

TWENTY-NINTH DAY

TUESDAY, MARCH 8, 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, 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 Denny Burris, Grace Community Church, Mabank, offered the invocation as follows:

Our Father, we approach You with praise and thanksgiving for Your magnificent grace and mercy. You've blessed us by giving us the privilege to be a part of a great nation. We are honored and proud to be living in a great state and among great people willing to serve each other in love. We ask for Your wisdom to this great Senate as they deliberate and make decisions to make our Texas even greater and our nation stronger. I am thankful and proud to be among men and women who are willing to serve their respective cities, the people we call firefighters. Grant this Senate, our people, our firefighters, and our nation Your sustaining grace as we serve You, our God of grace and peace. In Your 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.

PHYSICIAN OF THE DAY

Senator Armbrister was recognized and presented Dr. Barbara Nell Conner of Hallettsville as the Physician of the Day.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

March 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 92, Honoring Verlin Callahan of Cedar Creek for his service to the Independent Cattlemen's Association of Texas and the wider Central Texas community.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 324

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to honor the citizens of Laredo and to recognize Tuesday, March 8, 2005, as Laredo Legislative Day at the Capitol; and

WHEREAS, Laredo was established in 1755 by Don Tomas Sanchez, and its history offers a compelling tale, as the town was forged in the heat of battles incited by Spaniards, Indians, Mexicans, Texans and Americans; its location as a crossroads between nations has made Laredo a unique city and the site of an interesting mix of cultures; Laredo's 250th anniversary will be celebrated May 15, 2005; and

WHEREAS, Situated on the banks of the Rio Grande, Laredo is the largest inland port on the southern United States border; it is one of the top four ports-of-commerce in the nation, and in 2004, the city handled 41 percent of all overland trade between the United States and Mexico; and

WHEREAS, Education plays a vital role in the life of Laredo; Texas A&M International University in North Laredo and the new University of Texas Health Science Center at San Antonio Laredo Extension Campus thrive with students; Laredo Community College has recently opened an additional campus; and

WHEREAS, Laredo is home to the 2004 Central Hockey League Champions, the Laredo Bucks, and to an important tool in the global war on terror, the Laredo International Fire and Law Enforcement Training Center; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby congratulate the citizens of Laredo on the occasion of the city's upcoming 250th anniversary and extend to them best wishes for a celebratory Laredo Legislative Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the citizens of Laredo as a memento of this occasion.

SR 324 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Laredo Mayor Elizabeth G. Flores, City Councilmembers Gene Belmares and Johnny Rendon, and City Manager Larry Dovalina, accompanied by a delegation of citizens from Laredo.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Averitt was recognized and introduced to the Senate a delegation of citizens representing Leadership Cleburne.

The Senate welcomed its guests.

SENATE RESOLUTION 289

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas joins the citizens of San Antonio in congratulating Ernest A. "Buddy" Mass for being named vice president emeritus by the International Association of Fire Fighters; and

WHEREAS, Buddy served as an officer for 28 of his 32 years of service as a member of San Antonio Local 624, acting as president, first vice president, and recording secretary; and

WHEREAS, Buddy was elected in 1982 to serve as the International Association of Fire Fighters' 11th District vice president; he has long served as chairman of the Constitution and By-laws Committee and was appointed chairman of the Civil Rights Committee in 1989; and

WHEREAS, His knowledge, experience, and wise counsel will be greatly missed by San Antonio Local 624 and the entire association; he has worked with determination and resolve to promote the ideals upon which the association was founded; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend Ernest A. Mass and applaud his many accomplishments and exceptional leadership; and, be it further

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

VAN DE PUTTE
GALLEGOS

SR 289 was again read.

The resolution was previously adopted on Thursday, March 3, 2005.

GUESTS PRESENTED

Senator Van de Putte, joined by Senator Gallegos, was recognized and introduced to the Senate Ernest A. "Buddy" Mass of San Antonio and his wife, Mollie.

The Senate welcomed its guests.

SENATE RESOLUTION 309

Senator Armbrister offered the following resolution:

WHEREAS, Citizens of Washington County are visiting the Capitol on March 8, 2005, to celebrate their rich heritage and the role their county has played in the development of the Lone Star State; and

WHEREAS, Members of Stephen F. Austin's Old Three Hundred began settling in the area of Washington County in 1821; in 1836, at Washington-on-the-Brazos, delegates signed the Texas Declaration of Independence and drafted a constitution for the new republic; later, from 1842 to 1845, this community served as the capital of the republic; and

WHEREAS, Washington County was created in 1836 and was organized the following year; situated on the Blackland Prairies, the region attracted substantial immigration and developed quickly; included in the flow of newcomers were Germans, Czechs, and Poles, who began arriving in the mid-19th century; and

WHEREAS, The foundation of several colleges in the 1840s and 1850s, among them Baylor University and a precursor to Southwestern University, testified to the dynamic nature of Washington County; today, Blinn College, established in 1883 in Brenham, the county seat, carries on the county's early tradition of interest in higher education; and

WHEREAS, The region's natural beauty and its prominent role in early Texas history have made Washington County a popular tourist destination; visitors can wander its scenic country roads, enjoy the recreation afforded by Lake Somerville, and step into the past at the Brenham, Burton, Chappell Hill, and Independence museums; the Star of Republic Museum in Washington-on-the-Brazos State Historical Park tells the story of the Republic of Texas; and

WHEREAS, Other popular attractions include the Blue Bell Creameries, an eight-acre antique rose garden, and a miniature horse farm; the county's well-known festivals include the Washington County Fair, which is the oldest county fair in Texas, the Burton Cotton Gin Festival, Chappell Hill's Bluebonnet and Scarecrow Festivals, and Brenham's Maifest; and

WHEREAS, The industrious residents of this vital Texas county are preserving the best of their past and looking forward to the challenges and opportunities that lie ahead, and it is indeed a pleasure to honor them at this time; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby declare March 8, 2005, Washington County Day at the State Capitol and extend to the delegation present sincere best wishes for an enjoyable and memorable visit; and, be it further

RESOLVED, That a copy of this Resolution be prepared as a memento of this special day.

SR 309 was read and was adopted without objection.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate a delegation of citizens from Washington County.

The Senate welcomed its guests.

SENATE RESOLUTION 325

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Little Elm in recognizing March 8, 2005, as Little Elm Day at the State Capitol; and

WHEREAS, Situated along the scenic northeast banks of Lake Lewisville, Little Elm is located on land that was originally an empresario grant by the Republic of Texas in 1841 and became the Peters Colony; and

WHEREAS, Incorporated in 1966, the town has grown from a population of 363 to over 11,000; its prodigious growth continues as more people discover the excellent school system, the varied business opportunities, and the enjoyable recreational facilities it offers; and

WHEREAS, With its relaxed country setting and close proximity to the conveniences of city life, Little Elm looks forward to an even brighter future; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the citizens of Little Elm for their many contributions to our state and extend to them best wishes for a happy Little Elm Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the residents of Little Elm as a memento of this special event.

SR 325 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate officials and representatives of Little Elm: Mayor Doug Cravey; Superintendent, Little Elm Independent School District, Steve Murray; Terri Lowery, President, Little Elm Economic Development Corporation Board; J. C. Hughes, City Manager; Ryian Coleman, President, Little Elm Chamber of Commerce; accompanied by a delegation of citizens from Little Elm.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate a delegation of citizens from Longview representing the Longview Partnership.

The Senate welcomed its guests.

SENATE RESOLUTION 319

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize March 8, 2005, as Parent Association for the Retarded of Texas Day at the State Capitol; and

WHEREAS, Comprised of parents, relatives, and friends of those among us with mental retardation, the Parent Association for the Retarded of Texas, Incorporated, is dedicated to improving and expanding services to assure uniform standards of care and treatment for the mentally retarded in Texas; and

WHEREAS, A strong and effective advocate for improvements in the operation of state schools and state centers for the mentally retarded, this organization strives to increase public understanding of issues affecting persons with mental retardation and to promote research that may someday lead to the prevention of mental retardation; and

WHEREAS, The association supports increases in the wages and benefits of the staffs of state schools and state centers so that they may attract and keep the most qualified candidates to work in the field of mental retardation; it also supports the Volunteer Services Councils and appreciates the countless hours of work and financial assistance provided by their members; and

WHEREAS, The association's efforts to improve and expand the care and services available to the mentally retarded in Texas are truly praiseworthy, and its members deserve recognition for their hard work and many accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the members of the Parent Association for the Retarded of Texas, Incorporated, and extend best wishes to them on this special day at the State Capitol; and, be it further

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

SR 319 was read and was adopted without objection.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate Tom Cunningham, President, Parent Association for the Retarded of Texas, Incorporated; Neil Davidson, Vice-president; Sherry Williams, Recording Secretary; Jean Stephens, Correspondence Secretary; and Fred Snyder, Treasurer.

The Senate welcomed its guests.

SENATE RESOLUTION 322

Senator Deuell offered the following resolution:

WHEREAS, Members of the Seagoville Chamber of Commerce are visiting the State Capitol on March 8, 2005, and their visit provides a fitting opportunity to recognize the achievements of these outstanding community leaders; and

WHEREAS, With the close proximity of the Dallas-Fort Worth metroplex, Seagoville residents enjoy the best of both rural and urban life; the region boasts outstanding schools, a well-trained workforce, affordable land, and access to a host of recreational opportunities; and

WHEREAS, The Seagoville Chamber of Commerce has greatly benefited the city through economic and community development programs; led by an esteemed executive committee that includes president Cody Frazie, president-elect Desiray Drinning, vice president Cindy Brown, treasurer Chuck Cade, and secretary Bekki

Roberts, and board members Craig McLemore, Debra McClellan, Joe Stegall, Clint Roddy, Susan Garza, Leon Love, Pat Bearden, and Brandon Baaker, the chamber is working successfully to promote growth and advancement in the area; and

WHEREAS, This notable organization has been a driving force in fostering enhanced educational opportunities, infrastructure improvements, leadership development, and job creation, and its positive vision for the future is significantly enhancing the quality of life for Seagoville residents; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby commend all those associated with the Seagoville Chamber of Commerce for their dedicated service to their community and extend to them sincere best wishes for continued success; and, be it further

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

SR 322 was read and was adopted without objection.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate Denny Wheat, Seagoville City Manager; Cody Frazie, President, Seagoville Chamber of Commerce; George Williams, Seagoville Economic Development Corporation Board; and Brenda Thomas, President, Seagoville Economic Development Corporation Board; accompanied by a delegation of citizens from Seagoville.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Averitt was recognized and introduced to the Senate Hood County Judge Andy Rash; Gene Mayo, Hood County Sheriff; Charlie Cloud, President, Granbury Independent School District Board; William Harris, Superintendent, Granbury Independent School District; and Mary Ward, Regional President, Southwest Securities Bank; accompanied by a delegation of citizens from Hood County.

The Senate welcomed its guests.

SENATE RESOLUTION 326

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to the men and women who have donated organs so that others may live and to the Texas Transplantation Society, which promotes and facilitates organ transplantation within the State of Texas and to proclaim March 8, 2005, Transplant Day at the Capitol; and

WHEREAS, The Texas Transplantation Society has invited transplant physicians, surgeons, nurses, organ recipients, living donors, and family members of donors to the Capitol to accentuate the continuing shortage of organ donors; and

WHEREAS, More than 87,000 men, women, and children nationwide, including almost 6,000 Texans, are anxiously awaiting organs for life-saving transplants; this number grows daily, so thousands of patients will die while waiting for organ transplants; and

WHEREAS, To change this grievous situation, the Texas Transplantation Society strives to educate all Texans about the critical shortage of organ donors and the life-saving benefits of transplantation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, commend the Texas Transplantation Society and its supporters for their important efforts to highlight this crucial health issue, commend all those compassionate Texans who have chosen to share the gift of life with others by being organ donors, and encourage all Texans to consider making this important choice on behalf of their fellow citizens; and, be it further

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

SR 326 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate a delegation representing the Texas Transplantation Society.

The Senate welcomed its guests.

SENATE RESOLUTION 337

Senator Jackson offered the following resolution:

SR 337, In memory of Nito R. Guajardo of Baytown.

JACKSON
GALLEGOS

The resolution was read.

Senator Jackson, joined by Senator Gallegos, was recognized and introduced to the Senate family members of Nito R. Guajardo: his mother and stepfather, Suzy and David Herod; his father and stepmother, Rene and Marcie Guajardo; his fiance, Amber Ward; his brother, Joseph Guajardo; his sisters, Lois Rene Guajardo, Jennifer Wilson, and Rachel Leyna; and his niece, Hailey Wilson.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Ogden and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Jackson, **SR 337** was adopted by a rising vote of the Senate.

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

SENATE RESOLUTION 338

Senator Jackson offered the following resolution:

SR 338, In memory of Grady Burke of Houston.

JACKSON
GALLEGOS

The resolution was read.

Senator Jackson, joined by Senator Gallegos, was recognized and introduced to the Senate family members of Grady Burke: his widow, Cindy Burke; and his children, Hannah, Hailey, and Hunter Burke.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Ogden and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Jackson, **SR 338** was adopted by a rising vote of the Senate.

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

SENATE RESOLUTION 310

Senator Armbrister offered the following resolution:

SR 310, In memory of Kevin Kulow of Sealy.

The resolution was read.

Senator Armbrister was recognized and introduced to the Senate family members of Kevin Kulow: his widow, Marla Kulow; his son, Kyle Kulow; his stepson, Justin Reynolds; and his parents, Daniel and Elaine Kulow.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Ogden and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Armbrister, **SR 310** was adopted by a rising vote of the Senate.

In honor of the memory of Kevin Kulow of Sealy, the text of the resolution is printed at the end of today's *Senate Journal*.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas
March 7, 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 a member of the Texas Department of Information Resources for a term to expire February 1, 2011:

Phillip "Keith" Morrow
Southlake, Texas

(Mr. Morrow is being reappointed)

To be a member of The University of Texas System Board of Regents for a term to expire February 1, 2011:

Robert B. Rowling

Dallas, Texas

(Mr. Rowling is being reappointed)

Respectfully submitted,

/s/Rick Perry

Governor

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:

Chief Justice, Supreme Court of Texas: Wallace B. Jefferson, Bexar County.

Justice, Supreme Court of Texas: David Medina, Harris County.

Members, Texas Water Development Board: James Edward Herring, Randall County; Lucian J. "Jack" Hunt III, Harris County.

Members, Lower Colorado River Authority Board of Directors: Katura Morgan "Kay" Carlton, Fayette County; Ida A. Carter, Burnet County; Lucy Ortiz Cavazos, Kerr County; John C. Dickerson III, Matagorda County; Walter E. Garrett, Wharton County; Woodrow Francis McCasland, Llano County; Clayborne L. Nettleship, San Saba County; Linda Clapp Raun, Wharton County; B. R. "Skipper" Wallace, Lampasas County.

Presiding Judge, Second Administrative Judicial Region: Olen U. Underwood, Montgomery County.

District Attorney, 31st Judicial District: Sharon Lynn Switzer, Gray County.

Members, Board of Nurse Examiners: Joyce M. Adams, Ph.D., Harris County; Deborah H. Bell, Taylor County; George Buchenau, Jr., Potter County; Virginia Milam Campbell, Dallas County; Blanca Rosa Garcia, Ph.D., Nueces County; Richard Robert Gibbs, Dallas County; Rachel Gomez, Cameron County; Brenda S. Jackson, Ph.D., R.N., Bexar County; Beverley Jean Nutall, Brazos County; Anita Palmer, Young County; Phyllis Caves Rawley, El Paso County; Linda R. Rounds, Galveston County; Frank D. Sandoval, Jr., Bexar County.

Members, Texas State Board of Pharmacy: Kim A. Caldwell, R.Ph., Collin County; Wilson Benjamin "Ben" Fry, Cameron County; Marcelo Laijas, Jr., Wilson County.

Members, School Land Board: Todd F. Barth, Harris County; David S. Herrmann, Bexar County.

Members, Commission on Jail Standards: Albert L. Black, Travis County; Stanley Dewayne "Stan" Egger, Taylor County; Mark D. Gilliam, Aransas County; Michael M. Seale, M.D., Harris 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.

MOTION TO PLACE SENATE BILL 186 ON SECOND READING

Senator Lindsay moved that Senate Rule 7.13; Section 5, Article III, of the Texas Constitution; and the regular order of business be suspended and that **SB 186** be taken up for consideration at this time:

SB 186, Relating to suspension of a provisional license for certain offenses.

The motion was lost by the following vote: Yeas 19, Nays 10. (Not receiving four-fifths vote of membership)

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Estes, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Wentworth, Zaffirini.

Nays: Eltife, Fraser, Gallegos, Harris, Hinojosa, Jackson, Van de Putte, West, Whitmire, Williams.

Absent: Duncan, Ellis.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Carona and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Emerging Technologies and Economic Development might meet and consider the following bills today: **SB 96**, **SB 255**, **SB 559**, **SB 602**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 339 by Janek, In memory of Whitt Franklin Johnson of West University Place.

Congratulatory Resolutions

SR 340 by Lucio, Recognizing Rhoda Sheetz of Harlingen on the occasion of her 100th birthday.

SR 341 by Carona, Recognizing Tom Price of Dallas on the occasion of his 60th birthday.

HCR 92 (Armbrister), Honoring Verlin Callahan of Cedar Creek for his service to the Independent Cattlemen's Association of Texas and the wider Central Texas community.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 12:48 p.m. adjourned, in memory of Nito R. Guajardo of Baytown, Grady Burke of Houston, Kevin Kulow of Sealy, and Jerry Hall, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

March 8, 2005

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 217**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 252**

In Memory
of
Nito R. Guajardo
Senate Resolution 337

WHEREAS, The Senate of the State of Texas joins the citizens of Baytown in mourning the untimely loss of Nito R. Guajardo, who died December 20, 2004, at the age of 24; and

WHEREAS, Nito was born in Texas City on February 1, 1980, and graduated from Clear Creek High School in 1998; he attended the fire academy at the College of the Mainland in Texas City and received his certificate of completion in December of 2002; and

WHEREAS, He was hired by the Baytown Fire Department in January of 2004 and was assigned to structure fire suppression; he received his Basic Firefighter Certificate from the Texas Commission of Fire Protection in February of 2004; and

WHEREAS, In the early morning hours of December 20, the Baytown Fire Department responded to a two-alarm house fire, and Nito, with seven other firefighters, entered the burning home to search for occupants but were forced out by the blaze; when the firefighters emerged, Nito was not with them; and

WHEREAS, Nito Guajardo had hoped to become a paramedic; he was engaged to be married and anticipated a bright future; he loved the challenge of his dangerous work and bravely lost his life in the service of his community; his name will be added to the Fallen Firefighters' Memorial in Colorado Springs; and

WHEREAS, Nito enriched all who knew him with his warmth, enthusiasm, and vitality 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 Nito R. Guajardo: his parents, Mr. and Mrs. Rene N. Guajardo and Mr. and Mrs. David Herod, his seven brothers and eleven sisters; and other cherished family members; and, be it further

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

JACKSON
GALLEGOS

**In Memory
of
Grady Burke
Senate Resolution 338**

WHEREAS, The Senate of the State of Texas joins the citizens of Houston and the Southeast Texas community in mourning the loss of Houston firefighter Captain Grady Burke, who died February 19, 2005, at the age of 39; and

WHEREAS, Captain Burke and other members of Station 46 were on duty and had bravely rushed into a burning house to save whoever might be inside when the roof collapsed, trapping him inside; and

WHEREAS, Grady Burke was born in Houston on January 31, 1966; he graduated in 1984 from South Houston High School and learned his profession at the College of the Mainland Firefighting Academy; he loved his job as a firefighter and the men and women with whom he served; and

WHEREAS, He served for four years in the Texas City Fire Department and was a 12-year veteran of the Houston Fire Department; he had been promoted to captain in March of 2003 and had received a medal of valor for his efforts rescuing a trapped victim of a house fire in November, 2003; and

WHEREAS, Grady was noted for his courage, selflessness, and perseverance in fulfilling his duty; he was a dedicated firefighter and a loyal friend, and the way he lived his life was truly inspirational to those who knew him; and

WHEREAS, A devout Christian, Grady was a man of strong conviction and faith; he was an active and longtime member of the Southeast Church of Christ in Friendswood, where he was an integral part of the Children's Ministry, the Praise Team, and the semiannual family campouts; and

WHEREAS, Grady Burke lived his life to the fullest and was a devoted husband, father, and son, and he leaves behind memories that will be treasured forever by his family, his colleagues in the Houston Fire Department, and his 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 Grady Burke: his wife, Cindy; his children, Hannah, Hailey, and Hunter; his parents, Don and Sue Burke; his sister, Karen Stubblefield; and his brother, Paul Burke; 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 Captain Grady Burke.

JACKSON
GALLEGOS

**In Memory
of
Kevin Kulow
Senate Resolution 310**

WHEREAS, The Senate of the State of Texas joins the citizens of Sealy in mourning the loss of Kevin Kulow, who died April 4, 2004, at the age of 32; and

WHEREAS, Kevin fulfilled his lifelong ambition when he became a full-time firefighter; he died heroically in the line of duty, when fire engulfed a nightclub and as he searched for possible survivors, the building collapsed; and

WHEREAS, Born November 2, 1971, Kevin began his fire-fighting career by becoming a Junior Firefighter in high school; after graduating, he joined the Sealy Volunteer Fire Department, where he served with distinction for 12 years; and

WHEREAS, Kevin joined the Houston Fire Department in September, 2003, and graduated from the Val Jahnke Training Facility in November, 2003; he was well respected by his fellow classmates and an inspiration to young firefighters; and

WHEREAS, Displaying courage, selflessness, and honor, Kevin Kulow exemplified the dedication and valor of firefighters throughout our state and nation, and his bravery and selflessness will long be remembered by the citizens of Texas; and

WHEREAS, Kevin was a devoted husband and father and he leaves behind many memories that will be cherished 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 family of Kevin Kulow: his wife, Marla; his son, Kyle; his stepson, Justin Reynolds; and his parents, Daniel and Elaine Kulow; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of the Kulow family as an expression of esteem from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Kevin Kulow.

ARMBRISTER

