEREAS, Today a city of approximately 200,000, Lubbock enjoys a diversified economy that draws its strength from agribusiness, manufacturing, and commerce, as well as from educational and medical facilities; with the growth of cotton culture on the High Plains, Lubbock has become one of the world's primary centers for the processing of cottonseed; and

WHEREAS, Lubbock also offers a wealth of cultural and recreational opportunities; among these are the Lubbock Symphony Orchestra, the Lubbock Civic Ballet, the Museum and Planetarium of Texas Tech University, the Silent Wings Museum, and many other cultural offerings at Texas Tech University; and

WHEREAS, Those wanting a glimpse of the frontier can find traces of it in the many restored structures at the Ranching Heritage Center, a 15-acre site tracing the evolution of ranch architecture and the history of the cattle industry, as well as at the American Wind Power Center and the American Museum of Agriculture; and

WHEREAS, The musical talent that has come from the Lubbock area has included the likes of Buddy Holly, Roy Orbison, Natalie Maines, the Maines Brothers, the Hometown Boys, Virgil Johnson and the Velvets, Waylon Jennings, Tanya Tucker, and Joe Ely and has earned Lubbock recognition as "The Music Crossroads of Texas"; and

WHEREAS, One of the proud Lubbock delegations visiting the Capitol today is the Leadership Lubbock Class of 2005, a group of community leaders who are participating in a series of seminars designed to help them identify and respond to the

needs of their community; highlights of their trip to Austin on January 25 and 26, 2005, include a meeting with their legislative delegation and a reception at Stubb's Bar-B-Q; and

WHEREAS, The citizens of Lubbock have truly kept faith with the founders of this West Texas community; still renowned for their friendliness and warmth, they have helped to build a vital urban center that serves not only a large part of West Texas but also of eastern New Mexico; it is a pleasure for the Texas Senate to pay tribute to the city of Lubbock and its fine residents; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby recognize January 25, 2005, as Lubbock Day at the State Capitol and extend to the delegations in attendance today and to all their fellow citizens sincere appreciation for the bright luster they add to the Lone Star State.

SR 22 was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Mitchell Moses, Texas Tech University student body President; Lubbock Mayor Marc McDougal; members of the Lubbock City Council; City Manager Lou Fox; Chamber of Commerce officials Linda Gaither and Eddie McBride; a delegation from Focus Lubbock; Texas Tech University System Chancellor David Smith; and South Plains College President Kelvin Sharp.

The Senate welcomed its guests.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 25, HCR 26.**

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

January 25, 2005

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 32, Honoring the Huff Diary and Wagon Train Project in January 2005.

HCR 35, Authorizing the lieutenant governor and the speaker to appoint interim joint committees.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 46 by Barrientos, In memory of Inocente Ramirez of Austin.

Welcome and Congratulatory Resolutions

SR 19 by Armbrister, Recognizing the Huff Diary and Wagon Train Project.

SR 35 by Seliger, Recognizing the Medical Center Hospital Family Health Center in Odessa on the occasion of its 10th anniversary.

SR 36 by Ellis, Commending Reolin Edwards for achieving the rank of Eagle Scout.

SR 37 by Ellis, Commending Ed McCowan for achieving the rank of Eagle Scout.

SR 38 by Ellis, Commending William Wright for achieving the rank of Eagle Scout.

SR 39 by Ellis, Commending Marlon Berry for achieving the rank of Eagle Scout.

SR 40 by Ellis, Commending William Trotty for achieving the rank of Eagle Scout.

SR 41 by Ellis, Commending Robert Nash for achieving the rank of Eagle Scout.

SR 42 by Ellis, Commending L. David Punch for his service to Greater Zion Missionary Baptist Church in Houston.

SR 43 by Barrientos, Welcoming the students from Argentina who are participating in the Fundación Universitaria del Río de la Plata program to Austin.

SR 44 by Barrientos, Recognizing Ruben R. Valdés on the occasion of his retirement.

SR 45 by Barrientos, Recognizing Pamela Cheryl Wagner on the occasion of her retirement.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 11:26 a.m. adjourned until 11:00 a.m. tomorrow.

