

# SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## SEVENTEENTH DAY

(Wednesday, February 21, 2007)

The Senate met at 11:10 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, 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, Harris.

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

Rabbi Alan Freedman, Temple Beth Shalom, Austin, offered the invocation as follows:

Dear God, we ask that the Members of this Chamber might be inspired this day by the biblical book of Esther, the basis for the upcoming Jewish holiday of Purim. May they be inspired by the uncommon courage of the heroine, Queen Esther, who put the welfare of her people above that of her own fate. Moreover, let us take note of the fact that in the Book of Esther, the name of God is not mentioned even once, telling us that the divine will is often revealed not in great miracles but rather in the course of everyday human interactions. May we come to understand that in our actions each day, we must seek not only that which will best serve our state and those who we have the privilege to represent but also that which serves Your will. May we come to see Your hand in our interaction with others, allies and opponents, as we search for the right path. O source of wisdom, may we receive the blessing of Your guidance knowing that we are doing the work of the divine as we undertake our earthly tasks. May You inspire us to make each day count as stated in Psalms, let us number our days that we might acquire a heart of wisdom. Blessed are You, O God, ruler of the universe who provides wisdom to every human being. 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 Harris was granted leave of absence for today on account of illness.

**CO-AUTHORS OF SENATE BILL 5**

On motion of Senator Deuell, Senators Carona and Harris will be shown as Co-authors of **SB 5**.

**CO-AUTHOR OF SENATE BILL 49**

On motion of Senator Zaffirini, Senator West will be shown as Co-author of **SB 49**.

**CO-AUTHOR OF SENATE BILL 54**

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

**CO-AUTHOR OF SENATE BILL 65**

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

**CO-AUTHOR OF SENATE BILL 90**

On motion of Senator Van de Putte, Senator Uresti will be shown as Co-author of **SB 90**.

**CO-AUTHOR OF SENATE BILL 204**

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

**CO-AUTHOR OF SENATE BILL 247**

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

**CO-AUTHOR OF SENATE BILL 252**

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

**CO-AUTHOR OF SENATE BILL 274**

On motion of Senator Estes, Senator Brimer will be shown as Co-author of **SB 274**.

**CO-AUTHOR OF SENATE BILL 294**

On motion of Senator Williams, Senator Seliger will be shown as Co-author of **SB 294**.

**CO-AUTHOR OF SENATE BILL 299**

On motion of Senator Van de Putte, Senator Uresti will be shown as Co-author of **SB 299**.

**CO-AUTHOR OF SENATE BILL 309**

On motion of Senator Van de Putte, Senator Uresti will be shown as Co-author of **SB 309**.

**CO-AUTHOR OF SENATE BILL 310**

On motion of Senator Van de Putte, Senator Uresti will be shown as Co-author of **SB 310**.

**CO-AUTHORS OF SENATE JOINT RESOLUTION 13**

On motion of Senator Averitt, Senators Brimer, Deuell, Eltife, Estes, Fraser, Hegar, Jackson, Nelson, Patrick, Seliger, Shapleigh, Uresti, Watson, Wentworth, Williams, and Zaffirini will be shown as Co-authors of **SJR 13**.

**PHYSICIAN OF THE DAY**

Senator Estes was recognized and presented Dr. Mark Eidson of Weatherford as the Physician of the Day.

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

**RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate:

**HCR 58, HCR 68, HCR 71, HCR 76, HCR 84, HCR 86, HCR 88, HCR 89.**

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

February 21, 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:

**HB 2**, Relating to making appropriations to the Texas Education Agency for the purpose of school district property tax rate reductions.

**HCR 72**, In memory of Molly Ivins of Austin.

**HCR 85**, Declaring February 20, 2007, as Panola County Day at the State Capitol.

**HCR 105**, In memory of Richard Lamoine "Dick" Cunningham of Paris.

**SCR 20**, Relating to the appropriation of state tax revenues for the purpose of funding school district property tax rate reductions.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate a delegation representing Fayette County Leadership groups.

The Senate welcomed its guests.

### **SENATE RESOLUTION 228**

Senator Patrick offered the following resolution:

WHEREAS, For more than two decades, Be An Angel Fund, Inc., has helped the most vulnerable members of our society to live happier, healthier lives; and

WHEREAS, Be An Angel was established in 1986 in an effort to meet the overwhelming needs of the deaf and disabled students at T. H. Rogers School in Houston; through the years, the organization has raised millions of dollars and constructed 16 barrier-free playgrounds, giving wheelchair-bound children the ability to experience recess with their peers; and

WHEREAS, In addition to its innovative playground initiative, the organization sponsors Be An Angel summer camp, summer respite care, a holiday gift program, and a nutrition program; moreover, the group raises money to provide special equipment for use at school and in the home to children in need; and

WHEREAS, The men and women of Be An Angel Fund, Inc., have demonstrated an unwavering commitment to enriching the lives of others, and for their efforts they are truly deserving of special praise; now, therefore, be it

RESOLVED, That the Senate of the 80th Texas Legislature hereby honor Be An Angel Fund, Inc., for its contributions to the children of Houston and extend to all those associated with the group 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 Senate.

**SR 228** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Patrick was recognized and introduced to the Senate representatives of Be An Angel Fund, Incorporated: Mike Musters, Program Director; Cathy Baker, Board Chair; Dan Kasprzak, Past Board Chair; and Marti Boone, Executive Director; accompanied by a group of students from T. H. Rogers School in Houston.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

February 21, 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 103**, Honoring San Antonio native Aaron Barker for his participation in the Texas Songwriter Showcase.

**HCR 104**, Honoring Lubbock native Richie McDonald for his participation in the Texas Songwriter Showcase.

**HCR 106**, Honoring Paris native Leslie Satcher for her participation in the Texas Songwriter Showcase.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate a group of students from Le Tourneau University in Longview, accompanied by Linda Fitzhugh, Vice-president of Enrollment Services, and Delinda Hall.

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.

**SENATE RESOLUTION 238**

Senator Jackson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Clear Creek Independent School District, which was selected for a Distinguished Budget Presentation Award by the Government Finance Officers Association of the United States and Canada; and

WHEREAS, The district earned this award for its 2005 budget; to earn this prestigious honor, a budget must meet nationally recognized guidelines for effective presentation; the effectiveness is assessed by how well the budget serves as a policy document, a financial plan, an operations guide, and a communication device; and

WHEREAS, Chief Financial Officer Paul McLarty and his dedicated staff worked long hours to prepare this document, and the members of the district's board of trustees deserve recognition for earning this award; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the Clear Creek Independent School District on its first-rate 2005 budget presentation and extend congratulations on receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada; and, be it further

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

**SR 238** was again read.

### **SENATE RESOLUTION 239**

Senator Jackson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Clear Creek Independent School District Office of Public Information for winning an Emmy Award; and

WHEREAS, The Lone Star Chapter of the National Academy of Television Arts and Sciences presented the award to the Clear Creek Independent School District for its online interactive video program, "Get Connected"; and

WHEREAS, Clear Creek Independent School District is the only school district in the region and only the second school district in the state to earn the coveted award; and

WHEREAS, The Emmy Award represents the creative web design and fine work of webmaster Melissa Wiland and the resolve of the staff members of the Office of Public Information to offer communication excellence by providing the best possible interactive online video program for the young people in the Clear Creek Independent School District; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the Office of Public Information of the Clear Creek Independent School District for the creative web design and dynamic videos that contributed to winning the Emmy Award and extend congratulations to all on this momentous occasion; and, be it further

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

**SR 239** was again read.

### **SENATE RESOLUTION 240**

Senator Jackson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Clear Creek Independent School District Board of Trustees, which has been selected as the

2006 Region 4 Outstanding School Board by the Region 4 Education Center in Houston; and

WHEREAS, The Clear Creek Independent School District Board of Trustees is one of five school boards to be named a 2006 Texas Honor Board and the only school board in a district with more than 25,000 students; and

WHEREAS, Members of the board of trustees for the Clear Creek Independent School District are committed to creating a strong educational foundation and an environment where every student can succeed; and

WHEREAS, With reliable stewardship and long-range planning, the board members have made the Clear Creek Independent School District a good place to work for teachers, administrators, and staff members; and

WHEREAS, The Clear Creek Independent School District Board of Trustees has demonstrated business expertise and innovative thinking in its commitment to the community and to educational excellence; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend members of the Clear Creek Independent School District Board of Trustees for their commitment to excellence in education and extend to them congratulations on being named the 2006 Region 4 Outstanding School Board; and, be it further

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

**SR 240** was again read.

**SR 238**, **SR 239**, and **SR 240** were previously adopted on Wednesday, February 14, 2007.

### **GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate representatives of the Clear Creek Independent School District, its Office of Public Information, and its Board of Trustees: Michelle Arnold, Coordinator of External Affairs; Dr. Sandra Mossman, Superintendent; Paula Tomasi, Vice-president, Board of Trustees; Melissa Wiland, Technology Specialist; and Paul McLarty, Chief Financial Officer.

The Senate welcomed its guests.

### **SENATE RESOLUTION 266**

Senator Ogden offered the following resolution:

WHEREAS, Members of the Sheriffs' Association of Texas, one of the nation's oldest law enforcement organizations, are gathering in Austin on February 21, 2007, to participate in Sheriffs' Association of Texas Day at the Capitol; and

WHEREAS, The Texas Constitution created the office of sheriff in each county of the state; legislation requires that a sheriff conserve peace and enforce the criminal laws of the state; each sheriff is also responsible for overseeing the county jail, the bail bonds and civil process systems, and the security of the courts, and in some smaller counties, the sheriff may also act as the tax collector; and

WHEREAS, The first meeting of this esteemed association took place on August 14, 1874; association members adopted their preamble calling for sheriffs to assist one another in the execution of laws, in the discharge of their duties against criminals, and in the protection of the citizens in their respective counties and throughout the state; the organization has continued to follow the dictates of this mission; and

WHEREAS, The office of sheriff is one of the oldest forms of law enforcement; sheriffs in our state's 254 counties are elected to four-year terms, and each sheriff is a member of the Sheriffs' Association of Texas; in addition, more than 2,700 individuals are active members of the group and more than 40,000 individuals are associate members; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby recognize February 21, 2007, as Sheriffs' Association of Texas Day at the Capitol and commend the members of the Sheriffs' Association of Texas for their many contributions to our state; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for the members of the association as an expression of high regard by the Texas Senate.

OGDEN  
FRASER

**SR 266** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Ogden, joined by Senator Fraser, was recognized and introduced to the Senate representatives of the Sheriffs' Association of Texas: Joe Pollock, President, Burnet County Sheriff; Chris Kirk, 1st Vice-president, Brazos County Sheriff; and Steve Westbrook, Executive Director; accompanied by members of the Sheriffs' Association of Texas.

The Senate welcomed its guests.

**(Senator Watson in Chair)**

#### **SENATE RESOLUTION 289**

Senator Seliger offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Texas Food Bank Network for its many contributions to the citizens of our state; and

WHEREAS, Founded in 1986 as the Texas Association of Second Harvest Food Banks, the Texas Food Bank Network is composed of 19 food banks that serve all 254 Texas counties; the member food banks are all Nation's Food Bank Network affiliates and adhere to national standards for food distribution; and

WHEREAS, The 2006 Hunger Study indicates that the Texas Food Bank Network provides emergency food assistance for more than two million people annually in the state; and

WHEREAS, The network has formed two partnerships with the Texas Department of Criminal Justice—one is to distribute to the needy surplus fresh produce grown on prison land, and the other is to enable trustees to gain work experience and certifications while providing valuable help to food banks; and



WHEREAS, The network has been awarded a grant from the Texas Department of Agriculture that enables Texas growers to donate surplus products to help feed the hungry; and

WHEREAS, Members of the Texas Food Bank Network are the sole contractors with the Health and Human Services Commission for distributing United States Department of Agriculture products throughout the state; representatives of the Texas Food Bank Network gathered this year to celebrate Food Banks of Texas Day at the Capitol on January 17; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the Texas Food Bank Network for its outstanding humanitarian work; and, be it further

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

**SR 289** was read and was adopted without objection.

### GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate representatives of the Texas Food Bank Network.

The Senate welcomed its guests.

**(President in Chair)**

### SENATE JOINT RESOLUTION 13 WITH HOUSE AMENDMENT

Senator Averitt called **SJR 13** from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

#### Floor Amendment No. 1

Amend **SJR 13** (House committee printing) as follows:

(1) Strike SECTION 1 of the joint resolution and substitute the following:

SECTION 1. Section 1-b, Article VIII, Texas Constitution, is amended by adding Subsection (d-1) to read as follows:

(d-1) Notwithstanding Subsection (d) of this section, the legislature by general law may provide for the reduction of the amount of a limitation provided by that subsection and applicable to a residence homestead for the 2007 tax year to reflect any reduction from the 2006 tax year in the tax rate for general elementary and secondary public school purposes applicable to the homestead. A general law enacted under this subsection may also take into account any reduction in the tax rate for those purposes from the 2005 tax year to the 2006 tax year if the homestead was subject to the limitation in the 2006 tax year. A general law enacted under this subsection may provide that, except as otherwise provided by Subsection (d) of this subsection, a limitation provided by that subsection that is reduced under the general law continues to apply to the residence homestead in subsequent tax years until the limitation expires.

(2) In SECTION 2 of the joint resolution, in Subsection (a) of the temporary provision of the Texas Constitution, between "taxes" and the underlined period (page 2, line 12), insert "for the 2006 and 2007 tax years".

(3) In SECTION 2 of the joint resolution, in Subsection (b) of the temporary provision of the Texas Constitution (page 3, line 14), strike "1-b(d)" and substitute "1-b".

(4) In SECTION 3 of the joint resolution, in the ballot proposition, between "taxes" and the period (page 4, line 3), insert "for the 2006 and 2007 tax years".

The amendment was read.

Senator Averitt moved to concur in the House amendment to **SJR 13**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Gallegos, Harris.

### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Monday, February 19, 2007, by Senator Jackson.

Senator Jackson moved confirmation of the nominees reported Monday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

### **NOMINEES CONFIRMED**

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Gallegos, Harris.

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.

### **SENATE RESOLUTION 257**

Senator Shapiro offered the following resolution:

WHEREAS, The Texas Senate takes pride in honoring Children's Advocacy Centers of Texas, Incorporated, and in recognizing February 21, 2007, as Children's Advocacy Centers of Texas Day at the Capitol; and

WHEREAS, Children's Advocacy Centers of Texas, Incorporated, was founded with a charter membership of 13 local advocacy centers; it has grown to include 59 local centers throughout the state, which makes it the largest organization of children's advocacy centers in the nation; and

WHEREAS, The local advocacy centers work to restore normalcy in the lives of abused children and to create partnerships with communities and agencies to foster the investigation and prosecution of child abuse cases; and

WHEREAS, Child abuse and neglect continue to occur with devastating consequences; studies indicate that abused and neglected children are more likely to have a higher incidence of arrests for juvenile and adult crime than those of the general population; and

WHEREAS, Children's Advocacy Centers of Texas, Incorporated, is an invaluable organization that utilizes the four diverse disciplines of law enforcement, criminal justice, social work, and medical and mental health, to create a collaborative approach to addressing the issue of child abuse; this approach results in the prompt, efficient, and comprehensive sharing of information and evidence and diminishes the often traumatic investigative process; and

WHEREAS, Child abuse and neglect remain pressing issues that should concern all the citizens of the state; local advocacy centers offer abused children safe havens with the appropriate information and therapeutic services to engender healing; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend Children's Advocacy Centers of Texas, Incorporated, for its contributions to communities across the state and honor the organization for its many accomplishments on Children's Advocacy Centers of Texas Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared as a tribute to this organization.

**SR 257** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Shapiro was recognized and introduced to the Senate representatives of the Children's Advocacy Centers of Texas, Incorporated: Paula Ahders, President; Nancy Hagan, Board Member and Executive Director of Alliance for Children; and Cathy Crabtree, Executive Director; accompanied by a delegation of members.

The Senate welcomed its guests.

**(Senator Watson in Chair)**

#### **HOUSE CONCURRENT RESOLUTION 106**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, A notable songsmith, performer, and recording artist, Paris native Leslie Satcher is being featured in the Texas Songwriter Showcase taking place February 21, 2007, in Austin; and

WHEREAS, Hailing from a family that has been in the Lone Star State for five generations, Ms. Satcher has drawn on her background and life experiences to create beautiful and touching songs that have been recorded by a long list of well-known country music artists, including Willie Nelson, Gretchen Wilson, Reba McEntire, Vince Gill, Pam Tillis, and Lee Ann Womack; and

WHEREAS, Ms. Satcher's road to songwriting success began during childhood, when she gave her first performances in the churches and schools of Paris; in 1989, she loaded her possessions into a U-Haul trailer and drove to Nashville, taking her shot at a career in the music business; she was forced to work several non-musical jobs to make ends meet, but after receiving encouragement from Naomi Judd and other influential figures in Nashville, she landed a writing contract with a publishing company and began placing her compositions with some of the biggest names in country music; and

WHEREAS, A recording artist and performer in her own right, Ms. Satcher released her first album, *Love Letters*, on Warner Brothers Records Nashville in 2002; this critically acclaimed debut sparked her solo career, and she has since issued a follow-up, *Creation*, and performs concerts all over the United States; and

WHEREAS, Leslie Satcher has proven her ability to craft songs that capture the ears and hearts of music lovers, and it is a pleasure to welcome her as a performer at the Texas Songwriter Showcase; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas hereby honor Leslie Satcher for being part of the Texas Songwriter Showcase and commend her for bringing further acclaim to the illustrious musical reputation of the Lone Star State; and, be it further

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

ELTIFE

**HCR 106** was read.

### HOUSE CONCURRENT RESOLUTION 103

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Aaron Barker is a participant in the Texas Songwriter Showcase taking place February 21, 2007, in Austin, and this event provides an opportunity to reflect on his remarkable success in the country music industry; and

WHEREAS, Born in San Antonio, Aaron Barker began his music career in a variety band when he was 13 years old; he later tried his hand at songwriting, and his first attempt, "Baby Blue," was recorded by George Strait in 1988 and went to number one on the Billboard charts; and

WHEREAS, Playing in small clubs and cafes, Mr. Barker worked at refining his songwriting skills and wrote another hit for George Strait; this time, his song "Love Without End, Amen" remained at the top spot on the Billboard charts for five consecutive weeks, and more success was on the way; he penned the hit songs "Easy Come, Easy Go," "I'd Like To Have That One Back," "I Know She Still Loves Me," and "I Can Still Make Cheyenne" for George Strait, "Watch This" for Clay Walker, "Love Happens Like That" for Neal McCoy, "I'm Leavin'" for Aaron Tippin, and "What About Now" for Lonestar; and

WHEREAS, Finding success beyond the music charts, Mr. Barker produced a gift book about his smash hit "Love Without End, Amen," which explored the timeless theme of unconditional love between parent and child; the book included an introduction by George Strait and an accompanying CD of the song; Mr. Barker also wrote and sang a number of Blue Bell Ice Cream commercial spots, revealing his knack for creating advertising jingles; and

WHEREAS, Aaron Barker's songs are reflections of his own experiences as well as those of people he has known, and the compositions reflect his talent for conveying honesty and heartfelt emotion; he has established himself as a songwriter of remarkable depth and power, and it is a pleasure to feature him in this performance of Texas songsmiths; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas hereby honor Aaron Barker for being part of the Texas Songwriter Showcase and commend him for bringing further acclaim to the illustrious musical reputation of the Lone Star State; and, be it further

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

URESTI

**HCR 103** was read.

### **HOUSE CONCURRENT RESOLUTION 104**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, A proud son of the Lone Star State, Richie McDonald has achieved significant success as a writer and performer of country songs, and he is being featured in the Texas Songwriter Showcase taking place February 21, 2007, in Austin; and

WHEREAS, Mr. McDonald has become well known to country fans as the lead singer of the band Lonestar, which formed in the early 1990s; true to its name, the group is made up of Texas natives and, in Richie McDonald's case, home was originally Lubbock, a town that has bred many legendary musicians; he began singing and writing songs while in high school and later moved to Dallas, where he sang with the band Showdown; intent on a career in music, he next relocated to Nashville, where he and the other members of Lonestar joined forces; and

WHEREAS, Since issuing their first album in 1995, the band has reeled off a string of number one hits, and Richie McDonald's songwriting has been a big part of its success; often collaborating with veteran country songsmiths, he cowrote many of the group's best-known hits, including "My Front Porch Looking In," "Everything's Changed," "Mr. Mom," and "Let's Be Us Again"; and

WHEREAS, Mr. McDonald's song craft is highly respected by his peers in the industry; his composition "I'm Already There" was named the 2002 Song of the Year at the Broadcast Music, Inc., Country Awards, and he earned a Songwriter of the Year honor from BMI in 2006; his abilities have also been appreciated by recording artists such as John Michael Montgomery, Clay Walker, and Sara Evans, who have recorded his compositions; and

WHEREAS, In creating his tunes, Richie McDonald often focuses on moving stories drawn from everyday life and on relaying heartfelt sentiments that come from his own experiences and those of his friends and family; these tales have won favor from country fans all across the country, and his presence is a welcome addition to this special performance of Texas writers; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas hereby honor Richie McDonald for being part of the Texas Songwriter Showcase and commend him for bringing further acclaim to the illustrious musical reputation of the Lone Star State; and, be it further

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

DUNCAN

**HCR 104** was read.

On motion of Senators Eltife, Uresti, and Duncan and by unanimous consent, **HCR 106**, **HCR 103**, and **HCR 104** were considered immediately and were adopted by a viva voce vote.

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

Absent-excused: Gallegos, Harris.

#### GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate Leslie Satcher of Paris.

Senator Uresti was recognized and introduced to the Senate Aaron Barker of San Antonio.

Senator Duncan was recognized and introduced to the Senate Richie McDonald of Lubbock.

The Senate welcomed its guests.

#### SENATE RESOLUTION 285

Senator Van de Putte offered the following resolution:

WHEREAS, Members of the Texas Pharmacy Practice Coalition are in Austin on this day to celebrate Texas Pharmacy Day at the Capitol, and this occasion provides an excellent opportunity to recognize this esteemed group of health-care professionals; and

WHEREAS, This venerable coalition has long served as an advocate for pharmacists, pharmacy technicians, pharmacy students, and various pharmaceutical-related professions by providing a central, public voice in legislative and regulatory matters; and

WHEREAS, In addition, the coalition provides important information about the pharmaceutical industry to its many members and offers innovative continuing education programs designed to promote a culture of lifelong learning; and

WHEREAS, Pharmacists play a vital role in the lives of Texans by filling prescriptions accurately and providing information about the safe and effective use of prescription medications, and the coalition helps to ensure that our state's pharmacists, pharmacy technicians, and pharmacy students provide the citizens of the Lone Star State with first-rate service; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby recognize February 21, 2007, as Texas Pharmacy Day at the Capitol and extend a warm welcome to those members of the Texas pharmacy community who are in attendance today; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the Texas Pharmacy Practice Coalition.

**SR 285** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate a delegation of pharmacy students representing Texas Pharmacy Day at the Capitol.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate a delegation of citizens from League City and Friendswood.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Carona was recognized and introduced to the Senate a delegation of students representing the Government Honors Program.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 298**

Senator Nichols offered the following resolution:

WHEREAS, On February 21, 2007, many proud residents of Athens are gathering in Austin to celebrate Athens Day at the State Capitol; and

WHEREAS, First incorporated in 1856, Athens did not begin its steady development until it was reincorporated in 1901; since that time, this charming East Texas town has seen significant growth and the emergence of a dynamic citizenry; and

WHEREAS, The fertile terrain and temperate climate of the area has made Athens a successful agribusiness center; in addition, the city is an outdoorsman's paradise, providing opportunities for scuba diving, picnicking, and many other recreational adventures; Athens boasts a strong claim to being the first home of the nation's favorite food, the hamburger, and the town is known as the Black-Eyed Pea Capital of the World; and

WHEREAS, This delightful city hosts many exciting annual events, including the Athens Fiddler's Contest and Reunion, the Chamber of Commerce PRCA Stampede Rodeo, the Athens Triathlon, the Smith MDA Benefit Rodeo, the Uncle Fletch Davis Hamburger Cook-off, and the Chamber of Commerce Business Exposition; and

WHEREAS, Several cultural and tourist attractions grace the landscape of the city as well, including the East Texas Arboretum, the Henderson County Historical Museum, the Murchison Galleries, the Henderson County Performing Arts Center, the Cain Center, the Henderson County Fairpark Complex, and the Texas Freshwater Fisheries Center, which features aquarium exhibits of 300,000 gallons of water and every major species of freshwater fish found in Texas; educational opportunities are offered at the Trinity Valley Community College; and



WHEREAS, While visiting in the State Capitol, the Athens contingent will meet with representatives of various committees and state agencies to discuss issues of interest to local residents; and

WHEREAS, The seat of Henderson County, this lovely city continues to be one of the Lone Star State's unique assets and is an outstanding place in which to live, work, and raise a family, and it is indeed appropriate that the citizens of Athens be given special recognition at this time; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby recognize February 21, 2007, as Athens Day at the State Capitol and join the citizens of Athens in paying tribute to one of Texas' finest communities; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the City of Athens.

**SR 298** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Nichols was recognized and introduced to the Senate a delegation of citizens from Athens representing Athens Day at the State Capitol.

The Senate welcomed its guests.

### **SENATE RESOLUTION 259**

Senator Patrick offered the following resolution:

WHEREAS, Joe H. Reynolds has distinguished himself through his significant professional, military, and civic achievements, and his long and exemplary career as a lawyer and community leader have made him a notable figure in the State of Texas; and

WHEREAS, Born in Commerce in 1921, Joe Reynolds was educated at Southwestern University and then entered Baylor Law School; he set aside his studies to volunteer for the Marines during World War II, and he was among the brave troops who took part in the Battle of Iwo Jima; he repeated his valiant service during the Korean War, when he joined the Corps for a second time and fought in the famous Battle of Chosin Reservoir; and

WHEREAS, After completing his law studies in 1947 and graduating as the top student in his class, Mr. Reynolds became the assistant attorney general for the State of Texas; he left that post in 1949 to become a partner in Bracewell, Reynolds & Patterson but returned to duty in the Office of the Attorney General from 1957 to 1960, when he served as a special assistant to the attorney general, focusing on antitrust litigation; and

WHEREAS, Mr. Reynolds spent 17 years with his first law partnership, then joined Reynolds, Allen & Cook in 1966 and helped lead that firm for more than a quarter-century, stepping down in 1993; since that time, he has applied his legal expertise as an of counsel attorney for Andrews & Kurth L.L.P. and for Schwartz, Junell, Greenberg & Oathout L.L.P. in Houston; a highly successful trial lawyer, Mr. Reynolds is greatly respected by his peers; in 2001, he was selected as one of the five outstanding Texas lawyers who had practiced for 50 years or more, and he is a fellow of the American College of Trial Lawyers, the Texas Bar Foundation, and the Houston Bar Foundation; and

WHEREAS, Equally accomplished in his civic duties, Mr. Reynolds spent 16 years as a member of the board of regents for Texas A&M University, and his many contributions to the college were honored with the dedication of the Joe H. Reynolds Medical Building in College Station; he organized and chaired the board of visitors for the Thurgood Marshall School of Law at Texas Southern University and is a trustee of Houston Baptist University; in addition, a chair is named in his honor at The University of Texas; and

WHEREAS, In all of his endeavors, Joe H. Reynolds has proven himself an individual of great integrity and far-reaching abilities, and his legacy of service as a lawyer and citizen is deserving of the highest acclaim; now, therefore, be it

RESOLVED, That the Senate of the 80th Texas Legislature hereby pay tribute to Joe H. Reynolds for his notable professional and public accomplishments and extend to him best wishes for the future; and, be it further

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

**SR 259** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Patrick was recognized and introduced to the Senate Joe H. Reynolds and his wife, Susie; Mr. and Mrs. Mike Stevens; and Hunt Reynolds.

The Senate welcomed its guests.

#### **REMARKS ORDERED PRINTED**

On motion of Senator Patrick and by unanimous consent, his remarks regarding **SR 259** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Mr. President, Mr. Chair, and Members, welcome. When I do a resolution, which will be seldom on the floor, it will be not only to honor people but to inspire our body and inspire our state, and the purpose of this resolution, to recognize the life and the heroics of Joe Reynolds is the purpose of this resolution. Some of you in this room know Joe Reynolds. In fact, there was a buzz around the Capitol. The Governor requested a photograph with this former Marine, always a Marine, forgive me, Joe. And, of course, we have a couple of Marines in the Senate, Senator Uresti, Senator Hinojosa. But let me tell you about Joe Reynolds and why this week we're honoring Joe. This is the anniversary week. Senator Van de Putte earlier this week honored those who fought in Iwo Jima. Well, Joe Reynolds fought in Iwo Jima, but he also fought in the other famous Marine battle and that was the Chosin Reservoir. In fact, Joe Reynolds is one of only three surviving Marines who fought in both battles. Let me tell you about Joe first before I tell you about his exploits. Joe Reynolds is a lawyer. He's been practicing for 60 years and is still active. In 2001, he was recognized as one of the five top lawyers in Texas who has practiced for 50 years. He served on the Board of Regents at Texas A&M under three different governors for 16 years and has worked as an assistant to the Attorney General twice. But what brought Joe to my attention, since he is also a member of my church, is that he's a humble man who has done great

things, like many war heroes. And Joe has reached out from his generation. My dad was a Marine, as Joe knows. From that great generation, he has reached out to Marines and soldiers of every generation, and I'll tell you about that in a few moments. First, let me tell you about his exploits in Iwo Jima. When the flag was raised at Mount Suribachi, Joe was in a foxhole 300 yards away and, as he describes it, the men in the foxhole next to me cheered, but he cried as he saw that flag being raised. And that wasn't the end of the battle, as you know, that was the beginning of the battle, and for the next four weeks, Joe, as a Lieutenant, led his company across that island. And when the battle was over, he said to his Corporal, he said, Corporal, how many casualties have we sustained? And his Corporal said, all I know is there are very few of us left. Ninety percent of the men that Joe fought with lost their lives or were severely wounded in that battle on Iwo Jima. Joe had fought in other battles and received many medals in World War II. And he had left college to go into the Marine Corps. So when the war was over, he came back home and went to Baylor School of Law to finish, and he finished top in his class in 1947. He thought the Marines were, at least, as far as fighting as a Marine, were behind him. In 1950, after he had married his lovely Susie—58 and a half years, I said 58, she said 58 and a half today, reminded me—he was called back in 1950, the year I was born, Joe. He was called back and he said to Susie, don't worry, I'm a lawyer, you know, I'll be behind the lines, I've done my fighting. Several months later, now Captain Joe Reynolds found himself fighting the North Koreans. And with Marines and with United Nations forces, they had pretty much defeated the North Koreans. The war was pretty much over in 1950 and on October 25th of 1950, the Chinese decided to enter the war and, unfortunately, General Douglas MacArthur, a great General, did not realize the implications of that announcement by the Chinese. And, so Marine divisions were strung out across North Korea, including Joe's. And on Thanksgiving of 1950, Joe and 15,000 other Marines found themselves surrounded by 120,000 Chinese. So the man who had survived Iwo Jima now was facing long odds again. There were great statements from that battle. General O. P. Smith said, when told he was surrounded by 120,000 Chinese, he said, we have them right where we want them. And Chesty Puller, the most decorated Marine, who was a Colonel then, said at the time, we're not retreating, we're just fighting in a different direction. And, so Joe and the Marines fought their way out. Joe fought his way 75 miles with those Marines, 75 miles through temperatures that were 60 below. In fact, of those 120,000 Chinese who surrounded the Marines, 60,000 froze to death, of the Chinese. Joe fought his way out with the other Marines 75 miles. At one point he was known as the Sergeant York of North Korea because he came in one night with 21 Chinese prisoners. Joe, in his humble way says, I didn't really capture them, they were just so cold they surrendered. But he brought them in and he was called the Sergeant York of North Korea. When the Marines finally escaped after a two-week battle, of that 15,000, 5,000 were killed, 9,000 had serious injuries and frostbite. Joe Reynolds spent

more than a year in the hospital with frostbite. Joe Reynolds is one tough Texas Marine. When you're one of three surviving members of the two most famous battles that the Marine Corps has ever engaged in and then you come back to Texas and you spend a lifetime helping other soldiers from other wars, you're showing that you're one tough and caring Texas Marine, Joe. Joe, every Thursday, I know you had lunch or breakfast with Ron [Black]. Ron spent seven years in the Hanoi Hilton and Joe reached out to that generation. Ron passed away, sadly, of cancer. And then I saw Joe not long ago at Second Baptist Church when a pilot from Iraq came back to tell his story, and Joe was sitting there in the second row supporting that Marine. Joe Reynolds is my hero. My dad was a Marine, as I said, and Joe, not only do we honor you, or your life as a Texan, your life as a Marine, but you inspire the rest of us. We have men all around this world, Marines and other members of the military who are going to be the next Joe Reynolds. They will be brave, they will come home, they will contribute to Texas, and they will contribute to America. The great generation, as Tom Brokaw called them, there aren't many left. You know, that battle already was 50, almost 57 years ago in North Korea and 67 years ago in World War II. So I'm proud to have you as a friend, I'm proud to have you as a fellow believer. The most important thing that Joe said in Iwo Jima was, when the battle was over, he walked out onto the sand and he drew a line in the sand and like Colonel Travis, that line in the sand meant something to him because he made a decision to accept God at that point, and you have led as a godly man, as a great father, a great husband to Susie, and thank you.

### **GUESTS PRESENTED**

Senator Carona was recognized and introduced to the Senate a delegation representing Richardson's Telecom Corridor Legislative Day and a delegation of citizens from Richardson.

The Senate welcomed its guests.

### **RESOLUTIONS SIGNED**

The Presiding Officer announced the signing of the following enrolled resolutions in the presence of the Senate: **SJR 13, SCR 19, SCR 20.**

### **SENATE RESOLUTION 300**

Senator Deuell offered the following resolution:

WHEREAS, Members of the Texas Senate are pleased to join the citizens of Fannin County on February 21, 2007, in celebration of Fannin County Day at the State Capitol; and

WHEREAS, Located in Northeast Texas along the Red River Valley, Fannin County was created from Red River County in 1837 by the Congress of the Republic of Texas; and

WHEREAS, The county once consisted of land that included all or parts of 26 present-day counties, spanning more than 350 miles; Fannin County was reduced in size in 1846 when its western boundary was modified; and

WHEREAS, Named for Colonel James Walker Fannin, Jr., the Texas hero killed in the Goliad Massacre in 1836, the area attracted its first permanent settlement that same year when several families arrived to build their homes on the rolling prairie; they were soon followed by others who settled along the Red River; and

WHEREAS, The county seat is the City of Bonham, which was founded in 1836 by Judge Bailey English, who originally named the settlement Bois d'Arc after the native trees predominant in the area; the name of the town was changed to Bonham in 1844, in honor of James B. Bonham, the famous messenger in the Battle of the Alamo; and

WHEREAS, Bonham is known for its favorite son, Sam Rayburn, who began his political career in the Texas House of Representatives, where he served for one year as speaker; the distinguished Texan later went to Washington, D.C., where he was a congressman for 48 years and Speaker of the United States House of Representatives for 17 years, longer than any other speaker in history; and

WHEREAS, The Bonham Area Chamber of Commerce was established in 1886 as the Board of Trade; renamed the Bonham Area Chamber of Commerce in 1926, it has been instrumental in bringing jobs and new residents to the City of Bonham and Fannin County, and it is an important force for economic development and prosperity throughout the area; and

WHEREAS, Residents of Fannin County have made significant contributions to the State of Texas, and it is appropriate to take this opportunity to honor them; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby recognize February 21, 2007, as Fannin County Day at the State Capitol and extend to the visitors from Fannin County best wishes for a memorable and enjoyable day in Austin; and, be it further

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

**SR 300** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a delegation of citizens from Fannin County representing Fannin County Day at the State Capitol.

The Senate welcomed its guests.

### **SENATE RESOLUTION 267**

Senator Duncan offered the following resolution:

**SR 267**, In memory of Donna Kidd of San Angelo.

The resolution was read.

Senator Duncan was recognized and introduced to the Senate family members of Donna Kidd: Bruce Kidd, Liz Kidd, Daniel Kielpinski, Noah Smith, and Gage Smith.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Duncan, **SR 267** was adopted by a rising vote of the Senate.

In honor of the memory of Donna Kidd of San Angelo, the text of the resolution is printed at the end of today's *Senate Journal*.

#### **SENATE CONCURRENT RESOLUTION 24**

The Presiding Officer, Senator Watson in Chair, 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 21, 2007, and ending on Monday, February 26, 2007.

WHITMIRE

**SCR 24** 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, Harris.

#### **SENATE RESOLUTION 309**

Senator Duncan offered the following resolution:

**SR 309**, In memory of Corporal Jose Alfredo "Freddy" Velez and Specialist Andrew Velez of Lubbock.

The resolution was read.

Senator Duncan was recognized and introduced to the Senate family members of Freddy and Andrew Velez: Roy Velez, Carmen Velez, Monica Velez, Morris Sewell, and Sue Sewell.

The Senate welcomed its guests and extended its sympathy.

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

On motion of Senator Duncan, **SR 309** was adopted by a rising vote of the Senate.

In honor of the memory of Corporal Jose Alfredo "Freddy" Velez and Specialist Andrew Velez of Lubbock, the text of the resolution is printed at the end of today's *Senate Journal*.

#### **SENATE CONCURRENT RESOLUTION 16**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, The Legislature of the State of Texas is pleased to recognize Roy Velez, who was recently named the 2006 Texan of the Year by the *Dallas Morning News*; and

WHEREAS, Roy Velez lost two sons to war, one in Iraq and one in Afghanistan, yet he has chosen to embrace his faith as an antidote to the loss and sorrow; his courage and compassion for others, after tragically losing both of his sons, has comforted and inspired people around the world; and

WHEREAS, A resident of Lubbock, Mr. Velez frequently meets people who seek to comfort him for his losses, but he reassures them instead, easing their pain and grief with his trusting faith and his quiet strength; and

WHEREAS, Mr. Velez has borne the burden of his losses with grace and dignity; he has been an inspiration to many people, especially those who have lost a child, and his dauntless spirit and his unflinching faith lend courage to those who hear his story; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas hereby congratulate Roy Velez on being named 2006 Texan of the Year by the *Dallas Morning News* and extend to him best wishes for the future; and, be it further

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

DUNCAN

**SCR 16** was read.

On motion of Senator Duncan 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, Harris.

### **GUESTS PRESENTED**

Senator Duncan was recognized and again introduced to the Senate Roy Velez, 2006 Texan of the Year, accompanied by Carmen Velez, Monica Velez, Morris Sewell, and Sue Sewell.

The Senate again welcomed its guests.

**(Senator Nichols in Chair)**

### **SENATE RESOLUTION 303**

Senator Watson offered the following resolution:

WHEREAS, Relay For Life, an American Cancer Society signature event, is a unique fund-raiser that allows participants from all walks of life, including cancer patients and survivors, to unify in an effort to combat this terrible disease; and

WHEREAS, The American Cancer Society has raised approximately \$3 billion for cancer research since 1946, has funded 40 Nobel Laureates, and currently provides funding for 25 percent of all new research being conducted; and

WHEREAS, Monies raised through the Relay For Life will enable the American Cancer Society to continue investing in the fight against this disease through educational programs, research, advocacy, and services to every community in Texas; and

WHEREAS, On February 26, 2007, at 6:45 p.m. on the south steps of the Capitol, Texans will gather for a Relay For Life-Light Up the Dome candlelight ceremony to honor valiant cancer survivors and remember those who have been lost to the disease; now, therefore, be it

RESOLVED, That the Senate of the 80th Texas Legislature hereby recognize February 26, 2007, as "Relay For Life-Light Up the Dome Day" and encourage citizens to participate in this important occasion.

**SR 303** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Watson was recognized and introduced to the Senate a delegation representing Relay For Life-Light Up the Dome Day.

The Senate welcomed its guests.

**(Senator Watson in Chair)**

### **SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees)**

On motion of Senator Jackson and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today.

### **GUESTS PRESENTED**

Senator Ellis, joined by Senator Shapiro, was recognized and introduced to the Senate a delegation representing the Knowledge Is Power Program.

The Senate welcomed its guests.

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:47 p.m. agreed to adjourn, in memory of Donna Kidd of San Angelo and Corporal Jose Alfredo "Freddy" Velez and Specialist Andrew Velez of Lubbock, upon completion of the introduction of bills and resolutions on first reading, until 1:30 p.m. Monday, February 26, 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 7** by Hinojosa, Deuell, Nelson, Shapiro, Van de Putte

Relating to instruction in cardiopulmonary resuscitation and the availability and use of automated external defibrillators at public school campuses and certain athletic events. To Committee on Education.

**SB 12** by Averitt

Relating to programs for the enhancement of air quality, including energy efficiency initiatives; providing penalties. To Committee on Natural Resources.



**SB 347** by Patrick

Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Committee on Finance.

**SB 348** by Patrick

Relating to the establishment of a 10 percent limit on annual increases in the appraised value for ad valorem tax purposes of certain real property, other than residence homesteads, used primarily for residential purposes by the owner of the property.

To Committee on Finance.

**SB 349** by Ellis

Relating to the regulation of dangerous pets by certain populous counties; providing a criminal penalty.

To Committee on Criminal Justice.

**SB 350** by Ellis

Relating to a request for a public hearing before requiring the abatement of certain nuisances.

To Committee on Intergovernmental Relations.

**SB 351** by Ellis

Relating to notice procedures for abatement of certain nuisances.

To Committee on Intergovernmental Relations.

**SB 352** by Ellis

Relating to the method of providing notice in the enforcement of certain municipal ordinances involving substandard buildings.

To Committee on Intergovernmental Relations.

**SB 353** by Ellis

Relating to the allocation and use of revenue from the sales tax imposed on sporting goods.

To Committee on Finance.

**SB 354** by Carona

Relating to the operation and regulation of certain consolidated insurance programs.

To Committee on State Affairs.

**SB 355** by Wentworth

Relating to the duty of the judge of the 147th District Court to impanel grand juries and to the terms of court for certain district courts in Travis County.

To Committee on Jurisprudence.

**SB 356** by Jackson

Relating to contracts by governmental entities for construction projects and related professional services and to public works performance and payment bonds.

To Committee on Government Organization.

**SB 357** by Jackson

Relating to the establishment of a program by the Department of Agriculture to make grants to encourage the construction of facilities that generate electrical energy with certain types of agricultural residues, waste, debris, or crops.

To Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.

**SB 358** by Jackson

Relating to the regulation of solar energy panels by a property owners' association.

To Committee on Intergovernmental Relations.

**SB 359** by Williams

Relating to the application of the Texas Commission on Environmental Quality's water quality protection area pilot program to portions of the San Jacinto River.

To Committee on Natural Resources.

**SB 360** by Janek

Relating to subdivision replatting by certain municipalities.

To Committee on Intergovernmental Relations.

**SB 361** by Janek

Relating to the deadline for submitting a federal postcard application to the early voting clerk.

To Committee on State Affairs.

**SB 362** by Janek

Relating to civil remedies and qui tam provisions under the Medicaid fraud prevention act.

To Committee on Health and Human Services.

**SB 363** by Van de Putte

Relating to protecting certain members of the Texas National Guard from exposure to depleted uranium.

To Committee on Veteran Affairs and Military Installations.

**SB 364** by Nelson

Relating to the licensing and regulation of dentists, dental hygienists, dental assistants, and dental laboratories; providing penalties.

To Committee on Health and Human Services.

**SB 365** by Nelson

Relating to the creation and implementation of the health professional education grant program.

To Subcommittee on Higher Education.

**SB 366** by Nelson

Relating to the requirement that certain health care professionals submit criminal history record information to the licensing entity that issues or renews a license.

To Committee on Health and Human Services.

**SB 367** by Williams

Relating to the statute of limitations for identity theft and certain other crimes involving fraud, deception, or false statements.

To Committee on Criminal Justice.

**SB 368** by Ellis

Relating to the elimination of smoking in all workplaces and public places; providing penalties.

To Committee on Health and Human Services.

**SB 369** by Williams

Relating to an offense involving a motor vehicle with an altered or obscured license plate.

To Committee on Transportation and Homeland Security.

**SB 370** by Shapiro

Relating to a school district employee's immunity from liability and responsibility for certain materials.

To Committee on Education.

**SB 371** by Williams

Relating to an exemption for certain disabled veterans from the fees required for the issuance of a personal identification certificate.

To Committee on Veteran Affairs and Military Installations.

**SB 372** by Shapleigh

Relating to notice regarding the availability of programs under which a student may earn college credit in public schools.

To Committee on Education.

**SB 373** by Shapleigh

Relating to standards for vendors that sell, lease, or license education technology products to school districts.

To Committee on Education.

**SB 374** by Shapleigh

Relating to reimbursement of certain group life insurance premiums paid by certain members of the Texas National Guard.

To Committee on Finance.

**SB 375** by Shapleigh

Relating to the use of federal estate tax provisions in determining the application of the Texas estate tax to certain transfers of property and to the allocation of Texas estate tax revenue.

To Committee on Finance.

**SB 376** by Shapleigh

Relating to exemptions from the sales tax.

To Committee on Finance.

**SB 377** by Janek

Relating to the electronic payment of certain taxes and the electronic filing of certain reports.

To Committee on Finance.

**SB 378** by Wentworth, 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, Whitmire, Williams

Relating to the use of force or deadly force in defense of a person.

To Committee on Jurisprudence.

**SB 379** by Seliger

Relating to the administration of end-of-course assessment instruments in public schools at certain grade levels.

To Committee on Education.

**SB 380** by Van de Putte

Relating to required disclosures to health benefit plan enrollees regarding professional services provided by certain non-network health care providers.

To Committee on State Affairs.

**SB 381** by Van de Putte, Ogden, Shapleigh, Watson

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

To Committee on State Affairs.

**SB 382** by Carona

Relating to certain refund requirements regarding credit insurance.

To Committee on State Affairs.

**SB 383** by Ellis

Relating to the sharing of information among state agencies.

To Committee on Government Organization.

**SB 384** by Zaffirini

Relating to erecting an off-premise sign adjacent to and visible from certain roads.

To Committee on Transportation and Homeland Security.

**SB 385** by Carona

Relating to reimbursement for relocation of utility facilities required by improvements of turnpike projects and toll projects.

To Committee on Transportation and Homeland Security.

**SB 386** by Carona

Relating to the setting of tolls by toll project entities.

To Committee on Transportation and Homeland Security.

**SB 387** by Carona

Relating to loose material transported by vehicle.

To Committee on Transportation and Homeland Security.

**SJR 14** by Patrick

Proposing a constitutional amendment to authorize the legislature to limit the maximum average annual increase in the appraised value of a residence homestead for ad valorem tax purposes to three percent or more.

To Committee on Finance.

**SJR 15** by Patrick

Proposing a constitutional amendment to authorize the legislature to establish a 10 percent limit on annual increases in the appraised value for ad valorem tax purposes of certain real property, other than residence homesteads, used primarily for residential purposes by the owner of the property.

To Committee on Finance.

**SJR 16** by Ellis

Proposing a constitutional amendment relating to the dedication of the revenue received from the sporting goods sales tax.

To Committee on Finance.

**SJR 17** by Hegar

Proposing a constitutional amendment providing that a limit on the maximum percentage increase in the appraised value of a residence homestead for ad valorem tax purposes established by the legislature applies regardless of the number of years since the most recent tax appraisal.

To Committee on Finance.

**SJR 18** by Zaffirini

Proposing a constitutional amendment extending the period of maturity for bonds and notes issued by certain higher education entities.

To Subcommittee on Higher Education.

**SJR 19** by Ellis

Post-ratifying Amendment XXIV to the Constitution of the United States prohibiting the denial or abridgment of the right to vote for failure to pay any poll tax or other tax.

To Committee on State Affairs.

**SJR 20** by Lucio

Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.

To Committee on International Relations and Trade.

**SJR 21** by Shapleigh

Proposing a constitutional amendment relating to a moratorium on the execution of persons convicted of capital offenses.

To Committee on Criminal Justice.

**SJR 22** by Hegar

Proposing a constitutional amendment to allow a visiting judge of a district court to hold proceedings at the county seat of a county other than the county in which a case is pending.

To Committee on Jurisprudence.

**SJR 23** by Nichols

Proposing a constitutional amendment to authorize the legislature to limit the maximum average annual increase in the appraised value of residence homesteads for ad valorem tax purposes to five percent or less and to permit the voters of a county to establish a higher limitation not to exceed 10 percent on increases for residence homesteads in the county.

To Committee on Finance.

**SJR 24** by Patrick

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.

To Committee on Finance.

**RECESS**

On motion of Senator Shapleigh, the Senate at 1:17 p.m. recessed until 3:00 p.m. today.

**AFTER RECESS**

The Senate met at 3:06 p.m. and was called to order by Senator Wentworth.

**SENATE BILLS ON FIRST READING**

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

**SB 6** by Zaffirini

Relating to the apprehension, prosecution, and punishment of individuals committing or attempting to commit certain sex offenses.

To Committee on Criminal Justice.

**SB 9** by Shapiro

Relating to the dissemination of criminal history record information for certain purposes, including the certification and employment of educators and other public school employees who engage in certain misconduct.

To Committee on Education.

**SB 388** by Lucio

Relating to the use of state hotel occupancy tax revenue to clean and maintain beaches in certain municipalities.

To Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.

**SB 389** by Shapiro

Relating to the capacity of the permanent school fund bond guarantee program.

To Committee on Education.

**SB 390** by Hegar

Relating to a temporary prohibition on increasing the appraised value of a residence homestead for ad valorem tax purposes following determination of a protest or appeal.

To Committee on Finance.

**SB 391** by Hegar

Relating to the limit on the maximum percentage increase in the appraised value of a residence homestead for ad valorem tax purposes.

To Committee on Finance.

**SB 392** by Duncan

Relating to venue or transfer of certain probate matters and guardianship matters.

To Committee on Jurisprudence.

**SB 393** by Patrick

Relating to creating a recognition day in honor of election volunteers.

To Committee on Government Organization.

**SB 394** by Patrick

Relating to joint municipal and school district elections.

To Committee on Education.

**SB 395** by Harris

Relating to dismissal of the charge in certain traffic offense cases.

To Committee on Jurisprudence.

**SB 396** by Harris

Relating to the issuance of certain search warrants.

To Committee on Criminal Justice.

**SB 397** by Harris

Relating to the administration of an oath in this state.

To Committee on Jurisprudence.

**SB 398** by Harris

Relating to dismissal of the charge in certain motor vehicle equipment offenses.

To Committee on Transportation and Homeland Security.

**SB 399** by Harris

Relating to postponement of jury service in certain counties.

To Committee on Jurisprudence.

**SB 400** by Deuell

Relating to the jurisdiction of a probate court in certain guardianship proceedings.

To Committee on Jurisprudence.

**SB 401** by Deuell

Relating to the creation of the Moore Farm Water Control and Improvement District No. 1 of Kaufman County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 402** by Averitt

Relating to the development and implementation of personnel policies and procedures for certain state agencies.

To Committee on State Affairs.

**SB 403** by Van de Putte

Relating to the classroom placement of multiple birth siblings in public schools.  
To Committee on Education.

**SB 404** by Zaffirini

Relating to the Bee Groundwater Conservation District.  
To Committee on Natural Resources.

**SB 405** by Wentworth

Relating to the regulation of dogs; creating an offense.  
To Committee on Criminal Justice.

**SB 406** by Wentworth

Relating to the assignment of a judge to hear a motion for the recusal or disqualification of a statutory probate court judge.  
To Committee on Jurisprudence.

**SB 407** by Eltife

Relating to the authority of the voters of a municipality or a county to adopt a one-quarter cent sales and use tax in the municipality or county to provide property tax relief.  
To Committee on Finance.

**SB 408** by Lucio

Relating to authorizing certain counties and municipalities to regulate land development; providing a penalty.  
To Committee on International Relations and Trade.

**SB 409** by Janek

Relating to restrictions on the substitution of generically equivalent versions of antiepileptic and antiseizure drugs.  
To Committee on Health and Human Services.

**SB 410** by Harris

Relating to the authority of certain municipal peace officers on a lake located partly in the municipality.  
To Committee on Natural Resources.

**SB 411** by Shapleigh

Relating to dog attacks on persons; creating an offense.  
To Committee on Criminal Justice.

**SB 412** by Shapleigh

Relating to the provision of a preference in certain governmental purchasing decisions for vendors or contractors that provide health care benefits to employees.  
To Committee on State Affairs.

**SB 413** by Shapleigh

Relating to the prohibition of human cloning; providing penalties.  
To Committee on Health and Human Services.



**SB 414** by Lucio

Relating to the disclosure of certain economic benefits provided by manufacturers or repackagers of prescription drugs; providing penalties.

To Committee on Health and Human Services.

**SB 415** by Lucio

Relating to a risk assessment program for Type 2 diabetes and the creation of the Type 2 Diabetes Risk Assessment Program Advisory Committee.

To Committee on Health and Human Services.

**SB 416** by Lucio

Relating to creation of a state program to provide monetary awards to public school districts with extraordinary achievement in children's health.

To Committee on Education.

**SB 417** by Lucio

Relating to the provision of free breakfast to all enrolled students in certain school districts and campuses.

To Committee on Education.

**SB 418** by Lucio

Relating to a research program regarding the prevention and treatment of obesity-related health concerns.

To Committee on Health and Human Services.

**SB 419** by Lucio

Relating to health benefit plan coverage for enrollees with autism spectrum disorder.

To Committee on Health and Human Services.

**SB 420** by Lucio

Relating to establishing a health science center and medical school in the Rio Grande Valley.

To Subcommittee on Higher Education.

**SB 421** by Shapleigh

Relating to the acknowledgment of a candidate's authorization of political advertising.

To Committee on State Affairs.

**SB 422** by Shapleigh

Relating to distribution and use of money from the Texas Enterprise Fund.

To Subcommittee on Emerging Technologies and Economic Development.

**SB 423** by Shapleigh

Relating to limits on political contributions and direct campaign expenditures by individuals, partnerships, partners, and limited liability companies; providing civil and criminal penalties.

To Committee on State Affairs.

**SB 424** by Shapleigh

Relating to lobbying by former members of the governor's executive staff; providing civil and criminal penalties.

To Committee on State Affairs.

**SB 425** by Carona

Relating to the state contribution to the Teacher Retirement System of Texas, including an adjustment to the standard service retirement annuity.

To Committee on State Affairs.

**SB 426** by West

Relating to qualification for an ad valorem tax exemption for property used to provide low-income or moderate-income housing in the event of a change in ownership of the property as a result of a foreclosure sale.

To Committee on Intergovernmental Relations.

**SB 427** by West

Relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.

To Committee on Health and Human Services.

**SB 428** by Gallegos

Relating to the salary paid to certain professional employees of public schools.

To Committee on Education.

**SB 429** by Harris

Relating to a child support lien and notice of levy for the enforcement of child support obligations.

To Committee on Jurisprudence.

**SB 430** by Harris

Relating to a claim for reimbursement in a suit to dissolve a marriage.

To Committee on Jurisprudence.

**SB 431** by Harris

Relating to the authority of an associate judge in certain family law proceedings.

To Committee on Jurisprudence.

**SB 432** by Harris

Relating to the consent to and annulment of certain marriages.

To Committee on Jurisprudence.

**SB 433** by Harris

Relating to attorney's fees in certain postjudgment proceedings.

To Committee on Jurisprudence.

**SB 434** by Shapiro

Relating to the duty of a governmental body to redact the social security number of a living person from certain information the governmental body discloses under the public information law.

To Committee on State Affairs.

**SB 435** by Ogden

Relating to the ineligibility of certain inmates for release on parole or mandatory supervision.

To Committee on Criminal Justice.

**SB 436** by Ellis

Relating to the operation of hybrid motor vehicles.

To Committee on Transportation and Homeland Security.

**SB 437** by Ellis

Relating to requiring the use of an ignition interlock device on conviction of certain intoxication offenses.

To Committee on Criminal Justice.

**SB 438** by Hegar

Relating to prohibiting immunization against human papilloma virus as a condition for admission to public school.

To Committee on Health and Human Services.

**SB 439** by Deuell

Relating to advance directives or health care or treatment decisions made by or on behalf of patients.

To Committee on Health and Human Services.

**SB 440** by Deuell

Relating to the pendency of charges against a criminal defendant subjected to certain incompetency proceedings and to the maximum period for confining that defendant.

To Committee on Criminal Justice.

**SB 441** by Deuell

Relating to procedures occurring after a determination of a defendant's incompetency to stand trial.

To Committee on Criminal Justice.

**SB 442** by Deuell

Relating to the payment of the costs of a hearing regarding the court-ordered administration of psychoactive medication to certain criminal defendants.

To Committee on Criminal Justice.

**SB 443** by Hinojosa

Relating to the authority of a school district board of trustees to create a criminal offense for violation of a district policy.

To Committee on Criminal Justice.

**SB 445** by Hinojosa, West

Relating to design and construction standards for newly constructed state buildings.

To Committee on Government Organization.

**SB 446** by Hinojosa

Relating to an open document format for electronic state documents.

To Committee on State Affairs.

**SB 447** by Hinojosa

Relating to governmental liability for a violation of the federal Americans with Disabilities Act.

To Committee on State Affairs.

**SB 448** by Uresti

Relating to the distribution, possession, purchase, consumption, and receipt of tobacco products.

To Committee on Health and Human Services.

**SB 449** by Uresti

Relating to the requirement that the parties in a suit affecting the parent-child relationship attend parenting classes.

To Committee on Jurisprudence.

**SB 450** by Uresti

Relating to consent for certain medical research involving children in foster care.

To Committee on Health and Human Services.

**SB 451** by Uresti

Relating to requiring dental support for a child.

To Committee on Jurisprudence.

**SB 452** by Uresti

Relating to access to records maintained by the Department of Family and Protective Services.

To Committee on Health and Human Services.

**SB 453** by Ellis

Relating to the testing of certain inmates for HIV or AIDS.

To Committee on Criminal Justice.

**SB 454** by Ellis

Relating to procedures applicable to waivers of the right to counsel in certain adversary judicial proceedings.

To Committee on Criminal Justice.

**SB 455** by Watson

Relating to the authority of the General Land Office to accept grants.

To Committee on Natural Resources.

**SB 456** by Watson

Relating to the applicability of the requirement that certain communications delivered to a property owner on behalf of a taxing unit notify the owner of any entitlement to postpone payment of the ad valorem taxes on the property.

To Committee on Intergovernmental Relations.

**SB 457** by Watson

Relating to the eligibility for education benefits of surviving minor children of certain public employees killed in the line of duty.

To Committee on Government Organization.

**SB 458** by Watson

Relating to workers' compensation medical benefits for certain prosthetic or orthotic devices.

To Committee on State Affairs.

**SB 459** by Carona

Relating to the provision of benefits to members of the Texas Transportation Commission; providing criminal penalties.

To Committee on Transportation and Homeland Security.

**SB 460** by Carona

Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

To Committee on Criminal Justice.

**SB 461** by Carona

Relating to waivers for certain counties and municipalities from the requirement to implement a collection improvement program.

To Committee on Jurisprudence.

**SB 462** by Harris

Relating to the allocation of revenue from the municipal hotel occupancy tax for the arts for certain municipalities.

To Committee on Intergovernmental Relations.

**SB 463** by Harris

Relating to the statute of limitations for misdemeanors.

To Committee on Criminal Justice.

**SB 464** by Harris

Relating to the dismissal of a charge for failure to timely update certain information on a driver's license or personal identification certificate.

To Committee on Transportation and Homeland Security.

**SB 465** by Eltife

Relating to the regulation of certain consumer transactions involving plumbing, air conditioning, and electrical services.

To Committee on Business and Commerce.

**SB 467** by Ellis

Relating to the funding and promotion of the Save Texas History and Adopt-A-Beach programs of the General Land Office.

To Committee on Natural Resources.

**SB 468** by Ellis

Relating to the standard of proof in health care liability claims involving emergency care.

To Committee on State Affairs.

**SB 469** by Brimer, Zaffirini

Relating to the creation by the Texas Higher Education Coordinating Board of a certificate of recognition for persons who contribute certain gifts or donations to public institutions of higher education.

To Subcommittee on Higher Education.

**SB 470** by Brimer

Relating to the submission of uniform financial reports.  
To Committee on Government Organization.

**SB 471** by Brimer

Relating to certain information reporting requirements regarding workers' compensation claims.  
To Committee on State Affairs.

**SB 472** by Brimer

Relating to the application of the sales and use tax to the transfer of certain tangible personal property.  
To Committee on Finance.

**SB 473** by Van de Putte

Relating to the criminal penalty for endangering certain blind or disabled pedestrians.  
To Committee on Criminal Justice.

**SB 474** by Van de Putte

Relating to certain peace officers commissioned by the Texas State Board of Pharmacy.  
To Committee on Criminal Justice.

**SB 475** by Uresti

Relating to the computation and payment of certain benefits, including supplemental payments of a retirement or death benefit, by the Teacher Retirement System of Texas; making an appropriation.  
To Committee on State Affairs.

**SB 476** by Uresti

Relating to a state policy of encouraging voluntary land stewardship to benefit the water in this state.  
To Committee on Natural Resources.

**SB 477** by Uresti

Relating to the creation of the State Office of Inspector General; providing an administrative penalty.  
To Committee on Government Organization.

**SB 478** by Shapleigh

Relating to the authority of a member, agency, or committee of the legislature to receive on request one copy of public information from a governmental body without charge.  
To Committee on State Affairs.

**SB 479** by Janek

Relating to the operation of a student health center at an institution of higher education.  
To Subcommittee on Higher Education.

**SB 480** by Janek

Relating to the definition of private or independent institution of higher education applicable to certain statutes.

To Subcommittee on Higher Education.

**SB 481** by Van de Putte

Relating to health benefit plan coverage for certain physical injuries that are self-inflicted by a minor.

To Committee on State Affairs.

**SB 486** by Shapiro

Relating to the Texas emerging technology fund.

To Subcommittee on Emerging Technologies and Economic Development.

**SB 487** by Deuell

Relating to the regulation of the practice of construction and program management for capital improvement projects of school districts.

To Committee on Education.

**SB 488** by Hegar

Relating to the creation of a judicial district composed of Bastrop County.

To Committee on Jurisprudence.

**SB 489** by Ellis

Relating to efficiency standards for certain appliances; providing a civil penalty.

To Committee on Natural Resources.

**SB 490** by Ellis

Relating to exemptions from the sales tax for certain energy efficient products.

To Committee on Finance.

**SB 491** by Lucio

Relating to the adoption of an alternative base period for computation of unemployment compensation benefits.

To Committee on Business and Commerce.

**SB 492** by Lucio

Relating to a cost of living increase applicable to benefits paid by the Teacher Retirement System of Texas.

To Committee on State Affairs.

**SB 493** by Duncan

Relating to the creation of a joint elections administrator; providing penalties.

To Committee on State Affairs.

**SB 494** by Van de Putte

Relating to an intensive reading and language intervention pilot program at certain public school campuses.

To Committee on Education.

**SB 495** by Van de Putte

Relating to allowing a municipal electric utility to enter into hedging contracts for certain commodities.

To Committee on Business and Commerce.

**SB 496** by Duncan

Relating to the use of the judicial and court personnel training fund.

To Committee on Jurisprudence.

**SB 497** by Duncan

Relating to the application of the professional prosecutors law to the state prosecuting attorney.

To Committee on Jurisprudence.

**SB 498** by Duncan

Relating to competency to be executed in a capital case.

To Committee on Criminal Justice.

**SB 499** by Duncan

Relating to postconviction DNA testing.

To Committee on Criminal Justice.

**SB 500** by Hegar

Relating to the establishment of a tow truck rotation list in certain counties; providing a penalty.

To Committee on Transportation and Homeland Security.

**SB 501** by Duncan

Relating to the exemption from ad valorem taxation of tangible personal property held temporarily at a location in this state for assembling, storing, manufacturing, processing, or fabricating purposes.

To Committee on Finance.

**SB 502** by Averitt

Relating to the minimum amounts of motor vehicle liability insurance coverage required to establish financial responsibility.

To Committee on Business and Commerce.

**SB 503** by Hegar

Relating to funding for the continuing education of certain peace officers.

To Committee on Education.

**SB 504** by Wentworth

Relating to the exemption from ad valorem taxation for certain solar or wind-powered energy devices.

To Committee on Finance.

**SB 505** by Uresti

Relating to access to criminal history record information by the Guardianship Certification Board.

To Committee on Jurisprudence.



**SB 506** by Uresti

Relating to provisional certification for certain guardians.  
To Committee on Jurisprudence.

**SB 507** by Uresti

Relating to reimbursement of members of the Guardianship Certification Board for certain expenses.  
To Committee on Jurisprudence.

**SB 508** by Gallegos

Relating to the regulation of certain licensing agents; providing penalties.  
To Committee on Business and Commerce.

**SB 509** by Williams

Relating to the liability of certain licensed or registered professionals for damages arising from certain services provided during an emergency.  
To Committee on State Affairs.

**SB 510** by Williams

Relating to the creation of an additional judicial district in Montgomery County.  
To Committee on Jurisprudence.

**SB 511** by Deuell

Relating to the qualifications of a person in the chain of command over fire protection personnel.  
To Committee on Intergovernmental Relations.

**SB 512** by Harris

Relating to the attachment of a judgment lien to homestead property.  
To Committee on Jurisprudence.

**SB 513** by Harris

Relating to the requirement that certain applicants for a vehicle dealer general distinguishing number complete a basic dealer education course.  
To Committee on Transportation and Homeland Security.

**SB 514** by Hegar

Relating to the confidentiality of certain information of a person licensed to practice law held by governmental bodies.  
To Committee on State Affairs.

**SB 515** by Janek

Relating to the powers of certain cooperative associations to provide central heating and cooling services.  
To Committee on Business and Commerce.

**HOUSE BILL ON FIRST READING**

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

**HB 2** to Committee on Finance.

## RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

### Memorial Resolutions

**SR 312** by Wentworth, In memory of Sam D. Seale.

**SR 313** by Wentworth, In memory of Hugh Patrick Shovlin of San Antonio.

**HCR 72** (Watson), In memory of Molly Ivins of Austin.

### Congratulatory Resolutions

**SR 310** by Duncan, Recognizing the City of Rotan on the occasion of its 100th anniversary.

**SR 311** by Uresti, Congratulating the Castroville Library for receiving an AT&T Exceleator grant.

**SR 314** by Wentworth, Recognizing the Lone Star Fugitive Task Force in the Western District of Texas for its achievements.

**SR 316** by Shapleigh, Commending United Blood Services of El Paso-Southern New Mexico for earning the Adelante Con Ganas Award.

### Official Designation Resolutions

**SR 306** by Nichols, Recognizing February 21 and 22, 2007, as Angelina County Days at the Capitol.

**SR 307** by Nichols, Recognizing February 21 and 22, 2007, as Stephen F. Austin State University Student Government Association and Alumni Association Days at the State Capitol.

**SR 308** by Nichols, Recognizing February 21 and 22, 2007, as Nacogdoches County Days at the State Capitol.

**SR 315** by Shapleigh, Recognizing February 22, 2007, as Texas Community College Day at the Capitol.

## ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:23 p.m. adjourned, in memory of Donna Kidd of San Angelo and Corporal Jose Alfredo "Freddy" Velez and Specialist Andrew Velez of Lubbock, until 1:30 p.m. Monday, February 26, 2007.

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## APPENDIX

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## COMMITTEE REPORTS

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

February 21, 2007

BUSINESS AND COMMERCE — **SB 324**

INTERGOVERNMENTAL RELATIONS — **SB 189, SB 267**

**In Memory  
of  
Donna Kidd  
Senate Resolution 267**

WHEREAS, The Senate of the State of Texas joins the citizens of San Angelo in mourning the loss of Donna Kidd, who died March 17, 2006, at the age of 60; and

WHEREAS, Donna Kidd was born in Littlefield on September 22, 1945; she dedicated her life to assisting those in need and served as a passionate advocate for people with disabilities and for the underprivileged; and

WHEREAS, An exemplary citizen, Donna was respected in the community for her many accomplishments; she was a member of the board of trustees of Mental Health and Mental Retardation Services of the Concho Valley for the last 10 years and also served as chairperson for six years; and

WHEREAS, She guided the organization through its day-to-day operations and met every challenge with unflagging enthusiasm; she worked tirelessly to assist rural communities in acquiring grants for special projects such as ambulance, fire, elderly, and community action services; she was especially proud of the new family and youth guidance center that opened in San Angelo; and

WHEREAS, She was active in political circles and acted as an advisor to many local and state leaders; on her most memorable trip to Washington, D.C., she attended the first inauguration of President George W. Bush; and

WHEREAS, Donna was an inspiration to others, and although she will be deeply missed by her family and friends, her spirit will abide in their hearts for years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend sincere condolences to the bereaved family of Donna Kidd: her son and daughter-in-law, Bruce and Liz Kidd; her grandchildren, Daniel Kielpinski, Noah Smith, and Gage Smith; and her brother, Clinton Harris; 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 Donna Kidd.

DUNCAN

**In Memory**  
**of**  
**Jose Alfredo "Freddy" Velez and Andrew Velez**  
**Senate Resolution 309**

WHEREAS, The Senate of the State of Texas joins the residents of Lubbock and citizens across the state in mourning the tragic loss of Corporal Jose Alfredo "Freddy" Velez and of Specialist Andrew Velez; and

WHEREAS, Freddy Velez died November 13, 2004, at the age of 23, while serving his country in Iraq, and Andrew died July 25, 2006, at the age of 22, while serving his country in Afghanistan; they both were true American heroes whose wartime deaths have left a tremendous void in the lives of all who knew and loved them; and

WHEREAS, Close brothers who grew up in the Lubbock community, Freddy was born October 21, 1981, and Andrew was born October 26, 1983; they were both talented athletes and played football together at Estacado High School; the brothers also competed in track, wrestling, and basketball; Freddy was in the high school's medical magnet program, and Andrew's interests were in criminal justice; and

WHEREAS, Freddy joined the United States Army in August of 2000 and was assigned to Alpha Company, 2nd Battalion, 7th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division; Andrew followed his brother into the military and was assigned to the Corps Support Battalion, Theater Support Command, Fort Irwin, California; and

WHEREAS, Freddy and Andrew were dedicated to their military responsibilities and were highly patriotic soldiers who demonstrated unwavering resolve; following the death of his brother Freddy, who had been awarded the Combat Infantry Badge and posthumously the Bronze Star and the Purple Heart, Andrew was determined to continue the fight against terrorism and to return to combat; they were the first brothers to die while serving in our nation's military in Afghanistan and Iraq; and

WHEREAS, Raised in a loving and close-knit family by their father, Roy Velez, and his wife, Carmen, Freddy and Andrew grew up sharing their enthusiasm for life with each other and with their family and friends; they then became honorable and courageous soldiers who will long be remembered for their tenacity and loyalty to their country; and

WHEREAS, Although Freddy and Andrew are deeply missed, the bond between them and their strong spirits will continue to abide for years to come in the hearts of all who loved them and all who were privileged to share in their lives; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend sincere condolences to the bereaved family members of Jose Alfredo Velez and Andrew Velez; and, be it further

RESOLVED, That a copy of this Resolution be prepared for their family members as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Corporal Jose Alfredo Velez and Specialist Andrew Velez.

DUNCAN