

SIXTEENTH DAY

MONDAY, FEBRUARY 14, 2005

PROCEEDINGS

The Senate met at 1:30 p.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, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

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

The Reverend David Valentine, First Baptist Church, Huntsville, offered the invocation as follows:

Our Father, I thank You for the opportunity to be before You today. I thank You for the privilege to pray for my leaders as they come together seeking the best interests of our families, friends, and fellow Texans. I ask that You would grant each Senator wisdom and discernment in leading this great state. Father, I cannot imagine the incredible burdens they carry today as they face so many complicated issues with no easy solutions. Bestow upon them Your peace for the difficulties of today, Your power to make the right decision, and Your compassion to love and lead Your people. Fill them with Your holy presence as they follow You. Protect and provide for their families as they are here in Austin doing Your will. I ask this in the powerful name of Jesus. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Thursday, February 10, 2005, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 42

On motion of Senator Nelson, Senator Lucio will be shown as Co-author of **SB 42**.

CO-AUTHOR OF SENATE BILL 98

On motion of Senator Shapleigh, Senator Van de Putte will be shown as Co-author of **SB 98**.

CO-AUTHOR OF SENATE BILL 107

On motion of Senator Estes, Senator Averitt will be shown as Co-author of **SB 107**.

CO-AUTHOR OF SENATE BILL 252

On motion of Senator Estes, Senator Madla will be shown as Co-author of **SB 252**.

CO-AUTHOR OF SENATE BILL 334

On motion of Senator Duncan, Senator Estes will be shown as Co-author of **SB 334**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 14, 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 64, In memory of Mayor Mae J. Jackson of Waco.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 51, HCR 52, HCR 57, HCR 61**.

PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. John Weaver of Blanco as the Physician of the Day.

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

MESSAGE FROM THE GOVERNOR

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

Austin, Texas
February 11, 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 Commission on State Emergency Communications for terms to expire September 1, 2009:

John L. deNoyelles
Tyler, Texas

Heberto Gutierrez
San Antonio, Texas

(Both are being reappointed)

Respectfully submitted,

/s/Rick Perry
Governor

SENATE RESOLUTION 130

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the SAFE KIDS Coalition during Child Safety Week, which is being observed during the week of February 14, 2005; and

WHEREAS, More than 300 SAFE KIDS coalitions exist in all 50 states, the District of Columbia and Puerto Rico; they provide communities with injury prevention information and safety devices that protect children from unintentional injury; and

WHEREAS, The dedicated professionals and volunteers in the SAFE KIDS Coalition are part of the National SAFE KIDS Campaign, a national nonprofit organization dedicated to the prevention of unintentional childhood injury, the number one killer of children ages 14 and under; and

WHEREAS, The SAFE KIDS Coalition has distributed nearly 1 million bicycle helmets, 500,000 child safety seats and 100,000 smoke alarms to families; and

WHEREAS, In its efforts to protect youngsters from unintentional injury, the coalition works closely with children and families, law enforcement officers, firefighters and paramedics, medical and health professionals, educators and public policymakers; and

WHEREAS, During Child Safety Week, all Texans are urged to support the SAFE KIDS Coalition and its important work on behalf of children's safety; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the SAFE KIDS Coalition for its dedicated efforts to prevent unintentional injury to children; and, be it further

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

SR 130 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate representatives of the SAFE KIDS Coalition.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate her son, Brian Nelson, and Congressman Michael C. Burgess of Flower Mound.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 64

The President laid before the Senate the following resolution:

HCR 64, In memory of Mayor Mae J. Jackson of Waco.

AVERITT

The resolution was read.

On motion of Senator Averitt, the resolution was considered immediately and was adopted by a rising vote of the Senate.

In honor of the memory of Mayor Mae J. Jackson of Waco, the text of **HCR 64** is printed at the end of today's *Senate Journal*.

SENATE CONCURRENT RESOLUTION 4

The President laid before the Senate the following resolution:

WHEREAS, The Texas DeMolay Association is widely acclaimed and esteemed for its success in developing leadership and in nurturing good citizenship and patriotism in young men; and

WHEREAS, The Texas DeMolay Association is sponsoring a legislative seminar to educate its members in the process of democratic government, both in theory and in practice; and

WHEREAS, This valuable and comprehensive educational program will attract participants from throughout the state to acquaint DeMolay members with legislative procedures; and

WHEREAS, The DeMolay legislative seminar is to be held in Austin on February 19 and 20, 2005, and February 18 and 19, 2006; and

WHEREAS, The Texas Legislature heartily endorses the goals and ideals of the Texas DeMolay Association legislative seminar; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas, in accordance with senate and house rules of procedure and policies of the Senate Administration Committee and the House Administration Committee, hereby grant the Texas DeMolay Association permission to use the chambers of the senate and house of representatives in the State Capitol on February 19 and 20, 2005, and February 18

and 19, 2006, for its legislative seminar, unless the Texas Senate and Texas House of Representatives are in session on those dates.

WHITMIRE

SCR 4 was read.

On motion of Senator Whitmire 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.

VIDEOTAPE RELEASE POLICY WAIVED

On motion of Senator Ellis and by unanimous consent, the Senate policy which governs the release of videotapes of the Senate proceedings was waived in order to grant the request of the family of Mayor Mae J. Jackson for a videotape of this day's session.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 134 by Van de Putte, In memory of Audrianna Villarreal of San Antonio.

Congratulatory Resolutions

SR 133 by Van de Putte, Recognizing the members of Texans Care for Children for their work in behalf of the young people of our state.

SR 135 by Duncan, Recognizing the annual Buffalo Springs Lake Buffalo Wing Cook-off.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:06 p.m. adjourned, in memory of Mayor Mae J. Jackson of Waco, Milton Joplin of Austin, and Audrianna Villarreal of San Antonio, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORT

The following committee report was received by the Secretary of the Senate:

February 14, 2005

INTERGOVERNMENTAL RELATIONS — **SB 340**

In Memory**of****Mae J. Jackson****House Concurrent Resolution 64**

WHEREAS, The city of Waco lost a committed advocate and beloved friend with the sudden passing of Mayor Mae J. Jackson on February 11, 2005, at the age of 63; and

WHEREAS, A Central Texas native, Mayor Jackson was committed to the betterment of her community; she served the people of Waco as a two-term city councilwoman, and in 2004, she became the first African American elected to the office of mayor; and

WHEREAS, Mayor Jackson understood the importance of education; as a young woman she earned a bachelor's degree from Texas Southern University, and she later received graduate degrees from Our Lady of the Lake University and The University of Texas at Arlington; and

WHEREAS, Passionate about helping her fellow citizens, she was a social worker by profession, serving with distinction as a human services provider and consultant for many years; moreover, she worked in behalf of all Texans as a member of the Texas Board of Pardons and Paroles and as vice chair of the Governor's Commission for Women; and

WHEREAS, Her dedication and leadership skills were also of great benefit to a number of worthy organizations, and her service included positions on the boards of directors of the Center for Action Against Sexual Assault, the Mental Health Association, the Waco Symphony Association, the family violence division of the Texas Department of Human Services, and the Women's Foundation of Texas; she also served as president of the Waco chapter of The Links, Inc., the Texas Association of Family Services Agencies, and Texas Democratic Women and as vice president of the YMCA of Central Texas and the American Association of Democratic Women; and

WHEREAS, Honored repeatedly for her professional and civic accomplishments, she was the recipient of the Athena International Award from General Motors and the Waco Chamber of Commerce, the Liberty Bell from the Young Lawyers State Bar of Texas, and a Lifetime Achievement Award from the Texas Association of Social Workers, to name but a few of her many accolades; and

WHEREAS, Although this remarkable woman will be deeply missed by those who knew and admired her, Mae Jackson's legacy of achievement will serve as an enduring reminder of her generosity and integrity, and she will undoubtedly be remembered with great respect and affection for many years to come; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas hereby pay tribute to the life of the Honorable Mae J. Jackson and extend sincere sympathy to the members of her family: to her husband, Dillard Huddleston; to her children, Captain Ray Kennard Hall, Tammie Jackson Perry, and Andrea Jackson Barefield; and to all those who mourn the passing of this beloved civic leader; and, be it further

RESOLVED, That an official copy of this resolution be prepared for her family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of Mayor Mae J. Jackson.

AVERITT

