

SEVENTH DAY

THURSDAY, JANUARY 27, 2005

PROCEEDINGS

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by President Pro Tempore Shapiro.

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

Absent-excused: Brimer, Shapleigh.

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

The Reverend Brandon Hollar, Capital Christian Center, Austin, offered the invocation as follows:

Heavenly Father, I come before You in the name of the resurrected Lord and prince of peace, seeking Your grace, mercy, and wisdom. Be present here, O God of wisdom, and direct the counsel of this honorable assembly. Enable them to settle all things on the best and surest foundations. Grant that they may hear Your wisdom with reverence, receive it with meekness and mingle it with faith, so that it may accomplish the good work for which You have sent it. Cause order, harmony, and peace to be effectually imparted in their hearts so that truth and justice, mercy and peace prevail and flourish among the people. Preserve the health of their bodies and renew their vigor. Bless, O Lord, all the people of this great state and particularly these appointed men and women who lead us. In His name. 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.

LEAVES OF ABSENCE

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

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

CO-AUTHOR OF SENATE BILL 170

On motion of Senator Harris, Senator Carona will be shown as Co-author of **SB 170**.

CO-AUTHORS OF SENATE BILL 252

On motion of Senator Estes, Senators Gallegos, Lindsay, and Lucio will be shown as Co-authors of **SB 252**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

January 27, 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 39, Honoring Leonard Reese for his exceptional service to the Texas Legislative Council on the occasion of his retirement as assistant executive director and general counsel with that agency.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Staples was recognized and presented Dr. Keith Miller of Center, accompanied by his wife, Linda, as the Physician of the Day.

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

SENATE RESOLUTION 57

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to the osteopathic physicians of Texas and to recognize January 27, 2005, as Osteopathic Medicine Day at the State Capitol; and

WHEREAS, Texas has 2,431 licensed osteopathic physicians; this figure includes a growing number of women, Hispanics, and African-Americans; the osteopathic physicians offer primary care through family practice, general practice, internal medicine, obstetrics and gynecology, and pediatrics; and

WHEREAS, Texas Osteopathic physicians also offer preventive medical services and specialty care and serve many citizens in rural and medically underserved areas in our state; and

WHEREAS, The University of North Texas Health Science Center's Texas College of Osteopathic Medicine continues to train students who enter primary care specialties in numbers well above the national average; and

WHEREAS, Osteopathic physicians will provide medical care to Texas legislators and their staffs as participants in the "Doctor of the Day" program at the State Capitol during the week of April 18 through 22, 2005; and

WHEREAS, Osteopathic physicians deserve recognition for providing high-quality, comprehensive care to Texans across our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby proclaim January 27, 2005, Osteopathic Medicine Day at the State Capitol and extend appreciation to osteopathic physicians for their contributions to health care; 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 57 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation from the Texas Osteopathic Medical Association.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 39

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Leonard J. Reese, who is retiring from the Texas Legislative Council on January 31, 2005, after more than 26 years with that organization, has rendered exceptional service to the people of the Lone Star State; and

WHEREAS, Mr. Reese has devoted the whole of his professional career to the council, having joined the TLC legal division in October 1978, shortly after completing law school; within 11 years he had become deputy director of the division, and in 2000 he was appointed division director and general counsel; named assistant executive director of the TLC in November 2003, he has guided the agency with great ability and dedication; and

WHEREAS, His professional affiliations include the National Conference of Commissioners on Uniform State Laws, with which he has been associated since 1979; he has served as a commissioner of that organization since 2001, and he also holds a seat on the Texas Commission on Uniform State Laws; and

WHEREAS, Born in 1947, Mr. Reese graduated from South Oak Cliff High School in Dallas in 1966; he earned a bachelor's degree with honors in mathematics from The University of Texas at Arlington in 1970 and a master's degree in education, guidance, and counseling from Eastern Illinois University in 1974; after attending law school for a year at the University of Illinois, he transferred to The University of Texas School of Law and graduated with honors in 1978; and

WHEREAS, With his undergraduate education behind him, Mr. Reese served in the United States Air Force from 1971 to 1974; during his term in the military he provided weather training as part of his duties, and the skill and thoroughness with which he carried out that assignment earned him designation as Instructor of the Year in 1973; and

WHEREAS, Leonard Reese and his wife, Rebecca Yohe, met at the council in 1984 and married in 1992; they are the proud parents of a son, William Jefferson Reese; in addition to the time and concern that he devotes to his family and to the council, Mr. Reese also lends his active support to the First United Methodist Church of Austin, where he helps teach fourth-grade and fifth-grade students; and

WHEREAS, Over the course of his more than 2-1/2 decades with the TLC, Leonard Reese has worked hard to support the efforts of the legislature, bringing to the tasks before him a keen legal mind and commitment to excellence; those same qualities, together with an irrepressibly droll sense of humor, have also long inspired the best efforts of his colleagues and staff, and as he steps down from his present office, it is appropriate to honor him for his outstanding tenure; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas hereby honor Leonard J. Reese as he retires from the office of assistant executive director and general counsel of the Texas Legislative Council and extend to him deep appreciation for his many years of exemplary public service; and, be it further

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

DUNCAN

HCR 39 was read.

On motion of Senator Duncan and by unanimous consent, 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 except as follows:

Absent-excused: Brimer, Shapleigh.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Leonard Reese, his wife, Rebecca, and his son, William Jefferson.

The Senate welcomed its guests.

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 1 by Ogden
General Appropriations Bill.
To Committee on Finance.

SB 21 by Harris
Relating to the creation, purpose, implementation, and funding of the County Park Beautification and Improvement Program.
To Committee on Administration.

SJR 5 by Harris

Proposing a constitutional amendment relating to appropriations for the preservation and perpetuation of certain items of historical value; allowing the legislature and state agencies to accept on behalf of the state gifts of items of historical value and contributions to purchase such items.

To Committee on Administration.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 59 by Seliger, Recognizing Tom Brown of Midland on receiving the Permian Basin Petroleum Association's Top Hand Award.

SR 60 by Wentworth, Recognizing Rotary International on the occasion of its 100th anniversary.

SR 61 by West, Recognizing the students of Project Community, Reintegration, Apprenticeship-Focused Training on the occasion of their graduation.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 10:33 a.m. adjourned, in memory of Sam Gardner and in honor of the 60th anniversary of the liberation of Auschwitz, until 1:30 p.m. Monday, January 31, 2005.

