

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTEENTH DAY

(Monday, February 19, 2007)

The Senate met at 1:35 p.m. pursuant to adjournment and was called to order by Dean Whitmire.

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, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Gallegos.

The Presiding Officer announced that a quorum of the Senate was present.

Stephen W. Vittorini, Austin Presbyterian Theological Seminary, Austin, offered the invocation as follows:

Gracious God, we come before You celebrating this day You have made. We thank You for where You have placed us and for the gifts You have bestowed for each of us to use to glorify You. We humbly ask for Your guidance and wisdom for the matters at hand this day. May You give all here clarity of mind, open hearts, and up-building words. In all their doings, with Your most gracious favor, direct them and further them with Your continual help. Keep them faithful to each other and to You. Fill them with such love and joy that they may build a place of peace and welcome and contribute to making the State of Texas an even better place to live. We celebrate the sacrificial service of these men and women. Weave them together to create together. Amen.

Senator Wentworth moved that the reading of the Journal of the proceedings of Wednesday, February 14, 2007, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Wentworth, Senator Gallegos was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE BILL 36

On motion of Senator Nelson, Senator Van de Putte will be shown as Co-author of **SB 36**.

CO-AUTHOR OF SENATE BILL 54

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-author of **SB 54**.

CO-AUTHOR OF SENATE BILL 65

On motion of Senator Zaffirini, Senator Uresti will be shown as Co-author of **SB 65**.

CO-AUTHOR OF SENATE BILL 95

On motion of Senator Ellis, Senator Uresti will be shown as Co-author of **SB 95**.

CO-AUTHORS OF SENATE BILL 105

On motion of Senator West, Senators Averitt, Carona, Eltife, and Hinojosa will be shown as Co-authors of **SB 105**.

CO-AUTHOR OF SENATE BILL 112

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

CO-AUTHORS OF SENATE BILL 168

On motion of Senator Ellis, Senators Carona and Hinojosa will be shown as Co-authors of **SB 168**.

CO-AUTHOR OF SENATE BILL 204

On motion of Senator Nelson, Senator Van de Putte will be shown as Co-author of **SB 204**.

CO-AUTHOR OF SENATE BILL 247

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 247**.

CO-AUTHOR OF SENATE BILL 252

On motion of Senator Estes, Senator Van de Putte will be shown as Co-author of **SB 252**.

CO-AUTHORS OF SENATE BILL 308

On motion of Senator Deuell, Senators Ellis and Uresti will be shown as Co-authors of **SB 308**.

CO-AUTHOR OF SENATE BILL 319

On motion of Senator Deuell, Senator Zaffirini will be shown as Co-author of **SB 319**.

CO-AUTHOR OF SENATE BILL 338

On motion of Senator Van de Putte, Senator Harris will be shown as Co-author of **SB 338**.

CO-AUTHOR OF SENATE BILL 482

On motion of Senator Fraser, Senator Harris will be shown as Co-author of **SB 482**.

CO-AUTHOR OF SENATE BILL 483

On motion of Senator Fraser, Senator Harris will be shown as Co-author of **SB 483**.

CO-AUTHOR OF SENATE BILL 484

On motion of Senator Fraser, Senator Harris will be shown as Co-author of **SB 484**.

CO-AUTHOR OF SENATE BILL 485

On motion of Senator Fraser, Senator Harris will be shown as Co-author of **SB 485**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 4

On motion of Senator Lucio, Senator Van de Putte will be shown as Co-author of **SCR 4**.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Julie Graves-Moy of Austin as the Physician of the Day.

The Senate welcomed Dr. Graves-Moy and thanked her for her 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 19, 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 99, In memory of Janice Kaye Bolton Reddell of Paris.

SCR 19, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 14, 2007, and ending on Monday, February 19, 2007.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 444 by Hinojosa

Relating to the provision of electricity in this state; providing civil penalties.

To Committee on Business and Commerce.

SENATE RULE 3.04 SUSPENDED (Posters, Placards, Banners, and Signs)

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 3.04 prohibiting the display of posters, banners, and flags on the Senate floor was suspended for the consideration of **SR 263**.

SENATE RESOLUTION 263

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud and honored to pay tribute to the Texas veterans who fought in the Battle of Iwo Jima during the Pacific campaign of World War II; and

WHEREAS, One of the decisive battles in the Pacific theater during World War II, the Battle of Iwo Jima is famous for the image of United States troops raising the American flag atop Mount Suribachi; and

WHEREAS, The capture of Iwo Jima was considered necessary to the United States, as the island would provide a staging area for the invasion of the Japanese homeland; its location made it an ideal place for an airbase for the upcoming strategic bombing campaign against the Japanese home islands; and

WHEREAS, American intelligence sources were confident that Iwo Jima would fall in only a few days, but Japanese forces had prepared an incredibly strong defensive position and had reinforced the island with over 20,000 troops; and

WHEREAS, The Battle of Iwo Jima began February 19, 1945, and lasted approximately 35 days; some of the fiercest fighting in the Pacific campaign took place at Iwo Jima, and more than a quarter of the Medals of Honor awarded to United States Marines in World War II were given for conduct in the Battle of Iwo Jima; and

WHEREAS, Those who fought in the Battle of Iwo Jima demonstrated uncommon valor, and their actions brought honor to themselves, their families, their communities, and their nation; they answered their country's call in its hour of need and willingly risked their lives on behalf of their country; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby honor the brave marines, sailors, and soldiers from Texas who fell at Iwo Jima and pay tribute to the surviving Texas veterans who participated in that pivotal battle in our nation's history; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the courage and dedication of these veterans.

SR 263 was read and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Texas veterans who fought in the Battle of Iwo Jima during World War II: Robert Bernal of Austin; L. D. Cox of Comanche; Stanley Johnson, Sr., of Elgin; Patrick Luckett of Austin; Jim McCorquodale of Austin; and Ernest Green of San Antonio; accompanied by members of their families.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Jackson 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:

Judge, 425th Judicial District Court, Williamson County: Mark J. Silverstone, Williamson County.

Judge, 426th Judicial District Court, Bell County: Fancy H. Jezek, Bell County.

Presiding Judge, Eighth Administrative Judicial Region: Roger Jeffrey "Jeff" Walker, Tarrant County.

Presiding Judge, Seventh Administrative Judicial Region: Morton Valdean "Dean" Rucker II, Midland County.

Presiding Judge, Third Administrative Judicial Region: B. B. Schraub, Guadalupe County.

Member, Commission on State Emergency Communications: Gerardo M. Garcia, Nueces County.

Justice, Court of Appeals, Eighth Court of Appeals District: Kenneth R. Carr, El Paso County.

Chief Justice, Court of Appeals, Eighth Court of Appeals District: David Wellington Chew, El Paso County.

District Attorney, 97th Judicial District, Archer, Clay, and Montague Counties: Jack Arnold McGaughey, Montague County.

Presiding Judge, Fifth Administrative Judicial Region: J. Manuel Banales, Nueces County.

Members, On-site Wastewater Treatment Research Council: Sandra A. Cararas, Hidalgo County; Richard Dwain Gerard, Polk County; Susan R. Johnson, Travis County; Sockalingam "Sam" Kannappan, Harris County; Sarah E. Kirksey, Jefferson County; Kosse Kyle Maykus, Tarrant County; Brian Lawrence Padden, Travis County; Ronald J. Suchecki, Jr., McLennan County; A. John Yoggerst, Bexar County.

Commissioner, Public Utility Commission of Texas: Julie Caruthers Parsley, Travis County.

Member, School Land Board: Todd F. Barth, Harris County.

Members, State Board of Veterinary Medical Examiners: Janie Allen Carpenter, D.V.M., Dallas County; Cynthia S. Diaz, Bexar County; David Wayne Heflin, Hidalgo County.

Members, Texas Commission on the Arts: Patty A. Bryant, Randall County; David C. Garza, Cameron County; Billye Proctor Shaw, Taylor County; Polly Sowell, Travis County; Norma Helm Webb, Midland County.

Members, Texas Small Business Industrial Development Corporation Board of Directors: William W. "Bill" Lindsay, Jr., Grayson County; Richard Craig "Rick" Rhodes, Travis County.

Members, State Board of Examiners for Speech-Language Pathology and Audiology: Patricia Elaine Brannon, Bexar County; Vickie B. Dionne, Au.D., Jefferson County; Sonya Salinas, Hidalgo County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Jackson 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.

SENATE RULE 11.18(a) SUSPENDED (Public Hearings)

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Business and Commerce might consider **SB 444** tomorrow.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 264 by Lucio and Hinojosa, In memory of Freddy Fender.

SR 284 by Van de Putte, In memory of Sylvia Anita Diaz.

SR 288 by Uresti, In memory of Timothy Allen Swanson.

Welcome and Congratulatory Resolutions

SR 250 by West, Commending Pat Hinton for her contributions to the West Dallas community.

SR 251 by Nelson, Recognizing Russell K. Tolman on the occasion of his retirement from Cook Children's Health Care System.

SR 252 by Nelson, Recognizing Lisa Harper Wood on the occasion of her retirement from the Keller Public Library.

SR 253 by Uresti, Congratulating Déborah Hernández Salinas for receiving the Lillian B. Rhodes Teaching Award.

SR 254 by Uresti, Commending the Daughters of the Republic of Texas for its contributions to the preservation of Texas history.

SR 258 by Williams, Recognizing Louis Charles "Chuck" Kalkbrenner on the occasion of his 50th birthday.

SR 260 by West, Commending all associated with the fourth annual Martin Luther King, Jr., Day Parade in Lancaster.

SR 261 by Seliger, Commending the members of the Community Education Compact for their contributions to education in the Texas Panhandle.

SR 262 by Seliger, Congratulating James C. Henry for receiving the Permian Basin Petroleum Association's Top Hand Award.

SR 265 by Lucio, Congratulating LatinWorks for its Super Bowl XLI television commercial.

SR 268 by Jackson and Janek, Commending the National Aeronautics and Space Administration for its accomplishments.

SR 270 by Lucio, Congratulating Marjorie Johnson for being named 2006 Volunteer of the Year by the Weslaco Area Chamber of Commerce.

SR 271 by Lucio, Congratulating the Valley Grande Institute for Academic Studies for being named 2006 Business of the Year by the Weslaco Area Chamber of Commerce.

SR 272 by Lucio, Congratulating Braulio Gonzales for being named 2006 Man of the Year by the Weslaco Area Chamber of Commerce.

SR 273 by Lucio, Congratulating Bertha Suarez for being named 2006 Woman of the Year by the Weslaco Area Chamber of Commerce.

SR 274 by Lucio, Congratulating Bruce Lime for being named 2006 Outstanding Citizen by the Weslaco Area Chamber of Commerce.

SR 275 by Williams, Recognizing Orgain, Bell, and Tucker law firm on the occasion of its 100th anniversary.

SR 276 by Lucio, Recognizing Gilberto Hinojosa of Brownsville on the occasion of his retirement as Cameron County Judge.

SR 277 by West, Commending John Woodruff for his accomplishments.

SR 278 by Watson, Recognizing the Harry Ransom Humanities Research Center at The University of Texas at Austin on the occasion of its 50th anniversary.

SR 279 by Watson, Recognizing Dale L. Jaroszewski on the occasion of his retirement from the Texas Animal Health Commission.

SR 283 by Carona and Shapiro, Welcoming members of the government honors program at The University of Texas at Dallas to the State Capitol.

SR 286 by Uresti, Congratulating Penny Smith of Bandera for receiving a Hometown Heroes Award from Time Warner Cable San Antonio.

SR 287 by Uresti, Commending Madelyn Saathoft Schott of Helotes for receiving a Hometown Heroes Award from Time Warner Cable San Antonio.

Official Designation Resolutions

SR 226 by Hinojosa, Declaring February 15, 2007, Jim Wells County Day at the State Capitol.

SR 269 by Hegar, Proclaiming March 1, 2007, Aransas County Day at the State Capitol.

SR 282 by Carona and Shapiro, Recognizing February 21, 2007, as Richardson's Telecom Corridor Legislative Day.

ADJOURNMENT

On motion of Senator Seliger, the Senate at 2:11 p.m. adjourned until 10:30 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

February 19, 2007

JURISPRUDENCE — **CSSB 57, SB 229, SB 235, SB 272**

INTERGOVERNMENTAL RELATIONS — **CSSB 213, CSSB 254**

JURISPRUDENCE — **SB 228** (Amended)

TRANSPORTATION AND HOMELAND SECURITY — **SB 248**

SENT TO SECRETARY OF STATE

February 16, 2007

SCR 18