

FOURTEENTH DAY

WEDNESDAY, FEBRUARY 9, 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, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Williams, Zaffirini.

Absent-excused: Madla, Whitmire.

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

The Reverend Albert Laforet, Saint Mary's Cathedral, Austin, offered the invocation as follows:

Gracious and everliving God, we come to You as our source of wisdom, knowledge, and understanding. Please grant us these gifts as we work for the people of Texas. May You give the people of Texas all of Your abundant blessings. We trust in Your goodness and mercy and ask these things in Your name. Amen.

Senator Shapiro 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 Shapiro, Senator Madla was granted leave of absence for today on account of illness.

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

CO-AUTHOR OF SENATE BILL 145

On motion of Senator Wentworth, Senator Duncan will be shown as Co-author of **SB 145**.

CO-AUTHOR OF SENATE BILL 170

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

CO-AUTHOR OF SENATE BILL 206

On motion of Senator Van de Putte, Senator Lucio will be shown as Co-author of **SB 206**.

GUESTS PRESENTED

Senator Averitt was recognized and introduced to the Senate a delegation of students participating in the Tuition Equalization Grant program.

The Senate welcomed its guests.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas

February 8, 2005

TO THE SENATE OF THE SEVENTY-NINTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Commission on Jail Standards for terms to expire January 31, 2011:

Stanley Dewayne Egger

Tuscola, Texas

(Reappointment)

Michael M. Seale, M.D.

Houston, Texas

(Reappointment)

Albert L. Black

Austin, Texas

(Replacing Marvalette Hunter whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

**MESSAGE FROM THE SPEAKER OF THE
HOUSE OF REPRESENTATIVES**

The following Message from the Speaker of the House of Representatives was read and was referred to the Committee on Nominations:

TO THE SENATE OF THE SEVENTY-NINTH LEGISLATURE, REGULAR SESSION:

TEXAS HOUSE OF REPRESENTATIVES

Tom Craddick
Speaker

July 15, 2003

Ms. Sheila Beckett, Executive Director
Employees Retirement System of Texas
P.O. Box 13207
Austin, Texas 78711-3207

Dear Ms. Beckett:

Having taken notice that the Texas Senate failed to confirm the speaker's appointee to the Employees Retirement System Board of Trustees and that the position is now vacant, I am pleased to appoint Bill Ceverha of Dallas.

His contact information is:

The Honorable Bill Ceverha
5950 Cedar Springs, Suite 200
Dallas, Texas 75235
Business Phone: 214/350-1894
Business Fax: 214/956-6733

If you have any questions concerning his appointment, please do not hesitate to contact Nancy Fisher, Legislative Director, at 512/463-0056.

Sincerely,

/s/Tom Craddick
Speaker

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 12, HCR 15, HCR 45.**

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate representatives of United Daughters of the Confederacy.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Barrientos was recognized and presented Dr. Rita Schindeler-Trachta of Austin as the Physician of the Day.

The Senate welcomed Dr. Schindeler-Trachta and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate a delegation of students from the Texas Tech University student government organization.

The Senate welcomed its guests.

SENATE RESOLUTION 115

Senator Ellis offered the following resolution:

SR 115, In memory of Martin Steven Elfant of Houston.

ELLIS
BARRIENTOS

The resolution was read.

Senator Ellis was recognized and introduced to the Senate family members of Martin Elfant: Bob Elfant, Bruce Elfant, Lisa Harris, and Katherine Hinson.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Ellis, **SR 115** was adopted by a rising vote of the Senate.

In honor of the memory of Martin Steven Elfant of Houston, the text of the resolution is printed at the end of today's *Senate Journal*.

SENATE RESOLUTION 103

Senator Hinojosa offered the following resolution:

WHEREAS, Many proud South Texas citizens are visiting the State Capitol on February 9, 2005, to celebrate the history and numerous attractions of Jim Wells County; and

WHEREAS, The county was created out of Nueces County in 1911 and was named for James B. Wells, Jr., an attorney and prominent South Texas political figure; Alice, the county seat, traces its roots to a railroad depot called Bandana, which was established in 1883 at the junction of two railroads; other communities in the county include Ben Bolt, Orange Grove, Premont, Rancho Alegre, Sandia, and part of San Diego; and

WHEREAS, Raising livestock has constituted a mainstay of the area's economy since Texas formed part of the Spanish Empire; for a time in the late 1800s, Alice served as the world's largest shipping point for cattle, and in the 20th century the Beefmaster, a cattle breed designed to thrive in the challenging South Texas environment, was developed in Jim Wells County; and

WHEREAS, Other significant sectors of the economy include farming, which developed on a large scale after 1910, and the petroleum and natural gas industry, which burgeoned after the discovery of oil in the county in 1931; and

WHEREAS, Jim Wells County is poised for substantial economic growth as a result of its location within the Interstate 69 International Trade Corridor, which links the United States with its two largest trading partners, Canada and Mexico; one component of this corridor, U.S. Highway 281, traverses Jim Wells County from north to south, while State Highway 44 crosses the county from east to west, connecting

Corpus Christi to Laredo via U.S. Highway 59; this U.S. Highway 59-State Highway 44 segment forms part of the Texas Trunk System and was designated by state officials in 1998 as one of 10 Phase I High Priority Corridors; and

WHEREAS, In addition to an expanding economy, residents enjoy an array of recreational opportunities, ranging from wildflower tours, to rodeos, to Fiesta Bandana; cultural resources include the South Texas Museum and the Tejano R.O.O.T.S. Hall of Fame Museum, which has just hosted the first Tejano Musician Reunion; and

WHEREAS, Two outstanding hospitals, Christus Spohn Hospital Alice, which opened in 1999, and Alice Regional Hospital, which opened in 1931 and recently completed a new \$40 million facility, have made the county seat an important regional medical center; and

WHEREAS, The productive and forward-looking citizens of Jim Wells County are building on a sturdy foundation of progressive development, and it is a pleasure to recognize their industry, their achievements, and their public spirit; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby recognize February 9, 2005, as Jim Wells County Day at the State Capitol and extend to the delegation here today sincere best wishes for an enjoyable and memorable visit; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the citizens of Jim Wells County.

SR 103 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Jim Wells County Judge Arnoldo Saenz; County Commissioners Lawrence Cornelius, Wally Alanis, and Javier Garcia; and Tax Assessor-Collector Lucila Reynolds; accompanied by a delegation of citizens from Jim Wells County.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 9, 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 57, Recognizing the Honorable Alphonso Jackson, Secretary of the U.S. Department of Housing and Urban Development, for his invaluable contributions to the people of this state and nation.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

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 yesterday by Senator Lindsay.

Senator Lindsay moved confirmation of the nominees reported yesterday 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: Madla, Whitmire.

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.

SENATE RESOLUTION 98

Senator Fraser offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize The University of Texas M. D. Anderson Cancer Center in Houston, one of the world's most respected centers devoted exclusively to cancer patient care, research, education, and prevention; and

WHEREAS, The University of Texas M. D. Anderson Cancer Center is well known the world over for its multidisciplinary approach to treating cancer; since 1944, more than 600,000 cancer patients have received treatment at the facility; and

WHEREAS, The center's cancer research program is one of the most productive efforts in the world and ranks first in the number of grants awarded by the National Cancer Institute; each year, the center's educational programs provide training to several hundred residents and fellows who receive specialized training in the investigation and treatment of cancer; and

WHEREAS, One of the center's most innovative programs is the annual rehabilitation trip in January to the National Ability Center in Park City, Utah; funded by the Children's Art Project, the trip provides pediatric cancer patients time away from cancer treatments and time to enjoy breathtaking scenery and outdoor activities; and

WHEREAS, The rehabilitation program offers the patients snow-skiing lessons, giving them an opportunity to acquire a new skill and gain a sense of accomplishment; the patients gain confidence as their skiing skills progress and often participate in other activities, such as swimming in a heated pool, driving snowmobiles, and dancing, with newfound assurance; and

WHEREAS, The ski trip was conceived by Dr. Norman Jaffe, a pediatric oncologist and a professor at The University of Texas, after hearing a young cancer patient, Ted Kennedy, Jr., describe his adventures on the ski slopes; Dr. Jaffe realized that skiing could be a novel form of physical rehabilitation and, with a crew of volunteers and specially trained ski instructors, began taking pediatric cancer patients to the mountains each year; and

WHEREAS, Besides the benefits of physical rehabilitation, the ski trip offers psychosocial rehabilitation; the cancer patients and survivors gain confidence and give each other hope and support as they master new skills and make new friends; the trip facilitates both physical and social healing and gives parents reassurance regarding their children's abilities; and

WHEREAS, With more than 12,000 employees and a volunteer workforce of approximately 1,400, the M. D. Anderson Cancer Center is a vital force in the City of Houston and our state, and its services have had a positive impact on the lives of people around the world; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby pay tribute to The University of Texas M. D. Anderson Cancer Center for its excellent treatment programs and commend all the people involved with the annual rehabilitation ski trip for young cancer patients; and, be it further

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

FRASER	HINOJOSA	NELSON
BARRIENTOS	JACKSON	SHAPIRO
DEUELL	JANEK	VAN DE PUTTE
DUNCAN	LINDSAY	WENTWORTH
ELLIS	LUCIO	WILLIAMS
GALLEGOS	MADLA	ZAFFIRINI
HARRIS		

SR 98 was read and was adopted without objection.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate John Mendelsohn, Norman Jaffe, Alan Yasko, John Slopis, Hallie Zietz, Emily Garcia, Shelby Robin, and Paul White representing The University of Texas M. D. Anderson Cancer Center and the ski rehabilitation program.

The Senate welcomed its guests.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 101 by Lucio, In memory of Arnolando "Ranch" Guerrero.

Congratulatory Resolutions

SR 116 by Shapleigh, Recognizing Johnnie Washington for her work as president of the El Paso Chapter of the National Association for the Advancement of Colored People.

SR 117 by Shapleigh, Recognizing Stephanie Dodson for her service as executive director of the Child Crisis Center of El Paso.

SR 118 by Shapleigh, Recognizing Gerald and Stanlee Rubin for being named the 2004 El Pasoans of the Year by El Paso, Incorporated.

SR 119 by Shapleigh, Recognizing Sara Stevens McKnight on the occasion of her 80th birthday.

SR 122 by Eltife, Recognizing the Texas Association of Second Harvest Food Banks.

SR 123 by Lucio, Recognizing Jose T. Perez for his service as program director of the Senior Companion Program of Senior Community Outreach Services, Incorporated.

HCR 57 (Harris), Recognizing the Honorable Alphonso Jackson, Secretary of the U.S. Department of Housing and Urban Development, for his invaluable contributions to the people of this state and nation.

ADJOURNMENT

On motion of Senator Shapiro, the Senate at 11:50 a.m. adjourned, in memory of Martin Steven Elfant of Houston, until 10:00 a.m. tomorrow.

In Memory
of
Martin Steven Elfant
Senate Resolution 115

WHEREAS, The Senate of the State of Texas joins the citizens of Houston in mourning the loss of Martin Steven Elfant, who died January 19, 2005, at the age of 74; and

WHEREAS, Martin Elfant shared a loving marriage with Eileen Elfant, and the couple was blessed with three sons, Alan, Bruce, and Don; and

WHEREAS, Well known as an unabashed liberal and passionate progressive, Martin Elfant believed deeply in the principles that have guided the progressive movement, and few could match his knowledge of important issues; and

WHEREAS, Martin loved participating in Democratic Party politics, and he attended most of the party events in Harris County, as well as many state and national conventions; and

WHEREAS, He will also be fondly remembered as the Be-In Button man who accumulated an extensive collection of political buttons; and

WHEREAS, A man of integrity, strength, and generosity, Martin Elfant gave unselfishly to others, and his wisdom, warmth, and valued counsel will not be forgotten by those who knew him; and

WHEREAS, Martin Steven Elfant 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 extend sincere condolences to the bereaved family of Martin Steven Elfant: his sons, Alan, Bruce, and Don; and his brother, Bob; 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 Martin Steven Elfant.

ELLIS
BARRIENTOS