

# THIRTEENTH DAY

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TUESDAY, FEBRUARY 8, 2005

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## PROCEEDINGS

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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, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Lucio, Madla.

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

The Reverend Keith Born, Immanuel Lutheran Church, Pflugerville, offered the invocation as follows:

Dear Lord, gathered here this morning are women and men from all over the State of Texas, and they gather to be about the work they have been elected to accomplish. Strengthen them for their task and keep them mindful of their role as servants of the people. Guide their deliberations and debate and direct this process and their efforts to serve the greatest good for the sake of all people in our state. 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 Lucio was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Madla was granted leave of absence for today on account of illness.

## CO-AUTHORS OF SENATE BILL 252

On motion of Senator Estes, Senators Averitt, Duncan, and Zaffirini will be shown as Co-authors of **SB 252**.

**CO-AUTHORS OF SENATE BILL 340**

On motion of Senator Whitmire, Senators Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Williams, and Zaffirini will be shown as Co-authors of **SB 340**.

**CO-AUTHORS OF SENATE RESOLUTION 88**

On motion of Senator West, Senators Carona, Deuell, Nelson, and Shapiro will be shown as Co-authors of **SR 88**.

**PHYSICIAN OF THE DAY**

Senator Barrientos was recognized and presented Dr. Eduardo Sanchez, Commissioner of Health, as the Physician of the Day.

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

**GUESTS PRESENTED**

Senator Averitt was recognized and introduced to the Senate a delegation of citizens from Navarro County.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

February 8, 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 51**, Designating February 15 as Midland-Odessa Day at the State Capitol.

**HCR 52**, Welcoming Marc Ravalomanana, President of the Republic of Madagascar, to the Texas State Capitol.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate Jerry Davis, Guinn Rogers, Dan Nisley, John Owen, and Lori Henning representing Goodwill Industries, accompanied by a group of volunteers for Goodwill Industries.

The Senate welcomed its guests.

**HOUSE CONCURRENT RESOLUTION 52**

The President laid before the Senate the following resolution:

WHEREAS, The Texas House of Representatives and Senate are honored to welcome His Excellency Marc Ravalomanana, President of the Republic of Madagascar, and his lovely wife, Lalao, to the Texas State Capitol on February 8, 2005; and

WHEREAS, He was received by the Honorable Bill White, Mayor of Houston, and the World Affairs Council, as well as the Texas Children's Medical Center during his visit to Houston on February 7, 2005; and

WHEREAS, He has enjoyed an official state visit with the Honorable Rick Perry, Governor of Texas; Roger Williams, Texas Secretary of State; and will also meet with the Honorable Will Wynn, Mayor of Austin; and

WHEREAS, We are delighted to have as a part of the President's entourage the Ambassador to the United States, Dr. Rajaonarivony Narisoa; Chief of Staff, Mr. Henri Ranaivoson; Presidential Advisor, Dr. Joachim Ensslin; Special Advisor to the President, Mr. Olivier Andrianarisoa; the President's personal physician, Dr. Norotiana Hantasoa Andriantseheno; and assistants Mr. Jean-Marc Koumba and Miss Dina Rakoto; and

WHEREAS, Born on December 12, 1949, President Ravalomanana is a self-made man from humble beginnings; he was educated by missionaries in his home village of Imerikasinina and began his professional life selling homemade yogurt on the streets of the country's capital city, Antananarivo; less than two years later, he secured a loan and purchased his first factory, and today, his company, TIKO Group, of which he was the president and CEO, is the largest non-foreign-owned company in Madagascar; and

WHEREAS, This distinguished gentleman entered politics in 1999, and his bold campaign to clean up the capital city earned him the support of the citizenry and the office of mayor; under his leadership, Antananarivo experienced a noticeable transformation to become a cleaner and more organized city; and

WHEREAS, The Honorable Marc Ravalomanana became president of the Republic of Madagascar in 2002; his goals for Madagascar have included construction of a new infrastructure, establishment of efficient government operations, the fight against HIV/AIDS, support for private sector economic growth, and education for all; a staunch defender of the Malagasy language and culture, he often delivers his speeches in this lyrical dialect although he also speaks French and English; and

WHEREAS, During his trip to Texas, President Ravalomanana visited Abilene Christian University and the 24 Malagasy Presidential Scholars enrolled there who have been honored through a highly competitive scholarship initiative funded by the

government of Madagascar and the World Bank; the president was instrumental in the creation of this innovative program, which includes four years of paid tuition for the fortunate students; and

WHEREAS, President Ravalomanana has proven himself a true leader by working tirelessly to provide a brighter future for his countrymen, and it is indeed a pleasure to recognize him; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas hereby welcome Marc Ravalomanana, President of the Republic of Madagascar, to the Texas State Capitol and extend to him sincere best wishes for an enjoyable visit in the great State of Texas; and, be it further

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

ELLIS

**HCR 52** was read.

On motion of Senator Ellis 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: Lucio, Madla.

#### **GUESTS PRESENTED**

Senator Ellis, joined by Senators Fraser and Shapleigh, was recognized and introduced to the Senate Marc Ravalomanana, President of the Republic of Madagascar; First Lady Lalao Ravalomanana; Ambassador Rajaonarivony Narisoa; Henri Ranaivoson; Dr. Joachim Ensslin; Olivier Andrianarisoa; Dr. Norotiana Hantasoa Andriantseheno; Dina Rakoto; Jean-Marc Koumba; and Earl Young, President, United States Business Council in Houston.

The Senate welcomed its distinguished guests.

#### **GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate a delegation of senior citizens representing Senior Day at the Capitol.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 99**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to the senior citizens of our state and to proclaim February 8, 2005, Senior Day at the Capitol; and

WHEREAS, Today, nearly three million Texans are at least 60 years of age; by 2020, it is estimated more than five million Texans will be senior citizens; and

WHEREAS, Senior Texans have provided decades of service as leaders of communities across the state by building the public and private sectors of our state's economy and by promoting cultural expansion; and

WHEREAS, These exemplary residents have helped Texas achieve greatness in agriculture, education, industry, information technology, literature, the performing and visual arts, space exploration and sports; and

WHEREAS, Through their exemplary service to others and through their enthusiasm for living life to the fullest, they are role models for younger Texans; a special appreciation goes to the members of "The Greatest Generation" for the many sacrifices they made at home and abroad during World War II; and

WHEREAS, Our seniors reflect our diverse ethnic, spiritual and cultural roots, as well as our common bonds and our pride in the Lone Star State and our nation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby extend a warm welcome to the senior Texans who are visiting the State Capitol on this special day in their honor; 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 99** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Sterling Neuman, Alicia Rodriguez, Mac McVeigh, and Richard Massey representing the Texas Senior Advocacy Coalition from Bexar County, accompanied by a delegation of senior citizens.

The Senate welcomed its guests.

### **SENATE RESOLUTION 89**

Senator Armbrister offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to Matagorda County for its many contributions to our state and to join its citizens in celebrating Matagorda County Day on February 8, 2005; and

WHEREAS, Situated along the Gulf of Mexico between Brazoria and Calhoun Counties, Matagorda County consists of more than 1,100 square miles, including Matagorda Bay, and its land is drained by the Colorado River, Caney Creek, and Tres Palacios Creek; and

WHEREAS, Often called "The Cradle of Texas History," Matagorda County was first settled by people brought in under the leadership of Stephen F. Austin; agriculture was the primary source of income, and the main crops were cotton and sugarcane; after the Civil War, cattle ranching became the chief source of income, since both the war and the boll weevil destroyed cotton crops; and

WHEREAS, Bay City was established in 1894 and became the county seat, and railroad development around 1898 played a major role in the growth of Matagorda County; and

WHEREAS, In the 2000 census, the total population of Matagorda County was approximately 38,000; the modern-day economy is based on agriculture, petrochemicals, nuclear power, plastics, oil and gas, and oilfield services; and

WHEREAS, The recreational attractions of this area are manifold; major parks and the Gulf of Mexico provide ample opportunities for fishing, shrimping, and bird-watching; one of the county's ports, Palacios, is known as the Shrimp Capital of Texas, and for the last six years, the county has been credited with having more species of birds than any other county in the United States; it is now home to the Matagorda County Birding and Nature Center; and

WHEREAS, Numerous civic organizations sponsor annual events each year, such as the Matagorda County Rodeo, the Blessing of the Fleet, the Fisherman's Festival, the Rice Festival, and Market Days; two museums and many historical sites add to the rich cultural heritage of the area; and

WHEREAS, The residents of Matagorda County are friendly and hospitable and have made their county one of the outstanding areas of the state; and

WHEREAS, It is indeed a pleasure and a privilege for the Texas Senate to honor this outstanding Texas county and its fine citizens; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby extend sincere congratulations to the citizens of Matagorda County on their special day and best wishes for a memorable and joyous celebration; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Matagorda County as a memento of this occasion.

**SR 89** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Armbrister was recognized and introduced to the Senate Mike Reddell, Publisher of *The Bay City Tribune*; Dick Walton, Superintendent, Bay City Independent School District; and Bobby Kimble, Deputy Superintendent, Bay City Independent School District; accompanied by a delegation of citizens from Matagorda County.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 81**

Senator Averitt offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to Texas credit unions and recognize February 8, 2005, as Credit Union Day at the State Capitol; and

WHEREAS, In 1929, the first credit union was chartered in Kingsville with 28 members, and today, more than 600 credit unions operate in Texas with over seven million members; and

WHEREAS, Credit unions serve communities of common interest, such as churches, branches of the military, and government employees and are organized as economic democracies; these not-for-profit institutions offer each member equal ownership and one vote, regardless of any disparity of assets; and

WHEREAS, Texas credit unions provide services such as checking, savings, individual retirement, and money market accounts along with a variety of loan options to their members; they serve the needs of citizens in Texas from all walks of life; and

WHEREAS, The Texas Senate is pleased to recognize Texas credit unions and commend them for outstanding financial stewardship, which benefits the economy of this state and its citizens; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby recognize February 8, 2005, as Credit Union Day at the State Capitol and extend a warm welcome to the representatives of Texas credit unions who are visiting the State Capitol; and, be it further

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

**SR 81** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Averitt was recognized and introduced to the Senate a delegation of citizens representing Credit Union Day at the State Capitol.

The Senate welcomed its guests.

### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Thursday, February 3, 2005, by Senator Lindsay.

Senator Lindsay moved confirmation of the nominees reported Thursday, February 3, 2005, by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

### **NOMINEES CONFIRMED**

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Lucio, Madla.

Secretary of State: J. Roger Williams, Parker County.

Members, Texas Appraiser Licensing and Certification Board: Elroy Carson, Lubbock County; Clinton P. Sayers, Travis County; Dona Sherman Scurry, El Paso County; Shirley J. Ward, Brewster County.

Members, Texas Statewide Emergency Services Personnel Retirement Fund State Board of Trustees: Kyle A. Donaldson, Sutton County; Graciela G. Flores, Nueces County; Rex W. Klesel, Brazoria County.

Members, Texas Board of Professional Engineers: Jose F. Cardenas, P.E., El Paso County; Shannon K. McClendon, Hays County.

Members, Finance Commission of Texas: Mike Bradford, Midland County; Hector Delgado, Dallas County; Kenneth H. Harris, Travis County; William James White, Williamson County.

Fire Fighters' Pension Commissioner: Lisa K. Ivie Miller, Travis County.

Members, On-site Wastewater Treatment Research Council: John R. Blount, Harris County; Linda Drake, Smith County; Janet Dee Meyers, Denton County; Charles Montel Rutledge, Brazos County; Timothy N. Taylor, Nacogdoches County.

Members, Texas Underground Facility Notification Corporation Board of Directors: Joseph F. Berry, Brazoria County; Judith H. Devenport, Midland County; Janet Woodward Holland, Palo Pinto County; Dexter L. Keyes, Bell County; John W. Linton, Lubbock County.

Members, Texas State Board of Examiners of Perfusionists: Scott Bostow Johnson, Bexar County; Guadalupe M. "Lupita" Mendez, Bexar County; Sheila M. Tello, Nueces County.

Members, Texas State Board of Plumbing Examiners: Tammy Betancourt, Harris County; Louis A. "Tony" Cortes, Guadalupe County; Robert Frank Jalnos, Bexar County; Richard Allen Lord, Harris County.

Members, Texas Public Finance Authority Board of Directors: Mark A. Ellis, Harris County; Ruth Corry Schiermeyer, Lubbock County.

Members, Texas County and District Retirement System Board of Trustees: Jerry V. Bigham, Randall County; Daniel R. Haggerty, El Paso County; Jan Kennady, Comal County; Robert C. "Bob" Willis, Polk County.

#### **REPORT OF COMMITTEE ON NOMINATIONS**

Senator Lindsay submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Commissioner, Railroad Commission of Texas: Elizabeth Ames Jones, Bexar County.

Member, State Cemetery Committee: Scott Philen Sayers, Jr., Travis County.

Members, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments: Ronald J. Ensweiler, Collin County; Audrey M. McDonald, Williamson County.

Members, State Employee Charitable Campaign Policy Committee: Deryl S. Creekmur, Williamson County; Mildred Gay Dodson, Williamson County; Veronda L. Durden, Williamson County; David Wayne Standlee, Sr., Walker County.

Members, Texas State Library and Archives Commission: Martha Doty Freeman, Travis County; Cruz G. Hernandez, Tarrant County; Sandra J. Pickett, Liberty County.

Member, Texas Mutual Insurance Company Board of Directors: Sandra K. Thomas, Dallas County.

Members, Texas Board of Orthotics and Prosthetics: Erin Elizabeth Berling, Dallas County; Richard Michael Neider, Lubbock County.



Members, Texas State Board of Podiatric Medical Examiners: Richard C. Adam, D.P.M., Bexar County; Doris A. Couch, Johnson County; Paul Kinberg, Dallas County; Matthew Washington, Fort Bend County.

Members, State Board of Examiners for Speech-Language Pathology and Audiology: Richard J. Caldwell, Harris County; Kerry Ormson, Ed.D., Randall County; Crystal Dawn Perkins, Dallas County.

### NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Lindsay gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

### GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate Secretary of State J. Roger Williams and his wife, Patti.

The Senate welcomed its guests.

### GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate a delegation from the University of Houston.

The Senate welcomed its guests.

### SENATE RESOLUTION 88

Senator West offered the following resolution:

**SR 88**, In memory of Karl R. Brinker of Dallas.

WEST	NELSON
CARONA	SHAPIRO
DEUELL	

The resolution was read.

Senator West was recognized and introduced to the Senate representatives of the Methodist Dallas Transplant Institute: Tracy Giaconda, Administrative Director, Renal and Transplant Services; Mary Lee Stenstrom, Assistant Director, Transplant Services; Ruben Velez, President, Dallas Nephrology Associates; and Randy Clark and Danny Knight, transplant recipients.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator West, **SR 88** was adopted by a rising vote of the Senate.

In honor of the memory of Karl R. Brinker, the text of the resolution is printed at the end of today's *Senate Journal*.

### SENATE RESOLUTION 82

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join citizens from across the state in observing February 8, 2005, as Kidney Day at the Capitol; and

WHEREAS, Kidney Day at the Capitol is hosted by the Texas Renal Coalition; the event brings public attention to the problems of kidney patients and informs the Texas Legislature about the public policy concerns and needs of kidney patients; and

WHEREAS, The Texas Renal Coalition functions as a clearinghouse for information related to legislative issues and serves as a forum for all parties involved in the treatment, research, or educational programs related to kidney disease; and

WHEREAS, The Texas Renal Coalition and the National Kidney Foundation Affiliates of Texas monitor health policies for both dialysis and transplant patients and offer educational programs to improve public awareness of kidney disease; and

WHEREAS, Currently, Texas has approximately 36,000 kidney patients on some form of dialysis and approximately 8,000 patients who are transplant recipients; and

WHEREAS, Visiting us today are two individuals whose stories illuminate the needs of the thousands of Texans suffering from kidney disease; one of these persons has been on dialysis for almost 30 years; the other person was fortunate to become a mother after being on dialysis for four years; and

WHEREAS, The kidney organizations, dedicated volunteers, and health professionals in our state work in tandem to ensure the finest care for people afflicted with kidney ailments, and they deserve recognition for their dedication and many achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby proclaim February 8, 2005, Kidney Day at the Capitol and extend a warm welcome to the kidney patients and the kidney health care advocates who are visiting us today; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Texas Renal Coalition in appreciation of Kidney Day at the Capitol.

BARRIENTOS  
 ARMBRISTER  
 DUNCAN  
 HARRIS

**SR 82** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Barrientos, joined by Senators Armbrister, Duncan, and Harris, was recognized and introduced to the Senate Rita Littlefield, board member of the Texas Renal Coalition; and patients, Bruce Miller, Cherrie Collins, and Aaron Sorrells; accompanied by a delegation of kidney transplant recipients.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Fraser, joined by Senator Duncan, was recognized and introduced to the Senate a delegation of students representing Tuition Equalization Grant Day.

The Senate welcomed its guests.

**SENATE RESOLUTION 106**

Senator Staples offered the following resolution:

WHEREAS, For more than three decades, the members of the Texas Probation Association have provided leadership through training, networking opportunities, and advocacy for probation professionals throughout the Lone Star State; and

WHEREAS, Established in 1974, the organization represents professionals in the nearly 300 adult and juvenile probation departments across the state who are responsible for enforcing court orders, collecting fees, providing offender treatment and counseling referrals, and collecting restitution for victims; and

WHEREAS, The Texas Probation Association and its membership strive to enhance public safety as their primary role while maintaining efficiency for Texas taxpayers; and

WHEREAS, The probation system is the most cost-effective alternative to long-term incarceration, providing the courts with additional resources designed to reduce recidivism and provide treatment for the offender; and

WHEREAS, The Texas Probation Association provides these individuals with a unified voice, empowering them to express their concerns, make public their successes, and articulate their vision for the future; and

WHEREAS, The men and women of the Texas Probation Association are dedicated to improving the state's criminal and juvenile justice systems, and their efforts in this regard are helping to build a brighter and more promising future for all Texans; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby recognize February 8, 2005, as Texas Probation Association Day at the Capitol and extend to the members of that organization sincere best wishes for the future; and, be it further

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

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

**GUESTS PRESENTED**

Senator Staples was recognized and introduced to the Senate Fred Rangel, President, Texas Probation Association; Roxanne Marek, board member; Michelle Greening, Secretary; Pama Hencerling, Legislative Co-chair; and Jim Stott, Adult Legislative Co-chair; accompanied by representatives of the Texas Probation Association.

The Senate welcomed its guests.

**SENATE RESOLUTION 114**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Mothers Against Drunk Driving on the occasion of the organization's Legislative Day at the Capitol, February 8, 2005; and

WHEREAS, Mothers Against Drunk Driving is a nationwide nonprofit organization that seeks to stop drunk driving, support the victims of this violent crime, and prevent underage drinking; and

WHEREAS, One of the most strongly supported charities in the United States, Mothers Against Drunk Driving was formed by a small group of women in 1980 and has become a nationwide organization that has more than 600 chapters; the organization will celebrate its 25th anniversary this year; and

WHEREAS, Drunk driving is the nation's most frequently committed violent crime and is the top highway safety concern of most Americans; and

WHEREAS, An estimated three out of every 10 Americans will be involved in an alcohol-related automobile accident at some time in their lives, and alcohol-related traffic accidents cost the public an estimated \$114.7 billion annually; and

WHEREAS, Since the establishment of Mothers Against Drunk Driving, more than 2,300 laws against drunk driving have been passed, and the percentage of alcohol-related traffic fatalities has declined significantly; and

WHEREAS, By setting legislative goals and empowering its members to advocate on the local, state, and national levels, Mothers Against Drunk Driving has proven itself to be an effective agent for change that will continue to work for the betterment and safety of society for many years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby welcome Mothers Against Drunk Driving to the Capitol and commend the organization on its many achievements over the past 25 years; and, be it further

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

**SR 114** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a delegation representing Mothers Against Drunk Driving.

The Senate welcomed its guests.

### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

#### **Congratulatory Resolutions**

**SR 100** by Van de Putte, Commending the executives and managers of American Eagle Outfitters for their accomplishments.

**SR 107** by Eltife, Congratulating the football team of Robert E. Lee High School in Tyler for winning a state football championship.

**SR 108** by Eltife, Congratulating the football team of Kilgore High School in Kilgore for winning a state football championship.

**SR 109** by Eltife, Congratulating the football team of Troup High School in Troup for advancing to a state football championship game.

**SR 110** by Eltife, Congratulating the football team of Gilmer High School in Gilmer for winning a state football championship.

**SR 111** by Eltife, Congratulating the football team of Marshall High School in Marshall for advancing to a state football championship game.

**SR 112** by Ellis, Recognizing the Lunar New Year Festival held at the Chinese Community Center in Houston.

**SR 113** by Whitmire, Congratulating William Martin Trotty for achieving the rank of Eagle Scout.

**Official Designation Resolution**

**HCR 51** (Seliger), Designating February 15 as Midland-Odessa Day at the State Capitol.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 12:21 p.m. adjourned, in memory of Karl R. Brinker of Dallas, until 11:00 a.m. tomorrow.

**In Memory**  
**of**  
**Karl R. Brinker**  
**Senate Resolution 88**

WHEREAS, The Senate of the State of Texas joins the citizens of Dallas in mourning the loss of Dr. Karl R. Brinker, who died January 22, 2005, at the age of 58; and

WHEREAS, Karl R. Brinker was born on August 10, 1946, in Mount Pleasant, Michigan, and grew up in Calgary, Alberta; he graduated with distinction from the University of Michigan in 1968 and earned a medical degree from McGill University in Montreal in 1972; and

WHEREAS, Dr. Brinker served as a surgeon in the military with the United States Public Health Service Center for Disease Control in Fort Collins, Colorado, from 1975 to 1977 and completed a fellowship in nephrology at The University of Texas Health Science Center in Dallas; and

WHEREAS, He was a clinical associate professor with The University of Texas Southwestern Medical Center for over 20 years, and he held numerous positions with the Methodist Dallas Medical System; Dr. Brinker was also a medical staff physician and director of dialysis with Dallas Nephrology Associates; and

WHEREAS, A highly valued and respected nephrologist, Dr. Brinker was renowned in the medical community for his experience and expertise in organ transplants; he helped develop guidelines for organ donor requirements and was a founding member of the Texas Transplant Society; and

WHEREAS, Dr. Brinker accomplished a great deal during his lifetime, and his loss at such an early age is a tragedy for his family, his colleagues, and the medical profession; he will long be remembered for his visionary leadership and service in the field of nephrology and organ transplantation; and

WHEREAS, An empathetic caregiver whose serious nature was leavened with a warm sense of humor, Karl Brinker enjoyed dry fly-fishing in Montana, watching hockey games, and coaching youth baseball; he was a devoted husband and father, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby honor and commemorate the life of Dr. Karl R. Brinker and extend sincere condolences to his bereaved family: his wife, Mary Lyne Morris Brinker; his son, Andrew Oberlin Brinker; his daughter, Stephanie Kaye Brinker; and his sister, Linda Kaye Crawford; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Dr. Karl R. Brinker.

WEST  
CARONA  
DEUEL  
NELSON  
SHAPIRO

