

# TWENTY-SEVENTH DAY

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TUESDAY, FEBRUARY 27, 2001

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## 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, Barrientos, Bernsen, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, Wentworth, West, Whitmire, Zaffirini, Mr. President.

Absent-excused: Carona.

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

The Reverend Dr. Ben Smith, Lakeland Baptist Church, Lewisville, offered the invocation as follows:

Heavenly father, thank You for those who serve the great State of Texas in this 77th Legislature of the Texas State Senate. Thank You for their courage to be different from others by their willingness to sacrifice, serve, and lead.

When they feel like the "doormat" of other people, help them to realize how low You stooped to be their savior. When they are crushed and brokenhearted, purify their motive once again to love and serve their fellow man.

May they not be guided by their own affinities but delight in sacrifice. Give them the grace to be all things to all men, that they may serve the common good.

Grant to each Senator wisdom, the ability to see things as God sees it, and understanding, the courage to stand under that wisdom until they see its fulfillment. Grant them love, patience, and long-suffering. Where there is illness, give health. Where there are broken relationships, grant forgiveness. Where there is loneliness, give Your presence.

Grant that in the welfare and safety of the citizens of the State of Texas, each Senator, along with their staff, may have safety and peace.

Lord, I ask for Your blessing today on each Senator. I plead for more "territory" in their influence. May they step forward to receive it. May they lean precariously and confidently upon the Holy Spirit to guide their thoughts, words, and actions. I ask You to keep them from evil and from spoiling the blessing You desire to bring to them, that they may cause no pain. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE BILL 54**

On motion of Senator Zaffirini and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 54**.

**CO-AUTHOR OF SENATE BILL 78**

On motion of Senator Haywood and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 78**.

**CO-AUTHORS OF SENATE BILL 353**

On motion of Senator Ellis and by unanimous consent, Senators Gallegos and Madla will be shown as Co-authors of **SB 353**.

**CO-AUTHOR OF SENATE BILL 385**

On motion of Senator Bivins and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 385**.

**CO-AUTHOR OF SENATE BILL 488**

On motion of Senator Harris and by unanimous consent, Senator Wentworth will be shown as Co-author of **SB 488**.

**CO-AUTHOR OF SENATE BILL 512**

On motion of Senator Duncan and by unanimous consent, Senator Lindsay will be shown as Co-author of **SB 512**.

**CO-AUTHOR OF SENATE BILL 515**

On motion of Senator Madla and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 515**.

**CO-AUTHORS OF SENATE BILL 517**

On motion of Senator Lucio and by unanimous consent, Senators Fraser, Jackson, Shapleigh, Sibley, and Van de Putte will be shown as Co-authors of **SB 517**.

**CO-AUTHOR OF SENATE BILL 649**

On motion of Senator Truan and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 649**.

**CO-AUTHOR OF SENATE BILL 728**

On motion of Senator Van de Putte and by unanimous consent, Senator Madla will be shown as Co-author of **SB 728**.

**CO-AUTHORS OF SENATE BILL 928**

On motion of Senator Shapleigh and by unanimous consent, Senators Bernsen and Van de Putte will be shown as Co-authors of **SB 928**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 20**

On motion of Senator Duncan and by unanimous consent, Senator Lindsay will be shown as Co-author of **SJR 20**.

**CO-AUTHORS OF SENATE JOINT RESOLUTION 28**

On motion of Senator Shapleigh and by unanimous consent, Senators Bernsen and Van de Putte will be shown as Co-authors of **SJR 28**.

**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 179**.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

**SB 905** by Shapleigh, Lucio

Relating to requiring the Texas Natural Resource Conservation Commission to study brick-making processes near the Texas-Mexico border.

To Committee on Business and Commerce.

**SB 906** by Shapleigh, Lucio

Relating to penalties and fees for illegal dumping.

To Committee on Natural Resources.

**SB 907** by Shapleigh, Truan, Van de Putte

Relating to requiring the Texas Department of Transportation to conduct a study of strategic deployment routes and highways and intermodal facilities used by the military.

To Committee on Veteran Affairs and Military Installations.

**SB 908** by Shapleigh, Nelson, Zaffirini

Relating to the establishment of a program of all-inclusive care for the elderly (PACE).

To Committee on Health and Human Services.

**SB 909** by Shapiro

Relating to associate judges appointed by certain district courts in Dallas County.

To Committee on Jurisprudence.

**SB 910** by Shapiro

Relating to the regulation of aggregate quarries; providing for an administrative penalty.

To Committee on Natural Resources.

**SB 911** by Madla, Van de Putte

Relating to the purposes and duties of defense base development authorities.

To Committee on Veteran Affairs and Military Installations.

**SB 912** by Ogden

Relating to requiring an accused to give new bond in a criminal case.

To Committee on Jurisprudence.

**SB 913** by Ogden

Relating to a lien on a cause of action or claim of an individual who receives certain medical services.

To Committee on Jurisprudence.

**SB 915** by Ogden

Relating to the requirement that certain conduct under the Penal Code be reported as child abuse.

To Committee on Criminal Justice.

**SB 916** by Jackson

Relating to the authority of certain municipalities to dispose of airport property.

To Committee on Intergovernmental Relations.

**SB 917** by Shapiro

Relating to the aggregation of amounts involved in the offense of breach of computer security to determine punishment.

To Committee on Criminal Justice.

**SB 918** by Shapiro

Relating to the authority of the attorney general to issue an administrative subpoena for certain business records of a communications carrier or service.

To Committee on Criminal Justice.

**SB 919** by Lindsay

Relating to the Texas Department of Economic Development's duty to promote tourism.

To Committee on Business and Commerce.

**SB 920** by Barrientos

Relating to the creation of a judicial district composed of Travis County.

To Committee on Finance.

**SB 921** by Carona

Relating to the application of the sales tax to pallets used for certain purposes.

To Committee on Finance.

**SB 922** by Staples

Relating to delivery of copies of expunction orders.

To Committee on Jurisprudence.

**SB 923** by Staples

Relating to the prosecution of the offense of fraudulent destruction, removal, or concealment of a universal product code.

To Committee on Criminal Justice.

**SB 924** by Barrientos

Relating to a uniform strategy to ensure that public institutions of higher education employ faculty and staff who reflect the population of Texas.

To Committee on Education.

**SB 925** by Brown, Truan

Relating to the procurement powers of certain navigation districts and port authorities.

To Committee on Natural Resources.

**SB 926** by Shapiro

Relating to the abolition of the Collin County Water Authority.

To Committee on Natural Resources.

**SB 927** by Shapleigh, Nelson

Relating to the transfer or donation of data processing equipment to certain public school students.

To Committee on Education.

**SB 928** by Shapleigh, Bernsen, Van de Putte, Barrientos, Cain, Lucio, Madla, Truan, Gallegos, Lindsay, Whitmire, Zaffirini

Relating to a statewide group insurance program for employees and retirees of certain public schools.

To Committee on Education.

**SB 929** by Bernsen

Relating to a restriction on the financing of multifamily residential developments by housing finance corporations.

To Committee on Intergovernmental Relations.

**SB 930** by Moncrief

Relating to possession and consumption of an alcoholic beverage on premises that are licensed or permitted under the Alcoholic Beverage Code and located in certain public facilities.

To Committee on Business and Commerce.

**SB 931** by Moncrief

Relating to the regulation of contact lens dispensing.

To Committee on Health and Human Services.

**SB 932** by Carona

Relating to the definition of sexual contact for purposes of certain sex offenses.

To Committee on Criminal Justice.

**SB 933** by Barrientos

Relating to the voluntary relinquishment of parental rights.

To Committee on Jurisprudence.

**SB 934** by Nelson

Relating to allowing recreational metal detecting in designated areas of state parks.

To Committee on Natural Resources.

**SB 935** by Armbrister

Relating to engaging in the business of making, negotiating, or transacting certain consumer loans on a financial institution's behalf.

To Committee on Business and Commerce.

**SB 936** by Armbrister

Relating to floodplain management and flood insurance; providing a criminal penalty.

To Committee on Natural Resources.

**SB 937** by Armbrister

Relating to the cigarette tax.

To Committee on Finance.

**SB 938** by Armbrister

Relating to the duties of the Department of Agriculture and certain agricultural boards.  
To Committee on Natural Resources.

**SB 939** by Shapleigh, Truan, Van de Putte

Relating to certain studies of the Texas Strategic Military Planning Commission.  
To Committee on Veteran Affairs and Military Installations.

**SB 940** by Bivins, West, Ellis, Ogden, Sibley, Truan, Zaffirini

Relating to the establishment of the Joint Admission Medical Program to assist certain economically disadvantaged students in preparing for and succeeding in medical school.

To Committee on Education.

**SJR 27** by Lindsay

Proposing a constitutional amendment establishing a special motor fuels tax and dedicating the proceeds of the special tax to the Texas Department of Transportation and to the funding of group health benefits for employees of school districts.

To Committee on Finance.

**SJR 28** by Shapleigh, Bernsen, Van de Putte, Barrientos, Cain, Lucio, Madla, Truan, Gallegos, Lindsay, Whitmire, Zaffirini

Proposing a constitutional amendment relating to the provision of group health benefits for active and retired public school employees, distributions from the permanent school fund, and the school employees primary health coverage fund.

To Committee on Education.

**PHYSICIAN OF THE DAY**

Senator Armbrister was recognized and presented Dr. Dane Simons of Bay City as the Physician of the Day.

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

**GUEST PRESENTED**

The President introduced to the Senate Lady Jane Howard, an expert on British history and literature, who was here to visit the Humanities Research Center at The University of Texas.

Her Ladyship is a friend and special guest of Lieutenant Governor and Mrs. William P. Hobby.

The Senate welcomed Her Ladyship.

**SENATE RESOLUTION 282**

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize February 27, 2001, as Child Citizenship Act Day in Texas and to welcome the Central Texas Chapter of Families with Children from China to the State Capitol; and

WHEREAS, Child Citizenship Act Day in Texas will coincide with other national festivities to celebrate February 27, 2001, as the day the Child Citizenship Act of 2000 takes effect; and

WHEREAS, Signed by President Bill Clinton, the Child Citizenship Act of 2000 will grant automatic citizenship to foreign-born children who have been adopted abroad, with the stipulations that the child meet basic eligibility criteria and that one of the adoptive parents hold United States citizenship; and

WHEREAS, Prior to the passage of the Child Citizenship Act, obtaining United States citizenship for foreign-born children who were adopted abroad was a complex and burdensome task that could take years to complete; on February 27, 2001, thousands of foreign-born children adopted by United States parents will be granted automatic citizenship; and

WHEREAS, Given the large number of foreign-born children who have been adopted by United States parents, February 27, 2001, will achieve designation as the day in our nation's history when the largest number of persons become United States citizens; and

WHEREAS, Parents throughout the state and nation who have adopted foreign-born children are elated at the passage of the Child Citizenship Act of 2000; the Senate of the State of Texas is immensely pleased to honor this prudent measure and to celebrate the positive impact it will have on thousands of families across Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby designate February 27, 2001, as Child Citizenship Act Day in Texas and extend a warm welcome to the families who will gather at the Capitol to celebrate this momentous occasion; and, be it further

RESOLVED, That a copy of this Resolution be prepared to honor the thousands of children who will become citizens of the United States on this auspicious day.

The resolution was again read.

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

The resolution was previously adopted on Monday, February 19, 2001.

### REMARKS ORDERED PRINTED

On motion of Senator Truan and by unanimous consent, the following remarks by Senator Barrientos regarding **SR 282** were ordered reduced to writing and printed in the *Senate Journal*:

Mr. President, Members. I want to announce to you a very special day that Texas joins with Americans all over our great country. I am pleased to sponsor **SR 282** recognizing Child Citizenship Act Day in Texas which coincides with other national festivities to celebrate February 27, 2001, as the day that the federal Child Citizenship Act of 2000 takes effect. You can hear those children in the audience; they're having a great time. By virtue of this law thousands of foreign-born children adopted by American parents have been granted United States citizenship today. Give them some applause please. First of all, let me say welcome to the children and the parents from across Texas who have gathered at the Capitol to celebrate the passage of the Child Citizenship Act of 2000. This is indeed an historic day for the country, for Texas, and for you. To all of the new American citizens I send a special greeting. While many of you are too young to understand the rights and privileges you now enjoy, as you grow

older, your parents, your teachers, and elected officials will help you to learn what it means to be an American citizen. We all have the highest hopes for you, and I wish you all the best. Accepting the resolutions are Sarah Suzhen Parkinson, age 7, adopted from Fujian Province, China, five years ago—she is the daughter of Beth Weller and William S. Parkinson of Dallas, Texas—and Natasha Alexandra Farish, age 10, adopted from Krasnodar, Russia, two years ago—she is the daughter of Rhonda and Michael Farish of McKinney, Texas—and seated in the gallery are Jodell Brooks and Commissioner and Mrs. Jose Montemayor and a contingent of parents and their adopted children.

### SENATE RESOLUTION 359

Senator Nelson offered the following resolution:

WHEREAS, The Texas Senate is pleased to join the citizens of Denton County as they joyously celebrate Denton County Day at the State Capitol in Austin on February 27, 2001; and

WHEREAS, Named for pioneer lawyer and minister John B. Denton, Denton County has a distinguished history and was created from the original Peters Colony Grant in 1846 by the first Texas Legislature; and

WHEREAS, Serving as the gateway to the Dallas-Fort Worth area, Denton County is located at the center of the North Texas region; the county has a population of nearly 450,000 people and continues to grow rapidly; and

WHEREAS, Renowned for its interest in education, the county is the home of several excellent schools, including the University of North Texas, Texas Woman's University, and North Central Texas College; and

WHEREAS, The emphasis on education in the county is also reflected in its 11 public school districts which provide a superior academic experience for the more than 60,000 students in its 93 learning facilities; and

WHEREAS, Denton County is home to many famous corporate residents, including the American Airlines Maintenance Center, Andrew Corporation, Boeing, Federal Express, a Peterbilt Motors plant, and Xerox; and

WHEREAS, Denton County is one of the largest regions for horse breeding and training in the southwestern United States; the county also boasts the Texas Motor Speedway, which is the second largest sports facility in the United States, as well as the newest tourism destination in the Dallas-Fort Worth area; and

WHEREAS, The citizens of Denton County are to be commended for their industriousness and for their gracious hospitality to those who visit this beautiful county; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby recognize February 27, 2001, as Denton County Day and extend best wishes to its citizens for a most enjoyable day; and, be it further

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

NELSON  
HAYWOOD  
SIBLEY

The resolution was again read.

The resolution was previously adopted on Monday, February 26, 2001.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a delegation of city and county officials and citizens of Denton County.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

February 27, 2001

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 180**, Recognizing February 27, 2001, as County Treasurers' Association of Texas Day at the State Capitol.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**SENATE RESOLUTION 89**

Senator Armbrister offered the following resolution:

WHEREAS, On Tuesday, February 27, 2001, Matagorda County Day will be celebrated by the proud citizens of Matagorda County, and the Texas Senate will pay tribute to the county for its many contributions to our state; and

WHEREAS, Situated along the Gulf of Mexico between Brazoria and Calhoun counties, this lush county consists of more than 1,100 square miles, including Matagorda Bay, and the 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 auspices 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, Railroad development became a major reason for the growth of Matagorda County around 1898; Bay City was established in 1894 and became the county seat; and

WHEREAS, In a 1990 census, the total population of Matagorda County was around 37,000; 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 is known as the Shrimp Capital of Texas, and for the last four years, the county has been credited with having more species of birds than any other county in the United States; and

WHEREAS, Numerous civic organizations sponsor annual events each year; among these events are the Matagorda County Rodeo, Blessing of the Fleet, Fisherman's Festival, 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 includes the Division I 4A state football champions; 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, 77th Legislature, hereby extend sincere congratulations to the citizens of Matagorda County on their special day and offer 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 special day.

The resolution was again read.

The resolution was previously adopted on Wednesday, January 24, 2001.

### **GUESTS PRESENTED**

Senator Armbrister was recognized and introduced to the Senate Dr. Tillman Daniel, Matagorda County Judge Greg Westmoreland, and Alan Mikus of South Texas Project Nuclear Operating Company, accompanied by a delegation of citizens from Matagorda County.

The Senate welcomed its guests.

### **SENATE RESOLUTION 355**

Senator Bernsen offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing the County Treasurers' Association of Texas on the occasion of County Treasurers' Day on February 27, 2001; and

WHEREAS, The County Treasurers' Association of Texas has its roots in a meeting instigated by W. B. "Bill" Gurley on April 23, 1949; the treasurer of Tarrant County had realized the need for county treasurers across the state to band together and form an association; and

WHEREAS, Since 1949, the association has met continuously for an Annual County Treasurers' Conference held in various parts of the state; since 1973 when the V. G. Young Institute of County Government of The Texas A&M University System held the first County Treasurers' Seminar, a seminar for the county treasurers has been held annually in College Station; and

WHEREAS, In 1964, the association began the tradition of presenting the Texas Outstanding County Treasurer Award for those county treasurers whose work has contributed to a strong governmental office, and over the years, a number of association members have been honored by the National Association of County Treasurers and Finance Officers; and

WHEREAS, A valuable asset to the citizens of our state, the County Treasurers' Association of Texas continues to serve as a vehicle among elected treasurers in Texas to learn of the responsibilities of office and to learn to work with their fellow officeholders from across Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby commend the County Treasurers' Association of Texas on its significant contributions to our state and to its county treasurers and extend best wishes to its members for a joyous County Treasurers' Day; 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.

The resolution was again read.

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

The resolution was previously adopted on Monday, February 26, 2001.

### **GUESTS PRESENTED**

Senator Bernsen was recognized and introduced to the Senate a delegation of officers and members of the County Treasurers' Association of Texas.

The Senate welcomed its guests.

### **SENATE RESOLUTION 244**

Senator Sibley offered the following resolution:

WHEREAS, Tuesday, February 27, 2001, has been selected by the citizens of Waco as a special day to gather at the State Capitol to recognize and celebrate the contributions of Waco to the heritage of the State of Texas; and

WHEREAS, Located on the Brazos and Bosque Rivers, Waco has offered its inhabitants a constant supply of valuable resources for many years; and

WHEREAS, From its founding, Waco has been a meeting place for people of diverse backgrounds; its pioneers laid a heritage that became the foundation for a city which focuses on quality and provides a climate for business and family life; and

WHEREAS, Rich in history and tradition, the city boasts a great number of attractions, such as the historic Suspension Bridge, Texas Ranger Hall of Fame, Texas Sports Hall of Fame, Dr Pepper Museum, Armstrong-Browning Library, Strecker Museum, Cameron Park Natural Habitat Zoo, and many historic homes; and

WHEREAS, Waco is proud to be the home of Baylor University, McLennan Community College, and Texas State Technical College; and

WHEREAS, Waco is justifiably proud of its history, culture, progressive development, and contributions to the heritage of the State of Texas; and

WHEREAS, This day is an appropriate occasion for the Texas Senate to recognize the citizens of Waco and to commend them for their notable endeavors and achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby declare February 27, 2001, as Waco Day at the State Capitol and join the residents of Waco as they celebrate their city's greatness; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the citizens of Waco as an expression of recognition and appreciation from the Texas Senate.

SIBLEY  
OGDEN

The resolution was read and was adopted by a viva voce vote.

### **GUESTS PRESENTED**

Senator Sibley was recognized and introduced to the Senate McLennan County Judge Jim Lewis, Greater Waco Chamber of Commerce Chairman David Horner, and Waco City Council members Bill Carden and Toni Herbert, accompanied by a delegation of citizens from the City of Waco.

The Senate welcomed its guests.

### **SENATE RESOLUTION 360**

Senator Staples offered the following resolution:

WHEREAS, On February 27, 2001, many proud residents of Athens gather in Austin to celebrate Athens Day at the State Capitol; and

WHEREAS, Though it was first incorporated in 1856, Athens did not begin its steady development until it was reincorporated in 1901; since that time, this charming North Texas town has seen significant growth and the emergence of a dynamic citizenry; and

WHEREAS, The fertile terrain and temperate climate of the area have made Athens an agribusiness center; in addition, the city is an outdoor enthusiast's paradise, providing opportunities for scuba diving, picnicking, and many other recreational adventures; and

WHEREAS, Home of Trinity Valley Community College, this unique town features many exciting annual events, including the Texas Fiddlers' Contest and Reunion, the Black-Eyed Pea Jamboree, the Athens Triathlon, and the Fletcher Davis Hamburger Cook-off; several cultural and tourist attractions grace the landscape of this city as well, including the East Texas Arboretum, the Henderson County Historical Museum, the Murchison Galleries, and the Texas Freshwater Fisheries Center, which features 300,000 gallons of aquarium exhibits and every major species of freshwater fish found in Texas; and

WHEREAS, While visiting the State Capitol, the Athens contingent will meet with representatives of various committees and state agencies to discuss issues of interest to local residents; and

WHEREAS, This lovely city continues to be one of the Lone Star State's great assets and an outstanding place in which to live, work, and raise a family, and it is indeed appropriate that the citizens of Athens be given special recognition at this time; now, therefore, be it

RESOLVED, That the Senate of the 77th Texas Legislature hereby recognize February 27, 2001, as Athens Day at the State Capitol and join the citizens of that city in paying tribute to one of Texas' fine communities.

The resolution was read and was adopted by a viva voce vote.

**GUESTS PRESENTED**

Senator Staples was recognized and introduced to the Senate a delegation of city officials and citizens from the City of Athens.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate Carmen Garcia, President of ABRAC Consulting; Lupé Gutierrez, President of MCCR, Incorporated; Barbara Hampton, President of CNH Products and Legislative Chair of the Dallas Minority Council; and Samni Akimulero, President and Chief Executive Officer of the African Chamber of Commerce.

The Senate welcomed its guests.

**SENATE RESOLUTION 329**

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize Karen E. Jackson of Houston for her outstanding contributions in the fight against breast cancer; and

WHEREAS, Thousands of African-American families have suffered devastating losses because of breast cancer, and many more will; breast cancer is the second-leading cancer killer of African-American women; and

WHEREAS, Breast cancer can be overcome, however, and one of the strongest weapons in the fight against this disease is early detection; breast cancer patients have a five-year survival rate of over 95 percent if the disease is detected early; and

WHEREAS, Women who perform regular self-examinations and who receive yearly mammograms put themselves at a distinct advantage in their fight against breast cancer; therefore, it is crucial that women in the United States have access to information concerning early detection and prevention; and

WHEREAS, A dynamic and inspiring Texan, Karen E. Jackson is working to ensure that African-American women receive life-saving information about breast cancer through her organization, Sisters Network, Incorporated; and

WHEREAS, Founded in 1994 and headquartered in Houston, Sisters Network, Incorporated, is widely recognized by the medical community as an invaluable resource for African-American women; with more than 25 chapters across the nation, Sisters Network, Incorporated, is dedicated to saving the lives of African-American women through community workshops, corporate partnerships, private donations, and its annual African-American Breast Cancer National Conference; and

WHEREAS, By encouraging women across the United States to take a positive approach to fighting breast cancer and through its support of breast cancer research, Sisters Network, Incorporated, has participated in saving the lives of thousands; the State of Texas is indeed proud to be the national headquarters of such a noble organization; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby commend the altruism of Karen E. Jackson and extend a sincere thank you to Sisters Network, Incorporated, for the vital life-saving work it performs for Texans and for women across the nation; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this esteemed lady and her organization as an expression of high regard from the Texas Senate.

The resolution was read.

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

On motion of Senator Ellis, the resolution was adopted by a viva voce vote.

### **GUEST PRESENTED**

Senator Ellis was recognized and introduced to the Senate Karen E. Jackson of Houston.

The Senate welcomed Ms. Jackson.

### **SENATE RESOLUTION 354**

Senator Truan offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to join the citizens of Brooks County in a joyous celebration of Brooks County Day and to honor its residents and recognize their invaluable contributions to the State of Texas; and

WHEREAS, On March 11, 1911, in the 32nd Legislature, Governor Colquitt signed the bill into law that formed Brooks County from Starr, Hidalgo, and Zapata counties; before this time, Texans who lived in this area often had to spend a week traveling to the nearest courthouse and back, just to conduct business and to pay taxes; and

WHEREAS, Brooks County was named after the legislator and former Texas Ranger, Captain James A. Brooks, who helped make the formation of the new county a reality for his constituents at home by introducing the bill and fighting for its passage in the Texas House of Representatives; when he returned to Falfurrias, Captain Brooks received a hero's welcome and was carried triumphantly on the citizens' shoulders, and a silver tea service was presented to his family in gratitude for his dedication to their cause; and

WHEREAS, Falfurrias was chosen as the county seat of Brooks County in an election on September 2, 1911; Falfurrias, which means "The Land of Heart's Delight," is said to have received its name when a young Lipan Indian brave said "falfurrias" as he looked at the beauty of what is now Brooks County; and

WHEREAS, Another Falfurrias legend revolves around an old faith healer born in Jalisco, Mexico, named Don Pedrito, who came to the Los Olmos Ranch in 1881 and was said to have been given the power of healing in a vision after he, himself, was healed by his faith; for 25 years, he ministered to the thousands of pilgrims who sought to be healed by him, and today a Texas Historical Marker relates his story to thousands of visitors who visit his shrine each year; and

WHEREAS, Falfurrias was established by Edward C. Lasater near Laguna Salada but was moved to its present site in 1903 to be on the line of the new Texas and New Orleans Railroad which enabled the town to be the main trading center of Brooks County; to attract settlers to the area, Mr. Lasater advertised the sale of small dairy farms, and then he built the Falfurrias Creamery to process the milk from the dairies; and

WHEREAS, News and literature for the area are provided by the *Falfurrias Facts*, which has served the people of the county for 94 years, and the Ed Rachal Memorial Library, an exceptional small library with a collection of more than 56,000 volumes, a genealogy section, and more than 3,000 video cassettes, records, and tapes, with 10 brand new computers to be installed this year courtesy of a Texas Infrastructure Fund grant; artifacts, pictures, guns, and other relics of the South Texas frontier are preserved and exhibited in the Heritage Museum in Falfurrias; and

WHEREAS, The 942 square miles of brushy, mesquite-covered, light-to-dark sandy loam soils that comprise Brooks County lie southwest of Corpus Christi in the Texas region referred to as the Rio Grande Plain; in the 1920s, irrigation made this area ideal for the people of Brooks County to raise crops, as well as cattle; Brooks County is home to the Encino division of the renowned King Ranch; and

WHEREAS, The economy of this South Texas land is based on dairy and beef cattle and oil and gas and is best known for its famous Falfurrias Cream Butter and for its watermelons, cotton, and sorghums; hunters appreciate the abundance of deer, turkey, javelina, and birds available in this area, while fishermen find the short drive to the coast convenient for gulf and deep-sea fishing; and

WHEREAS, Brooks County is well known for the excellence of its school system; the Brooks County Independent School District has restructured its academic program with reading recovery, accelerated reading, academic teaming, and interactive technology accessibility; and

WHEREAS, Falfurrias students enjoy competing at the state level in power lifting, tennis, cross-country, track and field, and especially in baseball; state champions in 1991 and state finalists in 1993, Falfurrias reached the state playoffs in 1991, 1992, 1993, and 1994; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby recognize March 3, 2001, as Brooks County Day and extend best wishes to its residents for a most enjoyable and rewarding event; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Brooks County Judge Homer Mora and Commissioners Gloria L. Garza, Ramon Navarro, Jr., Raul M. Ramirez and Salvador H. Gonzalez of the Brooks County Commissioners Court, Raudel Gonzalez, the Mayor of Falfurrias, Nabor Cortez, Superintendent of the Brooks County Independent School District, and Gus Barrera, President of the Falfurrias Chamber of Commerce, as an expression of the high esteem of the Texas Senate.

The resolution was read.

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

On motion of Senator Truan, the resolution was adopted by a viva voce vote.

### **GUESTS PRESENTED**

Senator Truan was recognized and introduced to the Senate Brooks County Judge Homer Mora, Executive Director, Falfurrias Chamber of Commerce, Gustavo Barrera; and county commissioners Gloria Garza, Raul Ramirez, Salvador Gonzalez, and Ramon Navarro, Jr.

The Senate welcomed its guests.

**SENATE RESOLUTION 362**

Senator Fraser offered the following resolution:

WHEREAS, The Tuition Equalization Grant (TEG) program celebrates its 30th anniversary of service to the citizens of Texas during the 77th Legislative Session; and

WHEREAS, The program was created "to provide the maximum possible utilization of existing educational resources and facilities . . . both public and private," thereby promoting a diversity of educational opportunities and greater accessibility to the campuses of independent colleges and universities; and

WHEREAS, The TEG program has achieved remarkable success in pursuing its mission, and the 500,000th TEG program grant will be made during the 77th Legislative Session; and

WHEREAS, The program has been of incalculable value to grant recipients because of the need-based financial assistance it provides to low-income and moderate-income students whose average family income is less than \$30,000 per year; and

WHEREAS, The TEG program helps to bridge the tuition gap between independent and public institutions and to guarantee that every Texas student has the opportunity to attend the college of his or her choice regardless of financial background; and

WHEREAS, Each year the program helps more than 25,000 students, more than 43 percent of whom are minority students, to meet their educational expenses at one of more than 40 independent institutions and to undertake studies ranging from doctoral programs at major research universities to basic junior college studies; and

WHEREAS, The legislation creating the TEG program was drafted for its sponsor, Representative Lynn Nabers, by a member of his staff, Gary Price, and was cosponsored by Representative Grant Jones in the Texas House of Representatives and carried by Senator Jack Hightower in the Texas Senate during the 61st Legislature, when it was not passed; it was subsequently filed by Representative Menton Murray and Senator J. P. Word and Senator Ralph Hall during the 62nd Legislature, when it was passed with the support and leadership of Speaker Gus Mutscher and Lieutenant Governor Ben Barnes and was signed into law by Governor Preston Smith; and

WHEREAS, In 1970 a young employee of Abilene Christian University, Dr. Robert Hunter, became the executive secretary of Independent Colleges and Universities of Texas, Inc., and organized the association's member presidents, faculty, staff, students, alumni, and trustees to persuade the 62nd Legislature to pass the TEG legislation; in 1986, he became a member of the legislature, where he still serves his community and state; and

WHEREAS, In 1981 the Honorable Bruce Gibson, a graduate of Texas Christian University, became the first TEG recipient to be elected to the Texas House of Representatives; he was joined there in 1991 by fellow TEG recipients Representative Curtis Soileau, Representative Tom Cate, and Representative Robert Puente, who graduated from the South Texas College of Law, Texas Lutheran University, and St. Mary's University, respectively; and

WHEREAS, Eight members of the 77th Legislature, including Representative Jose Menendez and Representative Todd Smith, who received degrees from Southern Methodist University; Representative Joe Nixon, Representative Robert Puente, Representative Arthur Reyna, Representative Carlos Uresti, and

Representative Miguel Wise, who received degrees from St. Mary's University; and Representative Ignacio Salinas, who graduated from the University of Dallas, received TEG program grants to attend college; and

WHEREAS, It is fitting that all the members of the Texas Senate join with their distinguished colleagues who received a TEG in celebrating the great success of this outstanding program; now, therefore, be it

RESOLVED, That the Senate of the 77th Texas Legislature recognize the 30th anniversary of the Tuition Equalization Grant program and commend those former members of the Texas Legislature and their staffs who had the foresight to create the program and the legislative skill to ensure its success; and, be it further

RESOLVED, That an official copy of this resolution be prepared for each sponsor of the Tuition Equalization Grant legislation and for Independent Colleges and Universities of Texas, Inc., for distribution to the colleges and universities in the program as an expression of high regard by the Texas Senate.

FRASER  
CARONA

The resolution was read and was adopted by a viva voce vote.

### **GUESTS PRESENTED**

Senator Fraser was recognized and introduced to the Senate former Senators Grant Jones and Jack Hightower and Gary Price.

The Senate welcomed its guests.

### **SENATE RESOLUTION 333**

Senator Bernsen offered the following resolution:

WHEREAS, The Texas Senate takes pleasure in welcoming the proud citizens of Beaumont to Austin, Texas, on February 27, 2001, as the group celebrates Beaumont Day at the State Capitol; and

WHEREAS, The county seat of Jefferson County, Beaumont is located on the Neches River, where it is an industrial inland port which is one of the state's largest handlers of ship tonnage; the city is also the site of one of the world's largest petrochemical and refining complexes; and

WHEREAS, In 1835, one of the town's organizers, Henry Millard, bought 50 acres for a townsite and called it Beaumont, for beautiful mountain; some of the first early industries were lumber products, rice farming, and cattle ranching; and

WHEREAS, Settlement was fairly rapid, and the port of Beaumont became the shipping center for cattle, sugar cane, and cotton; on January 10, 1901, oil was discovered at Spindletop and the town was changed; Spindletop created the first Texas boomtown and a new energy industry was born; 600 oil companies were formed during the boom, some of which became Texaco, Gulf, and Humble; the city recently celebrated Spindletop's 100th anniversary on January 10, 2001; and

WHEREAS, Beaumont has many thriving industries, including rice, soybeans, wheat, grain sorghum, precision industrial equipment, and medical instruments; and

WHEREAS, Colored by the culture of neighboring Louisiana, Beaumont has a Cajun influence in some of its cuisine, and the mix of cultures present in the city add greatly to its interest to both tourists and residents; and

WHEREAS, The fascinating city holds recreational and outdoor opportunities; it is located near the Big Thicket National Preserve, and the fortunate placement of the town puts it near beaches, lakes, parks, and marshlands; and

WHEREAS, Beaumont is known as the Museum Capital of Texas, and it has 24 museums throughout the city; the Art Museum of Southeast Texas has fine art, sculpture courtyards, and an art library, while the Texas Energy Museum houses the Western Company of Fort Worth and the Lamar University Spindletop collections; and

WHEREAS, Among other attractions of the city are the McFaddin-Ward House, one of the few restored colonial Beaux-Arts mansions in the country; there is also the oldest surviving residence in Beaumont, the John Jay French Museum, which was built in 1845; it has been carefully restored by the heritage society in the city; and

WHEREAS, Noted for its vigorous and enthusiastic citizenry, Beaumont takes justifiable pride in its past and looks forward to its promising future; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby proclaim February 27, 2001, as Beaumont Day at the State Capitol and extend a hearty welcome to the citizens from Beaumont; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the City of Beaumont as an expression of the admiration and esteem of the Texas Senate.

The resolution was again read.

The resolution was previously adopted on Monday, February 26, 2001.

### **GUESTS PRESENTED**

Senator Bernsen was recognized and introduced to the Senate a delegation of city officials and citizens from the City of Beaumont.

The Senate welcomed its guests.

### **SENATE RESOLUTION 361**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the administrators and students from Texas Lutheran University of Seguin, who are visiting the State Capitol on February 27, 2001; and

WHEREAS, These distinguished visitors will visit both the Texas House of Representatives and the Texas Senate while touring the magnificent Capitol building; and

WHEREAS, The purpose of the visit is to allow the students the opportunity to meet and visit with their legislators to discuss the Tuition Equalization Grant; and

WHEREAS, As these fine young men and women grow to adulthood, it is important that they take an active part in the government of their state and to make informed choices when voting for those public servants who will make the decisions that will affect their lives; and

WHEREAS, It is a special privilege for the Texas Senate to recognize these young leaders of tomorrow and to extend best wishes to them for a most enjoyable and informative lesson on the workings of our state government; and

WHEREAS, The Texas Senate extends a warm welcome to Senior Vice President for University Relations Steve Anderson and to the students from Texas Lutheran University; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby commend the visitors from Texas Lutheran University for their interest in their state government; and, be it further

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

The resolution was again read.

The resolution was previously adopted on Monday, February 26, 2001.

### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Dr. Jon Moline, President, Texas Lutheran University; Steve Anderson, Senior Vice President for University Relations; and students Lezlie Henneke, Ryan Loyd, and Maurice Redwine.

The Senate welcomed its guests.

### **SENATE RESOLUTION 135**

Senator Armbrister offered the following resolution:

WHEREAS, On February 27, 2001, Fayette County citizens are celebrating the many contributions this fine county has made to the State of Texas; and

WHEREAS, Fayette County, which includes the charming towns of La Grange, Schulenburg, Flatonia, Ledbetter, Fayetteville, Round Top, Carmine, Ellinger, Engle, High Hill, Dubina, Ammannsville, Hostyn, Praha, Swiss Alps, Freyburg, Cistern, Holman, Kirtley, Nechanitz, Plum, Muldoon, Oldenburg, O'Quinn, Rek Hill, Rutersville, St. John, Waldeck, Walhalla, Warda, Warrenton, West Point, Willow Springs, Winchester, and Winedale, is situated in the heart of South Central Texas and has been blessed with some of the state's most picturesque landscapes: gently rolling hills, steep bluffs, vivid wildflowers, rich farmland, and dense forests threaded by the Colorado River; and

WHEREAS, Tonkawas, Comanches, and more than 13 other Indian tribes traded and pursued buffalo here; German and Czech communities were established in the 1840s and 1850s, and their influence is still felt throughout the area; and

WHEREAS, Organized on December 14, 1837, Fayette County was named for the Marquis de Lafayette, who aided the American colonists in their struggle for independence; in 1838 the Texas Congress approved a site near La Grange as the location for the new capital, but the choice was rejected by President Sam Houston; and

WHEREAS, A legion of notable individuals have lived or left their footprints in Fayette County, and today's residents are proud to claim an association with such figures as John W. Dancy, Samuel Walker, Byrd Lockhart, Stephen F. Austin, Big Foot Wallace, William G. Webb, Mary Maverick, Thomas Green, Temple

Houston, David Crockett, Mirabeau B. Lamar, La Salle, Alonso de Leon, R. E. B. Baylor, Robert S. Neighbors, and John H. Moore; and

WHEREAS, The settlement of Fayette County has been the work of people from many different backgrounds, all of whom aspired to a brighter future; among them were Spaniards, Mexicans, and African Americans, as well as those of Irish, Scottish, French, German, and Czech descent; and

WHEREAS, Fayette County is an integral part of the Texas Independence Trail, a project of the Texas Historical Commission; winding through 28 counties, this route traverses land that witnessed the Texas Revolution and formative events of the Texas Republic; prominent Fayette County sites within the trail region include the restored home of Nathaniel W. Faison, a volunteer soldier captured during the 1842 Mexican invasion of Texas and a survivor of Mexico's Perote prison, and Monument Hill, tomb of Faison's compatriots who fell at the battle of Salado Creek and also the grave of executed members of the Mier expedition; and

WHEREAS, Tradition is strong in Fayette County, where citizens share the patriotism of early residents and have also kept alive their deep faith; the congregations of many historic churches are active yet today, and the beauty of their buildings lends a graceful serenity to the countryside; especially renowned are the Painted Churches of Ammannsville, Dubina, High Hill, and Praha; the tiny Catholic church in Warrenton, the venerable Methodist church in Freyburg, the Lutheran church in Swiss Alps, and St. James Episcopal Church in La Grange; and

WHEREAS, Residents and visitors of all ages delight in the many parish feasts and in such celebrations as the Fayette County Country Fair, Czhlispiet, Licksillet, the Antiques Festival, the Schulenburg Festival, and the Round Top Fourth of July Parade, said to be the oldest such parade west of the Mississippi; and

WHEREAS, Fayette Lake, the Colorado River, and a variety of recreational facilities offer ample opportunity for fishing, boating, hiking, golfing, and many other sports; for bicycle riders who participate in the MS-150, a ride from Houston to Austin to raise funds for the National Multiple Sclerosis Society, the route through Fayette County offers some of the most rewarding scenery of the event; and

WHEREAS, In addition to tourism and recreation, other important sectors of the Fayette County economy include oil, light industry, the production of electricity, and the mining of construction gravel, clays, and fuller's earth; long a leader in the state's agricultural production, the county ships the bounty of its farms and ranches throughout the world; and

WHEREAS, The dynamic economy supports an outstanding educational system, one that provides a solid foundation for those going on to further education or into the skilled workforce; county residents also benefit from an incomparable medical support team and are looking forward to the construction of a new hospital; and

WHEREAS, Today's Fayette County citizens are enriched by the cultures bequeathed them by successive waves of settlers and stand proud in the knowledge that they are honoring and passing on to future generations the best of this inheritance; it is a great pleasure, therefore, to join with these worthy Texans in celebrating the rich and vital heritage of Fayette County and the myriad roles its people have played in building the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the 77th Texas Legislature hereby welcome the distinguished delegation of Fayette County residents visiting on this day and recognize February 27, 2001, as Fayette County Day at the State Capitol.

The resolution was again read.

The resolution was previously adopted on Tuesday, January 30, 2001.

### **GUESTS PRESENTED**

Senator Armbrister was recognized and introduced to the Senate Fayette County Judge Ed Janecka and county commissioners David Noak, Wilbert Gross, and Tom Muras, accompanied by a delegation of citizens from Fayette County.

The Senate welcomed its guests.

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

Senator Nelson 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.

Members, Texas Commission on the Arts: Bobbe Owen Crawford, Lubbock County; Claudia S. Ladensohn, Bexar County; Laurie G. Lozano, Hidalgo County; Mary Hardie Teeple, Travis County.

Members, Texas Higher Education Coordinating Board: Ricardo G. Cigarroa, M.D., Webb County; Raul B. Fernandez, Bexar County; Cathy Obriotti Green, Bexar County; Gerald D. Griffin, Kerr County; Carey Hobbs, McLennan County; Hector de Jesus Ruiz, Ph.D., Travis County; Terdema L. Ussery II, Denton County.

Members, University of North Texas Board of Regents: Marjorie B. Craft, Dallas County; Roy Gene Evans, Dallas County; Richard Knight, Jr., Dallas County; Tom Lazo, Sr., Dallas County; Robert A. Nickell, Dallas County.

Members, University of Houston System Board of Regents: Morrie K. Abramson, Harris County; Morgan Dunn O'Connor, Victoria County; Thad "Bo" Smith, Fort Bend County.

Members, Texas State Technical College System Board of Regents: Peterson Foster, Harris County; Terry W. Preuninger, McLennan County; Elizabeth Linda Routh, Nueces County.

Members, Texas Juvenile Probation Commission: Bettye "Betsy" Lake, Harris County; Lyle T. Larson, Bexar County; Carlos Villa, El Paso County.

Members, Commission on Law Enforcement Officer Standards and Education: Lilia B. Escajeda, Randall County; William B. Jackson, Tarrant County; Daniel J. Smith, Bell County; Joe A. Stivers, Walker County.

Member, Commission on Human Rights: Carroll G. Maclin, Angelina County.

Members, Board of Pilot Commissioners for Galveston County Ports: Edgar A. Bircher, Galveston County; Harry Wayne Brown, Galveston County; Elizabeth A. Iles, Galveston County; Billie A. Pennings, D.V.M., Galveston County; Edward S. Wilkinson, Sr., Ph.D., Galveston County.

### **NOTICE OF CONSIDERATION OF NOMINATIONS**

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

### **GUEST PRESENTED**

Senator Truan was recognized and introduced to the Senate Nueces County Judge Richard Borchard.

The Senate welcomed Judge Borchard.

### **SENATE RESOLUTION 284**

Senator Barrientos offered the following resolution:

WHEREAS, For 92 years the 4-H Youth Development Program of the Texas Agricultural Extension Service has provided invaluable experience-based education to youth across the Lone Star State; and

WHEREAS, This admirable program, which seeks to create a learning experience that is stimulating and satisfying to all aspects of a child's nature, also helps young Texans to acquire knowledge, develop life skills, and form attitudes that will enable them to become self-directed and productive members of society; and

WHEREAS, With over one million participants ranging in age from eight to 19, the 4-H program boasts a membership that resides in urban, suburban, and rural communities, hails from diverse ethnic and socioeconomic backgrounds, and is truly a representative cross-section of the state; and

WHEREAS, The extraordinary success of the 4-H program owes much to the service of its more than 55,000 volunteers, who have given generously of their time, talents, energies, and resources to benefit Texas youth; and

WHEREAS, Throughout its proud history, the 4-H program has helped develop young Texans into role models by providing activities that build character and instill strong values, and the organization is indeed worthy of special legislative recognition at this time; now, therefore, be it

RESOLVED, That the Senate of the 77th Texas Legislature hereby recognize February 27, 2001, as 4-H Day in Texas and encourage its observance in communities across the state.

The resolution was again read.

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

The resolution was previously adopted on Monday, February 19, 2001.

### **GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate a delegation from the Texas 4-H organization.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

February 27, 2001

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 182**, In memory of J. B. Vandiver, Sr., of Moody.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

**CONCLUSION OF MORNING CALL**

The President at 12:00 noon announced the conclusion of morning call.

**SENATE JOINT RESOLUTION 2 ON THIRD READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

**SJR 2**, Proposing a constitutional amendment authorizing the legislature to authorize the board of trustees of an independent school district to donate certain surplus district property of historical significance in order to preserve the property.

The resolution was read third time and was passed by the following vote:  
Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Carona.

**COMMITTEE SUBSTITUTE  
SENATE BILL 116 ON THIRD READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

**CSSB 116**, Relating to authorizing the board of trustees of an independent school district to donate certain surplus district property to a municipality, county, or nonprofit organization in order to preserve the property.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 452 ON SECOND READING**

Senator Armbrister 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 452** be taken up for consideration at this time:

**SB 452**, Relating to the authority of counties to regulate door-to-door solicitation and sales; providing a penalty.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Carona.

The bill was read second time.

Senator Armbrister offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 452** as follows:

On page 1, line 9, after "person", insert the following:  
", other than a person licensed and regulated by the State of Texas,"

The committee amendment was read and was adopted by a viva voce vote.

Senator Armbrister offered the following committee amendment to the bill:

**Committee Amendment No. 2**

Amend **SB 452** as follows:

In Section 234.054 of the bill, page 2, on line 17, after the word "class", insert the following: C and strike A

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**SB 452** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 452 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 452** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief,

Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Carona.

### SENATE BILL 453 ON SECOND READING

Senator Armbrister 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 453** be taken up for consideration at this time:

**SB 453**, Relating to the use of sick or annual leave before receiving workers' compensation benefits by an employee of the Texas Department of Transportation.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Carona.

The bill was read second time and was passed to engrossment by a viva voce vote.

### SENATE BILL 453 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 453** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Carona.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 164 ON SECOND READING**

Senator Madla 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 164** be taken up for consideration at this time:

**SB 164**, Relating to officers authorized by law to hold an inquest.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Carona.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 164 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 164** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Wentworth.

Present-not voting: Mr. President.

Absent-excused: Carona.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

Absent-excused: Carona.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Congratulatory Resolutions**

**SR 364** by Barrientos, Congratulating Jesus "El Matador" Chavez of Austin.

**SR 366** by Armbrister and Barrientos, Recognizing the 150th anniversary of the City of San Marcos.

**Designation Resolutions**

**SR 365**, By Shapiro, Recognizing February 27, 2001, as Trucking Day at the State Capitol.

**HCR 180** (Bernsen), Recognizing February 27, 2001, as County Treasurers' Association of Texas Day at the State Capitol.

### ADJOURNMENT

On motion of Senator Brown, the Senate at 12:11 p.m. adjourned, in memory of John Sullivan Justin, Jr., of Fort Worth, until 11:00 a.m. tomorrow.

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### APPENDIX

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### COMMITTEE REPORTS

The following committee reports were received by the Senate:

February 27, 2001

ADMINISTRATION — **HCR 42**

JURISPRUDENCE — **SB 113, SB 181, SB 276, SB 619**

CRIMINAL JUSTICE — **SB 133** (Amended), **SB 563** (Amended), **CSSB 553**