

SEVENTEENTH DAY

TUESDAY, FEBRUARY 15, 2005

PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Janek, Madla.

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

Pastor Tate Kesner, Trust the Truth Ministry, Lewisville, offered the invocation as follows:

Our Father in heaven, we come to You through Your son, Jesus Christ. Father, through Your word, given to us to live our lives in accordance with Your will, and through this word, You provided all the guidance for man to govern over himself. By these governing principles, Your word has provided the mandates and guidelines for our ruling government, whether at the city, county, state, or federal level, it was Your word, Your divine guidance, and Your heaven-sent influence that developed our governing bodies from the start.

Father, I pray that our government will follow Your divine word as they continue to be our leaders and lawmakers. For as Your word says in Psalms 118:8, "It is better to trust in the Lord than to put confidence in man." So, Father, I pray that as we put our confidence in our leaders, that they will put their confidence in You and that You will guide their decisions to conform to Your will, Father.

Father, the State of Texas has always been respected as a leader, unafraid to go it alone if necessary, so, Father, let everyone see that You are still in the hearts of our government as well as in the hearts of all Texans. And as we are the shining lone star of Texas, we will be a shining example of You and for You. So, Father, please bless Texas, bless our leaders and lawmakers and the citizens of Texas, as we all bless You. In Your son Jesus Christ's name we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Janek was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Madla was granted leave of absence for today on account of illness.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 15, 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 50, Honoring Leadership Kerr County on its 20th anniversary.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Deuell was recognized and presented Dr. David W. Bauer of Houston as the Physician of the Day.

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

GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate Odessa Mayor Larry Melton, Midland Mayor Pro Tempore Wes Perry, Midland Chamber of Commerce Chair Steve Castle, and Odessa Chamber of Commerce Chair Robert Muñoz, accompanied by a delegation of citizens from Midland and Odessa.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 15, 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 68**, Congratulating the National Aeronautics and Space Administration on their many accomplishments.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives**SENATE RESOLUTION 143**

Senator Fraser offered the following resolution:

WHEREAS, Fort Hood, the Lone Star State's largest installation, has been an integral part of the lives of countless Texans since it was established as Camp Hood in 1942, and it is indeed appropriate to recognize this Texas landmark and to honor the brave soldiers who call Fort Hood home; and

WHEREAS, Fort Hood is today home to the III United States Mobile Armored Corps, which with its 1st Cavalry and 4th Infantry Divisions, its 13th Corps Support Command, and its associated separate brigades, is the largest and most powerful standing military formation in the world; and

WHEREAS, Fort Hood, with its 45,000 soldiers and 9,000 civilian employees, has been and continues to be the predominant engine driving the economy of Central Texas, contributing nearly \$4 billion annually to the Central Texas economy; and

WHEREAS, Virtually all of Fort Hood's active duty units are now serving, or have recently served, with distinction in Iraq; most notable are the 4th Infantry Division's capture of Saddam Hussein, the 1st Cavalry Division's dramatic battles against international terrorists in the city of Baghdad, and the 3rd United States Corps taking the lead in command and control of all United States and multinational ground forces in Iraq; and

WHEREAS, Their collective efforts have now allowed the citizens of Iraq to freely express themselves in internationally observed elections, though at considerable cost in United States, allied, and freedom-loving Iraqi lives; and

WHEREAS, Throughout these most trying times, the families of our soldiers have steadfastly supported their warriors, have kept the home fires burning brightly, and have stood ready to welcome and embrace all soldiers as they return home to Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby recognize Fort Hood and its vital role to the welfare of the citizens of the greater Fort Hood area and honor the many brave men and women who have been deployed from Fort Hood as part of the global war on terror; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the soldiers of Fort Hood as an expression of deepest gratitude and high regard.

FRASER
AVERITT
VAN DE PUTTE

SR 143 was read and was adopted without objection.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate Major General James E. Simmons, Sergeant First Class Anthony A. Coates, Sergeant Henry A. Steedley II, Sergeant Travis W. Kelley, Specialist Michael P. Nelson, Specialist Joseph K. Johnson, and Captain Eddie J. Guerrero, all of Fort Hood.

The Senate welcomed its guests.

SENATE RESOLUTION 121

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the Denton County delegation to Austin for a jubilant celebration of Denton County Days at the State Capitol on February 14 and 15, 2005; and

WHEREAS, Denton County was created in 1846 from the original Peters Colony Grant in Fannin County and named for John B. Denton, a pioneer lawyer and Methodist minister; and

WHEREAS, The county is located in North Texas and serves as the gateway to the Dallas-Fort Worth area; the City of Denton serves as the county seat; and

WHEREAS, Denton County offers excellent educational opportunities; the University of North Texas, Texas Woman's University, and North Central Texas College have campuses in the county; in addition, 11 public school districts provide outstanding education for the more than 60,000 students attending its 93 schools; and

WHEREAS, Numerous corporations are located in Denton County, making vital contributions to the local economy; and

WHEREAS, The residents of Denton County are rightfully proud of their illustrious history and their many accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby recognize February 14 and 15, 2005, as Denton County Days at the State Capitol and extend best wishes to the county's delegation for a memorable celebration; and, be it further

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

NELSON
ESTES
HARRIS

SR 121 was read and was adopted without objection.

GUESTS PRESENTED

Senator Nelson, joined by Senators Estes and Harris, was recognized and introduced to the Senate Denton County Commissioners Bobbie Mitchell, Jim Carter, and Cynthia White; Denton Mayor Euline Brock; and Denton County Judge Mary Horn, accompanied by a delegation of citizens from Denton County.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate a delegation of citizens from Fayette County representing the Fayette County Leadership Group.

The Senate welcomed its guests.

SENATE RESOLUTION 132

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the proud citizens of Jefferson County in celebrating Jefferson County Days at the Capitol on February 13 through February 15; and

WHEREAS, Named for Thomas Jefferson, Jefferson County was formed in 1836 and was one of the original counties in the Republic of Texas; it is bordered on the east by the Neches River, Sabine Lake, and Sabine Pass and on the south by the Gulf of Mexico; and

WHEREAS, On January 10, 1901, the discovery of oil at Spindletop created a new energy industry for the area; the county remains one of the world's largest petrochemical and refining complexes; it also enjoys a thriving economy based on agriculture, customer service centers, and precision industrial equipment supply companies; and

WHEREAS, Snow geese and many species of duck and other waterfowl populate the county's enchanting marshes, providing for excellent hunting; the area rivers and lakes and the Gulf of Mexico provide for excellent freshwater and saltwater fishing, as well as shrimping; and

WHEREAS, Residents of Jefferson County enjoy educational and cultural enrichment through Lamar University, Lamar Institute of Technology, and Lamar State College–Port Arthur; they also enjoy such assets as the restored boomtown at Spindletop, the South East Texas Entertainment Complex, the Sabine Pass Battleground State Historical Park, and the Tex Ritter Park at Nederland; in addition, residents and tourists can take part in a multitude of outdoor county events, including the Heritage Festival in Nederland, the South Texas Fair in Beaumont, the annual Mardi Gras festivities in Port Arthur, and the Groves Pecan Festival; and

WHEREAS, Jefferson County residents gather for these and other special events and activities and work together effectively and cohesively for the good of all Southeast Texas; to that end, the chambers of commerce of Beaumont, Groves, Nederland, Port Arthur, and Port Neches have combined forces to form the Jefferson County Chambers of Commerce Legislative Response Team; and

WHEREAS, Jefferson County is known for its resourceful and energetic citizens, and they deserve recognition for preserving their county's past and planning for its promising future; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby pay tribute to the exemplary citizens of Jefferson County and declare February 13 through February 15, 2005, Jefferson County Days at the State Capitol; and, be it further

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

WILLIAMS

JANEK

SR 132 was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate Jefferson County Judge Carl Griffith, Beaumont Mayor Evelyn Lord, Groves Chamber of Commerce Chair Gene Venable, Nederland Chamber of Commerce Chair Wendell Meaux, and Port Arthur Mayor Oscar Ortiz, accompanied by a delegation of citizens from Jefferson County.

The Senate welcomed its guests.

SENATE RESOLUTION 139

Senator Ogden offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Ron Randleman, who is retiring after 23 years of outstanding service as head coach of the Sam Houston State University Bearkats football team; and

WHEREAS, During his 36 seasons as a head coach, Ron Randleman had an exceptional career record of 219-166-6, and he leaves Sam Houston State University after 23 seasons with a record of 132-124-3 and five conference championships; and

WHEREAS, Named head football coach at Sam Houston State University in 1982, Coach Randleman took over a program with a 25-67 record in its previous eight seasons in the National Association of Intercollegiate Athletics; he built the Bearkats into a team that earned National Collegiate Athletic Association Division I-AA national rankings in 1986, 1987, 1991, 2001, and 2004; and

WHEREAS, In his final season as the head coach for Sam Houston State University football team, Ron Randleman led the Bearkats to Division I-AA playoffs, with a school record of 11 wins for the first time in the school's history; the Sam Houston Bearkats reached the national semifinals, ending what was arguably the best football season in Sam Houston State University's history; and

WHEREAS, After a disappointing 2-9 season in 2003, the Bearkats rebounded with 11 wins in 2004 and were named the most improved football team in Division I-A and Division I-AA; six of the Bearkats were named All-America, and the quarterback of the team was one of the top three Division I-AA players of the year; the team proved its prowess by defeating five teams that were ranked in the top 25 in Division I-AA; and

WHEREAS, During his tenure at the university, Coach Randleman has earned numerous accolades; he has been honored 12 times as regional or conference "Coach-of-the-Year" for his exemplary abilities as head coach; and

WHEREAS, Ron Randleman has also been actively involved in community service, and he was honored with the Citizen of the Year award in 2004 by *The Huntsville Item*; and

WHEREAS, Throughout his notable career he has been supported by his accomplished wife, Margie, and his son, Brad, and daughter, Mindie; and

WHEREAS, Coach Randleman has earned the high regard of his colleagues and the athletes he coached at Sam Houston State University, and his enthusiasm and expertise will be greatly missed by all who knew him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend Ron Randleman for his contributions as head coach of the Sam Houston State University Bearkats and for his inspiration to generations of young athletes and extend best wishes for an enjoyable and rewarding retirement; and, be it further

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

SR 139 was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate Ron Randleman, former head football coach, Sam Houston State University; Bobby Williams, Director of Athletics; and Bearkats team captains Paul Donelson, Steven Hgler, and Stephen Izevbizua.

The Senate welcomed its guests.

SENATE RESOLUTION 140

Senator Ogden offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Sam Houston State University Bearkats football team, who achieved an impressive level of success on the gridiron during the 2004 football season; and

WHEREAS, The Bearkats established a school record with an 11-3 season, winning the Southland Conference football co-championship and reaching the National Collegiate Athletic Association Division I-AA semifinals for the first time; ranked second in passing yardage and fifth in total offense in Division I-AA, the team set 15 school records during the 2004 season, including most points scored and most yards earned in passing and in total offense; and

WHEREAS, Six Bearkats earned All-America honors, including quarterback Dustin Long, who was the Southland Conference "Player of the Year" and was also a finalist for the Walter Payton Award; in addition, two Sam Houston State players earned Academic All-Region honors; and

WHEREAS, These exceptional athletes and their teammates were well schooled in the game's fundamentals by head coach Ron Randleman, whose 219 career victories rank third among active Division I-AA coaches; Coach Randleman was ably supported by a top-notch staff of coaches and trainers, each of whom made a valuable contribution to the team's success; and

WHEREAS, The Sam Houston State University football team is a source of tremendous pride to the university's students, faculty, and alumni, and the team's exceptional achievements indeed merit special commendation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the players and coaches of the Sam Houston State University Bearkats football team for an outstanding 2004 season and extend to them best wishes for the future; and, be it further

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

SR 140 was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate the players, coaches, and staff of the 2004 Sam Houston State University Bearkats football team.

The Senate welcomed its guests.

(Senator Shapiro in Chair)

SENATE RESOLUTION 136

Senator Duncan offered the following resolution:

WHEREAS, Residents of Concho County are gathering at the State Capitol on February 15, 2005, to celebrate the role their county has played in the history of our great state; and

WHEREAS, The legislature formed Concho County out of Bexar County in 1858, but it was not formally organized until 1879; the area has a rich history of settlement, as evidenced by the existence of Indian pictographs above the Concho River, near the county seat of Paint Rock; the O. H. Ivie Reservoir has been the location of the most extensive archeological research in the county, and it indicates occupation as early as 10,000 to 8,000 B.C.E.; and

WHEREAS, The area was so attractive to early settlers because it provided plentiful food and water along the northern, protective edge of the Edwards Plateau, near the Concho River; the county was named for the river, which in turn was named for the abundance of mussels found there; the Central Texas region boasts rolling terrain in the north and flat land broken by creekbeds in the south; and

WHEREAS, The county is a desirable destination for visitors who enjoy outdoor activities such as boating, hunting, and fishing, as well as those who appreciate historical sites like the Paint Rock pictographs; the Concho County Fair is held annually in August and September, a time when residents come together to celebrate rural life; and

WHEREAS, In 2004, residents of Eden, Paint Rock, Eola, Lowake, and Millersview played an important part in preparing for a productive future; they came together to celebrate rural life and discover the treasures of their county through community meetings and tours, and founded the Concho County Connection to advance the commercial, agricultural, industrial, civic, and tourism interests of their region; it is a pleasure to pay tribute to this fine Texas county and its citizens on this special day; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby recognize February 15, 2005, as Concho County Day at the State Capitol and extend to the residents of Concho County here today sincere best wishes for an enjoyable visit.

SR 136 was read and was adopted without objection.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Concho County Judge Allen Amos, Eden Mayor Charlie Rodgers, Paint Rock Mayor Milton Peek, First State Bank of Paint Rock Chair Wade Clifton, and Eden Community Development Director Genora Young, accompanied by a delegation of citizens from Concho County.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 68

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, The Legislature of the State of Texas is pleased to pay tribute to National Aeronautics and Space Administration (NASA), whose intrepid explorations of space and important scientific discoveries have inspired and benefited the people of our nation and state; and

WHEREAS, The Space Exploration Vision has set a goal of returning the Space Shuttle to flight, completing assembly of the International Space Station, developing the Crew Exploration Vehicle, returning humans to the moon, and pursuing human exploration of Mars and the solar system; and

WHEREAS, NASA's landmark achievement in putting the first man on the moon, astronaut Neil Armstrong, on July 20, 1969, captured the imagination of people everywhere; and

WHEREAS, This major accomplishment ushered in new and exciting technological advances that have benefited our nation's security and cellular communications; NASA has also advanced our health care system through the development of MRI and CAT scan technology, fetal heart monitors, programmable heart pacemakers, and other important medical devices; and

WHEREAS, Through education programs like Texas Aerospace Scholars, the NASA Explorer Schools, and the Network of Educator Astronaut Teachers, NASA is nurturing a new generation of explorers and scientists who can contribute to our nation's excellence; and

WHEREAS, NASA plays a vital role in the economy of the Lone Star State, by employing nearly 3,000 civil servants and approximately 13,000 contractors at the Johnson Space Center and by awarding almost \$4 billion worth of NASA contracts annually; small businesses across Texas with technical challenges have benefited from the support of the aerospace industry, NASA, and the State of Texas' support of the Technology Outreach Program, resulting in new business ventures within the state; and

WHEREAS, The Space Exploration Vision has the potential to further drive innovation, development, and advancement in the aerospace and other high technology industries across the nation and in the State of Texas; and

WHEREAS, The extraordinary contributions of NASA to science and technology are the pride of our state, and the Space Exploration Vision is truly deserving of legislative recognition; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas hereby congratulate the National Aeronautics and Space Administration on their many accomplishments and wish them the best in accomplishing the many goals and milestones they still have to achieve.

JACKSON

HCR 68 was read.

On motion of Senator Jackson and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Absent-excused: Janek, Madla.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate Lieutenant General Jefferson D. Howell, Jr., and astronauts Shannon W. Lucid and Stephanie D. Wilson representing the National Aeronautics and Space Administration.

The Senate welcomed its guests.

SENATE RESOLUTION 131

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pleasure in joining the citizens of Chambers County in celebrating Chambers County Day at the State Capitol on February 15, 2005; and

WHEREAS, Chambers County is comprised of Anahuac, the county seat, and other communities including Beach City, Cove, Double Bayou, Hankamer, Mont Belvieu, Oak Island, Old River-Winfree, Smith Point, Stowell, and Winnie; and

WHEREAS, Countless tourists are drawn to the many attractions and festivals offered by Chambers County; Texas Gatorfest promotes one of the largest commodities in the area, the alligator, and the Texas Rice Festival celebrates the completion of the rice harvest and a job well done; and

WHEREAS, Visitors are also drawn by activities like antique shopping, bird-watching, fishing, golfing, hunting, and auto racing, and by the area's history and research facilities and parks; and

WHEREAS, Contributing to the county's economy, in addition to tourism, are the petroleum industry, chemical plants, agribusiness, fish and oyster processing, and manufacturing; and

WHEREAS, The residents of Chambers County are justifiably proud of their achievements, for this noteworthy region and its citizens have played a significant role in the development of the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby declare February 15, 2005, Chambers County Day at the State Capitol and extend a warm welcome to the fine citizens who have traveled to Austin to celebrate this occasion; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the people of Chambers County as a memento of this special occasion.

WILLIAMS
JANEK

SR 131 was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate Chambers County Judge Jimmy Sylvia and County Commissioners Mark Huddleston, Judy Edmonds, Buddy Irby, and Bill Wallace, accompanied by a delegation of citizens from Chambers County.

The Senate welcomed its guests.

SENATE RESOLUTION 138

Senator Ogden offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing the citizens of Walker County and in designating February 15, 2005, as Walker County Day at the State Capitol; and

WHEREAS, Visitors from Walker County at the Capitol today include Huntsville-Walker County Chamber of Commerce representatives and members of the 23rd annual class of the Huntsville Leadership Institute; and

WHEREAS, Walker County covers 801 square miles of rolling hills and open prairies in the Piney Woods area in southeast Texas; when colonists from the United States settled in the area in the 1830s, Pleasant and Ephraim Gray established a trading post that would become the City of Huntsville; and

WHEREAS, In 1846, the First Legislature of the State of Texas established Walker County and designated Huntsville the seat of government; two years later, the county was selected as the site for the Texas State Penitentiary, and Sam Houston State University was established in Huntsville in 1879; and

WHEREAS, Huntsville is proud to be the home of Sam Houston, who is memorialized with a 67-foot statue on a 10-foot base; it is also the site of the Sam Houston Memorial Museum; other places of interest include the Texas Prison Museum, the HEARTS Veterans Museum of Texas, Huntsville State Park, and the Sam Houston National Forest; and

WHEREAS, Huntsville was designated a Main Street City by the Texas Historical Commission in 2001, and since then, the historic Roberts-Farris Log Cabin has been moved to the downtown square and restored; the cabin now serves as a visitor center; and

WHEREAS, Walker County Day at the State Capitol is an excellent opportunity for the Senate to recognize the county's rich history and its educational, economic, and cultural contributions to the development of this state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby extend a warm welcome to the citizens from Walker County who have come to the Capitol this day and recognize February 15, 2005, as Walker County Day; and, be it further

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

SR 138 was read and was adopted without objection.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate a delegation of citizens from Walker County.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 50

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Leadership Kerr County is celebrating its 20th anniversary in 2005, and this occasion provides a fitting opportunity to honor this noteworthy organization; and

WHEREAS, In the fall of 1985, 21 dedicated community leaders came together in an effort to become better informed on vital civic matters, including rapid change and its effects, environmental concerns, economic development recruiting and fluctuations, and population growth; and

WHEREAS, A project of the Kerrville Area Chamber of Commerce and Schreiner University, Leadership Kerr County challenges its participants to increase their knowledge of important public issues, encourages students to acquaint themselves with community needs and problems while evaluating possible solutions, and invites them to meet and exchange ideas with present leaders; and

WHEREAS, A host of esteemed Hill Country residents are among the program's more than 400 alumni, including current City of Kerrville Mayor, Stephen Fine; City of Kerrville Councilman, David Wampler; Kerr County Judge, Pat Tinley; former Kerr County Judge, Fred Henneke; District Court Judge, Stephen Ables; former Kerr County Attorney, David Motley; and five past chairmen of the Kerrville Area Chamber of Commerce; and

WHEREAS, Endeavoring to build a more informed and involved citizenry and to develop new leaders, this invaluable program, and all those associated with it, are helping to build a brighter and more promising future for the Lone Star State, and it is a pleasure to join with them in celebration of two decades of accomplishments; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas hereby honor Leadership Kerr County on its 20th anniversary and extend to its participants sincere best wishes for continued success; and, be it further

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

FRASER

HCR 50 was read.

On motion of Senator Fraser and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Absent-excused: Janek, Madla.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate a delegation of citizens representing Leadership Kerr County.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Lindsay submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Texas Racing Commission: Gerald Kent Carter, Burleson County; Charles Lee Sowell III, Harris County; Louis Edward Sturns, Tarrant County.

Member, Texas Workers' Compensation Commission: William A. "Bill" Ledbetter, Jr., Tarrant County.

Judge, 57th Judicial District Court, Bexar County: Joe Frazier Brown, Jr., Bexar County.

Judge, 417th Judicial District Court, Collin County: Cynthia McCrann "Cyndi" Wheless, Collin County.

Members, Texas State Board of Examiners of Professional Counselors: Diane Johnson Boddy, Clay County; James Castro, Bexar County; Alma Gloria Leal, Cameron County; J. Helen Perkins, Ed.D., Dallas County.

Presiding Officer, Texas Historical Commission: John Liston Nau III, Harris County.

Members, Texas Historical Commission: Thomas E. Alexander, Gillespie County; Bob Bowman, Angelina County; Albert F. "Boo" Hausser, Bexar County.

Members, Texas Military Facilities Commission: Regino J. "Reggie" Gonzales, Harris County; Larry W. Jackson, Bell County; Chao-Chiung Lee, Harris County.

Members, Texas Optometry Board: David Dixon Golden, Shelby County; Randall N. Reichle, O.D., Harris County; Elsa Silva, El Paso County.

Members, Private Sector Prison Industries Oversight Authority: Lillian Barajas, El Paso County; S. Roxanne Carter, Randall County.

Member, State Cemetery Committee: James Coley Cowden, Travis County.

Members, Telecommunications Planning and Oversight Council: Jennifer Nash Anderson, Dallas County; Robert "Bob" Frost, Tarrant County; Johanne M. Ibsen-Wolford, Travis County; Tim Shen, Harris County.

Members, Texas Veterans Commission: John A. Brieden III, Washington County; Karen Summerfield Rankin, Bexar County.

Member, Veterans' Land Board: Cephus S. Rhodes, El Paso County.

Members, State Board of Veterinary Medical Examiners: Bud E. Alldredge, Jr., D.V.M., Nolan County; Paul Martinez, Sutton County.

NOTICE OF CONSIDERATION OF NOMINATIONS

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

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:25 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 346 by Wentworth

Relating to conforming the law concerning the removal of a guardian of a ward to amendments made by the 78th Legislature.

To Committee on Jurisprudence.

SB 347 by Wentworth

Relating to the appointment of an appraiser to appraise the property of a decedent's or ward's estate.

To Committee on Jurisprudence.

SB 348 by Wentworth

Relating to the availability of judges and magistrates for proceedings related to chemically dependent persons.

To Committee on Jurisprudence.

SB 349 by Wentworth

Relating to the jurisdiction of a court with respect to an action involving a testamentary trust.

To Committee on Jurisprudence.

SB 350 by Lindsay

Relating to the establishment and use of a columbarium by a church in certain municipalities.

To Committee on Intergovernmental Relations.

SB 351 by Van de Putte

Relating to the use of credit scoring and credit history by certain telecommunications and electric service providers.

To Committee on Business and Commerce.

SB 352 by Madla, Duncan, Fraser, Lucio, Seliger, Shapleigh

Relating to the management of state-owned land, including the lease of the right to produce groundwater from certain state-owned land.

To Committee on Natural Resources.

SB 353 by Fraser

Relating to the creation of an additional judicial district and the jurisdiction of the existing district courts in Bell County.

To Committee on Jurisprudence.

SB 354 by Fraser

Relating to the issuance of revenue bonds for Tarleton State University.

To Committee on Finance.

SB 355 by Fraser

Relating to the authority of the Texas Commission on Environmental Quality over the issuance of certain district bonds.

To Committee on Natural Resources.

SB 356 by Ellis

Relating to an urban land bank demonstration program in certain municipalities.

To Committee on Intergovernmental Relations.

SB 357 by Van de Putte

Relating to infection rates at hospitals; providing a civil penalty.

To Committee on Health and Human Services.

SB 358 by Gallegos

Relating to the collection and reporting of employment information regarding beneficiaries of certain health care services.

To Committee on State Affairs.

SB 359 by Harris

Relating to notice regarding rental car damage waivers.

To Committee on Business and Commerce.

SB 360 by Carona

Relating to the exemption from ad valorem taxation by certain counties of the property of organizations engaged primarily in performing charitable functions.

To Committee on Finance.

SB 361 by Carona

Relating to criteria for voluntary admission to state schools for persons with mental retardation.

To Committee on Health and Human Services.

SB 362 by Carona

Relating to certain condominium owners' right to redeem real property following certain foreclosure sales.

To Committee on Intergovernmental Relations.

SB 363 by Lindsay

Relating to the general powers, authority, and directors of the West Harris County Regional Water Authority.

To Committee on Natural Resources.

SB 364 by Lucio

Relating to birth records of adopted children.

To Committee on Jurisprudence.

SB 365 by Staples

Relating to the punishment for the offense of burglary of coin-operated or coin collection machines.

To Committee on Criminal Justice.

SB 366 by Staples

Relating to the punishment for the offense of burglary of vehicles.

To Committee on Criminal Justice.

SB 367 by Shapleigh

Relating to the statutory probate courts of El Paso County.

To Committee on Jurisprudence.

SB 368 by Duncan

Relating to the compensation of state judges and to the computation of retirement benefits for members of the elected class of the Employees Retirement System of Texas.

To Committee on State Affairs.

SB 369 by Barrientos

Relating to the prohibition of signs on Farm-to-Market Road 3238.

To Committee on Intergovernmental Relations.

SB 370 by Jackson

Relating to expiration dates for certain licenses issued or renewed by the Department of Agriculture.

To Subcommittee on Agriculture and Coastal Resources.

SB 371 by Jackson

Relating to the Interstate Pest Control Compact.

To Subcommittee on Agriculture and Coastal Resources.

SB 372 by Jackson

Relating to fees for registration and inspection of certain fuel measuring and dispensing devices.

To Subcommittee on Agriculture and Coastal Resources.

SB 373 by Jackson

Relating to the permitting of cabins adjacent to littoral property.
To Subcommittee on Agriculture and Coastal Resources.

SB 374 by Jackson

Relating to the repeal of the statutory provision regarding the adoption and use by the Texas Water Development Board of a capital spending plan for certain state-funded water-related programs under the board's jurisdiction.
To Committee on Natural Resources.

SB 375 by Van de Putte

Relating to prohibiting the sale or use of unsafe children's products; providing a civil penalty.
To Committee on State Affairs.

SB 376 by Madla

Relating to a pilot program for language interpreter services under the medical assistance program.
To Committee on Health and Human Services.

SB 377 by Deuell

Relating to authorizing a county, city, town, school district, or other political subdivision to provide an additional exemption from ad valorem taxation of the residence homesteads of certain surviving spouses of peace officers and firefighters.
To Committee on Finance.

SB 378 by Deuell

Relating to the State Board of Education review of public school textbooks.
To Committee on Education.

SB 379 by Wentworth, Jackson, Williams

Relating to authorizing the issuance of not more than \$10 million in revenue bonds for the purchase and retirement of certain commercial fishing, shrimping, and crabbing licenses.
To Subcommittee on Agriculture and Coastal Resources.

SB 380 by Wentworth, Jackson, Williams

Relating to commercial bay shrimping boat licenses, commercial bay shrimp boat licenses, and commercial bait-shrimp boat licenses.
To Subcommittee on Agriculture and Coastal Resources.

SB 381 by Staples

Relating to the regulation of real estate appraisers.
To Committee on Business and Commerce.

SB 382 by Staples

Relating to disciplinary proceedings and contested cases involving real estate appraisers and appraiser trainees.
To Committee on Business and Commerce.

SB 383 by Ellis, Gallegos

Relating to the exemption from the sales tax for clothing and footwear.

To Committee on Finance.

SB 384 by Ellis, Gallegos

Relating to exemptions from the sales tax for certain school supplies and instructional materials.

To Committee on Finance.

SB 385 by Carona

Relating to the regulation of funeral homes, cemeteries, and crematories.

To Committee on Business and Commerce.

SB 386 by Wentworth

Relating to the ability of public school employees to communicate with members of a school district board of trustees.

To Committee on Education.

SB 387 by Wentworth

Relating to school district employment policies.

To Committee on Education.

SB 388 by Wentworth

Relating to emergency services for sexual assault survivors.

To Committee on Health and Human Services.

SB 389 by Wentworth

Relating to providing information and other services relating to emergency contraception to sexual assault survivors.

To Committee on Health and Human Services.

SB 390 by Wentworth

Relating to the order of succession to the office of governor.

To Committee on State Affairs.

SB 391 by Armbrister

Relating to the degree programs offered by the University of Houston-Victoria.

To Subcommittee on Higher Education.

SB 392 by Van de Putte

Relating to the residency requirements for tuition and fee exemptions for certain military personnel and their dependents.

To Subcommittee on Higher Education.

SB 393 by Van de Putte

Relating to the designation of certain adults to exercise child visitation and possession rights on behalf of a parent serving in the armed forces and deployed outside this country.

To Committee on Jurisprudence.

SB 394 by Seliger

Relating to the definition of criminally injurious conduct for purposes of the Crime Victims' Compensation Act.

To Committee on Criminal Justice.

SB 395 by Seliger

Relating to the submission of certain pleas and waivers by closed circuit video teleconferencing.

To Committee on Criminal Justice.

SB 396 by Seliger

Relating to the interagency exchange of information regarding certain offenders with special needs.

To Committee on Criminal Justice.

SB 397 by Seliger

Relating to the forfeiture of contraband used or intended to be used in the commission of certain criminal offenses.

To Committee on Criminal Justice.

SB 398 by Averitt

Relating to rates and rating plans for automobile insurance.

To Committee on Business and Commerce.

SB 399 by Madla

Relating to liability of certain individuals for certain governmental fines or penalties.

To Committee on Government Organization.

SB 400 by Nelson

Relating to the continuation and operation of the workers' compensation system of this state and to the abolition of the Texas Workers' Compensation Commission, the establishment of the office of employee assistance, and the transfer of the powers and duties of the Texas Workers' Compensation Commission to the Texas Department of Insurance, the Texas Workforce Commission, and the office of employee assistance; providing administrative violations.

To Committee on Government Organization.

SB 401 by Nelson

Relating to the continuation and functions of the Texas Board of Chiropractic Examiners; providing a criminal penalty.

To Committee on Government Organization.

SB 402 by Nelson

Relating to the administration and functions of the Texas State Board of Podiatric Medical Examiners.

To Committee on Government Organization.

SB 403 by Nelson

Relating to the continuation and functions of the Texas State Board of Examiners of Perfusionists.

To Committee on Government Organization.

SB 404 by Shapleigh

Relating to the powers and duties of the Texas Optometry Board and to contact lens prescriptions and the dispensing of contact lenses.

To Committee on Government Organization.

SB 405 by Jackson

Relating to the continuation and functions of the Texas Lottery Commission.

To Committee on Government Organization.

SB 406 by Jackson

Relating to the continuation and functions of the Texas State Board of Examiners of Psychologists.

To Committee on Government Organization.

SB 407 by Jackson

Relating to the continuation and functions of the State Board of Veterinary Medical Examiners.

To Committee on Government Organization.

SB 408 by Nelson

Relating to the continuation and functions of the Public Utility Commission of Texas.

To Committee on Government Organization.

SB 409 by Nelson

Relating to the continuation and functions of the office of public utility counsel.

To Committee on Government Organization.

SB 410 by Whitmire

Relating to the continuation and functions of the Texas State Board of Pharmacy.

To Committee on Government Organization.

SB 411 by Whitmire

Relating to the regulation of barbers and cosmetologists by the Texas Board of Barbering and Cosmetology and the abolition of the State Board of Barber Examiners and the Texas Cosmetology Commission.

To Committee on Government Organization.

SB 423 by Carona

Relating to the issuance of a limited license to practice medicine to certain applicants.

To Committee on Health and Human Services.

SB 424 by Carona

Relating to the deadline for passing the examination for a license to practice medicine in this state.

To Committee on Health and Human Services.

SB 425 by Hinojosa

Relating to subdivision platting requirements and assistance for certain counties near an international border.

To Committee on Intergovernmental Relations.

SB 426 by Shapleigh

Relating to the health of school-age children.

To Committee on Education.

SB 427 by Van de Putte

Relating to providing notification to a county voter registrar of the change in boundaries of a political subdivision located in the county.

To Committee on State Affairs.

SB 428 by Lindsay

Relating to the repeal of the requirement that the creation of the Harris County Municipal Utility District No. 388 be confirmed by a specific date.

To Committee on Intergovernmental Relations.

SB 429 by Lindsay

Relating to the repeal of the requirement that the creation of the Harris County Municipal Utility District No. 387 be confirmed by a specific date.

To Committee on Intergovernmental Relations.

SB 430 by Lindsay

Relating to the regulation of fireworks by certain counties; providing a criminal penalty.

To Committee on Intergovernmental Relations.

SB 431 by Staples

Relating to the prosecution of the offense of criminal trespass on certain property.

To Committee on Transportation and Homeland Security.

SB 432 by Staples

Relating to the abolition of the Public Safety Radio Communications Council and the transfer of certain functions to the office of the governor.

To Committee on Transportation and Homeland Security.

SB 433 by Wentworth

Relating to the authorization of airport authorities and the issuance of bonds and exercise of eminent domain by the authorities.

To Committee on Transportation and Homeland Security.

SB 434 by Duncan

Relating to the powers and duties of the Lockney General Hospital District.

To Committee on Intergovernmental Relations.

SB 435 by Gallegos

Relating to the education requirements for a justice of the peace.

To Committee on Jurisprudence.

SB 436 by Gallegos

Relating to the records of a justice of the peace.

To Committee on Jurisprudence.

SB 437 by Gallegos

Relating to the suspended execution of the sentence for a tobacco offense committed by a minor.

To Committee on Criminal Justice.

SB 438 by Gallegos

Relating to service of citation in small claims courts.

To Committee on Jurisprudence.

SB 439 by Gallegos

Relating to eviction suits in justice courts.

To Committee on Jurisprudence.

SB 440 by Ellis

Relating to compensation for wrongful imprisonment.

To Committee on Criminal Justice.

SB 441 by Madla

Relating to application of the professional prosecutors law to the district attorney for the 112th Judicial District.

To Committee on Jurisprudence.

SB 442 by Hinojosa

Relating to certain claims and civil actions against sales agents.

To Committee on State Affairs.

SB 443 by Staples

Relating to the regulation of industrialized buildings.

To Committee on Business and Commerce.

SB 444 by Staples

Relating to registration fee credits for the owners of certain dry cleaning facilities that do not participate in the dry cleaning facility release fund.

To Committee on Natural Resources.

SB 445 by Carona

Relating to indemnification provisions in construction contracts.

To Committee on State Affairs.

SB 446 by Carona

Relating to the reduction in value of a gift card.

To Committee on Business and Commerce.

SB 447 by Janek

Relating to the sale of tax receivables by a local government.

To Committee on Intergovernmental Relations.

SB 448 by Zaffirini

Relating to the Texas Academy of International Studies at Texas A&M International University.

To Subcommittee on Higher Education.

SB 449 by Wentworth

Relating the conversion of certain mutual life insurance companies to insurance holding companies and stock life insurance companies.

To Committee on State Affairs.

SB 450 by Wentworth

Relating to the confidentiality of certain personal information regarding the employees of a prosecutor's office.

To Committee on State Affairs.

SJR 12 by Janek

Proposing a constitutional amendment to abolish the office of county treasurer of Fort Bend County.

To Committee on Intergovernmental Relations.

SJR 13 by Deuell

Proposing a constitutional amendment authorizing a county, city, town, school district, or other political subdivision to provide an additional exemption from ad valorem taxation of the residence homesteads of certain surviving spouses of peace officers and firefighters.

To Committee on Finance.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read first time and referred to the committee indicated:

HCR 35 to Committee on Administration.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:39 p.m. adjourned until 11:00 a.m. tomorrow.

