

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-THIRD DAY

(Wednesday, May 2, 2007)

The Senate met at 11:21 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Gallegos.

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

The Reverend Dr. Charles Kutz-Marks, University Christian Church, Austin, offered the invocation as follows:

In the rare moment of an inward turn, we pause before You, O God, creator of all and loving sustainer of every life. We pray that You would manifest Your spirit in this special place where You have blessed these of Your children with singular, representative power to bring a greater measure of wholeness and justice to the people of Texas. Bless all who are here with the wisdom to discern the good path, and then with the courage to walk it. Bless those gathered here with an unaccustomed unity of purpose, a spirit that can make what seems only optimistic hope today, tomorrow's glad reality. For this we pray, ever secure in Your spirit. 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.

LEAVE OF ABSENCE

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

CO-AUTHOR OF SENATE BILL 10

On motion of Senator Nelson, Senator Uresti will be shown as Co-author of **SB 10**.

CO-AUTHOR OF SENATE BILL 674

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-author of **SB 674**.

CO-AUTHOR OF SENATE BILL 1324

On motion of Senator Watson, Senator Shapleigh will be shown as Co-author of **SB 1324**.

CO-AUTHORS OF SENATE BILL 1341

On motion of Senator Hegar, Senators Uresti, Van de Putte, Wentworth, and Zaffirini will be shown as Co-authors of **SB 1341**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 61

On motion of Senator Duncan, Senator Lucio will be shown as Co-author of **SJR 61**.

CO-SPONSOR OF HOUSE BILL 1308

On motion of Senator Brimer, Senator Zaffirini will be shown as Co-sponsor of **HB 1308**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 2, 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 4, Relating to water conservation.

HB 1031, Relating to the use of certain voting equipment in certain elections that do not involve a federal office.

HB 1656, Relating to regulation of irrigation systems and irrigators.

HB 1759, Relating to the transfer of certain state property from the Health and Human Services Commission, the Department of State Health Services, or the Department of Aging and Disability Services to Spindletop MHMR Services.

HCR 111, Authorizing the placement of a monument commemorating the federal Bill of Rights.

SCR 57, Recognizing The Institute for Environmental and Human Health in Lubbock on the occasion of its 10th anniversary.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 482 (non-record vote)

House Conferees: King, Phil - Chair/Hartnett/Miller/Straus/Turner

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Ogden was recognized and presented Dr. Daniel Voss of Georgetown as the Physician of the Day.

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

GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate seventh-grade students from Saint Thomas Aquinas School in Dallas, accompanied by their teacher.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate representatives of the Texas Border Coalition.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Averitt was recognized and introduced to the Senate winners of 2007 Texas Environmental Excellence Awards.

The Senate welcomed its guests.

SENATE RESOLUTION 895

Senator Harris offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Marcus High School boys soccer team for winning the University Interscholastic League Class 5A state championship title; and

WHEREAS, The Marauders were victorious in their first appearance in a state championship game; they defeated Plano West High School in a 3-2 shootout; and

WHEREAS, These Flower Mound athletes have demonstrated great talent and perseverance throughout the school year and ended the season with a perfect 30-0 record and a number one ranking in the nation by the Internet Publication *Student Sports Soccer*; team members can take great pride in their outstanding performance; and

WHEREAS, Under the superior leadership and expertise of head coach John Gall and with the aid of assistant coaches Robert Butler and Chris Cloninger, the Marauders have developed exceptional teamwork and discipline; and

WHEREAS, Marcus High School and the City of Flower Mound are proud of the Marauders for their hard work, their impressive skills, and their fine sportsmanship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the Marcus High School boys soccer team on their successful season and extend congratulations to them on winning the University Interscholastic League Class 5A state championship title; and, be it further

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

SR 895 was read and was adopted without objection.

GUESTS PRESENTED

Senator Harris was recognized and introduced to the Senate members of the Marcus High School boys soccer team of Flower Mound, winners of the University Interscholastic League Class 5A championship: captains, Ryan Engelmann, Glen Marshall, and Sam Fannin, accompanied by head coach John Gall.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate students and their teacher from Adamson High School in Dallas.

The Senate welcomed its guests.

SENATE RESOLUTION 942

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Dr. Thomas F. Freeman for his many years of distinguished service at Texas Southern University; and

WHEREAS, Dr. Freeman earned his bachelor's degree from Andover Newton Theological Seminary in Newton Centre, Massachusetts, and he received his doctorate from the University of Chicago; in the years since then, he has been a dedicated educator and minister, inspiring his students and church members with the broad expanse of his education and his eloquence; and

WHEREAS, Dr. Freeman joined the faculty of Texas Southern University in 1949 to teach philosophy and lead the debate team; he has had a profound influence on many prominent figures who were debate team members, including United States Representative Barbara Jordan, state Senator Rodney Ellis, and former Texas Southern University Provost James Race; and

WHEREAS, Dr. Freeman has been in demand throughout the country as a guest lecturer, including at Morehouse College, where he taught a young Martin Luther King, Jr., in 1947; he also taught at Virginia Union University and Rice University; and

WHEREAS, Throughout his long and productive career, Dr. Freeman has carried out his duties with inspiration and compassion; he has been a mentor and role model to countless students through the years; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend Dr. Thomas Freeman for his many years of service to the students of Texas Southern University and extend to him best wishes in all his future endeavors; and, be it further

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

SR 942 was read and was adopted without objection.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate members of the Texas Southern University debate team: Coquise Cooksey, James Hollins, and Emerald Merrell, accompanied by their debate coach, Dr. Thomas F. Freeman, Professor of Philosophy, and Gloria Batiste-Roberts, assistant coach.

The Senate welcomed its guests.

SENATE RESOLUTION 929

Senator Nelson offered the following resolution:

SR 929, In memory of Martin Donald.

The resolution was read.

Senator Nelson was recognized and introduced to the Senate family members of Martin Donald, the father of Senator Shapiro.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Nelson, **SR 929** was adopted without objection.

In honor of the memory of Martin Donald, the text of the resolution is printed at the end of today's *Senate Journal*.

REMARKS ORDERED PRINTED

On motion of Senator Shapleigh and by unanimous consent, the remarks by Senators Nelson, Shapleigh, Fraser, and Shapiro regarding **SR 929** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Nelson: Members, earlier this year we lost someone very special, Senator Shapiro's father, Martin Donald. At the funeral, we heard the incredible story of his life. It was so compelling that we asked that the eulogy be entered into the Journal, in its entirety, for future generations. A copy is being distributed to each Senator's desk, and passages of it will be read momentarily. If there are any students here today, listen carefully. It offers a glimpse of one man's struggle during one of the darkest periods in the world's history, the Holocaust. It is a story of survival, one that begins May 2, 1920, in Berlin, Germany, where Martin Donald was born to a family of proud Jews and proud Germans. His father fought for the German Kaiser in World War I. But everything changed when Hitler came to power. His story takes us to World War II London, where he meets the love of his life, only to be rounded up with other

Germans and mistakenly sent in a prisoner of war ship to Canada. It took two months before the British realized their mistake and returned him to England, where he enlisted in the British military and changed his name from Dorffmann to Donald in case he was captured by the Germans. His story takes us through the decisive battle of World War II, the invasions of Normandy, and then into occupied Germany, where he witnesses firsthand the atrocities of the Holocaust. In all, he lost 40 family members, including his entire immediate family, mother, father, sisters, uncles, cousins, all murdered in concentration camps. After the war, Martin returns to England where he begins a new journey, a marriage to the former Ann Speesman that would last for 59 years. To make a better life, he and his wife traveled aboard the *Queen Mary* to New York with both of Ann's parents. Here they began their American dream, drawing on the family's history in the fur trading business to grow a successful business. In 1960, they traded Brooklyn for Texas, opening Elegant Furs Company in Dallas. He continued working as a businessman until retiring at the age of 60. He raised his two children, Florence and Mark, to appreciate something that was taken away from him as a youth, his citizenship. When his daughter was sworn in as a Texas State Senator, tears streamed down his face. Not only was he proud of his daughter, he was proud to be in a country that valued his family as citizens. Martin Donald was a witness to some of the most significant events in human history. When he died, Texas lost a living monument to those events. Those who had the pleasure of knowing Martin Donald have been enriched by knowing him and his incredible story. But none more than his family, who loved him dearly. It is appropriate that today we celebrate the life of this truly remarkable person. Today is Martin Donald's birthday. It is also his daughter Senator Shapiro's birthday, and her family surprised her by being here today. With Senator Shapiro on the floor are Ann Donald, Martin's beloved wife of 59 years; Howard Shapiro, his son-in-law; Todd and Jori Shapiro, his grandson and granddaughter-in-law; Staci Rubin, his granddaughter; Lisa Strauss, his granddaughter; and Joshua, Noa, and Ari Strauss, his great-grandchildren. Please know how much we appreciate you for allowing us to pay tribute to an extraordinary man who lived an extraordinary life.

Senator Shapleigh: Thank you Mr. President. Senator Nelson, Senator Shapiro, we have a trailer load of Kleenex right out here, we anticipated this moment. Senators, if you weren't at this, really, celebration of Martin Donald's life, you missed something. Brian, who is a rabbi, who wrote this, really needs to get into the business of being an author. This story that he told in such terms and with such emotion and captured a life, was really amazing, if you were there to hear it. What touched me was two points in Martin's life. The first was when he was 19 years old. Go back into your own life and think what you were doing at 19. Here's a man who grew up in a proud German family, grew up in Berlin, had served in the previous war, in the army, strong citizens of a country. Now for the first time in that country's history, being singled out because of his religion. And he sat at a train station with his mother and four family members, and here at the age of 19 started this journey. One journey, the story of an American dream. An essential American story where a person by dint of his own struggle and conquest does amazing things. And the other story were four family members and 40 others going to concentration camps and then are murdered by one of the most vicious and ugly chapters in German history and world history. And he goes to Britain and he

immediately is rounded up with the other Germans to be sent back because Britain fears the fifth column, and he figures out a way to get out of that and stay in Britain and then join the army in Britain to fight, because he's realized that he, as an actor, one person in history, has to do something. That reminds me a little of you, Florence, and the way you feel about education. One actor doing something important in history because it's important to do. He comes to this country, he's an amazing success, but what comes out in this story, if you read it, is his relationship to his children and his grandchildren. There's a part here on page eight that came out when the story was being told at the funeral. It's about his great-grandchildren, Joshua, Noa, Ari, Ella, Sam, and Zachary. And had he been here today and seen this, and been watching up there invisibly and looking back, he'd say, as he said here, each of you look as sharp as a matzo ball. Now no one in the family ever knew quite what that meant, but it was something that he said every time he saw them. Not long before he passed away, this night that's part of this family's history and lore, is a night in the Bahamas. Martin liked to gamble. He liked to go out and roll the dice, and he was in his element. He liked to have fun. He liked to have his family around him so that the family was having fun, and everyone would go and join when they went down to the Bahamas. So he's in his wheelchair and he's playing craps, he's rolling the dice, and a chant is going up from the crowd, go Pappa. That night he wins \$5,000 and life is good once again. And any time one of these children or grandchildren or great-grandchildren would go to him, what he wanted to know is, what about you? How can you be a success in this country? And what's so amazing about his story is that it's a story of America because here, one generation later, his daughter sits on this floor, invited to the White House, invited to every office of power in this country, in one generation because of a dream of reaching in, facing oppression, dealing with struggle, and doing something with your life. His story is an American story and this is a great tale to tell, and we're so pleased that we can be a part of, really, the celebration of his life.

Senator Fraser: I'll have to look away from Florence. Interestingly, a while ago, as this started, I picked up a Kleenex to hand it to her. I had to get one myself. Those of us that were there in Dallas for the funeral, I've told Florence, it's not good form to ever talk about your favorite funeral you've been to, or the favorite story, but this is probably my favorite story I've ever heard about anyone's life. Sitting next to Florence on the floor, I had numerous opportunities to meet Martin Donald, at not only swearing-ins or the Governor for the Day but that day in Dallas I was privileged to meet Martin Dorffmann and I bonded with Pappa that day as my favorite story, probably that I've ever heard reflected. The grandson-in-law that delivered the eulogy, that Brian Strauss delivered that day, I thought did a phenomenal job talking about Pappa, and he reflected that Pappa had lived the American dream, and I think I would reflect, not only that he lived the American dream, he was the American dream. Last night, there were seven of us that got together for a dinner, and the excuse was to celebrate Florence's birthday, and she was sitting there and she said, we commented on it, she said, you know, I'm dreading tomorrow. I said, why, and she said, I've always been able to celebrate my birthday every year with my father, and I've always known at one point that we would get to this point. But, Florence, I would reflect to you, all of us, as your extended family, in addition to the family that you have here, we're here not only to tell you happy birthday but to celebrate the life of, I think,

something that reflects all of our past in someone that we respect, not only the fact that, as he was 65 years earlier trying to escape the atrocities of his home country but to know on the night of his death that the President of the United States would call to offer condolences, that he was the American dream, and I would tell you happy birthday from all the Senators.

Senator Shapiro: I'm not even sure where to begin nor where to end. But I want to be very brief because you all know me and I will spend the rest of the time with a box of Kleenex. First, I want to say, on behalf of my father, that I know that he is watching, and I know that he knows that this is happening here, and this is the highlight of anybody's life, and what you've done for him today is extraordinary, and I am so grateful. Where's Judith? She keeps me, she always keeps me on the straight and narrow. I am so grateful to each and every one of you for what you did here today. I know we have a big agenda, I know we need to move on, but if I didn't say how much each and every one of you means to me, I would be, I would be neglectful. We spend a lot of time together. We do a lot of things together. When I think about the day my father died and the funeral, the first thing I think about, amongst other things, but with those, those memories, is when Royce West walked into the funeral home, walked up to me, and I said, what are you doing here, and he said, we're family. And he's absolutely right. We may have disagreements on this floor, we may come from different backgrounds, from different parts of the state, rural versus urban versus suburban, makes no difference, Democrats or Republicans, when you become a Texas State Senator, you are family and that means everything. If this is not the best indication of how families stay together, I don't know what possibly could be another, in any way. Each of you has gone through, I'm sure, trying times in your lives. Each of you, I'm sure, will go through more. We all will, as we grow older, except of course for Senator Hegar. He's too young to worry about problems. But, as long as you've got the support system that we have in this body with one another, we can make it through anything. There's absolutely no doubt in my mind. You're all very, very special individuals. You are, even without me telling you that, and you know it. But this shows above anything else what a unique and extraordinary group of individuals each and every one of you are. Governor, I don't know, words can't express to you how much what you've done, bringing all those Senators to the funeral and always being here for me and looking at me every once in a while saying, you doing OK, are you doing OK? This is a very special day and it's an important day and it'll go down for me for a very long time, because I'll celebrate this day by myself. Most of my life, I'm not going to tell you all how many years, all of my life, my whole life, I've celebrated it with my dad, and I can't do that anymore. But his memory will be with me and what you all did here today on that first opportunity for me to be alone, you have filled a lot of that void in what you did here today, and I am very, very grateful. And on behalf of my whole family, who I had no idea was going to be here, I am, I tell you from the bottom of my heart, and I know I speak for all of them, how grateful they are for what you just did today for my dad, their Pappa, my mother's husband, and what a wonderful tribute. I thank you so much and, Patsy, that was beautiful. Thank each and every one of you. Very special.

BIRTHDAY GREETINGS EXTENDED

Senator Nelson was recognized and, on behalf of the Senate, extended birthday greetings to Senator Shapiro.

AT EASE

The President at 12:08 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 12:18 p.m. called the Senate to order as In Legislative Session.

BILLS AND RESOLUTIONS SIGNED

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

SB 584, SB 904, SB 1012, SB 1315, HB 76, HB 178, HB 313, HB 368, HB 374, HB 423, HB 481, HB 484, HB 504, HB 622, HB 889, HB 1308, HB 1379, HB 1562, HB 1676, HB 1763, HCR 204, HJR 36.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate representatives of the Daughters of the Republic of Texas.

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.

CONCLUSION OF MORNING CALL

The President at 12:23 p.m. announced the conclusion of morning call.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a delegation of Republican women from Yoakum.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Shapleigh was recognized and introduced to the Senate Judge Patrick Garcia of El Paso.

The Senate welcomed its guest.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 2, 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:

SB 57, Relating to the priority given to the hearing by trial courts of certain ad valorem tax matters.

SB 91, Relating to point-of-sale health warnings for tobacco products.

SB 158, Relating to the certification and employment of educational diagnosticians.

SB 237, Relating to the supreme court's adoption of rules on the electronic filing of documents in civil cases in justice of the peace courts.

SB 331, Relating to the maximum length for certain vehicles.

SB 342, Relating to eligibility requirements for a beginning position in a police department in certain municipalities under municipal civil service.

SB 355, 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.

SB 393, Relating to creating a recognition day in honor of election volunteers.

SB 471, Relating to certain information reporting requirements regarding workers' compensation claims.

SB 500, Relating to the establishment of a tow truck rotation list in certain counties; providing a penalty.

(Committee Substitute)

SB 580, Relating to the manner of recording documents filed with a county clerk.

SB 593, Relating to providing notice to certain beneficiaries under a decedent's will.

(Committee Substitute)

SB 622, Relating to the collection of certain data for the Texas Natural Resources Information System and the duties of the Texas Geographic Information Council.

SB 893, Relating to international railroad toll bridges in certain counties.

(Committee Substitute)

SB 948, Relating to the waiver of penalty and interest on a taxing unit's delinquent payment of its allocation of the budget of an appraisal district.

SB 1074, Relating to short-term revenue bonds in certain metropolitan rapid transit authorities.

SB 1634, Relating to a court order for a land surveyor to cross land.
(Amended)

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

HB 1311 (non-record vote)

House Conferees: Bonnen - Chair/Cook, Robby/Keffer, Jim/Lucio III/O'Day

HB 1312 (non-record vote)

House Conferees: Bonnen - Chair/Cook, Robby/Keffer, Jim/Lucio III/O'Day

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 483 (non-record vote)

House Conferees: King, Phil - Chair/Christian/Pena/Smith, Todd/Swinford

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 1436 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1436** at this time on its second reading:

CSSB 1436, Relating to the transfer of responsibility for the National Flood Insurance Program from the Texas Commission on Environmental Quality to the Texas Water Development Board and the administration and funding of the program.

The motion prevailed.

Senator Williams asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1436** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in proposed Subsection (b), Section 251.004, Insurance Code (page 1, line 22), strike "biennium" and substitute "year".

(2) In SECTION 1 of the bill, in proposed Subsection (b), Section 251.004, Insurance Code (page 1, line 24), strike "\$6.1 million" and substitute "\$3.05 million".

(3) In SECTION 1 of the bill, in proposed Subsection (b), Section 251.004, Insurance Code (page 1, line 25), strike "this subtitle" and substitute "Chapter 252".

The amendment to **CSSB 1436** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

CSSB 1436 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Williams.

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 1436 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1436** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Williams.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1105 ON SECOND READING**

Senator Watson moved to suspend the regular order of business to take up for consideration **CSSB 1105** at this time on its second reading:

CSSB 1105, Relating to the eligibility of property for economic benefits authorized by the Texas Economic Development Act.

The motion prevailed.

Senator Ogden asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Watson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1105** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 313.024(b), Tax Code, is amended to read as follows:

(b) To be eligible for a limitation on appraised value under this subchapter, the corporation or limited liability company must use the property in connection with:

- (1) manufacturing;
- (2) research and development;
- (3) a clean coal project, as defined by Section 5.001, Water Code;
- (4) a gasification project for a coal and biomass mixture; ~~or~~
- (5) renewable energy electric generation; or
- (6) a data center.

SECTION 2. Section 313.024(b), Tax Code, as effective January 1, 2008, is amended to read as follows:

(b) To be eligible for a limitation on appraised value under this subchapter, the entity must use the property in connection with:

- (1) manufacturing;
- (2) research and development;
- (3) a clean coal project, as defined by Section 5.001, Water Code;
- (4) a gasification project for a coal and biomass mixture; ~~or~~
- (5) renewable energy electric generation; or
- (6) a data center.

SECTION 3. Section 313.024(e), Tax Code, is amended by adding Subdivision (3) to read as follows:

(3) "Data center" means an establishment primarily engaged in providing electronic data processing and storage services described in categories 518210 and 541513 of the 2002 North American Industry Classification System.

SECTION 4. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

(b) Section 2 of this Act takes effect January 1, 2008

The amendment to **CSSB 1105** was read.

Senator Brimer offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **CSSB 1105** by adding the following SECTION to the bill, appropriately numbered, and renumbering subsequent SECTIONS accordingly:

SECTION ____ . The following statutes are repealed:

- (1) Section 313.007, Tax Code;
- (2) Subchapter E, Chapter 313, Tax Code; and
- (3) Section 16(a), Chapter 1, Acts of the 79th Legislature, 3rd Called Session, 2006.

The amendment to Floor Amendment No. 1 to **CSSB 1105** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Gallegos.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 1105**, the amendment as amended was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

CSSB 1105 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Ogden.

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 1105 ON THIRD READING

Senator Watson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1105** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Ogden.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

SENATE JOINT RESOLUTION 61 ON SECOND READING

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 61** at this time on its second reading:

SJR 61, Proposing a constitutional amendment increasing dedicated funding for the major repair or rehabilitation of buildings and other permanent improvements of institutions of higher education that were not created as a part of The University of Texas System or The Texas A&M University System.

The resolution was read second time.

Senator Duncan offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 61**, in SECTION 1 of the bill, in Subsection (i), Section 17, Article VII, Texas Constitution (committee printing page 2, lines 12 and 13), by striking "allocated, distributed," and substituting "allocated and[?] distributed pursuant to an appropriate formula[?]".

The amendment to **SJR 61** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

SJR 61 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos.

SENATE JOINT RESOLUTION 61 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 61** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1510 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1510** at this time on its second reading:

CSSB 1510, Relating to the time for preparing an annual budget in certain counties.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 1510 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1510** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1115 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1115** at this time on its second reading:

CSSB 1115, Relating to the regulation of independent emergency medical care facilities; providing penalties; creating an offense.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 1317 ON THIRD READING**

Senator Jackson moved to suspend the regular order of business to take up for consideration **CSSB 1317** at this time on its third reading and final passage:

CSSB 1317, Relating to prohibiting a municipality from enacting regulations on air pollution that apply outside its corporate limits.

The motion prevailed by the following vote: Yeas 20, Nays 10.

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

Nays: Ellis, Hinojosa, Lucio, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10. (Same as previous roll call)

(Senator Carona in Chair)

**HOUSE CONCURRENT RESOLUTION 173
ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **HCR 173** at this time on its second reading:

HCR 173, Expressing support for bids by the Texas Bio- and Agro-Defense Consortium and the Texas A&M NBAF Consortium to locate the U.S. Department of Homeland Security's National Bio and Agro-Defense Facility in Texas.

The resolution was read second time 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.

**COMMITTEE SUBSTITUTE
SENATE BILL 1617 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1617** at this time on its second reading:

CSSB 1617, Relating to the collection of motor vehicle sales taxes on seller-financed sales by dealers and the registration of finance companies related to those dealers.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1617** in Section 2 of the bill, in proposed Section 152.0475(d), Tax Code (Senate committee printing page 1, line 37), by striking "\$600" and substituting "\$1500".

The amendment to **CSSB 1617** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

CSSB 1617 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 1617 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1617** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 1836 ON SECOND READING

On motion of Senator Jackson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1836** at this time on its second reading:

SB 1836, Relating to the management and control of certain port improvements and facilities.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos.

SENATE BILL 1836 ON THIRD READING

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1836** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1252 ON SECOND READING

Senator Averitt moved to suspend the regular order of business to take up for consideration **CSSB 1252** at this time on its second reading:

CSSB 1252, Relating to an electronic fingerprint verification system used by a seller to confirm the age of a purchaser of certain products; providing a criminal penalty.

The motion prevailed.

Senator Fraser asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Averitt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1252** by striking SECTIONS 5 and 6 of the bill (Senate committee printing, page 2, line 58, through page 3, line 8) and substituting the following:

SECTION 5. Section 521.126, Transportation Code, is amended by amending Subsection (b) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b) Except as provided by Subsections (d), (e), and (g), a person commits an offense if the person:

(1) accesses or uses electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate without the consent of the license or certificate holder; or

(2) compiles or maintains a database of electronically readable information derived from driver's licenses, commercial driver's licenses, or personal identification certificates without the consent of each license or certificate holder whose information is compiled or maintained.

(b-1) For the purposes of Subsection (b), a license or certificate holder provides consent only by signing a separate document or using an electronic signature, as defined by Section 43.002, Business & Commerce Code, on an electronic record that states:

"I consent to allow (insert name of person) to access or include information from my driver's license or personal identification certificate in a compilation or database."

(b-2) A license or certificate holder may only provide consent to one person on each document or electronic record described by Subsection (b-1).

(b-3) A person may not sell or otherwise disclose electronically readable information accessed, compiled, or described by Subsection (b) to another person or an affiliate of the person. This subsection does not apply to a financial institution described by Subsection (e).

SECTION 6. (a) The change in law made to Section 521.126, Transportation Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. For the purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2007.

The amendment to **CSSB 1252** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

CSSB 1252 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Fraser.

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 1252 ON THIRD READING

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1252** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Fraser.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 1115 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1115** be placed on its third reading and final passage:

CSSB 1115, Relating to the regulation of independent emergency medical care facilities; providing penalties; creating an offense.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

The bill was read third time.

(Senator Brimer in Chair)

Senator Deuell offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 1115** on third reading (committee printing) as follows:

(1) In SECTION 1 of the bill, in proposed Section 254.004(b), Health and Safety Code (page 1, lines 58-59), strike "of not less than \$500 and not more than \$1,000 as".

(2) In SECTION 1 of the bill, in proposed Section 254.004(e), Health and Safety Code (page 2, line 4), strike "annually" and substitute "every two years".

(3) In SECTIONS 4, 5, and 6 of the bill (page 7, line 7, lines 17-18, line 19, and line 24), strike "September 1, 2008" each time the phrase occurs and substitute "December 1, 2008".

(4) In SECTION 4 of the bill, in Subsection (b) (page 7, line 11), strike "March 1, 2008" and substitute "September 1, 2008".

The amendment to **CSSB 1115** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

CSSB 1115 as amended was finally passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

SENATE BILL 1985 ON SECOND READING

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1985** at this time on its second reading:

SB 1985, Relating to the creation of the McLennan County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

The bill was read second time.

Senator Averitt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1985** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in proposed Subchapter C, Chapter 8821, Special District Local Laws Code (page 3, between lines 4 and 5), insert a new Section 8821.101 as follows:

Sec. 8821.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as provided by this chapter, the district has the powers and duties provided by the general law of this state, including Chapter 36, Water Code, and Section 59, Article XVI, Texas Constitution, applicable to groundwater conservation districts.

(2) In SECTION 1 of the bill, in proposed Section 8821.101, Special District Local Laws Code (page 3, line 5), strike "8821.101" and substitute "8821.102".

(3) In SECTION 1 of the bill, in proposed Section 8823.102, Special District Local Laws Code (page 3, line 10), strike "8821.102" and substitute "8821.103".

(4) In SECTION 1 of the bill, in proposed Section 8823.102, Special District Local Laws Code (page 3, lines 21 and 22), strike proposed Subsection (c).

(5) In SECTION 1 of the bill, in proposed Section 8821.103, Special District Local Laws Code (page 3, line 23), strike "8821.103" and substitute "8821.104".

(6) In SECTION 1 of the bill, immediately following proposed Section 8821.103, Special District Local Laws Code (page 3, between lines 25 and 26), insert new Sections 8821.105 and 8821.106 as follows:

Sec. 8821.105. REGISTRATION AND REPORTING REQUIREMENTS FOR CERTAIN EXEMPT WELLS. The district may adopt rules that require the owner or operator of a well or class of wells exempt from permitting under Section 36.117, Water Code, to register the well with the district and, if the well is not exempt under Section 36.117(b)(1), Water Code, to report groundwater withdrawals from the well using reasonable and appropriate reporting methods and frequency.

Sec. 8821.106. WELL SPACING RULES; EXEMPTIONS. (a) Except as provided by Subsection (b), the district shall exempt from the well spacing requirements adopted by the district any well that is completed on or before the effective date of those requirements.

(b) The district may provide by rule that a well may lose its exemption under this section if the well is modified in a manner that substantially increases the capacity of the well after the effective date of the well spacing requirements adopted by the district.

(c) Except as provided by this section, the district may require any well or class of wells exempt from permitting under Chapter 36, Water Code, to comply with the well spacing requirements adopted by the district. The district shall apply well spacing requirements uniformly to any well or class of wells based on the size or capacity of the well and without regard to the type of use of the groundwater produced by the well.

(7) In SECTION 1 of the bill, in proposed Section 8821.104, Special District Local Laws Code (page 3, line 26), strike "8821.104" and substitute "8821.107".

(8) In SECTION 1 of the bill, in proposed Section 8821.105, Special District Local Laws Code (page 3, line 35), strike "8821.105" and substitute "8821.108".

(9) In SECTION 1 of the bill, in proposed Section 8821.106, Special District Local Laws Code (page 3, line 38), strike "8821.106" and substitute "8821.109".

(10) In SECTION 1 of the bill, in proposed Section 8821.107, Special District Local Laws Code (page 3, line 42), strike "8821.107" and substitute "8821.110".

(11) In SECTION 1 of the bill, in proposed Subchapter C, Chapter 8821, Special District Local Laws Code (page 3, between lines 43 and 44), insert a new Section 8821.111 as follows:

Sec. 8821.111. DISTRICT TERRITORY REQUIREMENTS; DISSOLUTION OF DISTRICT. (a) On September 1, 2011, the district boundaries must include at least one county adjacent to McLennan County.

(b) As soon as practicable after September 1, 2011, the Texas Commission on Environmental Quality shall determine whether the district complies with Subsection (a).

(c) If the commission determines that the district does not comply with Subsection (a), the commission shall dissolve the district in accordance with Sections 36.304, 36.305, 36.307, 36.308, 36.309, and 36.310, Water Code, regardless of whether the district meets the criteria for dissolution under Section 36.304(a), Water Code.

(d) This section expires September 1, 2013.

The amendment to **SB 1985** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

SB 1985 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos.

SENATE BILL 1985 ON THIRD READING

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1985** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 1344 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1344** at this time on its second reading:

CSHB 1344, Relating to the regulation of refund anticipation loans; providing an administrative penalty.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading except as follows:

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1344 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1344** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 920 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSSB 920** at this time on its second reading:

CSSB 920, Relating to informed consent to an abortion.

The motion prevailed by the following vote: Yeas 21, Nays 8, Present-not voting 1.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Shapiro, Uresti, Williams, Zaffirini.

Nays: Ellis, Hinojosa, Shapleigh, Van de Putte, Watson, Wentworth, West, Whitmire.

Present-not voting: Seliger.

Absent-excused: Gallegos.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 920** as at Section 171.012(a)(1)(D)(3), Health and Safety Code (page 1, line 57) by adding the following after "woman":
"and the obstetric ultrasound shall be done at no cost to the patient"

The amendment to **CSSB 920** was read and failed of adoption by the following vote: Yeas 13, Nays 17.

Yeas: Averitt, Ellis, Hinojosa, Lucio, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Janek, Nelson, Nichols, Ogden, Patrick, Shapiro, Williams.

Absent-excused: Gallegos.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 920** at Section 171.012(a-1), Health and Safety Code (page 2, line 10) by striking "may" and substituting "shall" therefor.

The amendment to **CSSB 920** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Gallegos.

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

CSSB 920 as amended was passed to engrossment by the following vote: Yeas 21, Nays 8, Present-not voting 1.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Shapiro, Uresti, Williams, Zaffirini.

Nays: Ellis, Hinojosa, Shapleigh, Van de Putte, Watson, Wentworth, West, Whitmire.

Present-not voting: Seliger.

Absent-excused: Gallegos.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate representatives of the National Federation of Independent Business.

The Senate welcomed its guests.

(Senator Carona in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 1846 ON SECOND READING

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1846** at this time on its second reading:

CSSB 1846, Relating to funding for, and benefits provided under, the Teacher Retirement System of Texas.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Janek, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Wentworth, West, Williams.

Nays: Ellis, Hinojosa, Lucio, Shapleigh, Van de Putte, Watson, Whitmire, Zaffirini.

Absent-excused: Gallegos.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1846** (committee printing), in SECTION 4 of the bill, in added Subsection (b), Section 825.402, Government Code, by striking the first two sentences of the subsection (page 2, lines 6 through 14) and substituting the following:

The rate of contributions for each member of the retirement system may, as directed by the General Appropriations Act consistent with the actuarial soundness of the retirement system, be decreased to not less than 6 percent, or increased to not more than 6.6 percent, of the member's annual compensation. A decrease or increase made under this subsection applies to annual compensation received for service rendered during the school years that correspond to the fiscal biennium to which the General Appropriations Act requiring the decrease or increase applies or a shorter period specified by that Act.

The amendment to **CSSB 1846** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1846** (committee printing), in SECTION 7 of the bill, in proposed Subsection (a), Section 825.4042, Government Code, following the period (page 2, line 37), by inserting "The total of an employer's contributions to the retirement system under this section and the employer's contributions under Subchapter E, Chapter 1575, Insurance Code, to the retired school employees group insurance fund may not exceed one percent of the aggregate annual compensation of the contributing members of the retirement system employed by that employer during a fiscal year."

The amendment to **CSSB 1846** was read and was adopted by the following vote: Yeas 29, Nays 1.

Nays: Shapleigh.

Absent-excused: Gallegos.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1846** (committee printing), in SECTION 7 of the bill, in proposed Section 825.4042, Government Code, following proposed Subsection (f) (page 2, between lines 55 and 56), by inserting:

(g) An employer that is a state agency is required to make contributions under this section only if the employer is subject to Subchapter F, Chapter 404.

The amendment to **CSSB 1846** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Absent-excused: Gallegos.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1846** (committee printing), in SECTION 13 of the bill, by striking Subsection (c) of that SECTION (page 3, lines 43 through 45) and substituting:

(c) To the extent authorized by the General Appropriations Act, the amount of the supplemental payment shall be no more than the gross amount of the regular annuity payment to which the eligible annuitant is otherwise entitled for the month of August 2007.

The amendment to **CSSB 1846** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Absent-excused: Gallegos.

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

CSSB 1846 as amended was passed to engrossment by the following vote: Yeas 22, Nays 8.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Janek, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Wentworth, West, Williams.

Nays: Ellis, Hinojosa, Lucio, Shapleigh, Van de Putte, Watson, Whitmire, Zaffirini.

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 1846 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1846** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Jackson, Janek, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Wentworth, West, Williams.

Nays: Lucio, Shapleigh, Van de Putte, Watson, Whitmire, Zaffirini.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 8.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Jackson, Janek, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Wentworth, West, Williams.

Nays: Ellis, Hinojosa, Lucio, Shapleigh, Van de Putte, Watson, Whitmire, Zaffirini.

Absent-excused: Gallegos.

SENATE BILL 2000 ON SECOND READING

Senator Eltife moved to suspend the regular order of business to take up for consideration **SB 2000** at this time on its second reading:

SB 2000, Relating to a program to reduce the emissions of nitrogen oxides from certain stationary compressor engines.

The motion prevailed.

Senator Ogden asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Present-not voting: Ogden.

Absent-excused: Gallegos.

SENATE BILL 2000 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2000** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Ogden.

Absent-excused: Gallegos.

(President in Chair)

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1. (Same as previous roll call)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 2, 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:

SB 1107, Relating to the powers and duties of the Travis County Healthcare District.
(Amended)

SB 1209, Relating to the relocation of utility facilities required by improvement of a state highway.
(Committee Substitute)

SB 1389, Relating to the processing of consumer rebates.
(Amended)

SB 1580, Relating to the provision of pay telephone service to inmates confined in facilities operated by the Texas Department of Criminal Justice.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 704 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 704** at this time on its second reading:

CSSB 704, Relating to the small contractor participation assistance program for certain state construction projects.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 704** (Senate committee report) as follows:

(1) In the recital to SECTION 1 of the bill (page 1, line 15), strike "(b-3), and (b-4)" and substitute "and (b-3)".

(2) In SECTION 1 of the bill, in amended Subsection (b), Section 2166.259, Government Code (page 1, line 21-22), strike "as a division of the state historically underutilized business program".

(3) In SECTION 1 of the bill, in amended Subsection (b), Section 2166.259, Government Code (page 1, line 24), strike "or historically underutilized businesses".

(4) In SECTION 1 of the bill, in added Subsection (b-2), Section 2166.259, Government Code (page 2, line 1-3), strike "and to the program manager of the state historically underutilized business program of the commission".

(5) In SECTION 1 of the bill, strike added Subsection (b-3), Section 2166.259, Government Code (page 2, lines 5-9).

(6) In SECTION 1 of the bill, in amended Section 2166.259, Government Code (page 2, line 10), strike "(b-4)" and substitute "(b-3)".

The amendment to **CSSB 704** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

CSSB 704 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 704 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 704** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 2016 ON SECOND READING

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2016** at this time on its second reading:

SB 2016, Relating to the compensation paid to a statutory county court judge in Gregg County.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos.

SENATE BILL 2016 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2016** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 2038 ON SECOND READING

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 2038** at this time on its second reading:

SB 2038, Relating to the creation of the Tablerock Groundwater Conservation District; providing authority to impose a tax and issue bonds.

The bill was read second time.

Senator Averitt offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 2038** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in proposed Subchapter C, Chapter 8823, Special District Local Laws Code (page 3, between lines 5 and 6), insert a new Section 8823.101 as follows:

Sec. 8823.101. GROUNDWATER CONSERVATION DISTRICT POWERS AND DUTIES. Except as provided by this chapter, the district has the powers and duties provided by the general law of this state, including Chapter 36, Water Code, and Section 59, Article XVI, Texas Constitution, applicable to groundwater conservation districts.

(2) In SECTION 1 of the bill, in proposed Section 8823.101, Special District Local Laws Code (page 3, line 6), strike "8823.101" and substitute "8823.102".

(3) In SECTION 1 of the bill, in proposed Section 8823.102, Special District Local Laws Code (page 3, line 10), strike "8823.102" and substitute "8823.103".

(4) In SECTION 1 of the bill, in proposed Section 8823.102, Special District Local Laws Code (page 3, lines 22 and 23), strike proposed Subsection (c).

(5) In SECTION 1 of the bill, immediately following proposed Section 8823.102, Special District Local Laws Code (page 3, between lines 23 and 24), insert new Sections 8823.104 and 8823.105 as follows:

Sec. 8823.104. REGISTRATION AND REPORTING REQUIREMENTS FOR CERTAIN EXEMPT WELLS. The district may adopt rules that require the owner or operator of a well or class of wells exempt from permitting under Section 36.117, Water Code, to register the well with the district and, if the well is not exempt under Section 36.117(b)(1), Water Code, to report groundwater withdrawals from the well using reasonable and appropriate reporting methods and frequency.

Sec. 8823.105. WELL SPACING RULES; EXEMPTIONS. (a) Except as provided by Subsection (b), the district shall exempt from the well spacing requirements adopted by the district any well that is completed on or before the effective date of those requirements.

(b) The district may provide by rule that a well may lose its exemption under this section if the well is modified in a manner that substantially increases the capacity of the well after the effective date of the well spacing requirements adopted by the district.

(c) Except as provided by this section, the district may require any well or class of wells exempt from permitting under Chapter 36, Water Code, to comply with the well spacing requirements adopted by the district. The district shall apply well spacing requirements uniformly to any well or class of wells based on the size or capacity of the well and without regard to the type of use of the groundwater produced by the well.

(6) In SECTION 1 of the bill, in proposed Section 8823.103, Special District Local Laws Code (page 3, line 24), strike "8823.103" and substitute "8823.106".

(7) In SECTION 1 of the bill, in proposed Section 8823.104, Special District Local Laws Code (page 3, line 33), strike "8823.104" and substitute "8823.107".

(8) In SECTION 1 of the bill, in proposed Section 8823.105, Special District Local Laws Code (page 3, line 36), strike "8823.105" and substitute "8823.108".

(9) In SECTION 1 of the bill, in proposed Section 8823.106, Special District Local Laws Code (page 3, line 43), strike "8823.106" and substitute "8823.109".

(10) In SECTION 1 of the bill, in proposed Subchapter C, Chapter 8823, Special District Local Laws Code (page 3, between lines 44 and 45), insert a new Section 8823.110 as follows:

Sec. 8823.110. DISTRICT TERRITORY REQUIREMENTS; DISSOLUTION OF DISTRICT. (a) On September 1, 2011, the district boundaries must include at least one county adjacent to Coryell County.

(b) As soon as practicable after September 1, 2011, the Texas Commission on Environmental Quality shall determine whether the district complies with Subsection (a).

(c) If the commission determines that the district does not comply with Subsection (a), the commission shall dissolve the district in accordance with Sections 36.304, 36.305, 36.307, 36.308, 36.309, and 36.310, Water Code, regardless of whether the district meets the criteria for dissolution under Section 36.304(a), Water Code.

(d) This section expires September 1, 2013.

The amendment to **SB 2038** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

SB 2038 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos.

SENATE BILL 2038 ON THIRD READING

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2038** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 217 ON SECOND READING**

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 217** at this time on its second reading:

CSSB 217, Relating to the penalty for a parent who fails to require a child to attend school.

The motion prevailed.

Senator Nichols asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nichols.

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 217 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 217** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Nichols.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 139, HCR 226.**

**COMMITTEE SUBSTITUTE
SENATE BILL 1204 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 1204** at this time on its second reading:

CSSB 1204, Relating to the reorganization and administration of, and procedures relating to, courts in this state, including procedures for appeals.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Estes, Fraser, Harris, Hegar, Hinojosa, Janek, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams.

Nays: Ellis, Eltife, Jackson, Lucio, Shapleigh, Zaffirini.

Absent-excused: Gallegos.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1204** by striking SECTIONS 4.02 on page 6, lines 9-10 and renumber accordingly.

The amendment to **CSSB 1204** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1204** by adding new appropriately numbered SECTIONS to read as follows:

SECTION ____. Section 201.007(a), Family Code, is amended to read as follows:

- (a) Except as limited by an order of referral, an associate judge may:
 - (1) conduct a hearing;
 - (2) hear evidence;
 - (3) compel production of relevant evidence;
 - (4) rule on the admissibility of evidence;
 - (5) issue a summons for the appearance of witnesses;
 - (6) examine a witness;
 - (7) swear a witness for a hearing;
 - (8) make findings of fact on evidence;
 - (9) formulate conclusions of law;

- (10) recommend an order to be rendered in a case;
- (11) regulate all proceedings in a hearing before the associate judge;
- (12) order the attachment of a witness or party who fails to obey a subpoena;
- (13) order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 201.013;
- (14) without prejudice to the right of appeal under Section 201.015, render and sign:
 - (A) a final order agreed to in writing as to both form and substance by all parties;
 - (B) a final default order; or
 - (C) a temporary order; and
- (15) take action as necessary and proper for the efficient performance of the associate judge's duties.

SECTION ____. The heading to Section 201.009, Family Code, is amended to read as follows:

Sec. 201.009. COURT REPORTER; RECORD.

SECTION ____. Sections 201.009(a) and (c), Family Code, are amended to read as follows:

(a) A court reporter may be provided during a hearing held by an associate judge appointed under this chapter. A court reporter is required to be provided when the associate judge presides over a jury trial or a contested final termination hearing.

(c) Except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, the [The] record may be preserved [in the absence of a court reporter] by any [other] means approved by the associate judge.

The amendment to **CSSB 1204** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Gallegos.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1204** (Senate committee printing) by adding the following:

Sec. 71.065. GRANTS FOR CHILD PROTECTION. (a) The Supreme Court, with the advice of an advisory group with expertise and experience in child protection cases, shall develop and administer a program to provide grants from available funds to counties for initiatives that will alleviate backlog in child protection cases.

(b) To be eligible for a grant under this section, a county must:

(1) use the grant money to alleviate backlog in child protection cases in the county's court system; and

(3) apply for the grant in accordance with procedures developed by the Supreme Court and comply with any other court-adopted requirements.

(c) If the Supreme Court awards a grant to a county, the Court shall:

(1) direct the comptroller to distribute the grant money to the county; and

(2) monitor the county's use of the grant money.

The amendment to **CSSB 1204** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Absent-excused: Gallegos.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1204** by adding the following section in Article 4 and renumber subsequent sections accordingly.

SECTION ____ . Subchapter C, Chapter 25, Government Code, is amended by amending Section 25.1033 to read as follows:

Sec. 25.1033. Harris County Criminal Courts At Law Provisions.

§ 25.1033. HARRIS COUNTY CRIMINAL COURT AT LAW PROVISIONS. (a) A county criminal court at law in Harris County has the criminal jurisdiction provided by law for county courts; concurrent jurisdiction with county civil courts at law for Harris County to hear appeals of the suspension of driver's licenses and original proceedings regarding occupational driver's licenses; and appellate jurisdiction in appeals of criminal cases from justice courts and municipal courts in the county.

The amendment to **CSSB 1204** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4 except as follows:

Absent-excused: Gallegos.

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

CSSB 1204 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Ellis, Eltife, Jackson, Lucio, Shapleigh, Zaffirini.

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE SENATE BILL 1204 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1204** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Estes, Fraser, Harris, Hegar, Hinojosa, Jackson, Janek, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams.

Nays: Ellis, Eltife, Lucio, Shapleigh, Zaffirini.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 6.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Estes, Fraser, Harris, Hegar, Hinojosa, Janek, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams.

Nays: Ellis, Eltife, Jackson, Lucio, Shapleigh, Zaffirini.

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 65 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSJR 65** at this time on its second reading:

CSSJR 65, Proposing a constitutional amendment authorizing the issuance of general obligation bonds for maintenance, improvement, repair, and construction projects and for the purchase of needed equipment.

The resolution was read second time.

Senator Hegar offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **CSSJR 65** in SECTION 1 of the resolution, in proposed Subdivision (b)(1), Section 50-g, Article III, Texas Constitution (committee printing, page 1, line 33), between the comma and "or", by inserting "Prairie View A&M University".

The amendment to **CSSJR 65** was read and was adopted by a viva voce vote.

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

Absent-excused: Gallegos.

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

CSSJR 65 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos.

COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 65 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSJR 65** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 2033 ON SECOND READING**

On motion of Senator Williams and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 2033** at this time on its second reading:

CSSB 2033, Relating to the issuance of general obligation bonds by the Texas Public Finance Authority for certain maintenance, improvement, repair, and construction projects and for the purchase of needed equipment.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Gallegos.

**COMMITTEE SUBSTITUTE
SENATE BILL 2033 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 2033** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

PERMISSION TO INTRODUCE BILLS

On motion of Senator Whitmire and by unanimous consent, Senate Rule 7.07(b) was suspended to permit the introduction of the following bills:

SB 2047, SB 2048, SB 2049.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Brimer announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Brimer and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was meeting today and will be meeting tomorrow during the Local and Uncontested Calendar Session.

SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Intergovernmental Relations might meet today at his desk.

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider **HB 522** tomorrow.

MOTION TO RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 5:04 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading, until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Martin Donald, father of Senator Shapiro, upon conclusion of the Local and Uncontested Calendar Session, until 11:00 a.m. tomorrow.

SENATE BILLS ON FIRST READING

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

SB 2047 by West

Relating to requirements and prohibitions regarding the relationship between student loan lenders and public or private institutions of higher education; providing a civil penalty.

To Subcommittee on Higher Education.

SB 2048 by Shapleigh

Relating to a prohibition against certain activities by a person employed in the financial aid office of a public institution of higher education.

To Subcommittee on Higher Education.

SB 2049 by Zaffirini

Relating to certain prohibitions regarding the relationship between student loan lenders and public or private institutions of higher education.

To Subcommittee on Higher Education.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read first time and referred to the committees indicated:

- HB 75** to Committee on Jurisprudence.
- HB 88** to Committee on Transportation and Homeland Security.
- HB 155** to Committee on State Affairs.
- HB 312** to Committee on Criminal Justice.
- HB 321** to Committee on Health and Human Services.
- HB 323** to Committee on Transportation and Homeland Security.
- HB 429** to Committee on Criminal Justice.
- HB 433** to Committee on Criminal Justice.
- HB 462** to Committee on Natural Resources.
- HB 538** to Committee on Intergovernmental Relations.
- HB 567** to Committee on Jurisprudence.
- HB 568** to Committee on Jurisprudence.
- HB 654** to Committee on Health and Human Services.
- HB 662** to Committee on Health and Human Services.
- HB 724** to Committee on State Affairs.
- HB 755** to Committee on Health and Human Services.
- HB 772** to Committee on Jurisprudence.
- HB 820** to Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.
- HB 868** to Subcommittee on Higher Education.
- HB 890** to Committee on Education.
- HB 891** to Committee on Natural Resources.
- HB 971** to Committee on Natural Resources.
- HB 1086** to Committee on Jurisprudence.
- HB 1090** to Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.
- HB 1100** to Committee on Intergovernmental Relations.
- HB 1183** to Committee on State Affairs.
- HB 1293** to Committee on Business and Commerce.
- HB 1334** to Committee on Natural Resources.
- HB 1351** to Committee on Business and Commerce.
- HB 1374** to Subcommittee on Higher Education.
- HB 1391** to Committee on Natural Resources.
- HB 1400** to Committee on Education.
- HB 1418** to Subcommittee on Higher Education.
- HB 1457** to Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.
- HB 1473** to Committee on Jurisprudence.
- HB 1572** to Committee on State Affairs.
- HB 1586** to Committee on Criminal Justice.
- HB 1657** to Committee on Natural Resources.
- HB 1679** to Committee on Natural Resources.
- HB 1700** to Committee on Education.
- HB 1719** to Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.
- HB 1734** to Committee on Business and Commerce.
- HB 1748** to Committee on Education.

HB 1910 to Committee on Intergovernmental Relations.
HB 1932 to Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.
HB 1955 to Committee on Criminal Justice.
HB 1988 to Committee on Criminal Justice.
HB 2045 to Committee on Transportation and Homeland Security.
HB 2056 to Committee on Natural Resources.
HB 2070 to Committee on Natural Resources.
HB 2092 to Subcommittee on Emerging Technologies and Economic Development.
HB 2096 to Committee on International Relations and Trade.
HB 2108 to Committee on Natural Resources.
HB 2115 to Committee on Criminal Justice.
HB 2163 to Committee on Transportation and Homeland Security.
HB 2235 to Committee on International Relations and Trade.
HB 2239 to Committee on Transportation and Homeland Security.
HB 2251 to Committee on Business and Commerce.
HB 2278 to Committee on Administration.
HB 2348 to Committee on Business and Commerce.
HB 2350 to Committee on Business and Commerce.
HB 2391 to Committee on Criminal Justice.
HB 2393 to Committee on Business and Commerce.
HB 2411 to Committee on Education.
HB 2417 to Committee on Natural Resources.
HB 2618 to Committee on Intergovernmental Relations.
HB 2626 to Committee on Education.
HB 2627 to Committee on Transportation and Homeland Security.
HB 2652 to Committee on Transportation and Homeland Security.
HB 2682 to Committee on Transportation and Homeland Security.
HB 2796 to Committee on International Relations and Trade.
HB 2870 to Committee on State Affairs.
HB 2880 to Committee on State Affairs.
HB 2949 to Committee on Jurisprudence.
HB 2950 to Committee on Criminal Justice.
HB 3138 to Committee on Intergovernmental Relations.
HB 3199 to Committee on Jurisprudence.
HB 3219 to Committee on Business and Commerce.
HB 3225 to Committee on Transportation and Homeland Security.
HB 3236 to Subcommittee on Higher Education.
HB 3290 to Committee on Finance.
HB 3309 to Committee on Criminal Justice.
HB 3325 to Committee on Intergovernmental Relations.
HB 3367 to Committee on Intergovernmental Relations.
HB 3430 to Committee on Finance.
HB 3440 to Subcommittee on Emerging Technologies and Economic Development.
HB 3490 to Committee on Finance.
HB 3491 to Committee on Finance.
HB 3492 to Committee on Finance.

HB 3495 to Committee on Finance.
HB 3496 to Committee on Finance.
HB 3563 to Committee on Administration.
HB 3585 to Committee on Criminal Justice.
HB 3634 to Committee on Natural Resources.
HB 3672 to Committee on Health and Human Services.
HB 3678 to Committee on Education.
HB 3688 to Committee on Criminal Justice.
HB 3698 to Subcommittee on Flooding and Evacuations.
HB 3900 to Subcommittee on Higher Education.
HCR 25 to Committee on Government Organization.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

HCR 9 (Eltife), In memory of Cecil B. "Poss" Long of Paris, Texas.
HCR 10 (Eltife), In memory of Mattie Katherine Bills of Paris, Texas.
HCR 123 (Nelson), In memory of successful businessman and Dallas Holocaust Museum cofounder Martin Donald.
HCR 160 (Eltife), In memory of Robert Bruce Staples, Jr., of Paris, Texas.
HCR 171 (Eltife), In memory of Zane Daniel Newsom of Paris, Texas.
HCR 174 (Eltife), In memory of Leonard Boone of Paris, Texas.
HCR 179 (Eltife), In memory of Madison Hope Nation of Paris.

Congratulatory Resolutions

SCR 70 by Watson, Congratulating Lawrence Wright for being awarded the 2007 Pulitzer Prize for General Nonfiction.
SR 945 by Watson, Congratulating James Ingram for receiving the 2007 Educator of the Year award from the Saginaw Area Chamber of Commerce.
SR 946 by Wentworth, Recognizing Peggy A. Phillips on the occasion of her retirement from the Texas Board of Professional Engineers.
SR 951 by Wentworth, Recognizing the First Baptist Church in Buda on the occasion of its 125th anniversary.
SR 954 by Nelson, Congratulating Steve Dickens for receiving a Life Saving Award from the Lewisville City Council.
HCR 175 (Eltife), Commemorating the 173rd anniversary of Shiloh Cumberland Presbyterian Church in 2007.
HCR 178 (Fraser), Congratulating the Honorable Reuben Senterfitt of San Saba on the occasion of his 90th birthday.
HCR 182 (Deuell), Honoring Rachel Ming of Sulphur Springs on qualifying for the Business Professionals of America National Leadership Conference and Contest.

HCR 183 (Deuell), Honoring the members of the Sulphur Springs Middle School academic team for their victory at the UIL district competition.

HCR 185 (Whitmire), Congratulating Patricia Montgomery on being named Outstanding Juvenile Probation Officer of the Year for 2006 by the Harris County Juvenile Probation Department.

HCR 188 (Eltife), Honoring the 60th anniversary of Skeeter Products of Kilgore.

Official Designation Resolutions

SR 948 by Jackson, Celebrating May 5, 2007, as Sir Stirling Moss Day in Texas.

SR 949 by Jackson, Celebrating May 5, 2007, as Carroll Shelby Day in Texas.

SR 952 by Duncan, Recognizing the Clear Channel Communications Buffalo Barbeque Battle 2007 as a Texas State Barbeque Championship competition.

HCR 168 (Watson), Extending appreciation to the professionals of the juvenile probation system on Texas Juvenile Probation Day at the State Capitol.

RECESS

Pursuant to a previously adopted motion, the Senate at 5:31 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

May 2, 2007

NATURAL RESOURCES — **SB 1895, SB 2019, SB 2029**

BUSINESS AND COMMERCE — **HB 143, HB 365, HB 944, HB 1716, HB 1741, HB 1962, HB 2708, HB 2727**

EDUCATION — **HB 208**

HEALTH AND HUMAN SERVICES — **HB 518**

EDUCATION — **CSHB 1270, HB 1922, SB 1016, SB 1045**

HEALTH AND HUMAN SERVICES — **HB 3169**

STATE AFFAIRS — **CSSB 1613**

TRANSPORTATION AND HOMELAND SECURITY — **HB 71, HB 864, HB 1279, HB 1781, HB 2127, HB 2282, HB 3718, HB 3437**

SENT TO GOVERNOR

May 2, 2007

SB 584, SB 904, SB 1012, SB 1315

In Memory
of
Martin Donald
Senate Resolution 929

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Martin Donald, who died February 10, 2007, at the age of 86; and

WHEREAS, Martin Donald was an exemplary man who touched the hearts of countless people, and he was fittingly remembered and celebrated in the following words by his grandson-in-law, Rabbi Brian Strauss of Congregation Beth Yeshurun in Houston:

Today, I stand before you as a rabbi to deliver the eulogy of Martin Donald, the ultimate survivor, a fighter, a man who had the tenacity and know-how to successfully live the American dream. I also stand before you today as a husband of one of his grandchildren, to deliver the eulogy of Pappa. It speaks volumes that to so many of us he was known as Pappa. Because Pappa was the ideal family Patriarch, a man of wisdom and generosity, whose tight bear hugs symbolized the great love he showered on so many of us.

Pappa always gave everything he could to those he loved. He also paved the way for future generations with his determination to make life even better for those who would come after him. I was blessed to be one of the recipients of his legacy, a legacy that I proudly share with you today.

Pappa's life began on May 2, 1920, when he was born to Robert and Freida Dorffmann in Berlin, Germany. Pappa had one younger sister, Erna. His dad was involved in the textile industry. Through his example, Pappa gained a great business sense which would serve him well later in his life. There was a large Dorffmann clan in Germany—uncles and aunts, cousins. They were proud Jews and proud Germans. Life was good for Pappa and his family. His parents were Orthodox Jews who observed Shabbat and other Jewish rituals and traditions. But they also loved Germany, and his dad fought for the German Kaiser during World War I. But everything changed when Hitler came to power in 1933.

Pappa was forced to quit school and help the family earn a living. So he got involved in the fur trade, finding himself a mentor.

That mentor was a short German Jewish man named Gustaf. Pappa had to learn quickly because when Pappa did something wrong, Gustaf would stand on his chair and hit Pappa on his head

with his ruler. Many of the family members who were dispersed throughout Germany came to Berlin to support each other. But things only got worse for Pappa and his family.

German Jews like Pappa's parents never thought that something really terrible could ever happen to them. That Hitler would pass on. Pappa saw what was really happening. In January of 1939, he was able to secure working papers to leave with his cousin Leo for England. He was forced to leave the rest of his family and was left on his own in a new country at age 19. In England, through a mutual and eventual lifelong friend, Netti Spiegel, Pappa soon met another refugee from Germany named Ann Speeseman. They quickly became good friends.

Unfortunately, Pappa had to leave Ann and his new life in London when the British, fearful of a fifth column, rounded up many of the German men (even some of the Jews) and sent them on prisoner of war ships to Canada. Fights broke out every day aboard ship between the Jews and Germans. Fortunately, the British soon realized their mistake and Pappa was shipped back to England two months later with an apology.

It was then that he realized he had to do something to help fight the Nazis, knowing his parents were still in Germany. He enlisted in the British army and, with his ability to speak both English and German, he eventually became a warrant officer in British Intelligence. He loved serving in the army. Being on his own, he liked the structure and discipline that army life provided. He landed in Normandy shortly after D-Day. He had to change his last name from Dorffmann to Donald to hide his Jewish identity because of the fear of being caught by the Germans.

He eventually went with his unit back to Germany and was devastated by the atrocities he witnessed at two concentration camps, including the infamous Bergen-Belsen. After the war, he obtained permission to go to Berlin to find out whether any of his large family was still alive. Unfortunately, all of his immediate family, including his parents, sister, uncles, and cousins were all murdered in concentration camps. In all, he lost over 40 family members.

Later he was assigned to occupied Hamburg to work on finding and interrogating German officers. There, he became good friends with a top colonel and he soon found himself as one of the few people actually running occupied Hamburg. Through his hard work they caught many former Nazi officers and officials, including the former German Foreign Minister, von Ribbentrop.

It was then that he was asked to reenlist in the army. Not knowing what he should do, he looked for advice from his friend Ann, who was still in London. He wrote her letters asking her advice on whether he should stay in the army or return to civilian life in London. She advised him to come back; that he couldn't stay in the army his entire life. Perhaps she had other motives as well, because six months later they were married. Their close friendship had quickly become something more.

On June 15, 1947, they took the first step in a journey that would last them 59 years together as husband and wife. Throughout their marriage, their respect and admiration grew year by year. They often balanced each other well and were always there to support each other and enjoy life to the fullest.

With a close friend, Pappa soon started a fur business named Donald and Brooks. He was doing well and they were beginning a new life together in London. But they had to make another decision. It had always been Ann's parents Mawtel and Sala's dream to move to America. And so in November of 1947, aboard the *Queen Mary*, Nana and Pappa came to America to begin their American dream.

Throughout his life in America, Pappa often said that there was no better country in the world because America became the place they could fulfill all of their worthy desires. Their American dream began quickly when in May of 1948, on his 28th birthday, Nana gave birth to their oldest child, Florence.

Two years later, their second child, Mark, was born. Life was not easy at the beginning of their new life in America. They lived in a tiny apartment and Pappa promised Nana that within the year they would be out of that apartment. He kept his word, and within the year they moved to a larger and nicer apartment in Brooklyn. He started in the fur business, working for his Uncle Mannie Wieser. Eventually, he and his cousin Leon Dunnegar and his good friend Sam Zor started their own fur business.

It was hard work. Every Sunday night he would pack up his car and early Monday he would begin his drive throughout the country selling his furs. Eventually, business became very good in Texas. So in 1960, they moved to Dallas. In Dallas, he started the Elegant Furs Company.

After the fur business ended, with his friend Bob Statman, he started a costume jewelry business. Eventually, Pappa and Bob owned Dallas Woodcraft, which manufactured picture frames and

was a key vendor for Don Carter's Home Interiors business. Dallas Woodcraft was finally bought out by Home Interiors and Pappa retired at age 60. Retirement was not easy for Pappa.

The structure and discipline of work was important to him. Despite his drive to earn a good living for his family, he was always there for his loving family. He had been cheated out of his family by the Nazis, so he was determined not to be cheated out of his family again. Family became his central passion in his life.

When distant family members found their way to America, he was there to help guide and support them. He always went out of his way to keep in touch. He would often call family members all over the world.

He considered his many close friends he made in Dallas his family as well. Pappa was strong-willed, he had high expectations, he was a traditionalist, he demanded respect, and his family always gave him the respect he deserved.

He was also his children's first advisor. He would often give his children his advice by helping them work towards those decisions through his great wisdom and insight on business, politics, and life in general. He supported Florence in her politics and Mark as a writer. He was the foundation for their success. He was also there for his son-in-law, Howard, and daughter-in-law, Esther, when they came into his life. He thought of them as his children and he loved them dearly.

They helped give him the great joy of six grandchildren—Lisa, Todd, Staci, Adam, Max, and Lilly. They too could always go to him with anything they needed. He made them feel important and special because he believed in them. He loved to give them his huge bear hugs and kisses in the ear.

When they were children, Lisa, Todd, and Staci would spend the night with Nana and Pappa every Friday night. While there he would play and interact with them. He loved to tell them stories and jokes. He loved to swim and play games. He did many of the same things with his younger grandchildren, Adam, Max, and Lilly. He was their number one fan.

When Adam started a band with his friends, he went to Pappa for some financial backing. Of course, Pappa never turned anyone away and helped back the band. So they "honored" him by naming their band "The Rockin' Pappas."

He was at his grandchildren's sporting events, graduations, weddings; at the births of his six great-grandchildren, at every important moment in their lives, he was there.

He was extremely generous and supportive to his grandchildren, and in turn they all loved and adored him.

He loved his six great-grandchildren as well—Joshua, Noa, Ari, Ella, Sam, and Zachary. If he saw Max, Lilly, and Joshua here today, he would tell them they look as sharp as a matzoh ball. (We're still trying to figure out what that means.)

Pappa not only had a passion for family but he also had a zest for life. He loved to laugh and tell stories. He enjoyed quiet moments outside bathing in the sun and the tranquil moments at night outside by his pool.

He loved his dogs, including Shepp, Ceaser, Rex, and most recently Parker.

He enjoyed the entertainment side of life. He had a passion for gin, tennis, and over the years got involved in horse racing as a part-time owner.

He loved to gamble. Once he even went so far as to tell his beloved wife that he had to extend a business trip, but instead was making a side trip to Las Vegas. When he returned home, Nana was so upset with him that she chased him around the house with a broom!

When he was gambling, we all wanted to make sure we were next to him at the craps table because when you were down on your luck, he would always slide you some of his chips. He wanted you to feel good and be a winner like him.

He and Nana traveled across the world to places like Israel, Russia, and China.

He enjoyed good times with his close friends. He became very close to his in-laws, Beedie and Harry, even though they were complete cultural opposites—Nana and Pappa were from Europe, Beedie was from Georgia, and Harry was from San Saba, Texas.

On his first visit to San Saba, Pappa was in a world he had never seen before. But everyone loved Pappa and he was soon wearing his first cowboy hat and boots. It was a sight to see!

He was involved in the community. Adolph Teitelbaum got him involved with an organization called SCORE, where he relished meeting with younger businessmen, giving them his advice. He was an entrepreneur, and this was his way of giving back.

Despite his experiences in Germany, Pappa loved being Jewish. He was a proud Jew, and to him, being a good Jew was being a good man.

He became a cofounder of the Dallas Holocaust Museum. He was involved in its inception and it became a very important place to him. He wanted to make sure that the memories of those who were murdered would always be preserved.

His home was a distinctly Jewish home, and for his grandchildren, it represented the place to celebrate the Jewish holidays. Hanukkah parties, Rosh Hashanah dinners, Passover Seders . . . Nana and Pappa's home helped define their Judaism.

I was blessed to see Pappa in his element at some of those dinners. Surrounded by those he loved the most, telling his stories, kissing us all, and giving all of us the encouragement and love only Pappa could give.

When I first met Lisa, she often told me that her Pappa was always there for her. And I was quickly blessed to see that Pappa was soon always there for me.

When I gave my first sermons as a rabbinical student, he would come to listen. When we went to his vacation home in Florida, we would spend nights out on the balcony as he shared more of his life stories and wisdom with me. He would inspire me again.

And when Lisa and I were first married, Pappa was there to take us to Vegas!

There are three recent experiences I had with him that I believe summarize his life.

Two years ago, his daughter, Florence, as Senate Pro Tem, served as Governor of the Day for the State of Texas. That day, Pappa, with his Nana at his side, was able to see his daughter serving as governor. Sixty-five years earlier, they were shunned by the country they were born in, almost losing their lives for being Jews.

But in America, they got to see their daughter become governor. Not only had Nana and Pappa passed on their Jewish heritage to their children, but they had fulfilled the American dream.

Both of their children had done extremely well in life. They had provided their children the opportunities, given them the encouragement and support they needed, so that now one of their children could even rise to the highest levels of government.

That morning, the entire Senate Chamber rose to give Nana and Pappa a standing ovation. It was a moment none of us will ever forget.

Last night, the President of the United States called Florence to offer his condolences. Today the Lieutenant Governor and members of the state House and Senate are here. When Pappa fled for his life from Germany in 1939, never could he imagine these things.

There was another moment none of us would ever forget. Last December, Pappa took his close family to the Bahamas. He was so excited about that trip. Yes, it was hard for Pappa to travel in his wheelchair. But it would be a chance for him to have fun with those he loved.

One night in the Bahamas, he sat in his wheelchair at the craps table. He was soon on a roll. He would lift himself out of his wheelchair, put the chips down, and roll the dice. Girls at the other end of the table were yelling "Go Pappa!" That night, he won nearly \$5,000 and he was Pappa once again. Having fun, enjoying life surrounded by his family.

Last May, we celebrated Pappa's 86th birthday with a luncheon in his honor. One last time, Pappa got to see his family and friends come honor him. Many of us toasted and hugged Pappa that day. We wanted to make sure that he knew how proud we were of him and thankful for everything he had always given to us.

That day he knew. Despite the discomfort he was in, he was so grateful. He was so happy to say thank you, I love you.

At that birthday luncheon, I mentioned that according to Judaism, age 80 is considered the age of strength.

Age 80 seems like a strange age to be called an age of strength?

But it is considered an age of strength because at 80 some are fortunate enough to be respected for their great common sense and insight to life. Pappa was certainly one of those people.

And in many ways, when he was 80 he was still physically strong.

But soon after he turned 80, he began to lose his physical strength.

The last several years were not easy. He was often in and out of the hospital. He was in pain. But many men could have not survived as long as he did. But most men are not like Pappa.

He was blessed throughout his struggle to have his caretakers and doctors, his children and his grandchildren, and first and foremost, his loving Ann at his side.

It was she that was there for him to the very end as she had always been. She was there as his security blanket, his first support and love.

Pappa was a man whose experiences make the cost of his children's and grandchildren's lives seem easy and simple.

But the reality is that he persevered throughout his life so that his children and grandchildren could live those relatively easy lives.

The Nazis wanted to end his life. But they could not stop Martin Donald. Despite their efforts, he gave this world two children, six grandchildren, and now six Jewish great-grandchildren and counting.

Today, Hitler is rolling in his grave because of men like Martin Donald who he could not stop. Today, Pappa is reuniting with his parents and sister in heaven, smiling at what he left in this world.

Years ago, he would often tell his children about the time when he was forced to say goodbye to his mother. As he boarded the train to leave Germany, his mother told him that she feared that she would never see him again.

Unfortunately, she was correct. She never did see him again.

And he would tell his children this story again and again to emphasize to them the responsibility they had to preserve their Jewish heritage they would one day have to pass on themselves.

Pappa succeeded and now, because of the way he and Nana raised them, they are also succeeding. And so are their children. They are following the ways of their Pappa.

Today, we lay to rest Martin Dorffmann, who became Martin Donald, who became Pappa.

It would have been admirable enough for him to have just been Martin Donald. Considering everything he had experienced, if he would have come to America and just built his successful business, that would have been enough.

But he was more special than that. He became a Pappa, a Patriarch and advisor, a man of great generosity and love, a man with a passion for life, family and helping those in need.

A man whose presence will live on for many years to come because he became a Pappa.

Zikrono Livracha "May his memory be for a blessing always."

And to his precious life, let us say Amen.

WHEREAS, An extraordinarily devoted husband, father, and grandfather, he was beloved by his family and countless friends, and he will long be remembered for his generous spirit, his keen insight, his perseverance, and his zest for life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend sincere condolences to the bereaved family of Martin Donald: his beloved wife of 59 years, Ann Donald; his daughter, the Honorable Florence Shapiro; his son, Mark Donald; and his six grandchildren and six great-grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his 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 Martin Donald.

NELSON