

FIFTEENTH DAY

THURSDAY, FEBRUARY 10, 2005

PROCEEDINGS

The Senate met at 10:00 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, Whitmire, Williams, Zaffirini.

Absent-excused: Madla.

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

The Reverend Samuel G. Ortiz, Beacon Hill Baptist Church, San Antonio, offered the invocation as follows:

Our Father who art in heaven, I thank You for allowing me the gift to open my eyes on this Your day and for the privilege of praying blessings upon these legislators. I come humbly before Your throne with a special request: that You bless our Governor, Lieutenant Governor, Speaker of the House, 31 Senators, and State Representatives of this great State of Texas. Give each one of them a sound mind, a pure heart, and a healthy body. Prosper them spiritually, domestically, and financially. I also ask that all disruptive spirits be bound as they assemble to discuss the items on their agenda and as they come to legislate laws that will bring righteousness and justice to all citizens of our state. Clear their minds as they focus on making wise decisions and do not allow any thing to hinder them. I pray that no selfish interest will be involved and that peace and harmony reign into today's session. Lord, I praise, honor, and exalt Your 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.

LEAVE OF ABSENCE

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

CO-AUTHOR OF SENATE BILL 111

On motion of Senator Shapleigh, Senator Shapiro will be shown as Co-author of **SB 111**.

CO-AUTHOR OF SENATE BILL 330

On motion of Senator Deuell, Senator Van de Putte will be shown as Co-author of **SB 330**.

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Charles M. Von Henner of San Marcos as the Physician of the Day.

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

SENATE RESOLUTION 105

Senator Jackson offered the following resolution:

SR 105, In memory of Wesley Joel Canning of Friendswood.

The resolution was read.

Senator Jackson was recognized and introduced to the Senate family members of Wesley Joel Canning: his widow, Chayla Canning; his parents, Joe and JoEllen Canning; and his father- and mother-in-law, Mark and Corina Foster; accompanied by a delegation of other relatives.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Jackson, **SR 105** was adopted by a rising vote of the Senate.

In honor of the memory of Wesley Joel Canning of Friendswood, the text of the resolution is printed at the end of today's *Senate Journal*.

SENATE RESOLUTION 129

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize our state's school counselors and to proclaim February 7 through 11, 2005, National School Counseling Week in Texas; and

WHEREAS, School counselors are employed in public and private schools across our state and nation to help students reach their full potential; and

WHEREAS, By encouraging students to explore their abilities, strengths, interests, and talents, school counselors help them to find direction and develop career awareness; and

WHEREAS, School counselors also help parents to learn how to further the educational, personal, and social growth of their children; and

WHEREAS, These committed educators seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs and help students to become productive members of society; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the vital work carried out by our school counselors and extend to them best wishes during National School Counseling Week in Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared in honor of our state's school counselors and as an expression of high regard from the Texas Senate.

SR 129 was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Mary Lou Padilla, Sadie Woodard, Selma Yznaga, and Kathryn Everest, accompanied by a group of school counselors representing National School Counseling Week in Texas.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 10, 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 61, Designating February 10, 2005, Rusk County Day at the Capitol.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 61

The President laid before the Senate the following resolution:

WHEREAS, People from Rusk County are assembling at the State Capitol to celebrate Rusk County Day on February 10, 2005; and

WHEREAS, This East Texas county sits near the edge of the Texas-Louisiana divide, drained by the headwaters of the Sabine and Angelina Rivers; located 120 miles southeast of Dallas, the picturesque landscape includes piney woods, red clay hills, and lush valleys; and

WHEREAS, Officially established by the Congress of the Republic of Texas on January 16, 1843, it was named for General Thomas J. Rusk, who had served as secretary of war under Sam Houston; and

WHEREAS, In 1930, the county's economy changed dramatically with the discovery of the East Texas Oil Field, six miles west of Henderson, the county seat; since then, the population has grown to include more than 45,000 citizens, and the economy thrives on oil, agribusiness, light industry, and tourism; today, Rusk County ranks among the top five counties in the state for oil production; and

WHEREAS, With a significant appreciation for the past, the city of Henderson is home to many historical landmarks, including the M. Kangerga House, the Howard-Dickinson House, and the T. J. Walling Log Cabin; it joins other notable towns dotting the county such as New London, Overton, and Mount Enterprise; and

WHEREAS, With its natural beauty, history, and prosperity, Rusk County stands apart as a truly unique part of the Lone Star State, and its citizens should be proud to claim allegiance to such a vibrant county; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas hereby recognize February 10, 2005, as Rusk County Day at the State Capitol and extend to all participants a warm welcome.

ELTIFE

HCR 61 was read.

On motion of Senator Eltife 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: Madla.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate Sandra Hodges, Rusk County Judge; John "Buzz" Fullen, Mayor of Henderson; Mollie Ward, Mayor of New London; Ron Franks, President, Henderson Area Chamber of Commerce; and Judy Sewell, Executive Director, Henderson Area Chamber of Commerce; accompanied by a delegation of citizens from Rusk County.

The Senate welcomed its guests.

SENATE RULES SUSPENDED (Posting Rules)

Senator Brimer moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on Intergovernmental Relations might meet and consider **SB 340** today.

The motion prevailed.

Senator Ellis asked to be recorded as voting "Nay" on suspension of the posting rules.

SENATE RESOLUTION 102

Senator Hinojosa offered the following resolution:

WHEREAS, A delegation of proud Edinburg citizens is visiting the Texas Senate on February 10, 2005, in celebration of Edinburg Day at the State Capitol; and

WHEREAS, Located in one of the fastest-growing areas in the country, Edinburg is the county seat of Hidalgo County and home to one of the Rio Grande Valley's premier institutions of higher learning, The University of Texas–Pan American; and

WHEREAS, Edinburg's exceptional civic leadership and dramatic expansion have generated significant economic growth, and a \$20 million medical research facility that is currently under construction for The University of Texas Regional Academic Health Center will provide an additional major boost to the city's economy and that of the Rio Grande Valley; and

WHEREAS, Citizens of Edinburg have a strong tradition of collaborating effectively to address important local issues, and their efforts have won recognition for their community as an All-America City three times by the National Civic League; conferred on only a handful of recipients each year, this award speaks volumes about the extent of citizen involvement and commitment in the locales that are honored; and

WHEREAS, Throughout the years, Edinburg has distinguished itself as one of our state's outstanding communities, and it is indeed fitting that the city and its residents receive legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby recognize February 10, 2005, as Edinburg Day at the State Capitol and extend to the members of the city's delegation a warm welcome and sincere best wishes for an enjoyable visit.

SR 102 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Mayor of Edinburg, Richard Garcia, and City Councilmembers Ricardo Rodriguez, Noe Garza, and Eddie Johnson, accompanied by a delegation of citizens from Edinburg.

The Senate welcomed its guests.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 126 by West, In memory of Oscar Jesus Sanchez of Dallas.

Congratulatory Resolutions

SR 124 by Barrientos, Recognizing the Santa Maria Cemetery in Pflugerville on the occasion of its dedication as an Historic Texas Cemetery.

SR 125 by Carona, Deuell, and West, Commending Rodger A. Pool of Garland for his contributions to Eastfield College and the Dallas County Community College District.

SR 127 by West and Ellis, Recognizing the women pastors and bishop who are being featured in *Our Texas* magazine.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 10:52 a.m. adjourned, in memory of Wesley Joel Canning of Friendswood, until 1:30 p.m. Monday, February 14, 2005.

In Memory
of
Wesley Joel Canning
Senate Resolution 105

WHEREAS, The Senate of the State of Texas joins the citizens of Friendswood in mourning the loss of Lance Corporal Wesley Joel Canning, who died November 10, 2004, at the age of 21, while serving the United States of America in Operation Iraqi Freedom; and

WHEREAS, Wesley Canning was assigned to the 2nd Assault Amphibian Battalion, 2nd Marine Division, II Marine Expeditionary Force; he was first deployed to Iraq during the initial invasion of Baghdad, returning to the United States almost five months later; and

WHEREAS, This courageous soldier was deployed for a second tour of duty in Iraq on September 11, 2004; he was killed in enemy action in the Al Anbar province of Iraq during the drive on Fallujah and was posthumously awarded the Purple Heart; and

WHEREAS, Even prior to his graduation from Friendswood High School in 2002, Wesley dreamed of becoming a United States Marine and serving his country; he also hoped to retire from the Marines after a long and distinguished career and serve as a law enforcement officer in order to continue to protect the country he deeply loved; and

WHEREAS, Wesley will long be remembered for his courage, integrity, and idealism, and the Texas Senate is honored to pay tribute to his life; and

WHEREAS, Lance Corporal Wesley Joel Canning was a devoted husband, son, and brother, 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 Lance Corporal Wesley Joel Canning: his wife, Chayla; his parents, Joe and JoEllen Canning; his brother, Russell; his sisters, Anna, Liz, and Amanda; and his many other beloved relatives; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the family of Lance Corporal Wesley Joel Canning as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Wesley Joel Canning.

JACKSON

