

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

NINTH DAY

(Monday, February 5, 2007)

The Senate met at 1:37 p.m. pursuant to adjournment and was called to order by Dean Whitmire.

The roll was called and the following Senators were present: Averitt, Brimer, Carona, Deuell, Duncan, 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: Ellis, Gallegos.

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

The Reverend Kirk Kriegel, First Baptist Church, Georgetown, offered the invocation as follows:

Our Father, we come before You today in the glorious name of our Lord and Savior, Jesus Christ. We come first to praise You for You are the almighty God and You are our creator. We also come before You with hearts of thankfulness for Your many blessings. We thank You for the privilege of living in a place where we are free to openly share ideas and dialogue and deliberate about solutions. May we never take our liberties for granted. We also come before You today recognizing that You are the God of wisdom. Your word tells us to ask for Your wisdom. So I am asking today that You pour out Your wisdom in this place. These men and women are here to deal with the many difficult issues of our day. Lord, without Your wisdom today their solutions might be good but they will not be the best. Without You, their solutions might be well thought out but they will miss the mark of Your will. Without You, their solutions might be well-intentioned but they will not have Your blessing. So today, God, give them Your wisdom. In the same passage where You promise to give if we ask, it also says that You will give Your wisdom "generously to all without finding fault and it will be given." We are counting on that promise today, God. Thank You for being here. Make Yourself known today is our prayer. Amen.

Senator Wentworth moved that the reading of the Journal of the proceedings of Wednesday, January 31, 2007, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVES OF ABSENCE

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

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

CO-AUTHOR OF SENATE BILL 86

On motion of Senator Hinojosa, Senator Shapleigh will be shown as Co-author of **SB 86**.

CO-AUTHORS OF SENATE BILL 127

On motion of Senator Shapleigh, Senators Fraser and Janek will be shown as Co-authors of **SB 127**.

CO-AUTHORS OF SENATE BILL 156

On motion of Senator Shapiro, Senators Harris and Van de Putte will be shown as Co-authors of **SB 156**.

CO-AUTHORS OF SENATE BILL 244

On motion of Senator Williams, Senators Janek, Patrick, and Wentworth will be shown as Co-authors of **SB 244**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 5, 2007

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 53, In memory of former Tenth Court of Appeals Justice Bob Cummings of Gatesville.

SCR 14, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 31, 2007, and ending on Monday, February 5, 2007.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Nelson was recognized and presented Dr. Justin Bartos of North Richland Hills as the Physician of the Day.

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

SENATE RESOLUTION 135

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the College for Texans Campaign in recognizing February of 2007 as Financial Aid Awareness Month; and

WHEREAS, An investment in college pays tremendous benefits for students; over a lifetime of working, a college graduate can expect to earn at least \$1 million more than a high school graduate; and

WHEREAS, Financial aid makes a college education more attainable for students; each year, more than \$4 billion in financial aid is offered to help students in Texas pay costs for college tuition, fees, books, supplies, and other expenses; and

WHEREAS, Students have access to various forms of financial aid, such as grants, scholarships, work-study opportunities, loans, waivers, exemptions, and tax credits, to help them in their pursuit of higher education; and

WHEREAS, During Financial Aid Awareness Month, scheduled events will be held across the state to provide information to families about the many resources and types of financial aid that are available; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby recognize February of 2007 as Financial Aid Awareness Month and commend those associated with the College for Texans Campaign for their worthy efforts to increase financial aid awareness; and, be it further

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

SR 135 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Dr. Catherine Dikes and Mark Zafereo, representing the Texas Higher Education Coordinating Board.

The Senate welcomed its guests.

(President in Chair)

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were filed with the Secretary of the Senate:

Austin, Texas
February 5, 2007

OFFICIAL MEMORANDUMS
STATE OF TEXAS
OFFICE OF THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTIETH TEXAS LEGISLATURE, REGULAR SESSION:

I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by this special message, do hereby submit the following emergency matters for immediate consideration to the Senate and House of Representatives of the 80th Legislature, now convened:

Legislation relating to the management of the water resources of the state, including the protection of instream flows and freshwater inflows.

Legislation relating to the allocation and use of the sporting goods sales tax revenue to fund state and local parks.

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

Legislation relating to making supplemental appropriations and reductions in appropriations.

Legislation making appropriations to the Texas Education Agency for the purpose of school district property tax rate reductions.

Legislation relating to appropriations for the 2008-2009 biennium.

Respectfully submitted,
/s/Rick Perry
Governor

SENATE BILL 206 REREFERRED

Senator Nelson submitted a Motion In Writing requesting that **SB 206** be withdrawn from the Committee on Business and Commerce and rereferred to the Committee on Health and Human Services.

The Motion In Writing prevailed without objection.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 153 by Van de Putte, In memory of Arcadia Hernandez Lopez of San Antonio.

SR 155 by Van de Putte, In memory of Ana Maria Gonzalez Chadick of San Antonio.

SR 156 by Van de Putte, In memory of Fernando Guerra of San Antonio.

SR 162 by Duncan, In memory of Jill Deeley Kingsley.

SR 167 by Van de Putte, In memory of Manuel Hernandez of San Antonio.

SR 168 by Hinojosa, In memory of Santos G. Huerta of Falfurrias.

SR 174 by Shapleigh, In memory of Joe Salcido, Jr., of El Paso.

Welcome and Congratulatory Resolutions

SR 154 by Van de Putte, Recognizing Al J. Notzon III on the occasion of his retirement from the Alamo Area Council of Governments.

SR 157 by West, Commending Emma Rogers for her contributions to the African American community of Dallas.

SR 158 by West, Commending Ashira Toshiwe for her contributions to the African American community of Dallas.

SR 159 by Averitt, Welcoming Leadership Midlothian to the State Capitol.

SR 160 by Averitt, Recognizing the dedication of the Jim Burks Memorial Fire Fighters Park in Granbury.

SR 161 by Averitt, Recognizing the Granbury Volunteer Fire Department on the occasion of its 100th anniversary.

SR 163 by Estes, Recognizing Connie Jefferson Matthews on the occasion of his 100th birthday.

SR 164 by Watson, Commending the recipients of the Texas Exes 2007 Awards for Outstanding Teachers.

SR 166 by Van de Putte, Congratulating Art and Pam Burdick for receiving the Roy Maas Humanitarian Award.

SR 175 by Shapleigh, Recognizing Guillermo Carreon of El Paso on the occasion of his 107th birthday.

SR 176 by Brimer, Commending Cavan Lewis Larnard of Arlington for achieving the rank of Eagle Scout.

SR 179 by Lucio, Commending Kingsville Mayor Sam Fugate, Kingsville City Manager Carlos Yerena, and Mayor Francisco Cabeza de Vaca of Reynosa, Mexico, for their efforts in creating the Texas-Tamaulipas Economic Alliance.

SR 180 by Jackson, Recognizing Travis Allan Bryan of Pasadena for establishing House of Brienne, Incorporated.

HCR 37 (Duncan), Honoring Mark R. Warren for his service as president of the Texas Association of Insurance and Financial Advisors.

HCR 42 (Duncan), Recognizing the Lubbock ISD Partners in Education program and local winners of the Texas Association of Partners in Education awards.

Official Designation Resolutions

SR 165 by Nelson, Recognizing February 6, 2007, as Texas Alzheimer's Awareness Day.

SR 177 by Hegar, Recognizing the first week of February 2007 as Operation Stop Decay Week in the public school systems of the Lone Star State.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:54 p.m. adjourned, in memory of Patsy Marie White Alexander of Eastland and San Benito "Benny" Montalvo of San Benito, until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

February 5, 2007

TRANSPORTATION AND HOMELAND SECURITY — **SB 61, SB 66**

SENT TO SECRETARY OF STATE

February 1, 2007

SCR 13