

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTEENTH DAY

(Wednesday, February 14, 2007)

The Senate met at 11:44 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Gallegos, Shapiro.

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

The Reverend Mickey Reynolds, Caney Creek Church, Wharton, offered the invocation as follows:

Our precious heavenly Father, we wish to honor You today, especially this Valentine's Day which reminds us of love. We are aware of Your three gifts: faith, hope, and love, and the greatest of these is love. As the Texas Senate prepares to do Your business today, may they do that business with love, love of their state, the great State of Texas, love of their people, the wonderful citizens of Texas, and love of their God who has ordained government for us. In each decision made in the session may You be honored. I pray Your blessings on the men and women as they seek to do Your will in all that they do. Respecting all other faiths, I pray this prayer in the name of my lord and savior, Jesus Christ. 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 Gallegos was granted leave of absence for today on account of illness.

On motion of Senator Whitmire, Senator Shapiro was granted leave of absence for today on account of a death in the family.

CO-AUTHOR OF SENATE BILL 60

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-author of **SB 60**.

CO-AUTHORS OF SENATE BILL 105

On motion of Senator West, Senators Deuell and Estes will be shown as Co-authors of **SB 105**.

CO-AUTHOR OF SENATE BILL 112

On motion of Senator Carona, Senator Williams will be shown as Co-author of **SB 112**.

CO-AUTHOR OF SENATE BILL 127

On motion of Senator Shapleigh, Senator Ellis will be shown as Co-author of **SB 127**.

CO-AUTHOR OF SENATE BILL 132

On motion of Senator Wentworth, Senator Van de Putte will be shown as Co-author of **SB 132**.

CO-AUTHOR OF SENATE BILL 143

On motion of Senator West, Senator Uresti will be shown as Co-author of **SB 143**.

CO-AUTHOR OF SENATE BILL 149

On motion of Senator Carona, Senator Hinojosa will be shown as Co-author of **SB 149**.

CO-AUTHOR OF SENATE BILL 156

On motion of Senator Shapiro, Senator Ellis will be shown as Co-author of **SB 156**.

CO-AUTHOR OF SENATE BILL 161

On motion of Senator Wentworth, Senator Williams will be shown as Co-author of **SB 161**.

CO-AUTHORS OF SENATE BILL 247

On motion of Senator Ellis, Senators Deuell and Wentworth will be shown as Co-authors of **SB 247**.

CO-AUTHOR OF SENATE BILL 251

On motion of Senator Harris, Senator Fraser will be shown as Co-author of **SB 251**.

CO-AUTHORS OF SENATE BILL 252

On motion of Senator Estes, Senators Carona, Harris, Watson, and Wentworth will be shown as Co-authors of **SB 252**.

CO-AUTHOR OF SENATE BILL 282

On motion of Senator Gallegos, Senator Zaffirini will be shown as Co-author of **SB 282**.

CO-AUTHORS OF SENATE BILL 438

On motion of Senator Hegar, Senators Fraser and Janek will be shown as Co-authors of **SB 438**.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Helen Madla, the widow of former Senator Frank Madla.

The Senate welcomed its guest.

SENATE RESOLUTION 232

Senator Hinojosa offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the representatives of Hidalgo County who are visiting the State Capitol in celebration of Hidalgo County Day; and

WHEREAS, The Hidalgo County delegation includes Judge J.D. Salinas III, County Commissioners Sylvia S. Handy, Hector "Tito" Palacios, Joe Flores, Oscar L. Garza, and other Hidalgo citizens who take great pride in their county and are committed to making it an even more prosperous region in the future; and

WHEREAS, The area that is Hidalgo County was colonized by the Spanish in the 18th century; land was parceled out, and ranches and communities began to form; La Habitación was one of the first settlements established north of the Rio Grande River; and

WHEREAS, The county was formed in 1852 and named for Miguel Hidalgo y Costilla, the priest who gave the cry for Mexican independence from Spanish rule; and

WHEREAS, Chapin was established in 1908 and was soon made the county seat and renamed Edinburg; the city today is a center for many cultural activities and home to the Museum for South Texas History, which is known for its extensive collection of local historic artifacts; and

WHEREAS, The rich soil in Hidalgo County makes the land suitable for growing citrus fruits, cotton, corn, sugarcane, and grain; festivals are held throughout the year in tribute to local harvests, and Hidalgo County residents are joined by many visitors who enjoy such events as Citrus Fiesta, the Weslaco Sugarfest, and the Rio Grande Valley Stock Show; and

WHEREAS, Hidalgo County has a rich and colorful past, and Hidalgo County Day at the State Capitol is an excellent opportunity for the legislature to pay tribute to the county's unique history and qualities and its many contributions to the development of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby recognize February 14, 2007, as Hidalgo County Day at the State Capitol and extend best wishes for a memorable visit to all Hidalgo County residents who have come to celebrate their special day; and, be it further

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

HINOJOSA
LUCIO

SR 232 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa, joined by Senator Lucio, was recognized and introduced to the Senate county officials from Hidalgo County: County Judge J. D. Salinas III; County Commissioners, Sylvia S. Handy and Hector "Tito" Palacios; and County Auditor Ray Eufrazio; accompanied by a delegation of citizens from Hidalgo County.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Janek was recognized and presented Dr. Jimmy Clay Burns of West Columbia as the Physician of the Day.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
February 14, 2007

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 77, Recognizing the 75th anniversary of Firstmark Credit Union in San Antonio.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate representatives of the Bryan-College Station Chamber of Commerce.

The Senate welcomed its guests.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 18**.

SENATE RESOLUTION 227

Senator Wentworth offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the delegation from the Texas State University System to the State Capitol and to proclaim February 14, 2007, as Texas State University System Legislative Day; and

WHEREAS, The oldest state university system in Texas, the Texas State University System began as a means to support and manage the state teachers colleges; it has evolved into a network of institutions offering a broad range of academic and career avenues for students from all walks of life; and

WHEREAS, Angelo State University boasts one of the top physics departments in the country; Lamar University's nationally certified deaf education program is the largest graduate program of its kind in Texas; Sam Houston State University is home to one of the premier criminal justice programs in the nation; Sul Ross State University is a national leader in future Latino science and engineering graduates; and

WHEREAS, Sul Ross State University-Rio Grande College is among the state's leaders in graduating Hispanic teachers; Texas State University-San Marcos has the largest and one of the best geography programs in the nation; Lamar State College-Orange, Lamar State College-Port Arthur, and the Lamar Institute of Technology all provide the citizens of Southeast Texas with exemplary post-secondary vocational and technical programs; and

WHEREAS, The future of Texas depends largely on the ability of its citizens to meet the demands of an increasingly global society; the Texas State University System's mission of providing an accessible, high-quality, affordable education furthers the goal of making Texas a serious competitor in the challenging world of the 21st century; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend a warm welcome to the representatives of the Texas State University System on the occasion of Texas State University System Legislative Day at the State Capitol; and, be it further

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

WENTWORTH
DUNCAN
JANEK
NICHOLS

OGDEN
URESTI
WILLIAMS

SR 227 was read and was adopted without objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate representatives of the Texas State University System: Chancellor Charles Matthews; Board of Regents Chair Kent Adams; Vice-chair Bernie Francis; Student Regent Magdalena Manzano; and Board of Regents members, Greg Wilkinson, Dora Alcalá, Alan Dreeben, and John Dudley.

The Senate welcomed its guests.

SENATE RESOLUTION 196

Senator Eltife offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to welcome members of the Texas Organization of Rural and Community Hospitals, also known as TORCH, on their visit to the Capitol on February 14, 2007; and

WHEREAS, Established in 1990, TORCH is now in its 16th year and has become known as the voice that speaks for the rural and community hospitals of Texas and as a model for rural health-care organizations across the nation; and

WHEREAS, The passing of its former founder and longtime president and chief executive officer, John F. Boff, on July 22, 2006, was met with great sorrow by the members and partners of this proud and prestigious organization; and

WHEREAS, Through its grassroots, dynamic, and collaborative work ethic, TORCH has helped small community hospitals and remote rural hospitals survive in an economic and regulatory environment that has become increasingly challenging; and

WHEREAS, Of the 254 counties in Texas, 177 are considered rural; of these counties, 50 have no hospital and 99 have one hospital; 177 counties are designated as medically underserved and 112 Texas counties have been designated as health professional shortage areas; in addition, 46 counties have been designated as partial shortage areas; and

WHEREAS, Over three million Texans rely on rural hospitals to provide access to high-quality medical care; TORCH is a source of support for these hospitals, which are challenged with providing care for a growing number of uninsured families, dealing with higher costs and lower reimbursements, keeping pace with technology and capital improvements, and recruiting and retaining highly qualified health-care professionals; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby welcome the members of the Texas Organization of Rural and Community Hospitals to the Capitol and commend all those associated with this valuable organization for their work on behalf of the Lone Star State's rural and community hospitals; and, be it further

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

SR 196 was read and was adopted without objection.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate representatives of the Texas Organization of Rural and Community Hospitals.

The Senate welcomed its guests.

SENATE RESOLUTION 243

Senator Hinojosa offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize February 14, 2007, as Mission Day at the Capitol and to welcome the citizens of Mission who have traveled to Austin for this occasion; and

WHEREAS, The earliest settlers of the Mission area were the Native American Coahuiltecan, a name that refers to the indigenous people of 200 tribes who lived on both sides of the Rio Grande from the mouth of the Pecos River to the Gulf of Mexico; and

WHEREAS, Over 200 years ago, the Spanish settled the vast area stretching from the Panuco River in Tampico, Mexico, to present-day Corpus Christi, Texas; in 1762, King Carlos III of Spain ordered a just and equal division of the territory, and in this process, *porciones* of land along the Rio Grande were established; *Porciones* 55 and 57 were the location of Rancho La Lomita, which became the site of the historic La Lomita Chapel; and

WHEREAS, Written records indicate that the site known as La Lomita was granted to Captain Cantu of Reynosa by a Spanish grant in 1767, and the land was eventually sold to Rene Guyard, who left the land to the Missionary Oblates of Mary; the priests of the Oblate order established the La Lomita Mission in 1824, and La Lomita Chapel was built in 1865; and

WHEREAS, In 1908, the Missouri Pacific Railroad established a railway station near the mission, and that same year, the City of Mission was founded; Mrs. Ann Voltz, who lived in the Madero area, suggested that the new town be named Mission after the La Lomita Mission; since 1908, the City of Mission has grown from a railroad stop to a thriving city with a population approaching 50,000; and

WHEREAS, An orange grove had been planted by the Oblate priests, and thus the Mission area became the locale of the first citrus trees to be planted in the Rio Grande Valley; Mission was designated the Lone Star State's Home of the Grapefruit by the 75th Texas Legislature; the citrus industry is a multimillion-dollar business that is celebrated annually during the Texas Citrus Fiesta; and

WHEREAS, Mission was immortalized in Larry McMurtry's novel and miniseries, *Lonesome Dove*, and its notable residents have included the late United States Senator and Treasury Secretary Lloyd Bentsen and former United States Congressman and Agriculture Secretary Kika de la Garza; Mission was the childhood home of Coach Tom Landry and a second home to Governor Allan Shivers and the illustrious William Jennings Bryan; and

WHEREAS, The Mission area is now known for its birding and nature study opportunities provided by the city's nearby Bentsen-Rio Grande Valley State Park, site of the headquarters of the World Birding Center; and

WHEREAS, Mission Day at the Capitol provides an opportunity to honor the city's heritage and its charm and many amenities, which are enjoyed by residents and vacationers of all ages; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby join the citizens of Mission in paying tribute to their unique city and extend to them best wishes for an enjoyable Mission Day at the Capitol; and, be it further

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

SR 243 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a delegation from the City of Mission: Mayor Norberto Salinas, City Manager Julio Cerda, Geoff Hall, Joe Roseland, and Dennis Burluson, accompanied by a delegation of citizens from Mission.

The Senate welcomed its guests.

SENATE RESOLUTION 187

Senator Fraser offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pleasure in recognizing the citizens of Comanche County and in proclaiming February 14, 2007, Comanche County Day at the Capitol; and

WHEREAS, Named for the Comanche Indians who once dominated the Southwest Plains, Comanche County was created in 1856 from Bosque and Coryell Counties; and

WHEREAS, Situated in the hills of Central Texas, Comanche County is an area of scenic vistas and fertile soil, and its citizens take great pride in the county's history and its historical treasures; and

WHEREAS, The county seat, Comanche, is a Texas Main Street City and home to the Comanche County PowWow and to "Old Cora," a split-log, one-room cabin that is the oldest standing courthouse in Texas; the courthouse was built in the town of Cora in 1856 and was relocated to Comanche after Comanche became the county seat in 1859; and

WHEREAS, The citizens of Comanche County enjoy a vibrant local economy that is based primarily on agriculture; tourists and residents enjoy boating, camping, and fishing at several parks situated around the county's beautiful Lake Proctor; and

WHEREAS, Comanche County is truly an asset to our state, and its communities have much to be proud of; the county has played an important role in the history of Texas and will continue to do so in the years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby join Comanche County residents in celebrating February 14, 2007, as Comanche County Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of Comanche County and as a memento of this occasion.

SR 187 was read and was adopted without objection.

GUESTS PRESENTED

Senator Fraser was recognized and introduced to the Senate a delegation of citizens from Comanche County.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

MESSAGES FROM THE GOVERNOR

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

Austin, Texas
February 13, 2007

TO THE SENATE OF THE EIGHTIETH LEGISLATURE, REGULAR SESSION:

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

To be the Injured Employee Public Counsel for a term to expire February 1, 2009:

Norman W. Darwin
Weatherford, Texas

(Mr. Darwin is being reappointed)

To be Commissioner of Workers' Compensation for a term to expire February 1, 2009:

Albert Betts, Jr.
Austin, Texas

(Mr. Betts is being reappointed)

To be a member of the Texas Real Estate Commission for a term to expire January 31, 2011:

Troy C. Alley, Jr.
DeSoto, Texas

(Mr. Alley is replacing James N. Austin of Fort Worth whose term expired)

Respectfully submitted,

/s/Rick Perry
Governor

SENATE CONCURRENT RESOLUTION 19

The President laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 14, 2007, and ending on Monday, February 19, 2007.

WHITMIRE

SCR 19 was read.

On motion of Senator Whitmire 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: Gallegos, Shapiro.

SENATE BILL 300 REREFERRED

Senator Ellis submitted a Motion In Writing requesting that **SB 300** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Government Organization.

The Motion In Writing prevailed without objection.

SENATE RESOLUTION 244

Senator Averitt offered the following resolution:

SR 244, In memory of Patsy Marie White Alexander of Eastland.

The resolution was read.

Senator Averitt was recognized and introduced to the Senate family members of Patsy Marie White Alexander.

The Senate welcomed its guests and extended its sympathy.

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

On motion of Senator Averitt, **SR 244** was adopted by a rising vote of the Senate.

In honor of the memory of Patsy Marie White Alexander, the text of the resolution is printed at the end of today's *Senate Journal*.

CONCLUSION OF MORNING CALL

The President at 12:27 p.m. announced the conclusion of morning call.

SENATE CONCURRENT RESOLUTION 20

The President laid before the Senate the following resolution:

WHEREAS, A special session of the legislature was called by Governor Rick Perry on April 17, 2006, to respond to the Texas Supreme Court decision in *Neeley v. West Orange-Cove Consolidated Independent School District*, 176 S.W. 3d 746 (Tex. 2005); and

WHEREAS, The legislature responded by enacting House Bill 1 (Chapter 5, Acts of the 79th Legislature, 3rd Called Session, 2006), which provides for increasing state aid to school districts for the purpose of reducing school district maintenance and operations taxes by 11.33 percent for the 2006 tax year and 33.33 percent for the 2007 tax year with the understanding that further state aid for the purpose of reducing school district taxes for maintenance and operations would be forthcoming in subsequent years; and

WHEREAS, House Bill 1 received overwhelming support in both houses of the legislature, passing by a margin of 31-0 in the Senate and 136-8 in the House of Representatives; and

WHEREAS, House Bill 1 establishes a mechanism for providing significant relief from school district property taxes by realigning funding for the public school system, specifically by providing for increasing the share of funds from state taxes and reducing the share of funds from school district property taxes; and

WHEREAS, The provision in House Bill 1 for substantially increasing the state's share of public school funding reverses a long-term trend of increasing reliance on local property taxes; and

WHEREAS, House Bill 1 calls for a reduction in school district property tax bills in Texas by an estimated \$7 billion annually in fiscal years 2008 and 2009; and

WHEREAS, House Bill 1, by providing a mechanism for significantly reducing school district property taxes, makes home ownership more affordable for Texas families; and

WHEREAS, Funding the school district property tax relief mechanism provided by House Bill 1 is essential to the promotion of long-term economic growth in Texas; and

WHEREAS, Senate Bill 2, 80th Legislature, Regular Session, 2007, or similar legislation makes appropriations for the purpose of implementing the school district property tax rate reduction mechanism established by House Bill 1; and

WHEREAS, Appropriations made by Senate Bill 2 are separate from and in addition to appropriations made by the general appropriations bill, Senate Bill 1, 80th Legislature, Regular Session, 2007, or similar legislation; and

WHEREAS, Appropriations made by the general appropriations bill are subject to the constitutional spending limit for state tax revenues not dedicated by the constitution, and appropriations made from those sources in Senate Bill 1 or similar legislation are less than the amount authorized by Section 22(a), Article VIII, Texas Constitution; now, therefore, be it

RESOLVED by the Legislature of the State of Texas, That the legislature finds that the existing need for lower school district property taxes constitutes an emergency for the people of Texas; and, be it further

RESOLVED, That the 80th Legislature may appropriate state tax revenues not dedicated by the Texas Constitution for the state fiscal biennium ending August 31, 2009, in an amount not to exceed \$14,191,100,000 more than the amount authorized by Section 22(a), Article VIII, Texas Constitution, with \$14,191,100,000 being the amount appropriated for the biennium by Senate Bill 2, 80th Legislature, Regular Session, 2007, or similar legislation making appropriations for the purpose of funding school district property tax rate reductions in accordance with Section 42.2516, Education Code, as added by House Bill 1 (Chapter 5, Acts of the 79th Legislature, 3rd Called Session, 2006).

OGDEN

SCR 20 was read.

On motion of Senator Ogden and by unanimous consent, the resolution was considered immediately and was adopted by the following vote: Yeas 17, Nays 12.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Janek, Lucio, Ogden, Seliger, Wentworth, Williams.

Nays: Ellis, Hinojosa, Nelson, Nichols, Patrick, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Gallegos, Shapiro.

COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 13 ON SECOND READING

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 13** at this time (Submitted by Governor as an emergency matter):

CSSJR 13, Proposing a constitutional amendment authorizing the legislature to provide for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for public school purposes on the residence homesteads of the elderly or disabled to reflect any reduction in the rate of those taxes and providing that state appropriations made for the state fiscal biennium beginning September 1, 2007, for the purpose of directly reducing school district property tax rates do not count against the constitutional state spending limit.

The resolution was read second time.

Senator Averitt offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **CSSJR 13** as follows:

(1) Strike SECTION 2 and renumber subsequent SECTIONS accordingly.
(2) In existing SECTION 3, strike Subsection (a) of the temporary provision and substitute the following:

(a) This temporary provision applies to the constitutional amendment proposed by the 80th Legislature, Regular Session, 2007, authorizing the legislature to provide for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for public school purposes on the residence homesteads of the elderly or disabled to reflect any reduction in the rate of those taxes. This temporary provision expires January 1, 2009.

(3) In existing SECTION 3, strike Subsection (c) of the temporary provision.

(4) Strike existing SECTION 4 and substitute the following:

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held May 12, 2007. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the legislature to provide for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for public school purposes on the residence homesteads of the elderly or disabled to reflect any reduction in the rate of those taxes."

The amendment to **CSSJR 13** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Gallegos, Shapiro.

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

CSSJR 13 as amended was passed to engrossment by the following vote: Yeas 29, Nays 0.

Absent-excused: Gallegos, Shapiro.

COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 13 ON THIRD READING

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 13** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Shapiro.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSJR 13**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSJR 13** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Gallegos, Shapiro.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:44 p.m. agreed to adjourn, in memory of Patsy Marie White Alexander of Eastland, upon completion of the introduction of bills and resolutions on first reading, until 1:30 p.m. Monday, February 19, 2007.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 4 by Shapiro, Janek

Relating to open-enrollment charter schools and the creation of public charter districts.

To Committee on Education.

SB 5 by Deuell

Relating to the prosecution, punishment, and supervision of certain sex offenders and to certain crimes involving sex offenders.

To Committee on Criminal Justice.

SB 125 by Carona

Relating to the deposit of revenue collected from certain traffic penalties in the designated trauma facility and emergency medical services account.

To Committee on Transportation and Homeland Security.

SB 126 by Carona

Relating to the revenue sources for and administration of the Texas mobility fund.

To Committee on Finance.

SB 296 by Duncan

Relating to the authority of the comptroller to contract for services to collect delinquent taxes, fees, interest, and penalties.

To Committee on State Affairs.

SB 301 by Ellis

Relating to the authority of the governor to grant one or more reprieves in a capital case.

To Committee on Criminal Justice.

SB 302 by Harris

Relating to an administrative fee for defendants required by a court to perform community service in lieu of serving a term of confinement in county jail.

To Committee on Criminal Justice.

SB 303 by Harris

Relating to health care coverage for a child in a suit affecting the parent-child relationship.

To Committee on Jurisprudence.

SB 304 by Harris

Relating to the calculation of child support obligations.

To Committee on Jurisprudence.

SB 305 by Harris

Relating to the impoundment of a motor vehicle on the owner's second or subsequent conviction of operating a motor vehicle without financial responsibility for the vehicle.

To Committee on Transportation and Homeland Security.

SB 306 by Harris

Relating to the appointment of counsel to represent an indigent defendant in a capital case.

To Committee on Jurisprudence.

SB 307 by Harris

Relating to use of electronically readable information on a driver's license or personal identification certificate in connection with the over-the-counter sale of ephedrine, pseudoephedrine, or norpseudoephedrine; providing a criminal penalty.

To Committee on Criminal Justice.

SB 308 by Deuell, Van de Putte

Relating to disease control programs to reduce the risk of certain communicable diseases.

To Committee on Health and Human Services.

SB 309 by Van de Putte

Relating to the requirement that a career school or college adopt a refund policy for students called to active military service.

To Committee on Veteran Affairs and Military Installations.

SB 310 by Van de Putte

Relating to the Texas Veterans Commission's authority to make performance incentive awards for providing services to veterans.

To Committee on Veteran Affairs and Military Installations.

SB 311 by Van de Putte

Relating to reemployment rights of certain members of the National Guard.

To Committee on Veteran Affairs and Military Installations.

SB 312 by Wentworth

Relating to the taxation of holders of a private club beer and wine permit.

To Committee on Finance.

SB 313 by Carona

Relating to the punishment for the offense of burglary of a vehicle.

To Committee on Criminal Justice.

SB 314 by Ogden

Relating to considering ownership interests of disabled veterans and recipients of the Purple Heart Medal in determining whether a business is a historically underutilized business for purposes of state contracting.

To Committee on State Affairs.

SB 315 by Ogden

Relating to the extension of privileged parking for expectant and new mothers.

To Committee on Transportation and Homeland Security.

SB 316 by Ogden

Relating to the suspension or revocation of a state-issued license if the applicant for the license makes a false statement.

To Committee on Government Organization.

SB 317 by Brimer

Relating to allowing the State Preservation Board to purchase, lease, or maintain indoor plants for the Capitol or Capitol extension.

To Committee on Administration.

SB 318 by Deuell

Relating to Medicaid incentive payments for direct nursing care provided by nursing homes.

To Committee on Health and Human Services.

SB 319 by Deuell

Relating to the transfer of money appropriated to provide institutional care for certain persons to provide community-based services to those persons.

To Committee on Finance.

SB 320 by Deuell

Relating to the operation and functions of the Texas Board of Professional Engineers and the regulation of the practice of engineering.

To Committee on Business and Commerce.

SB 321 by Deuell

Relating to providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the residence homesteads of the elderly or disabled to reflect any reduction in the school district's tax rate and protecting a school district against any resulting loss in local revenue.

To Committee on Finance.

SB 322 by Deuell

Relating to possession of firearms and ammunition in certain foster homes.

To Committee on Health and Human Services.

SB 323 by Deuell

Relating to the creation of the Fairfields Municipal Utility District of Kaufman County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 324 by Deuell

Relating to contingent payment clauses in certain construction contracts.

To Committee on Business and Commerce.

SB 325 by Williams

Relating to the creation of an appellate judicial system for the Ninth Court of Appeals District.

To Committee on Jurisprudence.

SB 326 by Carona

Relating to a credit or refund for diesel fuel taxes paid on diesel fuel used in this state by auxiliary power units or power take-off equipment.

To Committee on Finance.

SB 327 by Carona

Relating to cargo transported by vehicle; providing a criminal penalty.
To Committee on Transportation and Homeland Security.

SB 328 by Carona

Relating to the requirement that the results of an alcohol and drug test taken by certain holders of a commercial driver's license be reported to the Department of Public Safety.
To Committee on Transportation and Homeland Security.

SB 329 by Carona

Relating to an object or material placed on or attached to a window of a commercial motor vehicle.
To Committee on Transportation and Homeland Security.

SB 330 by Carona

Relating to enforcement of certain vehicle weight and safety requirements by a noncommissioned employee of the Department of Public Safety.
To Committee on Transportation and Homeland Security.

SB 331 by Carona

Relating to the maximum length for certain vehicles.
To Committee on Transportation and Homeland Security.

SB 332 by Carona

Relating to the responsibility of an employer in relation to a person who drives a commercial motor vehicle; providing a criminal penalty.
To Committee on Transportation and Homeland Security.

SB 333 by Carona

Relating to driving a commercial motor vehicle in violation of an out-of-service order; providing a criminal penalty.
To Committee on Transportation and Homeland Security.

SB 334 by Harris

Relating to the regulation of health benefit plan issuers and dissemination of information to patients, physicians, and other providers.
To Committee on State Affairs.

SB 335 by Van de Putte

Relating to the eligibility to attend prekindergarten classes of a child under the care of a grandparent who has been appointed managing conservator of the child.
To Committee on Education.

SB 336 by Brimer

Relating to the notice required for the lease of real property by certain counties when responding to particular emergency circumstances.
To Committee on Transportation and Homeland Security.

SB 337 by Ellis

Relating to eligibility for and the administration of the child health plan program.
To Committee on Health and Human Services.

SB 338 by Van de Putte

Relating to carbon monoxide alarms and smoke detectors in certain residential dwellings.

To Committee on Business and Commerce.

SB 339 by Ellis

Relating to entrance examination procedures for certain police officers under municipal civil service.

To Committee on Intergovernmental Relations.

SB 340 by Ellis

Relating to eligibility of a municipality or county for a federal grant to enforce commercial motor vehicle safety standards.

To Committee on Transportation and Homeland Security.

SB 341 by Ellis

Relating to the regulation of and information regarding property in the custody of a pawnbroker; providing criminal penalties.

To Committee on Business and Commerce.

SB 342 by Ellis

Relating to eligibility requirements for a beginning position in a police department in certain municipalities under municipal civil service.

To Committee on Intergovernmental Relations.

SB 343 by Carona

Relating to the oath taken by witnesses appearing before a grand jury.

To Committee on Jurisprudence.

SB 344 by Carona

Relating to the additional exit conference required following inspection, survey, or investigation of certain facilities.

To Committee on Health and Human Services.

SB 345 by Carona

Relating to an exemption from electrician licensing requirements for certain work performed by a plumber.

To Committee on Business and Commerce.

SB 482 by Fraser

Relating to competition and customer choice in the retail electric market; providing an administrative penalty.

To Committee on Business and Commerce.

SB 483 by Fraser

Relating to regulation of electric generation capacity ownership in the electric power market.

To Committee on Business and Commerce.

SB 484 by Fraser

Relating to the powers, duties, and composition of the electric utility restructuring legislative oversight committee.

To Committee on Business and Commerce.

SB 485 by Fraser

Relating to administration of the system benefit fund.

To Committee on Business and Commerce.

SJR 12 by Ellis

Proposing a constitutional amendment authorizing the governor to grant one or more reprieves in a capital case.

To Committee on Criminal Justice.

SCR 1 by Nelson

Encouraging the National Health Services Corps Ambassador Program to coordinate with the Primary Care Office at the Texas Department of State Health Services.

To Committee on Health and Human Services.

SCR 2 by Lucio

Urging the cable television providers of this state and the NFL Network to work out their differences regarding the televising of certain collegiate and professional football games.

To Committee on Business and Commerce.

SCR 3 by Wentworth

Encouraging institutions of higher education to implement policies to safeguard the academic freedom of faculty and students.

To Subcommittee on Higher Education.

SCR 4 by Lucio

Authorizing the State Preservation Board, subject to state law and board rules, to approve and permit the construction of a monument on the Capitol grounds honoring Texans who have fought or served in specified military actions since the Vietnam War.

To Committee on Administration.

SCR 5 by Gallegos

Approving and authorizing the naming of the Texas Department of Transportation office in Houston after State Senator John Whitmire.

To Committee on Transportation and Homeland Security.

SR 2 by Carona

Requesting the Texas Transportation Commission to cease efforts to influence Congress and other states for changes in federal law relating to the statewide transportation enhancement program.

To Committee on Transportation and Homeland Security.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 195 by Ellis, In memory of Adelaide Tambo.

SR 205 by Ellis, In memory of Lois L. Woods of Houston.

SR 230 by Uresti, In memory of David Adolph Berchermann of San Antonio.

SR 248 by Ellis, In memory of Brenda Arnett.

Welcome and Congratulatory Resolutions

SCR 15 by Ellis, Congratulating Vincent Paul Young, Jr., for his selection as Associated Press Offensive Rookie of the Year.

SR 194 by Ellis, Recognizing Millie Johnson Washington on the occasion of her 80th birthday.

SR 206 by Ellis, Recognizing Frances Leff for being honored by the Houston-area League of Women Voters.

SR 207 by Ellis, Welcoming Lee A. Bray to the State of Texas.

SR 220 by Ellis, Commending Brandon Smith for achieving the rank of Eagle Scout.

SR 221 by Ellis, Commending Kenneth Bias for achieving the rank of Eagle Scout.

SR 225 by Ellis, Congratulating Joanna and Drexell Owusu on the birth of their son, Miles Reel Owusu.

SR 233 by Williams, Welcoming representatives of Leadership North Houston to the State Capitol.

SR 235 by Estes, Congratulating Elizabeth Borders for winning the 2006 American Quarter Horse Youth Association's Ford Youth World Championship in showmanship.

SR 237 by Whitmire, Recognizing Sammy Leon Carolina on the occasion of his 60th birthday.

SR 238 by Jackson, Commending the Clear Creek Independent School District for receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada.

SR 239 by Jackson, Commending the Clear Creek Independent School District Office of Public Information for winning an Emmy Award.

SR 240 by Jackson, Recognizing the Clear Creek Independent School District Board of Trustees for being selected as the 2006 Region 4 Outstanding School Board by the Region 4 Education Center in Houston.

SR 241 by Jackson, Recognizing Michael Griffin for receiving the 2007 Quasar Award from the Bay Area Houston Economic Partnership.

SR 242 by Deuell, Recognizing the Terrell Heritage Jubilee Cook-off as a Texas State BBQ Championship competition.

SR 245 by Ellis, Recognizing the Brentwood Community Foundation Scholarship Committee on the occasion of its 25th anniversary.

SR 246 by Ellis, Recognizing Women Professionals in Government of Houston on the occasion of its 25th anniversary.

SR 247 by Ellis, Congratulating DeMeco Ryans for his selection as 2006 Associated Press Defensive Rookie of the Year.

SR 249 by Lucio, Congratulating Lucero for her selection as the 2007 Mr. Amigo honoree.

Official Designation Resolution

SR 236 by Fraser, Recognizing February 14, 2007, as Texas Midwest Day at the State Capitol.

(Senator Jackson in Chair)

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 2:00 p.m. adjourned, in memory of Patsy Marie White Alexander of Eastland, until 1:30 p.m. Monday, February 19, 2007.

APPENDIX

COMMITTEE REPORT

The following committee report was received by the Secretary of the Senate:

February 14, 2007

INTERGOVERNMENTAL RELATIONS — SB 63

In Memory
of
Patsy Marie White Alexander
Senate Resolution 244

WHEREAS, The Senate of the State of Texas joins the citizens of Eastland in mourning the loss of Patsy Marie White Alexander, an eighth generation Texan and the pearl of her family's eye, who died February 3, 2007, at the age of 62; and

WHEREAS, Born February 15, 1944, in Eastland, Patsy Alexander became a registered nurse in 1968 after attending the Saint Paul School of Nursing Daughters of Charity and the University of Dallas; she became a certified registered nurse anesthetist in 1970 upon graduation from Baylor University School of Anesthesia in Dallas; and

WHEREAS, Patsy married Charles Preston Chick in 1963; they were married for 11 years and settled in Eastland as Patsy began her career with the Eastland Memorial Hospital and other hospitals in the area; and

WHEREAS, Patsy was blessed with the birth of her daughter, Lisa Gail Chick, on August 11, 1970, and the birth of her son, Craig Preston Chick, on January 3, 1973; and

WHEREAS, A dedicated and caring nurse, Patsy never stopped learning; she was a member of the Texas Association of Nurse Anesthetists and the American Association of Nurse Anesthetists, and she was certified in advanced cardiac life support, pediatric advanced life support, and neonatal resuscitation; and

WHEREAS, On July 5, 1975, Patsy married Dr. Billy Bob Alexander, whom she referred to as the love of her life and light of her day, and together they tended to the medical needs of many Eastland residents for nearly 30 years; and

WHEREAS, Active in civic affairs, Patsy served four and a half terms as a commissioner for the City of Eastland from 1995 to 2004, during which time she played a major role in the renovation of the downtown square and the historic Connellee Hotel; and

WHEREAS, Patsy was a devout Christian who practiced her faith in her daily life; she was a member of the First Christian Church Disciples of Christ in Eastland, where she participated in many volunteer activities, from serving on the church board to leading the Family Life Committee; and

WHEREAS, A woman of courage, strength, and compassion, she gave generously to others, and her wisdom, warmth, and valued counsel will not be forgotten by those who knew her; and

WHEREAS, Patsy Alexander was the matriarch of her family; her goal in life was to make all things better, even when being the family's rock was most difficult; and

WHEREAS, Pitty Pat, as Patsy was affectionately referred to by her family, was a devoted wife, mother, and grandmother, and her family and friends will continue to live with the cherished memories of her life and her many accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend sincere condolences to the bereaved family of Patsy Marie White Alexander: her beloved husband, Dr. Billy Bob Alexander; her children, Lisa Chick, Craig Chick, Kay Hunt, Robin Harvey, Terry Alexander, and Jodi Madden; her siblings, Odie White, Thomas White, Barbara Burns, and Sue Williamson; and her eight grandchildren and four great-grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of 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 Patsy Marie White Alexander.

AVERITT

