

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

EIGHTEENTH DAY

(Monday, February 26, 2007)

The Senate met at 1:35 p.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, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Gallegos, Uresti.

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

The Reverend Mark Viator, Friendship Baptist Church, Beaumont, offered the invocation as follows:

Heavenly Father, today we acknowledge that You govern and direct the hearts of all men. We pray and thank You for our Senate, our House of Representatives, our Governor's office. We pray that You would bless them. I pray that You would direct their minds, their hearts, their words, as well as their decisions, that it might benefit the residents of Texas. Lord, I also today want to acknowledge that everything that seems bad is not always bad. Southeast Texas today thanks You for Hurricane Rita. The destruction that it brought may have seemed bad, but many things came about that were very good. We thank You for how it's united us as a region, how You caused us to work together as one. And we thank You for the compassion of our state, of how they've sought to help the residents of Southeast Texas. And I ask now, that as You allowed a gusher, a gusher of oil to spring forth, January 10th, 1901, and to shoot up to heaven, I pray that You would allow a gusher of oil, the oil of Your spirit to be gushed upon Southeast Texas and the residents of Texas, that You would bless us and give us Your favor, that You would expand our influence and keep Your hand upon us, and that You would protect us. For we ask this, respecting people of all faiths, in Jesus' name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Wednesday, February 21, 2007, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVES OF ABSENCE

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

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

CO-AUTHOR OF SENATE BILL 12

On motion of Senator Averitt, Senator Ellis will be shown as Co-author of **SB 12**.

CO-AUTHOR OF SENATE BILL 54

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

CO-AUTHOR OF SENATE BILL 100

On motion of Senator Shapiro, Senator Hinojosa will be shown as Co-author of **SB 100**.

CO-AUTHORS OF SENATE BILL 127

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

CO-AUTHOR OF SENATE BILL 158

On motion of Senator Seliger, Senator Van de Putte will be shown as Co-author of **SB 158**.

CO-AUTHOR OF SENATE BILL 186

On motion of Senator Patrick, Senator Hegar will be shown as Co-author of **SB 186**.

CO-AUTHOR OF SENATE BILL 219

On motion of Senator Deuell, Senator Ellis will be shown as Co-author of **SB 219**.

CO-AUTHORS OF SENATE BILL 248

On motion of Senator Ellis, Senators Carona and Watson will be shown as Co-authors of **SB 248**.

CO-AUTHORS OF SENATE BILL 252

On motion of Senator Estes, Senators Ellis, Shapiro, and Shapleigh will be shown as Co-authors of **SB 252**.

CO-AUTHOR OF SENATE BILL 324

On motion of Senator Deuell, Senator Fraser will be shown as Co-author of **SB 324**.

CO-AUTHORS OF SENATE BILL 338

On motion of Senator Van de Putte, Senators Hinojosa and Janek will be shown as Co-authors of **SB 338**.

CO-AUTHORS OF SENATE BILL 438

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

CO-AUTHOR OF SENATE BILL 439

On motion of Senator Deuell, Senator Eltife will be shown as Co-author of **SB 439**.

CO-AUTHOR OF SENATE BILL 444

On motion of Senator Hinojosa, Senator Lucio will be shown as Co-author of **SB 444**.

CO-AUTHOR OF SENATE BILL 489

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 489**.

CO-AUTHOR OF SENATE BILL 490

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 490**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

February 26, 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 18, Congratulating the R. A. Brown Ranch on winning the 2006 Texas Ranch Roundup.

HCR 20, Congratulating Jody Bellah of the R. A. Brown Ranch on winning the 2006 Top Hand award at the Texas Ranch Roundup.

HCR 31, Congratulating Jimmy M. Ross of Quitaque on his election as president of the International Association of Lions Clubs for 2006-2007.

HCR 34, Congratulating the Chilton Pirates for winning the 2006 Class A Division II state football championship.

HCR 39, Honoring the winners of the Faithful Fathering Initiative in Texas' 2006 Chick-Fil-A Dads Becoming Heroes Essay Contest.

HCR 40, Honoring the Texas Tech women's cross country team for their performance in the 2006 NCAA championships.

HCR 41, Honoring Whitney Wofford of Lubbock for winning the Bryan-College Station Super Championship Major Zone Tennis Tournament.

HCR 44, Congratulating Kelly Maben of Spur for setting a new arena record for barrel racing at the 2006 Wrangler National Finals Rodeo.

HCR 47, Commemorating the 50th anniversary of Lubbock Christian University.

HCR 50, Honoring Mark Taylor on his retirement as Wood County district attorney.

HCR 54, Honoring the Hondo High School football team on its outstanding 2006 season.

HCR 56, Honoring J. O. Barrera for his many years of service as Duval County Veterans Service Officer.

HCR 113, Congratulating Roy Velez on being named 2006 Texan of the Year.

HCR 115, In memory of Robert Allen Bonner of Clarksville.

SCR 16, Commending Roy Velez on being named 2006 Texan of the Year by the *Dallas Morning News*.

SCR 22, Congratulating the University of Houston System community and declaring February 20, 2007, University of Houston System Day at the Capitol.

SCR 24, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 21, 2007, and ending on Monday, February 26, 2007.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
February 21, 2007

TO THE SENATE OF THE EIGHTIETH LEGISLATURE, REGULAR SESSION:

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

To be members of the Texas Board of Professional Geoscientists for terms to expire as indicated:

To Expire February 1, 2011:

Gregory Clayton Ulmer

Houston, Texas

(replacing Kimberly Phillips of Houston who resigned)

To Expire February 1, 2013:

Charles Thomas Hallmark

Hearne, Texas

(replacing Murray Milford of Bryan whose term expired)

Barbara O. Roeling

Austin, Texas

(replacing Shiela Burnette Hall of Lubbock whose term expired)

Ronald L. Kitchens

Harper, Texas

(replacing Danny Perkins of Houston whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

PHYSICIAN OF THE DAY

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

The Senate welcomed Dr. Graves-Moy and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 291

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to join the citizens of Jefferson and Orange Counties in recognizing February 25 through 27, 2007, as Golden Triangle Days at the State Capitol; and

WHEREAS, More than 300 visitors from throughout the Golden Triangle formed by the cities of Orange, Beaumont, and Port Arthur have come to Austin to meet with elected officials and representatives of various state agencies to express appreciation for work already done on behalf of the region and to make requests for further assistance to help strengthen their respective communities; and

WHEREAS, Jefferson and Orange County residents have gathered for this and other special events and activities in order to work together effectively for the good of all Southeast Texas; and

WHEREAS, To that end, the chambers of commerce of Beaumont, Bridge City, Groves, Nederland, Orange, Port Arthur, Port Neches, and Vidor have combined forces to identify and address relevant issues common to the region; and

WHEREAS, The area's chambers of commerce work closely with the counties of Jefferson and Orange, along with their respective cities, other taxing entities, business organizations, and the community at large, to recognize the needs and concerns of the entire citizenry, with its great diversity and varying socioeconomic levels; and

WHEREAS, Jefferson and Orange Counties were devastated by Hurricane Rita on September 24, 2005, but have made great strides toward recovery; the area is currently experiencing industrial expansion and growth due to its usefulness in supplying the energy needs of the state of Texas and the nation; and

WHEREAS, The cultural, historical, and economic contributions of this proud region to our state are many; Lamar University, Lamar State College-Orange, Lamar State College-Port Arthur, and the Lamar Institute of Technology provide excellent educational opportunities for our citizens, and the Sabine-Neches ship channel, with its deep water ports, and the region's many other assets contribute significantly to economic development presently taking place within the state; and

WHEREAS, The people of Jefferson and Orange Counties have been building a vibrant, forward-reaching region, and it is a pleasure to recognize the public-spirited citizens from the Golden Triangle for their dedication and commitment to their communities; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby proclaim February 25 through 27, 2007, Golden Triangle Days at the Capitol and welcome the region's visitors to Austin; and, be it further

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

WILLIAMS

JANEK

SR 291 was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams, joined by Senator Janek, was recognized and introduced to the Senate Orange County Commissioner John Dubose, Greater Beaumont Chamber of Commerce Board of Directors Chair Sonny Sherman, Greater Orange County Chamber of Commerce Board of Directors Chair Billy Burrow, Greater Port Arthur Chamber of Commerce Board of Directors Chair Raymond Johnson, and Jefferson County Commissioner Waymon D. Hallmark, accompanied by a delegation of citizens from Jefferson and Orange counties.

The Senate welcomed its guests.

(Senator Brimer in Chair)

SENATE RESOLUTION 341

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Anthony Robinson for his exemplary courage and tenacity and his exceptional accomplishments; and

WHEREAS, Anthony Robinson graduated from Pomona College in California in 1983 with a bachelor's degree in sociology; he served his country with distinction for two years in the United States Army; and

WHEREAS, In 1987, Anthony was wrongfully convicted of a crime that took place in Houston; while it was a crime he did not commit, he was sentenced to 27 years in prison and served over nine years of that sentence before being paroled in 1996; he then returned to Houston and served additional time in a halfway house under strict probationary supervision; and

WHEREAS, Anthony worked for three years to save money to pay for DNA testing to prove his innocence; on September 19, 2000, 13 years after his conviction, the DNA test results were revealed and gave scientific confirmation of Anthony's innocence; in November of 2000, the Texas Board of Pardons and Paroles voted unanimously to recommend Anthony's pardon, and he received a full and unconditional pardon signed that year by Governor George W. Bush; and

WHEREAS, On May 14, 2004, Anthony graduated from the Thurgood Marshall School of Law at Texas Southern University in Houston, and after having weathered a tumultuous past, Anthony is now working successfully as a consultant in international trade and law in China; and

WHEREAS, Throughout his difficult journey, Anthony Robinson has exhibited strength of character and resolve, and his perseverance in overcoming adversity and pursuing his goals is an inspiration to all; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend Anthony Robinson on his determination and his positive approach to challenge and extend congratulations to him on his promising career in international trade; and, be it further

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

SR 341 was read and was adopted without objection.

GUEST PRESENTED

Senator Ellis was recognized and introduced to the Senate Anthony Robinson.

The Senate welcomed its guest.

(President in Chair)

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate a group of citizens from Lubbock who were past winners of the Texas Lottery.

The Senate welcomed its guests.

SENATE RESOLUTION 340

Senator Lucio offered the following resolution:

SR 340, In memory of Harry E. "Gene" McNair, Sr., of Brownsville.

The resolution was read.

Senator Lucio was recognized and introduced to the Senate family members of Harry E. "Gene" McNair, Sr.: his wife, Sherry G. McNair; his daughters, Karen McNair Pratte and Mary McNair Kaposta; and his sons, John M. McNair and Harry E. McNair, Jr.; accompanied by his daughter, Karol McNair Gevanthor; his daughter-in-law, Debbie McNair; his daughter-in-law, Reba C. McNair; his son, Michael E. McNair; his daughter-in-law, Theresa McNair; his son, Stephen C. McNair; his daughter-in-law, Stacy McNair; his son, George D. McNair; his daughter-in-law, DeLisa McNair; his son-in-law, Keith Kaposta; his sister, Nancy McNair Gamel; his brother-in-law, William Gamel; and a host of grandchildren.

The Senate welcomed its guests and extended its sympathy.

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

On motion of Senator Lucio, **SR 340** was adopted by a rising vote of the Senate.

In honor of the memory of Harry E. "Gene" McNair, Sr., of Brownsville, the text of the resolution is printed at the end of today's *Senate Journal*.

SENATE BILLS ON FIRST READING

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

SB 516 by Van de Putte

Relating to allowing certain military personnel to receive certain federal and state higher education benefits concurrently.

To Committee on Veteran Affairs and Military Installations.

SB 517 by Janek

Relating to tuition and laboratory fee exemptions at public institutions of higher education for certain police officers enrolled in criminal justice or law enforcement management-related coursework.

To Subcommittee on Higher Education.

SB 518 by Ellis

Relating to eligibility for and computation of workers' compensation benefits for certain members of the state military.

To Committee on Veteran Affairs and Military Installations.

SB 519 by Ellis

Relating to coverage under residential property insurance policies for certain losses incurred because of compliance with an emergency evacuation order.

To Committee on Business and Commerce.

SB 896 by Fraser

Relating to administrative procedures and energy policy of the Public Utility Commission of Texas.

To Committee on Business and Commerce.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

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

There was no objection.

SENATE CONCURRENT RESOLUTION 25

The President laid before the Senate the following resolution:

SCR 25, In memory of Specialist Ryan Berg of Sabine Pass.

JANEK

The resolution was read.

Senator Janek was recognized and introduced to the Senate family members of Ryan Berg: his wife, Katie Berg; his mother, Scottie Berg; his father, Travis Berg; his grandmother, Lois Ann Berg; and his stepmother, Cheryl Hanley.

The Senate welcomed its guests and extended its sympathy.

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

On motion of Senator Janek, **SCR 25** was considered immediately and was adopted by a rising vote of the Senate.

In honor of the memory of Specialist Ryan Berg of Sabine Pass, the text of the resolution is printed at the end of today's *Senate Journal*.

MESSAGES FROM THE GOVERNOR

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

Austin, Texas

February 21, 2007

TO THE SENATE OF THE EIGHTIETH LEGISLATURE, REGULAR SESSION:

On January 18, 2007, I submitted the names of Paula Martina Mendoza for appointment to the Texas State Board of Public Accountancy and Tina Alexander Sellers for appointment to the Crime Stoppers Advisory Council.

I hereby withdraw these nominations and request that the Senate return the appointments to me.

On January 18, 2007, I submitted the name of Robert K. Peters, Ph.D., for appointment to the Texas Council on Purchasing from People with Disabilities.

Because he has been nominated for appointment to the Governing Board for the Texas School for the Blind and Visually Impaired, I hereby withdraw this nomination and request that the Senate return the appointment to me.

On January 18, 2007, I submitted the name of Frank Edward Parker of Center for appointment to the Sabine River Compact Administration for a term to expire July 12, 2010.

Due to his untimely death on February 12, 2007, I hereby withdraw this nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Rick Perry

Governor

REPORT OF COMMITTEE ON NOMINATIONS

Senator Jackson submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Judge, 434th Judicial District Court, Fort Bend County: James H. Shoemake, Fort Bend County.

Members, Commission on Law Enforcement Officer Standards and Education: Allan D. Cain, Panola County; Charles R. Hall, Midland County.

Members, Texas School for the Deaf Governing Board: Jean F. Andrews, Ph.D., Jefferson County; Shalia H. Cowan, Hays County; Connie F. Sefcik-Kennedy, Travis County; Angie Wolf, Travis County.

Members, On-site Wastewater Treatment Research Council: Janet R. Boone, Madison County; Janet Dee Meyers, Denton County.

Member, School Land Board: David Schauff Herrmann, Bexar County.

Members, State Board for Educator Certification: Christopher Barbic, Harris County; Mildred Janie Baszile, Harris County; Jill Jolynn Harrison Druesedow, Haskell County; Jeanne Marcum Gerlach, Tarrant County; Christie Pogue, Hays County; Homer Dean Trevino, McLennan County.

Members, State Board of Dental Examiners: Tamela L. Gough, D.D.S., M.S., Collin County; Georgiana M. Matz, Cameron County; Ann G. Pauli, El Paso County; William Lindsay Purifoy, Tarrant County; Russell H. Schlattman II, Harris County.

Members, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments: Kenneth Banks Haesly, Harris County; Audrey M. McDonald, Williamson County; Melissa Kay Rodriguez, El Paso County.

Members, Texas Board of Professional Engineers: Elsie Allen, Tarrant County; George Kemble Bennett, Brazos County; James Alan "Jim" Greer, Tarrant County; Edward L. Summers, Travis County; Daniel O. Wong, Fort Bend County.

Members, Texas Commission on Fire Protection: Les Bunte, Williamson County; Juanita "Jane" Burch, Tarrant County; Elroy Carson, Lubbock County; Chris Connealy, Williamson County; Yusuf Elias Farran, El Paso County; John Kelly Gillette III, Collin County; John W. Riddle, San Jacinto County; Kelley Martin Stalder, Collin County; G. Kent Worley, Tarrant County.

Members, Texas Economic Development Corporation Board of Directors: Paul Foster, El Paso County; Kerry Hall, Travis County; Scott Johnson, Collin County; Alfred B. "Al" Jones, Jr., Nueces County; Nicholas T. Serafy, Jr., Cameron County; David Gordon Wallace, Fort Bend County.

Members, Texas Juvenile Probation Commission: Rene Ordoñez, El Paso County; Ray West, Brown County; Lea R. Wright, Randall County.

Members, Texas Transportation Commission: Ned S. Holmes, Harris County; Fred A. Underwood, Lubbock County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Jackson gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a delegation of citizens from Waller County representing Waller County Economic Development Partnership, Incorporated.

The Senate welcomed its guests.

SENATE RULE 11.18(a) SUSPENDED (Public Hearings)

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Business and Commerce might consider **SB 896** tomorrow.

GUESTS PRESENTED

Senator Shapiro, joined by Senator Estes, was recognized and introduced to the Senate a delegation of citizens from Wylie representing Leadership Wylie.

The Senate welcomed its guests.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:31 p.m. agreed to adjourn, in memory of Specialist Ryan Berg of Sabine Pass and Harry E. "Gene" McNair, Sr., and Charles Martin Cabler of Brownsville, upon completion of the introduction of bills and resolutions on first reading, 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 520 by Ellis

Relating to the adoption of the Agreement Among the States to Elect the President by National Popular Vote.

To Committee on State Affairs.

SB 521 by Harris

Relating to the offense of funeral service disruption.

To Committee on Criminal Justice.

SB 522 by Seliger, Fraser, Hegar, Zaffirini

Relating to eligibility for the small and mid-sized district adjustment under the public school finance system.

To Committee on Education.

SB 523 by Seliger

Relating to student services building fees at The University of Texas of the Permian Basin.

To Subcommittee on Higher Education.

SB 524 by Seliger

Relating to the validation of governmental acts and proceedings of the Downtown Midland Management District.

To Committee on Intergovernmental Relations.

SB 525 by Seliger

Relating to the sale of certain small municipal parks.

To Committee on Intergovernmental Relations.

SB 526 by Seliger

Relating to providing that a municipality may allow a municipal fire marshal or arson investigator to travel in an unmarked municipal vehicle when performing official duties.

To Committee on Intergovernmental Relations.

SB 527 by Seliger

Relating to the declination of compensation by a candidate for a county or precinct office.

To Committee on Intergovernmental Relations.

SB 528 by Seliger

Relating to the standards for attorneys representing indigent defendants in capital cases.

To Committee on Criminal Justice.

SB 529 by Watson, Ellis, Eltife, Janek, Shapiro, Shapleigh, Van de Putte

Relating to the clean school bus program.

To Committee on Natural Resources.

SB 530 by Nelson, Averitt, Carona, Deuell, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Janek, Lucio, Patrick, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini

Relating to physical activity requirements and physical fitness assessment for certain public school students.

To Committee on Education.

SB 531 by Carona

Relating to the cessation of tolls on a toll project under certain circumstances.

To Committee on Transportation and Homeland Security.

SB 532 by Carona

Relating to requiring government entities to inform landowners of their right to seek counsel in eminent domain proceedings.

To Committee on State Affairs.

SB 533 by Ellis

Relating to the use of credit scoring in certain lines of personal insurance and to the contents of consumer credit reports.

To Committee on Business and Commerce.

SB 534 by Hegar

Relating to certain rights and liabilities of an employer regarding an employee's access to a concealed handgun.

To Committee on Criminal Justice.

SB 535 by Hegar

Relating to the possession or shooting of a handgun on the land of the Lower Colorado River Authority by a person licensed to carry a concealed handgun.

To Committee on Natural Resources.

SB 536 by West

Relating to an offense committed against a homeless person because of bias or prejudice.

To Committee on Criminal Justice.

SB 537 by West

Relating to the design and construction of a cenotaph in the State Cemetery to honor 19th-century African American members of the Texas Legislature.

To Committee on Administration.

SB 538 by West

Relating to a defendant's right to appear by counsel in certain misdemeanor cases.

To Committee on Criminal Justice.

SB 539 by West

Relating to the filing of certain information by arbitrators after each arbitration.

To Committee on Jurisprudence.

SB 540 by West

Relating to the accuracy, security, and reliability of certain electronic voting systems.

To Committee on State Affairs.

SB 541 by West, Hinojosa

Relating to continuing education in sustainable and energy-efficient design standards for a person licensed by the Texas Board of Architectural Examiners.

To Committee on Business and Commerce.

SB 542 by West

Relating to county authority regarding subdivision platting and land development.

To Committee on Intergovernmental Relations.

SB 543 by Van de Putte

Relating to reimbursement under preferred provider benefit plans for services provided by licensed podiatrists.

To Committee on State Affairs.

SB 545 by Carona

Relating to the enforcement of commercial motor vehicle safety standards by certain peace officers.

To Committee on Transportation and Homeland Security.

SB 546 by Carona

Relating to the requirement of speaking and reading the English language as a condition for the issuance of a commercial driver's license.

To Committee on Transportation and Homeland Security.

SB 547 by Carona

Relating to commercial motor vehicle safety; providing a criminal penalty.

To Committee on Transportation and Homeland Security.

SB 548 by Carona

Relating to notice of the presumption for theft by check.

To Committee on Business and Commerce.

SB 549 by Hegar

Relating to the authority of a visiting judge for a district court to conduct proceedings at the county seat of a county other than the county in which a case is pending.

To Committee on Jurisprudence.

SB 550 by Patrick

Relating to the percentage of available general fund revenue allocated by a school district for instructional activities.

To Committee on Education.

SB 551 by Deuell

Relating to indigent health care.

To Committee on Health and Human Services.

SB 552 by Deuell

Relating to the accreditation of basic food safety education and training programs for food handlers.

To Committee on Health and Human Services.

SB 553 by Shapleigh

Relating to a dual language education pilot project in certain school districts.

To Committee on Education.

SB 554 by Shapleigh

Relating to contracts entered into for the employment of a chief executive officer of a public institution of higher education.

To Subcommittee on Higher Education.

SB 555 by Lucio

Relating to designating April as Texas Fruit and Vegetable Month.

To Committee on Government Organization.

SB 556 by Lucio

Relating to the creation of an interagency obesity council.

To Committee on Health and Human Services.

SB 557 by Ellis

Relating to reports regarding the consideration of certain factors by public and private institutions of higher education in admissions.

To Subcommittee on Higher Education.

SB 558 by Ellis

Relating to reporting of gifts of cash or a cash equivalent to public officials.

To Committee on State Affairs.

SB 559 by Ellis

Relating to the establishment of a registry at the Texas Department of Insurance of certain legal entities determined to have sold race-based insurance coverage.

To Committee on State Affairs.

SB 560 by Ellis

Relating to reimbursement for jury service.

To Committee on Jurisprudence.

SB 561 by Carona

Relating to the subrogation interests of certain political subdivisions or insurance carriers providing reinsurance for subdivisions.

To Committee on State Affairs.

SB 562 by Harris

Relating to an exemption from jury duty in certain counties.

To Committee on Jurisprudence.

SB 563 by Ogden

Relating to assistance by the attorney general in the prosecution of certain offenses involving the unlawful appropriation or misapplication of state property.

To Committee on State Affairs.

SB 564 by Hegar

Relating to the name of the Calhoun County Navigation District.

To Committee on Natural Resources.

SB 565 by Wentworth

Relating to the locations where the district courts and the courts of appeals may hear cases, hold court, and transact business.

To Committee on Jurisprudence.

SB 566 by Wentworth

Relating to the amendment of deed restrictions in certain subdivisions.

To Committee on Intergovernmental Relations.

SB 567 by Eltife

Relating to the General Land Office's determination as to the existence of vacant public school land.

To Committee on Natural Resources.

SB 568 by Ellis

Relating to group health benefit plan coverage for an enrollee with certain mental disorders.

To Committee on State Affairs.

SB 569 by Deuell

Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program.

To Committee on Health and Human Services.

SB 570 by Deuell

Relating to the regional emergency medical dispatch resource centers program.

To Committee on Health and Human Services.

SB 571 by Uresti

Relating to the tuition and fee exemption available to certain military personnel and permitting those personnel to transfer the exemption to a child.

To Subcommittee on Higher Education.

SB 572 by Brimer

Relating to the eligibility for unemployment benefits of individuals who are unemployed due to certain labor disputes.

To Committee on Business and Commerce.

SB 573 by Brimer

Relating to an interim study concerning the breeding of white-tailed and mule deer in this state.

To Committee on Natural Resources.

SB 574 by Brimer

Relating to deer breeding operations; providing a penalty.

To Committee on Natural Resources.

SB 575 by Nichols

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

To Committee on Finance.

SB 577 by Ellis

Relating to the portion of designated tuition required to be set aside to provide student financial assistance at institutions of higher education.

To Subcommittee on Higher Education.

SB 578 by Ellis

Relating to a limitation on increases in the total amount of tuition charged by public institutions of higher education.

To Subcommittee on Higher Education.

SB 579 by Ellis

Relating to a limitation on increases in the total amount of tuition and compulsory fees charged by public institutions of higher education.

To Subcommittee on Higher Education.

SB 580 by Hegar

Relating to the manner of recording documents filed with a county clerk.
To Committee on Intergovernmental Relations.

SB 581 by Hegar

Relating to the filing for record of a plat or replat of a subdivision of real property.
To Committee on Intergovernmental Relations.

SB 582 by Patrick

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

SB 583 by Patrick

Relating to the waiting period for a divorce on the grounds of insupportability.
To Committee on Jurisprudence.

SB 584 by Carona

Relating to the issuance or violation of an order for emergency protection on the basis of the offense of sexual assault or aggravated sexual assault.
To Committee on Criminal Justice.

SB 585 by Van de Putte

Relating to the authority of the Edwards Aquifer Authority to adopt rules relating to fire control.
To Committee on Natural Resources.

SB 586 by Van de Putte

Relating to transfer of a student of limited English proficiency out of a public school bilingual education or special language program.
To Committee on Education.

SB 587 by Carona

Relating to the detention of a child who is alleged to have engaged in conduct violating a penal law of the grade of felony.
To Committee on Criminal Justice.

SB 588 by Nelson

Relating to the authority of the comptroller of public accounts to perform administrative, economic, fiscal, or policy research or analysis regarding certain issues and to assist political subdivisions with related research or analysis.
To Committee on Government Organization.

SB 589 by Nelson

Relating to TANF employment programs and participation in those programs by certain parents who are not TANF recipients.
To Committee on Health and Human Services.

SB 590 by Nelson

Relating to a designated agent's access to a principal's hospital records on admission to the hospital.

To Committee on Health and Human Services.

SB 591 by Nelson

Relating to the requirement that licensed physicians provide emergency contact information to the Texas Medical Board.

To Committee on Health and Human Services.

SB 592 by Wentworth

Relating to special notice to the news media of the meeting of a governmental body in certain situations under the open meetings law.

To Committee on State Affairs.

SB 593 by Wentworth

Relating to providing notice to the beneficiaries under a decedent's will.

To Committee on Jurisprudence.

SB 594 by Wentworth

Relating to municipal authority to enforce a solid waste collection and transportation services franchise.

To Committee on Intergovernmental Relations.

SB 595 by Wentworth

Relating to the allocation of revenue from the state hotel tax to clean and maintain rivers in certain municipalities located in counties in a park and recreation district.

To Committee on Finance.

SB 596 by Wentworth

Relating to the confidentiality of certain information involving real estate transactions of the School Land Board, Veterans' Land Board, General Land Office, or land commissioner.

To Committee on Natural Resources.

SB 597 by Wentworth

Relating to the prosecution and punishment of the offense of criminal trespass.

To Committee on Criminal Justice.

SB 598 by Zaffirini

Relating to providing medical assistance to certain former foster care adolescents.

To Committee on Health and Human Services.

SB 599 by Shapleigh

Relating to the regulation of telephone calls made by certain persons for political advertising purposes; providing a criminal penalty.

To Committee on State Affairs.

SB 600 by Duncan

Relating to compensation paid to statutory county court judges and certain fees collected by statutory county courts.

To Committee on Jurisprudence.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 317 by Lucio, In memory of Patrick Laverne Hubert of Kleberg County.

SR 333 by Hinojosa, In memory of Regina Ann Lamb of McAllen.

SR 335 by Hinojosa, Commemorating the life of Dudley Ives.

SR 345 by Shapleigh, In memory of Magdalena Garcia of El Paso.

SR 346 by Shapleigh, In memory of Maria Aguilar Garcia of El Paso.

HCR 65 (Eltime), In memory of Joe Farris Shelton of Paris.

HCR 66 (Eltime), In memory of Dr. John M. Ellis and Lucille Ellis of Mount Pleasant.

HCR 80 (Eltime), In memory of Powell W. Peek, county judge of Red River County.

HCR 99 (Eltime), In memory of Janice Kaye Bolton Reddell of Paris.

HCR 105 (Eltime), In memory of Richard Lamoine "Dick" Cunningham of Paris.

HCR 115 (Eltime), In memory of Robert Allen Bonner of Clarksville.

Congratulatory Resolutions

SR 318 by Ellis, Commending North Star Baptist Church in Houston for its commitment to its mission.

SR 319 by Ellis, Commending Chellie Pingree for her contributions to Common Cause.

SR 320 by Deuell, Congratulating Tania Foster of Sachse for being named one of Texas' top youth volunteers for 2007 by the Prudential Spirit of Community Awards program.

SR 321 by Deuell, Congratulating Grant Allen of Grand Saline for being named one of Texas' top youth volunteers for 2007 by the Prudential Spirit of Community Awards program.

SR 322 by Zaffirini, Congratulating Manuel Benavidez, Jr., of Rio Grande City for receiving the 2006 Western Region Trustee Leadership Award from the Association of Community College Trustees.

SR 328 by Ellis, Commending the Girls and Boys Preparatory Academy in Houston for its dedication to its students.

SR 331 by Zaffirini, Recognizing Ala Loretta Hicks on the occasion of her 100th birthday.

SR 332 by Williams, Congratulating Larry Gatlin, Billy Joe Shaver, and Aaron Baker for being named 2007 Texas Heritage Songwriters.

SR 334 by West, Recognizing Wallace T. Ford on the occasion of his retirement from the Dallas Veterans Affairs Medical Center.

SR 342 by Shapleigh, Recognizing David T. Grijalva on the occasion of his retirement from the Office of the Comptroller of Public Accounts.

SR 343 by Shapleigh, Congratulating the members of the Montwood High School Academic Decathlon team for winning first place in the regional competition.

SR 344 by Shapleigh, Congratulating Jimena Gandara for being named the *El Paso Times* 2006 All-City Volleyball Most Valuable Player.

SR 347 by Shapleigh, Congratulating Siria Rocha for her selection for the Women of Color International Development Incubator program.

SR 348 by Shapleigh, Congratulating Jorge Barragan for receiving the 2007 Unsung Heroes Award from the Texas Public Employees Association.

SR 349 by Watson, Recognizing Linda Stubblefield on the occasion of her retirement from the Office of the Comptroller of Public Accounts.

SR 350 by Watson, Congratulating the band of Lyndon Baines Johnson High School in Austin for its participation in the Plum Blossom Festival in Beijing and Tianjin, China.

SR 351 by Watson, Recognizing Charlotte Sievers on the occasion of her retirement from the Office of the Comptroller of Public Accounts.

SR 352 by Ellis, Commending Long Yu-Xiang and the China International Culture and Communication Center for their contributions to global harmony.

HCR 31 (Duncan), Congratulating Jimmy M. Ross of Quitaque on his election as president of the International Association of Lions Clubs for 2006-2007.

HCR 47 (Duncan), Commemorating the 50th anniversary of Lubbock Christian University.

Official Designation Resolutions

SR 326 by Hegar, Recognizing February 26, 2007, as Waller County Day at the State Capitol.

SR 327 by Nichols, Designating the Young Texas Artists Music Competition in Conroe as an official Texas State music competition.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 2:50 p.m. adjourned, in memory of Specialist Ryan Berg of Sabine Pass and Harry E. "Gene" McNair, Sr., and Charles Martin Cabler of Brownsville, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

February 26, 2007

JURISPRUDENCE — **SB 168, SB 220**

INTERGOVERNMENTAL RELATIONS — **CSSB 190**

HEALTH AND HUMAN SERVICES — **SCR 1, CSSB 27, CSSB 28**

TRANSPORTATION AND HOMELAND SECURITY — **CSSR 2, CSSB 180, SB 327, SB 329, SB 330, SB 331, SB 332, SB 333, SB 328, SB 336**

SENT TO SECRETARY OF STATE

February 22, 2007

SCR 19, SJR 13

SENT TO GOVERNOR

February 22, 2007

SCR 20

**In Memory
of**

Ryan Berg

Senate Concurrent Resolution 25

WHEREAS, Residents of the Sabine Pass area are mourning the loss of U.S. Army Specialist Ryan Berg, who was killed in Iraq on January 9, 2007, at the age of 19, and they will join together to honor this fallen soldier during Golden Triangle Days, February 25-27, 2007; and

WHEREAS, Born in nearby Port Arthur on July 24, 1987, Specialist Berg entered the army on his 18th birthday, shortly after graduating from Sabine Pass High School, and left for boot camp later that same month; on September 29, 2006, he married the former Katie Matthis in Sabine Pass, just five days before his initial deployment to Iraq on October 4, 2006, as a member of the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade, 1st Cavalry Division out of Fort Hood; and

WHEREAS, Specialist Berg was the first son of Sabine Pass to be killed while defending freedom in Iraq, and for his courage during combat he was awarded the Purple Heart and the Bronze Star; loved ones and friends remembered him fondly when he was laid to rest on January 19, 2007, at Sabine Pass Cemetery, less than a month after he celebrated Christmas with his wife, Katie, and his family; and

WHEREAS, A talented athlete, this brave young man enjoyed playing football, basketball, and golf; other pleasures included spending time with his family and friends, hunting, and watching his brother Brad play football; and

WHEREAS, Ryan Berg loved serving his country as a member of the U.S. Army and was dedicated to doing his duty to the best of his ability, and although his loss has left a void in the lives of those who knew and loved him, his spirit will live on in their hearts; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas hereby pay tribute to the life of U.S. Army Specialist Ryan Berg and extend deepest sympathy to the members of his family: to his wife, Katie Berg; to his parents, Travis and Scottie Berg; to his siblings, Brad and Marissa Berg; and to the other relatives and many friends of this courageous soldier; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of U.S. Army Specialist Ryan Berg.

JANEK

In Memory
of
Harry E. "Gene" McNair, Sr.
Senate Resolution 340

WHEREAS, The Senate of the State of Texas joins the citizens of Brownsville in mourning the loss of longtime community leader Harry E. "Gene" McNair, Sr., who died November 6, 2005, at the age of 80; and

WHEREAS, Gene McNair was a Brownsville city commissioner and mayor during the 1950s and 1960s; he served on the Public Utilities Board and the Board of City Development; he was chairman of the Brownsville Airport Authority and served as director of the Chamber of Commerce and the Valley Zoological Society; he also served as chairman of the Historic Brownsville Museum; and

WHEREAS, He was born in Augusta, Georgia, on November 13, 1924; he moved to Brownsville in 1935 and graduated from Brownsville High School; he volunteered for the Army Air Corps in 1942 and served as a B-24 bombardier and navigator in the South Pacific; for the rest of his life he remained a dedicated patriot and was always proud of having served his country during World War II; and

WHEREAS, After his military service, Gene earned a bachelor's degree from Texas A&I University in Kingsville and returned to Brownsville to join the family business, McNair Clothing Manufacturing Company, a small regional company; he developed the business into a national company that had more than 1,000 employees and that became a major supplier of military uniforms to the government; he sold the company in 1972 to Levi-Strauss; and

WHEREAS, Gene McNair was a devout Catholic who was deeply involved with the Catholic Church and Catholic schools in Brownsville; he served on several Catholic school advisory boards and on the Board of Education of the Diocese of Brownsville; and

WHEREAS, He was devoted to his family and enjoyed working, fishing, hunting, gardening, traveling with his wife and children, and playing with his grandchildren; he chronicled the family's adventures by maintaining a library of thousands of photographs and by writing a monthly newsletter for more than 30 years that he mailed to family members; and

WHEREAS, He loved reading and writing poetry and was the recipient of several awards for his photography; he wrote a cookbook containing family recipes for Mexican food and completed his autobiography in 2004; he flew his own airplane across the United States and Mexico, and he was a life member of the National Rifle Association, the American Legion, and Veterans of Foreign Wars; and

WHEREAS, Gene McNair lived an amazingly productive life filled with love for his family, devotion to his church, allegiance to his country, and service to the City of Brownsville; he made a lasting imprint on his community and all who knew him, and he is deeply missed by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend sincere condolences to the bereaved family of Harry E. "Gene" McNair, Sr.: his wife of 55 years, Sherry; his children, Karen, Karol, John, Harry McNair, Jr., Michael, Stephen, George, and Mary; his sister, Nancy Gamel; and his 15 grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for 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 Harry E. McNair, Sr.

LUCIO