

FIFTH DAY

(CONTINUED)

THURSDAY, MAY 4, 2006

PROCEEDINGS

AFTER RECESS

The Senate met at 2:16 p.m. and was called to order by the President.

Senator Eddie Lucio, Jr., offered the invocation as follows:

Blessed the man who fears the Lord. Alleluia. Blessed the man who fears the Lord, who greatly delights in His commands. His posterity shall be mighty upon the Earth; the upright generation shall be blessed. Wealth and riches shall be in his house; his generosity shall endure forever. Light shines through the darkness for the upright; he is gracious and merciful and just. Well for the man who is gracious and lends, who conducts his affairs with justice; he shall never be moved; the just one shall be in everlasting remembrance. An evil report he shall not fear; his heart is firm, trusting in the Lord. His heart is steadfast; he shall not fear till he looks down upon his foes. Lavishly he gives to the poor, his generosity shall endure forever; his horn shall be exalted in glory. (Psalms 112:1-9)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 4, 2006

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 18, In memory of Walter Max Mischer of Houston.

HCR 26, Honoring the life of Dr. Margaret G. Cigarroa of Laredo and commemorating the dedication of the Dr. Margaret G. Cigarroa Literacy Center.

HCR 29, In memory of Glenn Canfield, Jr., of Longview.

HCR 32, Commemorating the 75th anniversary of Liberty National Bank in Paris.

HCR 33, In memory of Carlys Denison of Deport.

HCR 34, Recognizing May 4, 2006, as the National Day of Prayer in Texas.

THE HOUSE HAS REFUSED TO CONCUR IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 4 (non-record vote)

House Conferees: Swinford - Chair/Chisum/Pickett/Rose/Taylor

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

BILL AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bill and resolutions in the presence of the Senate after the caption had been read:

HB 3 (signed subject to Sec. 49-a, Art. III, Texas Constitution), **HCR 12**, **HCR 14**, **HCR 21**, **HCR 22**, **HCR 23**.

GUESTS PRESENTED

Senator Harris was recognized and introduced to the Senate a group of fourth-grade students from Children's University in Arlington.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Averitt was recognized and introduced to the Senate students from Grand Prairie High School, accompanied by their teachers and sponsors.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Jay Gruhlkey of San Marcos as the Physician of the Day.

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

SENATE RESOLUTION 133

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Keller High School senior Lyndon LaPlante, who has displayed outstanding perseverance and dedication as a student and as a treasured member of the Keller High School football team; and

WHEREAS, An athlete with Down syndrome, Lyndon truly loves the game of football; he has competed in the Special Olympics, and he has been on the Keller High School football team since he was a freshman; he attended every practice, summer camp, team meeting, and football game for four years and accompanied his team on mentoring visits to elementary schools; and

WHEREAS, He was encouraged and supported in his role on the team by Head Coach Kevin Atkinson, who named Lyndon assistant head coach after his sophomore year; Lyndon ran plays with the team in warm-ups, suited up at games, and was the team's photographer from the sidelines; and

WHEREAS, Asked to go on the field in the fourth quarter of the Keller High School football game on October 7, 2005, Lyndon made an epic play when he took a handoff inside the Keller one yard line and ran 99 yards for a touchdown against Richland High School, bringing more than 4,000 fans to their feet; and

WHEREAS, With his unique skills and abilities, his upbeat and outgoing attitude, and "a heart as big as Texas," Lyndon LaPlante is a fine example for the young people of this state, and he is indeed worthy of special recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby congratulate Lyndon LaPlante on his exceptional achievements and extend to him best wishes for success in the future; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of high regard from the Texas Senate and as a memento of this special occasion.

SR 133 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate Lyndon LaPlante, his parents, Don and Genni LaPlante, accompanied by his coach, Kevin Atkinson, and wife, Chrissy.

The Senate welcomed its guests.

SENATE RESOLUTION 136

Senator Wentworth offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas School for the Deaf on the occasion of its 150th anniversary; and

WHEREAS, The Texas School for the Deaf was established by the legislature in 1856 on a rented 57-acre tract, a half-mile south of the Colorado River in Austin; the site had a two-room cottage, three log cabins, and an old smokehouse that could be made over for a schoolroom; and

WHEREAS, During the Civil War, the school had no money for salaries; teachers and students supported themselves by farming and by making clothes from the wool of the sheep they raised; the school was maintained through the years through regular appropriations from the Texas Legislature; and

WHEREAS, The campus now covers 67 acres on the edge of downtown Austin with brand new state-of-the-art facilities; the school provides a full range of educational and support services, as well as comprehensive diagnostic, medical, social, sports, and recreational services; and

WHEREAS, The Texas School for the Deaf has over 470 enrolled students ranging in grades from prekindergarten through 12 during the regular school year and more than 4,000 additional families, students, and professionals in summer and short-term programs; it has become one of the top public educational institutions in the country for deaf and hard-of-hearing children; and

WHEREAS, On the occasion of its 150th anniversary, the Texas School for the Deaf recognizes that its success is due to a partnership between the Texas Legislature, the school, and the community and their collaborative efforts to serve the needs of deaf Texans; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend the administrators and members of the educational and support staff of the Texas School for the Deaf for their years of dedication to the needs and dreams of the deaf and hard-of-hearing and extend to all best wishes for a grand 150th anniversary event; and, be it further

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

SR 136 was read and was adopted without objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate Jesse Kaiser, Valedictorian, Texas School for the Deaf, and students, Sericia Jackerson and Claire Bugen, accompanied by other students and teachers.

The Senate welcomed its guests.

SENATE RESOLUTION 138

Senator Staples offered the following resolution:

WHEREAS, Susan Kay Kennedy will be retiring at the end of this year after two distinguished terms as Nacogdoches County Judge, and her visit to the Texas State Capitol provides a fitting opportunity to recognize the many contributions this esteemed Texan has made to her community; and

WHEREAS, Judge Kennedy became the first woman to serve local citizens as county judge following her election in November 1998; she won reelection in 2002, and after the Shuttle *Columbia* tragedy, she was responsible for directing the recovery activities in Nacogdoches County; and

WHEREAS, Judge Kennedy has long demonstrated her commitment to making East Texas a better place in which to live, work, and raise a family; an active member of the Nacogdoches Rotary Club, the I-69 Alliance board of directors, and the Texas Agriculture Finance Authority, she has lent her time to serve on the County Juvenile Board, the County Investment Advisory Committee, the TXDoT Regional Advisory Board, and the Nacogdoches Community Justice Board; and

WHEREAS, In addition, she has held leadership positions with the Nacogdoches Economic Development Corporation, the Pineywoods Economic Partnership Board, the Nacogdoches County Chamber of Commerce, the Nacogdoches County Boys and Girls Club, and the Nacogdoches County United Way; and

WHEREAS, Her dedication to her fellow residents has earned Judge Kennedy many honors; in 2005, she was named Woman of the Year by the local chapter of American Association of University Women, and in previous years she earned the Silver Spur Award from the Texas Association of Counties Leadership Institute and the Texas Courthouse Community Award from the Texas Association of County Commissioners and Judges, to name but a few; and

WHEREAS, Susan Kennedy has made a positive impact on the lives of countless citizens in and around Nacogdoches County, and her vision, integrity, and civic spirit will be a continuing source of inspiration in the years ahead; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature, 3rd Called Session, hereby commend the Honorable Susan Kennedy, Nacogdoches County Judge, for her outstanding record of public service and extend to her best wishes for continued success in all of her endeavors; and, be it further

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

SR 138 was read and was adopted without objection.

GUESTS PRESENTED

Senator Staples was recognized and introduced to the Senate the Honorable Susan Kennedy, Nacogdoches County Judge, accompanied by her husband, Bill.

The Senate welcomed its guests.

SENATE RESOLUTION 132

Senator Gallegos offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join citizens of the Greater Channel Area and across the nation in recognizing Thursday, May 4, 2006, as this year's National Day of Prayer; and

WHEREAS, On May 4, Americans across the country will gather in their communities to pray on behalf of our nation and its leaders, and citizens in the Greater Channel Area will come together for the 16th year on the steps of the Galena Park City Hall to observe this special day; and

WHEREAS, Civic prayers and national days of prayer have had a long and enduring history in America, dating back to the First Continental Congress in 1775; on March 30, 1863, President Abraham Lincoln proclaimed a National Fast Day; in 1952, the annual National Day of Prayer was established when Congress passed a joint resolution that was signed by President Harry Truman; and

WHEREAS, The founders of our nation had a strong belief in God and in the power of prayer, and the National Day of Prayer is an opportunity for citizens to reflect on our history and pay homage to our moral and religious heritage; and

WHEREAS, Mayors in a number of our country's cities have planned special celebrations, and pastors will be holding special prayer vigils in churches; the citizens of the Greater Channel Area will gather in Galena Park at high noon and will celebrate the day with the theme of "America, Honor God"; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend the citizens of our country for organizing prayer vigils and celebrations on May 4 and encourage all Texans to observe this year's National Day of Prayer; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this occasion.

SR 132 was read and was adopted without objection.

CONFERENCE COMMITTEE ON HOUSE BILL 4

Senator Janek called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 4** and moved that the request be granted.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 4** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate: Senators Janek, Chair; Nelson, Averitt, Armbrister, and Duncan.

SENATE RESOLUTION 137

Senator Wentworth offered the following resolution:

SR 137, In memory of Tara Rose McAvoy of Austin.

The resolution was read.

On motion of Senator Wentworth, **SR 137** was adopted by a rising vote of the Senate.

In honor of the memory of Tara Rose McAvoy, the text of the resolution is printed at the end of today's *Senate Journal*.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:13 p.m. agreed to adjourn, in memory of Mrs. Lou Dyer of Austin and Tara Rose McAvoy of Austin, upon receipt of Committee Reports, until 2:00 p.m. Monday, May 8, 2006.

(Friday, May 5, 2006)

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 4**

Senator Janek submitted the following Conference Committee Report:

Austin, Texas
May 4, 2006

Honorable David Dewhurst
President of the Senate

Honorable Tom Craddick
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 4** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

JANEK
ARMBRISTER
AVERITT
DUNCAN
NELSON

SWINFORD
CHISUM
PICKETT
ROSE

On the part of the Senate

On the part of the House

The Conference Committee Report was filed with the Secretary of the Senate.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 130 by Shapiro, In memory of W. G. "Buddy" Ragley of Plano.

SR 143 by Barrientos, In memory of William Max Hale.

SR 146 by Barrientos, In memory of Alfred Ashbrook King of Austin.

HCR 18 (Lindsay), In memory of Walter Max Mischer of Houston.

Congratulatory Resolutions

SCR 4 by Seliger, Congratulating the football team of Stratford High School in Stratford for winning a state football championship.

SR 131 by Brimer, Congratulating the men's basketball team of Texas Wesleyan University in Fort Worth for winning a national championship.

SR 134 by Lindsay, Commending Jared Wilson Thorn of Klein for achieving the rank of Eagle Scout.

SR 135 by Lindsay, Commending Andrew William Skellie for achieving the rank of Eagle Scout.

SR 139 by Duncan, Congratulating Childress Regional Medical Center for being named one of the top 100 hospitals in the nation for 2005.

SR 140 by Lucio, Recognizing Dora Romero of Los Fresnos on the occasion of her induction into the Rio Grande Valley Walk of Fame.

SR 141 by Averitt, Recognizing Troy and Marilyn O'Daniel of Aquilla on the occasion of their 50th wedding anniversary.

SR 142 by Barrientos, Recognizing Walter Hinojosa on the occasion of his retirement.

SR 144 by Barrientos, Recognizing Dee Susong for her service to the Austin Independent School District.

SR 145 by Barrientos, Recognizing Louie White for his service to the Austin Police Department.

SR 147 by Zaffirini, Congratulating Manuel Z. Montes of Laredo for his selection as Youth of the Year.

(Sunday, May 7, 2006)

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 10:10 p.m. adjourned, in memory of Mrs. Lou Dyer of Austin and Tara Rose McAvoy of Austin, until 2:00 p.m. Monday, May 8, 2006.

APPENDIX

COMMITTEE REPORTS

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

May 7, 2006

FINANCE — **CSHB 1, CSHB 5**

In Memory
of
Tara Rose McAvoy
Senate Resolution 137

WHEREAS, The Senate of the State of Texas joins the citizens of Austin in mourning the loss of Tara Rose McAvoy, who died March 13, 2006, at the age of 18; and

WHEREAS, Tara was the reigning Miss Deaf Texas; she was born in Worcester, Massachusetts, on July 17, 1987; she attended the Model Secondary School for the Deaf on the Gallaudet University campus in Washington, D.C., and was a graduate of the Texas School for the Deaf; she attended Austin Community College in the fall of 2005 and transferred to Gallaudet University in January of 2006; and

WHEREAS, Tara had a lifelong passion for learning and continually challenged herself to achieve higher goals; she was an honor student, and at the Texas School for the Deaf, she was involved in many school activities and sports, including cheerleading, basketball, and track; she had special interests in art and drama and had performed in several productions; and

WHEREAS, She had traveled across the country, participated in a youth leadership camp in Florida, marched in a cheerleading parade in London, attended a presidential classroom week at the White House, and served an internship at the National Association of the Deaf; and

WHEREAS, As Miss 2005-2007 Deaf Texas, Tara performed her duties with exceptional grace and dignity; she was Miss Pre-Teen South Texas of 1999 and participated in the American Coed Pageant among girls with hearing; throughout her life, she encouraged other young people to stay in school, pursue an education, and practice good sportsmanship; and

WHEREAS, She was a devoted daughter, granddaughter, and sister, and she leaves behind memories that will be treasured forever by her family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby honor the life of Tara Rose McAvoy and extend sincere condolences to her bereaved family; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her 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 Tara Rose McAvoy.

WENTWORTH

