

# SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**ELEVENTH DAY**

(Wednesday, February 7, 2007)

The Senate met at 11:00 a.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 Right Reverend Monsignor Dermot Brosnan, Saint Peter-Saint Joseph Children's Home, San Antonio, offered the invocation as follows:

O God, You are the source of life. You are the way, the truth, and the life. It is the truth that sets us free. You guide and govern everything with order and love. Look upon the leader and Members of the State Senate and fill them with the spirit of Your wisdom. May they always act in accordance with Your will and their decisions be for the peace and well-being of all. In Your goodness, watch over those in authority so that people everywhere may enjoy freedom, security, and peace. Grant our national, state, and local leaders wisdom, justice, and fortitude, that they may conduct the affairs of their people in accord with the will of God. Amen.

Senator Wentworth moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

## LEAVES OF ABSENCE

On motion of Senator 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 97**

On motion of Senator Ellis, Senator Uresti will be shown as Co-author of **SB 97**.

**CO-AUTHOR OF SENATE BILL 247**

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

**CO-AUTHORS OF SENATE BILL 252**

On motion of Senator Estes, Senators Averitt, Brimer, Deuell, Hegar, Hinojosa, Lucio, Nelson, and Williams will be shown as Co-authors of **SB 252**.

**CO-AUTHOR OF SENATE BILL 263**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 263**.

**CO-AUTHOR OF SENATE RESOLUTION 173**

On motion of Senator Zaffirini, Senator Williams will be shown as Co-author of **SR 173**.

**SENATE RESOLUTION 140**

Senator Zaffirini offered the following resolution:

WHEREAS, Aggies and Longhorns will unite today at the State Capitol to celebrate Orange and Maroon Legislative Day 2007 and to promote higher education in the State of Texas; and

WHEREAS, Delegates from The Association of Former Students and the Texas Exes—the two alumni associations for Texas A&M University and The University of Texas at Austin—have set aside the longstanding rivalry between these two outstanding institutions in a symbolic gesture of unity and state pride; and

WHEREAS, Alumni from the two schools total more than 700,000 and Texas A&M University and The University of Texas at Austin have a combined annual enrollment of more than 95,000 students, with over 22,000 students receiving degrees each year; the schools boast superb museums and libraries, including the George Bush Presidential Library and the Lyndon Baines Johnson Library and Museum, and both universities are renowned for their exceptional research; and

WHEREAS, Texas A&M University and The University of Texas at Austin help prepare Texas youth for higher education through the universities' six outreach centers located throughout the state, and more than 90 percent of the centers' participants have successfully pursued higher education; and

WHEREAS, The universities' faculties feature Nobel laureates and nationally recognized scholars, and the student bodies include national merit scholars, gold-medal winning Olympians, and many of the Lone Star State's most promising young people; in addition, the schools offer an amazing range of postgraduate opportunities with nearly 300 graduate degree programs; and

WHEREAS, Texas A&M University and The University of Texas at Austin have established themselves as preeminent institutions of higher education on the state, national, and international levels, and Texans are fortunate to have access to these two exceptional state university systems; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby recognize February 7, 2007, as Orange and Maroon Legislative Day and commend alumni from Texas A&M University and The University of Texas at Austin for their commitment to promoting higher education in the Lone Star State.

ZAFFIRINI  
OGDEN  
WATSON  
WENTWORTH

**SR 140** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Jim Boon, Chief Executive Officer and Executive Director, Texas Exes (The University of Texas alumni association); Sonia Perez, President, Texas Exes; Porter Garner, Executive Director, The Association of Former Students (Texas A&M University alumni association); and Bill Flores, President, The Association of Former Students; accompanied by a delegation of representatives from both institutions.

The Senate welcomed its guests.

#### **PHYSICIANS OF THE DAY**

Senator Watson was recognized and presented Drs. John and Judith Egerton of Austin as the Physicians of the Day.

The Senate welcomed the Egertons and thanked them for their participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

#### **GUESTS PRESENTED**

Senator Lucio was recognized and introduced to the Senate a delegation representing the Leadership Harlingen Class of 2007.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate representatives from the City of Spur: Mayor Kenneth Gilcrease; Main Street Program Manager Joyce Howze; Aldermen, Manuel Herrera, Deborah Harris, and Sue Olivarez; accompanied by a delegation from the City of Spur.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

February 7, 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 33**, Honoring the city of Spur for being named a Texas Main Street City.

**HCR 55**, Designating February 7, 2007, as Rusk County Day at the State Capitol.

**HCR 65**, In memory of Joe Farris Shelton of Paris.

**HCR 66**, In memory of Dr. John M. Ellis and Lucille Ellis of Mount Pleasant.

**HCR 69**, Congratulating the city of Spur, Texas, on its historic past and bright future.

**HCR 71**, Recognizing the 100th anniversary of First State Bank of Uvalde.

**HCR 73**, Designating April 2007 as Child Safety Month in Texas.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE RESOLUTION 190**

Senator Ogden offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Liberty Hill High School Panthers football team, which recently won the University Interscholastic League 2006 Class 3A Division II state championship title; and

WHEREAS, The Panthers captured the first high school state championship in Liberty Hill's school history by defeating Celina High School 22-19; the team held off Celina High School's fourth-quarter rallies, twice stopping them on fourth and one, finally winning the game with a 31-yard field goal with six seconds remaining; and

WHEREAS, These young athletes have demonstrated great talent and perseverance throughout the school year, ending the season with a 13-2 record; and

WHEREAS, Senior members of the championship team are J. T. Barnes, Brent Bode, Brandon Cardenas, Kyle Crumley, Luis Cruz, Kody Emmert, Gray Lankford, Gio Magallon, Shaun McCallium, Blake Mings, Victor Montes, Daniel Noel, Thomas Perrin, Sammy Post, and Kenny Reeves; and

WHEREAS, Junior and sophomore members of the team are Doug Allman, Clint Gavin, Ryan Gillespie, Dustin Gonzales, Dillon Hanson, Craig Havens, Dylan Holbein, Dillon Hoerster, Jordan Johns, John Miller, Jake Ott, Marlowe Poitier, Cale

Rogers, Cole Rogers, Kyle Staton, Josh Simpson, Kyle Troxell, Dillon Vance, Justin Bates, Tyler Cole, Braden Fickel, Cody Lattimore, Ty Roberts, Thomas Stites, and Brandon Terry; and

WHEREAS, The Panthers have developed exceptional teamwork and discipline under the superior leadership and expertise of athletic director and head coach Jerry Vance, assistant athletic director and trainer Charles "Doc" Harrington, offensive coordinator Jeff Walker, defensive coordinator Steve Barnes, and assistant coaches Robert Draper, John Wayne Roberts, Matt Kirschner, Mike Kristan, Anthony Escobar, Brian Herman, Dale Bode, Chad Pirtle, Danny Knowles, Michael Rios, and Justin Goldsmith; and

WHEREAS, The team has benefited from the help of student trainers and assistants Kyla McClain, Shane Child, Courtney Tuttle, Brianda Ojeda, Miranda Perez, Samantha Escamilla, Ashley Pina, Mattie Voigt, Adam Cantrell, Megan Oehrlein, Kallie Perrin, Sam Berg, and Gram Lankford; and

WHEREAS, Liberty Hill citizens are justifiably proud of the Panthers for their hard work, their athletic abilities, and their fine sportsmanship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the Liberty Hill High School Panthers football team for their successful season and extend congratulations to them on winning the 2006 University Interscholastic League Class 3A Division II state championship title; and, be it further

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

**SR 190** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Ogden was recognized and introduced to the Senate a delegation from Liberty Hill High School in Liberty Hill: Dalton West, Principal; Jerry Vance, Athletic Director and Head Coach; Kody Emmert and Gray Lankford, team captains; and Dean Andrews, Superintendent, Liberty Hill Independent School District.

The Senate welcomed its guests.

### **MESSAGES FROM THE GOVERNOR**

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

Austin, Texas  
February 6, 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 Southern University Board of Regents for terms to expire February 1, 2013:

Richard Salwen  
Austin, Texas

(replacing J. Paul Johnson of Fresno whose term expired)

Richard Holland  
Plano, Texas

(replacing Gerald Wilson of Houston whose term expired)

Respectfully submitted,

/s/Rick Perry  
Governor

Austin, Texas  
February 7, 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 appointment:

To be Executive Commissioner of the Health and Human Services Commission for a term to expire February 1, 2009:

Albert Hawkins III  
Austin, Texas

(Mr. Hawkins is being reappointed)

Respectfully submitted,

/s/Rick Perry  
Governor

### RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 14, HCR 37, HCR 42, HCR 52.**

### HOUSE CONCURRENT RESOLUTION 55

The Presiding Officer laid before the Senate the following resolution:

**HCR 55**, Designating February 7, 2007, as Rusk County Day at the State Capitol.

ELTIFE

The resolution was read.

On motion of Senator Eltife and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

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

Absent-excused: Ellis, Gallegos.

### SENATE RESOLUTION 145

Senator Shapleigh offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize February 7, 2007, as El Paso Day at the State Capitol; and

WHEREAS, Located at the far westernmost tip of the state, the City of El Paso combines the amenities of a modern metropolis with the charm born of its Spanish origins; the area was named El Paso by the Spanish conquistador Don Juan de Oñate; and

WHEREAS, The arrival of the railroads in 1881 ushered in an era of prosperity, and El Paso became a flourishing frontier community; today, trucks, trains, and airplanes transport manufactured goods through El Paso and the border cities at the Pass, just as the Spanish traders did in the 16th century as they guided their ox-drawn carts along the Camino Real from Mexico City to Santa Fe, New Mexico; and

WHEREAS, With a population of over one-half million, El Paso is the state's fifth-largest city; nearby Fort Bliss is home to the United States Army's air defense training center and plays a significant role in the community; and

WHEREAS, El Paso is a vibrant bilingual community, whose residents enjoy a thriving fine arts community, exemplary educational institutions, and many cultural and historical resources and museums; and

WHEREAS, El Paso Day at the State Capitol provides an opportunity for friends and families to honor El Paso's rich heritage and the city's many amenities, which are enjoyed by residents and visitors of all ages; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby proclaim February 7, 2007, El Paso Day at the State Capitol and join all Texans in paying tribute to this historic, vibrant city; and, be it further

RESOLVED, That a copy of this Resolution be prepared as a memento of this special occasion.

**SR 145** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Shapleigh was recognized and introduced to the Senate representatives from the City of El Paso: Mayor John Cook, El Paso County Judge Anthony Cobos, District 2 Representative Susie Byrd, Colonel Robert Burns of Fort Bliss, and Precinct 3 County Commissioner Miguel A. Teran, accompanied by a delegation of citizens from El Paso.

The Senate welcomed its guests.

### **SENATE RESOLUTION 186**

Senator Shapiro offered the following resolution:

WHEREAS, In order to increase public awareness of the extraordinary achievements of the technology and life-sciences industries and the vital role they play in the prosperity of the Lone Star State, February 5 through 9, 2007, is being celebrated as Texas Technology Week; and

WHEREAS, The sponsors of Texas Technology Week are the AeA Texas Council, the Texas Healthcare and Bioscience Institute, the Metroplex Technology Business Council, and TechNet Texas; and

WHEREAS, The technology and life-sciences industries and research institutions of Texas are making leading-edge advances in medicine, space exploration, computing, communications, energy, and transportation and are revolutionizing the

world we live in; within the state, these industries employ more Texans than do the oil, natural gas, and agriculture industries combined, and their well-paying, highly skilled jobs contribute to a diverse and growing economy; and

WHEREAS, People around the globe have benefited immeasurably from the medical treatments and devices developed by Texas companies; the Texas Healthcare and Bioscience Institute, membership of which includes universities and private research institutions and biotechnology, medical device, and pharmaceutical companies, acknowledges that between 2000 and 2004 approximately 2,741 Texas biotechnology patents were issued and that Texas biotechnology-related patent growth is outpacing the national average; and

WHEREAS, The life-sciences industry is a significant pillar of the Texas economy; the industry in Texas includes approximately 3,000 establishments employing over 75,400 Texans and has the promise of continued job growth for many years to come; and

WHEREAS, The nation's largest high-technology trade group, AeA, reports that Texas ranks second in the country in high-technology employment; the state provides approximately 436,000 jobs, and 57 of every 1,000 private sector workers in our state are employed by high-technology firms; moreover, Texas ranks 12th among all the states in terms of its high-technology average wage; the wage is nearly double that of the average private sector worker, allowing the industry to provide an aggregate high-technology payroll of \$31.5 billion; the importance of this industry to Texans is further underscored by the fact that high-technology products account for 26 percent of the state's international exports; and

WHEREAS, All sectors of the technology and life-sciences community are joining together this week to discuss the major issues facing their industries and to affirm their support for strong systems of public and higher education, which is critical to maintaining the highly skilled workforce on which these industries depend; and

WHEREAS, The technology and life-sciences industries have become tremendous engines for economic growth in the State of Texas, and the benefits of their research and production enrich people the world over; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby recognize February 5 through 9, 2007, as Texas Technology Week and commend its sponsors for their outstanding work in supporting and promoting research, development, products, service, and manufacturing in the State of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of the sponsors of Texas Technology Week.

**SR 186** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Shapiro was recognized and introduced to the Senate Bill Sproull, Metroplex Technology Business Council; Geoff Wurzel, TechNet Texas; Mary Pat Moyer, Texas Healthcare and Bioscience Institute; and Clare Emerson, American Electronics Association, representing Texas Technology Week.

The Senate welcomed its guests.



**SENATE CONCURRENT RESOLUTION 18**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now, therefore, be it

RESOLVED by the 80th Legislature of the State of Texas, That each house grant the other permission to adjourn for more than three days during the period beginning on Wednesday, February 7, 2007, and ending on Monday, February 12, 2007.

WHITMIRE

**SCR 18** was read.

On motion of Senator Wentworth, on behalf of Senator Whitmire, and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

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

Absent-excused: Ellis, Gallegos.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 191** by Lucio, In memory of Walter M. "Buster" Stevenson of Brownsville.

**Congratulatory Resolutions**

**SR 173** by Zaffirini and Williams, Congratulating James Marcus Pappas for being selected 2007 Houston Area Engineer of the Year.

**SR 185** by Uresti, Recognizing Edward J. and Pamela J. Parnell on the occasion of their 50th wedding anniversary.

**SR 189** by Harris and Brimer, Congratulating The University of Texas at Arlington Wheelchair Basketball Team for winning the 2006 National Intercollegiate Wheelchair Basketball Tournament.

**SR 192** by Lucio, Recognizing Alejandro Gonzalez, Jr., for his achievements in bowling.

**HCR 33** (Duncan), Honoring the city of Spur for being named a Texas Main Street City.

**HCR 69** (Duncan), Congratulating the city of Spur, Texas, on its historic past and bright future.

**Official Designation Resolution**

**SR 169** by Hinojosa, Recognizing February 6, 2007, as McAllen Day at the State Capitol.

**ADJOURNMENT**

On motion of Senator Wentworth, the Senate at 11:40 a.m. adjourned until 1:30 p.m. Monday, February 12, 2007.

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**APPENDIX**

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**COMMITTEE REPORTS**

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

February 7, 2007

**EDUCATION — SB 113, SB 135, CSSB 234, SB 282**

**FINANCE — CSSJR 13**