

# THIRD DAY

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WEDNESDAY, JULY 6, 2005

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## PROCEEDINGS

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The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Eltife, Staples.

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

The Reverend Dr. Jim Haskell, First Baptist Church, Georgetown, offered the invocation as follows:

O Lord, we gather today in this special session looking to You, the God who is special. For we are reminded in scripture that there is no God like You. (1 Kings 8:23) While You are holy and just, You are also love and forgiving. While You are decisive, You are also patient. While You are expectant, You are also accepting. While You are universal, You are also personal. There is none like You. We are reminded today that government is Your creation and those that govern are Your servants. Help these men and women in this Chamber to govern with vision and with heart. When decisions are made, let them come from hearts that not only think of the powerful but also the powerless, the influential but also the unrecognized, the advantaged but also the disadvantaged. On this week of the 229th birthday of our great nation, let us affirm what Peter Marshall prayed years ago before the United States Senate: May freedom be seen, not as the right to do as we please, but as the opportunity to please to do what is right. May it ever be understood that our liberty is under God and can be found nowhere else. May our faith be something that is not merely stamped upon our coins, but expressed in our lives. To the extent that America honors Thee, wilt Thou bless America, and keep her true as Thou hast kept her free, and make her good as Thou hast made her rich. I pray this in Jesus' name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Thursday, June 30, 2005, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

### LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Eltife was granted leave of absence for today on account of an illness in the family.

On motion of Senator Whitmire, Senator Staples was granted leave of absence for today on account of an illness in the family.

### CO-AUTHORS OF SENATE BILL 11

On motion of Senator Duncan, Senators Armbrister, Carona, and Wentworth will be shown as Co-authors of **SB 11**.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

July 6, 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 1**, Congratulating The University of Texas Longhorns baseball team on winning the 2005 NCAA College World Series Championship.

**HCR 12**, Congratulating Neal McCoy for being named the 2005 Humanitarian of the Year by the Academy of Country Music and designating October 1, 2005, as Neal McCoy Day in Texas.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### MESSAGE FROM THE GOVERNOR

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

Austin, Texas  
June 30, 2005

TO THE SENATE OF THE 79TH LEGISLATURE, FIRST CALLED SESSION:

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

INSURANCE, COMMISSIONER OF  
Michael Scott Geeslin - Austin  
Appointment Date: June 7, 2005  
Expiration Date: February 1, 2007

## JUDGE, 173RD JUDICIAL DISTRICT, HENDERSON COUNTY

Willis Daniel "Dan" Moore, Jr. - Athens

Appointment Date: June 15, 2005

Expiration Date:

## JUDGE, 92ND JUDICIAL DISTRICT, HIDALGO COUNTY

Horacio Pena, Jr. - Mission

Appointment Date: June 15, 2005

Expiration Date:

## JUSTICE, 7TH COURT OF APPEALS, RANDALL COUNTY

Mackey K. Hancock - Lubbock

Appointment Date: June 15, 2005

Expiration Date:

## NUECES RIVER AUTHORITY BOARD OF DIRECTORS

Yale Leland Kerby - Uvalde

Appointment Date: June 20, 2005

Expiration Date: February 1, 2011

Lindsey Alfred Koenig - Orange Grove

Appointment Date: June 20, 2005

Expiration Date: February 1, 2009

James R. Marmion - Carrizo Springs

Appointment Date: June 20, 2005

Expiration Date: February 1, 2011

Rolando B. Pablos - San Antonio

Appointment Date: June 20, 2005

Expiration Date: February 1, 2009

Betty Ann Howard Peden - Hondo

Appointment Date: June 20, 2005

Expiration Date: February 1, 2009

Fidel R. Rul, Jr. - Alice

Appointment Date: June 20, 2005

Expiration Date: February 1, 2011

## RIO GRANDE REGIONAL WATER AUTHORITY

Glenn D. Wilde - Lyford

Appointment Date: June 20, 2005

Expiration Date: February 1, 2009

## SOIL AND WATER CONSERVATION BOARD

Larry D. Jacobs - Montgomery

Appointment Date: June 20, 2005

Expiration Date: February 1, 2006

Joe L. Ward - Telephone

Appointment Date: June 20, 2005

Expiration Date: February 1, 2007

Respectfully submitted,

/s/Rick Perry

Governor

### SENATE BILLS ON FIRST READING

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

**SB 6** by Ogden

Appropriating money for the support of state government.

To Committee on Finance.

**SB 67** by Nelson

Relating to the appropriation to the Department of State Health Services for trauma facility and emergency medical services activities.

To Committee on Finance.

**SB 68** by Nelson

Relating to the expansion of faith- and community-based health and human services initiatives.

To Committee on Health and Human Services.

**SB 69** by Gallegos

Relating to residential property exemptions from assessments and impact fees in the Greater East End Management District.

To Committee on Intergovernmental Relations.

**SB 70** by West

Relating to authorizing the issuance of revenue bonds for the University of North Texas System Center at Dallas.

To Committee on Finance.

**SB 71** by Shapleigh

Relating to the sale of life insurance to military personnel; providing an administrative penalty.

To Committee on State Affairs.

**SB 72** by Zaffirini

Relating to exempting books purchased by university and college students from the sales tax for a limited period.

To Committee on Finance.

**SB 73** by Deuell

Relating to the issuance of revenue bonds for Texas A&M University–Commerce.

To Committee on Finance.

**SENATE RULES SUSPENDED****(Posting Rules)**

On motion of Senator Ogden and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance might meet and consider **SB 6** today.

**SENATE RULE 11.10(a) SUSPENDED****(Public Notice of Committee Meetings)**

On motion of Senator Ogden and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Finance might meet tomorrow at 9:00 a.m.

**SENATE RULES SUSPENDED****(Posting Rules)**

On motion of Senator Madla and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider **SB 69** today.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 44** by Fraser, In memory of Elbert Aldrich of Temple.

**SR 45** by Fraser, In memory of Sidney Earle Isdale of Killeen.

**SR 48** by Barrientos, In memory of Isabel Valdez Ramos of Austin.

**Congratulatory Resolutions**

**SR 43** by Shapleigh, Recognizing Irma Evelina and Horace Gene Akers on the occasion of their 50th wedding anniversary.

**SR 46** by Madla, Commending the Northside Independent School District in San Antonio for being selected for the H-E-B Texas Excellence in Education Award.

**SR 47** by Barrientos, Recognizing Beatrice Ledesma on the occasion of her 90th birthday.

**SR 49** by Barrientos, Recognizing Ellen K. Pierce on the occasion of her retirement.

**RECESS**

On motion of Senator Whitmire, the Senate at 2:13 p.m. recessed until 2:00 p.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

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

July 6, 2005

**BUSINESS AND COMMERCE — CSSB 40**

**NATURAL RESOURCES — CSSB 15, SB 57**