

TENTH DAY

WEDNESDAY, FEBRUARY 2, 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, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Barrientos.

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

The Reverend Lisa Greenwood Wolcott, First United Methodist Church, Commerce, offered the invocation as follows:

O God, as You anointed leaders and called prophets of old, so today You call representatives of Your people, leaders of this age: Men and women who love Your people and can walk with them, who feel their pain and share their joys, who dream their dreams and strive to accompany them to their common goal. Dear God of the ages, inspire the minds and hearts of all the women and men to whom You have committed the responsibility of government and leadership in our great state. Give to them the vision of truth and justice which transcends the barriers we have constructed by human means. Bless the work that is accomplished, the decisions that are made, and the process in the midst of it all; may it always be to a greater glory than our own. In Your holy and gracious name we pray. 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 Barrientos was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 134

On motion of Senator Nelson, Senator Van de Putte will be shown as Co-author of **SB 134**.

CO-AUTHOR OF SENATE BILL 192

On motion of Senator Gallegos, Senator Madla will be shown as Co-author of **SB 192**.

CO-AUTHOR OF SENATE BILL 310

On motion of Senator Deuell, Senator Gallegos will be shown as Co-author of **SB 310**.

CO-AUTHORS OF SENATE RESOLUTION 82

On motion of Senator Barrientos, Senators Armbrister, Duncan, and Harris will be shown as Co-authors of **SR 82**.

PHYSICIAN OF THE DAY

Senator Madla was recognized and presented Dr. Rodrigo Cantu of San Antonio as the Physician of the Day.

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

SENATE RESOLUTION 67

Senator Deuell offered the following resolution:

WHEREAS, Many proud residents of Commerce are gathering at the State Capitol on February 1 and 2, 2005, to celebrate their community's heritage and to share with fellow Texans their rich history and latest achievements; and

WHEREAS, Thanks in great part to J. H. "Si" Jackson, who opened the area's first store, Commerce was originally settled in 1864; incorporated on September 25, 1885, the town thrived with the arrival two years later of the St. Louis Southwestern Railroad, which connected residents to Texarkana, Sherman, and Fort Worth and helped establish Commerce as a viable commercial center; and

WHEREAS, From its earliest days as an isolated settlement, Commerce has continued to grow and keep pace with its changing needs as evidenced by the numerous city improvement projects that have been completed or are currently underway, including a new City Hall, a new police and fire complex, and the Northeast Texas Children's Museum; the town's development in the private sector is guided by a carefully outlined strategic plan that addresses housing and industrial development as well as the revitalization of the university/downtown corridor; and

WHEREAS, Through the years Commerce has retained its unique character and charm, and the high quality of life that the area offers has made it a most desirable community in which to live, work, and raise a family; and

WHEREAS, The resplendent natural beauty of Northeast Texas and the proximity to Cooper Lake make Commerce an ideal vacation spot, where visitors and residents alike may explore a host of recreational activities, including camping, waterskiing, and fishing; in addition, Commerce is home to "Max," the second largest bois d'arc tree in Texas and the guest of honor at the Bois d'Arc Bash, an annual celebration held during the last weekend in September; and

WHEREAS, Texas A&M University-Commerce offers opportunities for educational and cultural enrichment and is complemented by such resources as the six-story Gee Library, a performing arts center with two theaters, and the Jerry D. Morris Recreation Center; the university will soon boast a state-of-the-art science building and planetarium, as well; and

WHEREAS, Blessed with a dynamic and friendly citizenry, abundant natural resources, and a thriving economy, the Commerce community is one of the Lone Star State's great assets, and even as its residents take pride and satisfaction in the area's remarkable success, they look forward to the new challenges and opportunities of the 21st century; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby recognize February 1 and 2, 2005, as Commerce Days at the State Capitol and extend a warm welcome to the Commerce delegation.

SR 67 was read and was adopted without objection.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate Commerce Mayor Sheryl Zelhart, Mayor Pro Tempore Penny Belcher, Councilmembers Kay Sanders and John Sands, City Manager Bill Shipp, and Commerce Independent School District Superintendent Keith Boles, accompanied by a delegation of citizens from Commerce.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 2, 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 43, Commemorating the 20th anniversary of the creation of the Texas Silver-Haired Legislature.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 38**.

SENATE RESOLUTION 74

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Texas Southern University and to proclaim February 2, 2005, Texas Southern University Day at the Capitol; and

WHEREAS, Established by the Texas Legislature on March 3, 1947, Texas Southern University offers degrees in an array of programs, including pharmacy, business administration, public affairs, arts and sciences, journalism, law, and additional fields of specialization; and

WHEREAS, Texas Southern University opens doors of opportunity and academic excellence to a multitude of students from diverse socioeconomic, cultural, and racial backgrounds and from throughout the state and nation; more than 50 nations are represented in the student body; and

WHEREAS, The school is proud to have conferred degrees to many individuals who have gone on to become outstanding public servants; for example, three Texas Southern University graduates have been elected to the United States Congress—the late Honorable Barbara Jordan, the late Honorable George "Mickey" Leland, and the Honorable Craig Washington; and

WHEREAS, Texas Southern University has earned a viable position as the second largest of the Historically Black Colleges and Universities in the nation and is recognized by the Carnegie Foundation for the Advancement of Teaching as a "doctoral/research-intensive university"; and

WHEREAS, Texas Southern University consistently serves the Houston and regional community through innovative educational programs that encourage personal and professional development, progress, and performance; and

WHEREAS, The members of the board of trustees, the faculty, and the administration of Texas Southern University are committed to providing students with a quality, comprehensive collegiate education through instruction that emphasizes the critical thinking and creativity that leads to success; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby express appreciation to Texas Southern University for its significant contributions to our state and extend best wishes to all who are participating in Texas Southern University Day at the Capitol; and, be it further

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

SR 74 was read and was adopted without objection.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Priscilla Slade, President of Texas Southern University, and Board of Regents members Earnest Gibson, Harry Johnson, Belinda Griffin, and Elizabeth Brock, accompanied by a delegation of students and graduates of Texas Southern University.

The Senate welcomed its guests.

SENATE RESOLUTION 78

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join The College for Texans Campaign in recognizing February of 2005 as Financial Aid Awareness Month; and

WHEREAS, An investment in college pays tremendous benefits for students; over a lifetime of working, a college graduate can expect to earn at least \$1 million more than a high school graduate; and

WHEREAS, Financial aid makes college more affordable for students; more than \$3 billion in financial aid is available each year to help students in Texas pay for the costs of college—tuition, fees, books, supplies, and other expenses; and

WHEREAS, To assist students in their pursuit of higher education, financial aid is available in many forms such as grants, scholarships, work-study opportunities, loans, waivers, exemptions, and tax credits; and

WHEREAS, Through scheduled events across the state during Financial Aid Awareness Month, families in Texas will become better informed about the many financial resources and types of aid available; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend all those associated with The College for Texans Campaign for their worthy efforts and recognize February, 2005, as Financial Aid Awareness Month; and, be it further

RESOLVED, That a copy of this Resolution be prepared for members of The College for Texans Campaign as an expression of esteem from the Texas Senate.

SR 78 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate members of the Texas Higher Education Coordinating Board and The College for Texans Campaign.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate representatives of Associated Builders and Contractors, Incorporated, and a group of students from Victoria.

The Senate welcomed its guests.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 83 by Armbrister, In memory of Lawrence J. Petersen of Danevang.

Congratulatory Resolutions

SR 80 by Williams, Congratulating W. Sam Monroe for his selection as the 2004 Man of the Year by Quota International of Southeast Texas.

SR 85 by West, Recognizing Jettie Lee Jones on the occasion of her 100th birthday.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 11:40 a.m. adjourned, in memory of Rhonald Dain Rairdan, until 10:00 a.m. tomorrow.