

# SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## THIRTY-SECOND DAY

(Monday, March 26, 2007)

The Senate met at 1:40 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, Uresti, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Gallegos, Van de Putte.

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

The Reverend Terry L. Wright, First Baptist Church, Vidor, offered the invocation as follows:

Most gracious heavenly Father, we are truly grateful for the mercy and grace that You so lovingly bestow upon Your people. We thank You for all of Your care and goodness. Today we beseech Your continuing assistance in the recovery efforts due to Hurricane Rita. We ask for Your blessing to be upon those who struggle and suffer. Lord, we ask Your blessing upon the Southeast Texas Regional Planning Commission and on Leadership Southeast Texas. We ask that You use us as agents of goodwill for the people. Lord, we also seek Your blessing upon this Senate and each Member who forms its body. May You grant them wisdom and prudence as they perform their tasks. We ask this same blessing upon each Representative, each Judge, and upon Governor Perry. Lastly, Lord, we lift up our state to You, that our people may prosper in spirit, righteousness, and justice before You. In the name of Jesus Christ. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Thursday, March 22, 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 Van de Putte was granted leave of absence for today on account of important business.

**CO-AUTHOR OF SENATE BILL 9**

On motion of Senator Shapiro, Senator Hinojosa will be shown as Co-author of **SB 9**.

**CO-AUTHOR OF SENATE BILL 294**

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

**CO-AUTHOR OF SENATE BILL 670**

On motion of Senator Ellis, Senator Janek will be shown as Co-author of **SB 670**.

**CO-AUTHOR OF SENATE BILL 1295**

On motion of Senator West, Senator Hinojosa will be shown as Co-author of **SB 1295**.

**CO-AUTHOR OF SENATE BILL 1373**

On motion of Senator Carona, Senator Estes will be shown as Co-author of **SB 1373**.

**CO-AUTHOR OF SENATE BILL 1833**

On motion of Senator Duncan, Senator Seliger will be shown as Co-author of **SB 1833**.

**CO-AUTHORS OF SENATE BILL 1909**

On motion of Senator Ellis, Senators Hinojosa and Whitmire will be shown as Co-authors of **SB 1909**.

**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 35**.

**MESSAGES FROM THE GOVERNOR**

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

Austin, Texas  
March 23, 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 State Health Services Council for terms to expire February 1, 2013:

Jeffrey A. Ross, D.P.M.  
Bellaire, Texas

Beverly Barron  
Odessa, Texas

Jacinto P. Juarez, Ph.D.  
Laredo, Texas

(The individuals listed above are being reappointed)

To be Texas Commissioner of Insurance for a term to expire February 1, 2009:

Michael Scott Geeslin  
Austin, Texas

(Mr. Geeslin is being reappointed)

To be members of the Texas Council on Autism and Pervasive Developmental Disorders for terms to expire as indicated:

To Expire February 1, 2008:

Richard E. Garnett, Ph.D.  
Fort Worth, Texas

Margaret Hasse Cowen  
San Antonio, Texas

Opal Irvin  
Dimebox, Texas

To Expire February 1, 2009:

Anna Penn Hundley  
Dallas, Texas

Manuel Macedonio Vela  
Harlingen, Texas

Frank Christian McCamant  
Austin, Texas

Donna Nelson Geiger  
Austin, Texas

To be members of the Advisory Board for Athletic Trainers for terms to expire as indicated:

Rebecca Spurlock  
North Richland Hills, Texas

(replacing Natalie Steadman of Lubbock whose term expired)

Michael Alan Waters  
Diboll, Texas

(Mr. Waters is being reappointed)

David R. Schmidt, M.D.

San Antonio, Texas

(Dr. Schmidt is being reappointed)

To be Judge of the 3rd Judicial District Court, Anderson/Henderson/Houston Counties, for a term until the next General Election and until his successor shall be duly elected and qualified:

Mark Alan Calhoon

Palestine, Texas

(Mr. Calhoon is replacing Judge Jim Powers who resigned)

To be Judge of the 430th Judicial District Court, Hidalgo County, pursuant to SB 1189, 79th Legislature, Regular Session, for a term until the next General Election and until his successor shall be duly elected and qualified:

Thomas P. Wingate

Mission, Texas

To be members of the Texas State Board of Podiatric Medical Examiners for terms to expire July 10, 2011:

Ana Urukalo, D.P.M.

Austin, Texas

(replacing Bradford Glass, D.P.M. of Midland whose term expired)

Travis A. Motley, D.P.M.

Hurst, Texas

(replacing Sandra Cuellar, D.P.M. of Dallas whose term expired)

Doris Couch

Burleson, Texas

(Ms. Couch is being reappointed)

To be members of the Family and Protective Services Council for terms to expire February 1, 2013:

Debbie Epperson

Austin, Texas

(replacing John Castle of Dallas whose term expired)

Linda Bell Robinson

Houston, Texas

(Ms. Robinson is being reappointed)

Gigi Edwards Bryant

Austin, Texas

(Ms. Bryant is being reappointed)

Respectfully submitted,

/s/Rick Perry

Governor

**MESSAGES FROM THE GOVERNOR**

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

Austin, Texas  
March 23, 2007

TO THE SENATE OF THE EIGHTIETH LEGISLATURE, REGULAR SESSION:

On March 2, 2007, I submitted the name of R. David Kelly of Dallas for appointment to the Teacher Retirement System Board of Trustees for a term to expire August 31, 2011.

I hereby withdraw this nomination and request that the Senate return the appointment to me.

On January 18, 2007, I submitted the names of Stephen Kurt Fryar of Brownwood and Juan Sanchez Muñoz of Lubbock for appointment to the Texas Youth Commission for terms to expire August 31, 2011.

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

Respectfully submitted,  
/s/Rick Perry  
Governor

**SENATE RESOLUTION 561**

Senator Williams offered the following resolution:

WHEREAS, The Senate of the State of Texas takes great pleasure in joining the alumni and members of the class of 2007 of Leadership Southeast Texas in designating Monday, March 26, 2007, as Leadership Southeast Texas Day at the State Capitol; and

WHEREAS, Leadership Southeast Texas represents 120 Southeast Texas businesses, organizations, and governmental entities; the program is the result of the partnership of the counties of Southeast Texas; the partnership consists of the counties of Chambers, Hardin, Jasper, Jefferson, Liberty, Newton, Orange, and Tyler and the Bolivar Peninsula of Galveston County; the program is celebrating its 15th anniversary this year; and

WHEREAS, Leadership Southeast Texas is an educational program that was founded in 1992 and is designed to identify and motivate leaders in the Southeast Texas region and to provide opportunities for leadership development while contributing to regional economic advancement; and

WHEREAS, Leadership Southeast Texas is an exemplary program that boasts of an impressive membership of 651 graduates who currently reside and work in 47 cities in Texas, in 20 states of the continental United States and in Europe and the Middle East; these members continue to serve as ambassadors for Southeast Texas and the entire Lone Star State; and

WHEREAS, Leadership Southeast Texas works to provide the citizens of the state with a better understanding of Southeast Texas, including the strengths, weaknesses, obstacles, and opportunities for economic development, regional unity, and quality of life; and

WHEREAS, Leadership Southeast Texas identifies and studies issues involving ongoing area business development and encourages the initiation of innovative approaches to these issues, as well as professional interaction and communication with our state's prominent leaders; and

WHEREAS, In today's globalized society, communities are increasingly affected by national and international forces, making it even more essential that citizens stay fully informed and be actively involved; local communities are often on the frontlines of change, and input is especially valuable as we work to establish the foundations for future progress; however, events and needs are too often more impactful than the city or county can address alone; opportunities and our challenges must be viewed on a regional and statewide basis if there is to be progress; for the Southeast Texas of the future to continue to grow and thrive, it is imperative that its communities appreciate the support they give each other and succeed together as a region; and

WHEREAS, Leadership Southeast Texas Day at the State Capitol provides an opportunity for alumni to gather and celebrate the achievements of Southeast Texas; it is a privilege to recognize these civic-minded men and women of the Lone Star State for their substantial contributions to the betterment of Texas on the occasion of their program's 15th anniversary; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby proclaim March 26, 2007, Leadership Southeast Texas Day at the State Capitol and extend to the visiting delegation best wishes for a productive and celebratory day and for continued success in their endeavors; and, be it further

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

**SR 561** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Williams was recognized and introduced to the Senate representatives of Leadership Southeast Texas: Tom Henry, Veron Pierce, Mary McKenna, Dennis Isaacs, and Tom Lassiter, accompanied by a delegation of citizens from Southeast Texas.

The Senate welcomed its guests.

### **MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

March 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:

**HB 92**, Relating to the acquisition of certain automated external defibrillators.

**HB 119**, Relating to the exemption from competitive bidding for certain purchases.

**HB 125**, Relating to tuition and fee exemptions for the children of certain military personnel.

**HB 188**, Relating to the adoption of textbooks and the use of credits for textbooks or other instructional materials in a school district or open-enrollment charter school.

**HB 189**, Relating to the receipt of financial benefits by school district superintendents for services performed for business entities.

**HB 195**, Relating to the transfer of certain abandoned or forfeited property to county or municipal agencies.

**HB 261**, Relating to the computation of the motor vehicle sales and use tax on the sale of certain motor vehicles.

**HB 364**, Relating to authority to conduct a closed meeting to discuss certain personnel matters involving a municipal advisory body.

**HB 479**, Relating to the succession of the La Joya Water Supply Corporation by the La Joya Special Utility District.

**HB 505**, Relating to specialty license plates for certain vehicles transporting agricultural products, drilling equipment, or construction equipment.

**HB 585**, Relating to the jurisdiction of a probate court in certain guardianship proceedings.

**HB 587**, Relating to the recording of certain information by the clerk of a court.

**HB 618**, Relating to the eligibility of emergency medical services personnel to participate in a low-interest home loan program offered by the state.

**HB 660**, Relating to venue or transfer of certain probate matters and guardianship matters.

**HB 674**, Relating to the authority of the Department of Information Resources to accept gifts and grants.

**HB 675**, Relating to the membership of the governing board of the Department of Information Resources.

**HB 682**, Relating to the creation of an additional county court at law in Montgomery County.

**HB 738**, Relating to an exemption from Texas Commission on Fire Protection training requirements for certain aircraft fire fighting and rescue fire protection personnel.

**HB 823**, Relating to the liability of certain licensed or registered professionals for damages arising from certain services provided during an emergency.

**HB 863**, Relating to the exemption of certain persons from the requirement that a person who requires disclosure of a social security number adopt a privacy policy.

**HB 886**, Relating to an optional preauthorization plan for the workers' compensation return-to-work pilot program for small employers.

**HB 887**, Relating to the statute of limitations for the offenses of credit card or debit card abuse, false statement to obtain property or credit, and fraudulent use or possession of identifying information.

**HB 889**, Relating to certain actions that constitute unlawful acts against the Medicaid program.

**HB 899**, Relating to the operation and functions of the Texas Board of Professional Engineers and the regulation of the practice of engineering.

**HB 944**, Relating to location of certain financial institution branches.

**HB 1003**, Relating to professional licensing requirements for independent review of certain medical decisions regarding workers' compensation claims.

**HB 1006**, Relating to doctor licensing requirements for peer review, utilization, and retrospective review of medical decisions regarding workers' compensation claims.

**HB 1064**, Relating to the term of a food manager certificate.

**HB 1125**, Relating to the creation of an additional judicial district in Montgomery County.

**HB 1176**, 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.

**HB 1194**, Relating to indemnification of phlebotomists performing services under contract with the Texas Department of Criminal Justice.

**HB 1237**, Relating to the confidentiality of certain information of a person licensed to practice law held by the State Bar of Texas.

**HB 1447**, Relating to the requirement that a railroad corporation submit articles of incorporation or an amendment to articles of incorporation to the attorney general.

**HB 1488**, Relating to the creation of an additional statutory county court in Travis County.

**HB 1497**, Relating to the consequences of the failure by a person requesting information under the public information law to timely respond to certain written communications from a governmental body.

**HB 1518**, Relating to circumstances under which court reporting firms, shorthand reporting firms, and affiliate offices are considered to provide services in this state.

**HB 1562**, Relating to hours of labor in certain fire departments.

**HB 2168**, Relating to the powers of municipal and county hospital authorities and hospital districts created under general or special law.

**HCR 15**, Designating Athens, Texas, as the Original Home of the Hamburger.

**HCR 30**, Designating the Texas blind salamander as the official State Amphibian of Texas.



**SB 272**, Relating to the appointment of bailiffs for the 97th Judicial District.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**(Senator Carona in Chair)**

**MESSAGE FROM THE SUPREME COURT OF TEXAS**

The following Message from the Supreme Court of Texas was read and was referred to the Committee on Nominations:

THE SUPREME COURT OF TEXAS

Austin, Texas  
March 22, 2007

Dear Governor Dewhurst:

The Supreme Court of Texas has made the following appointment to the State Commission on Judicial Conduct, which requires the advice and consent of the Senate:

Honorable Thomas Lawrence  
Justice of the Peace  
Harris County

Judge Lawrence was appointed on March 22, 2007, to fulfill the unexpired term of Commissioner Rex Baker, which will expire in November 2009.

The Supreme Court of Texas requests the consent and confirmation of the Senate for this appointment.

Sincerely,

/s/Wallace B. Jefferson  
Chief Justice

**SENATE RESOLUTION 556**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize U. David Gonzalez, who has retired from the United States Department of Agriculture Rural Development after more than 35 years of loyal service in the department; and

WHEREAS, David Gonzalez began his career with the United States Department of Agriculture Rural Development as a student trainee on May 26, 1971, when the agency was known as Farmers Home Administration; and

WHEREAS, He earned a bachelor of science degree in agriculture from Texas A&M University–Kingsville and returned to Farmers Home Administration as an assistant county supervisor in San Benito; and

WHEREAS, He was promoted to county supervisor for Willacy County in 1977 and was transferred to the Hidalgo County office in Edinburg in 1979; in 1980, he became the assistant district director and served in Rio Grande City; and

WHEREAS, In April of 1991, he was named director of the Rio Grande Valley area, and over the last 16 years, he has worked with numerous communities and has been instrumental in obtaining millions of dollars in agency funds for the communities he served; and

WHEREAS, A skillful and talented administrator, David Gonzalez leaves a legacy of fine service and resources for the Rio Grande Valley communities that will have a positive impact for years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend U. David Gonzalez for his many accomplishments and his exceptional contributions to the Rio Grande Valley area and extend to him best wishes for the retirement years ahead; and, be it further

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

**SR 556** was read and was adopted without objection.

#### **GUEST PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate U. David Gonzalez, former employee of the United States Department of Agriculture Rural Development.

The Senate welcomed its guest.

#### **GUEST PRESENTED**

Senator Patrick was recognized and introduced to the Senate Noah McCullough of Houston, serving today as an Honorary Senate Page.

The Senate welcomed its guest.

#### **PHYSICIAN OF THE DAY**

Senator Hegar was recognized and presented Dr. Steve Yount of Bastrop as the Physician of the Day.

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

#### **SENATE CONCURRENT RESOLUTION 35**

The Presiding Officer, Senator Carona in Chair, laid before the Senate the following resolution:

WHEREAS, Since its establishment in 1976, the Chicano/Hispanic Law Students' Association has provided a vital support system for Hispanic students attending The University of Texas School of Law; and

WHEREAS, This exemplary organization is consistently one of the largest student groups on campus; averaging over 100 members, it also holds the distinction of being the largest Hispanic law student organization in the nation; and

WHEREAS, All areas of the Lone Star State are represented in the association's diverse membership, with each student bringing a distinctive vision to the organization; the group offers its members the chance to participate in a number of worthy programs and community service projects; and

WHEREAS, In the association, students find a network of talented and ambitious peers who further enrich the academic experience at the university by providing unique perspectives in all aspects of law school life; and

WHEREAS, Mindful of its responsibility to positively impact the Hispanic community in Texas, the association continues to improve opportunities and to provide an important voice for its members; now, therefore, be it

RESOLVED, That the 80th Legislature of the State of Texas hereby honor the Chicano/Hispanic Law Students' Association for the significant contributions it has made to enhance the educational experience of its membership and to encourage the continued advancement of Hispanic members of the legal profession in Texas; and, be it further

RESOLVED, That a copy of this resolution be prepared for the organization as an expression of high regard from the Texas Legislature.

WHITMIRE

**SCR 35** was again read.

The resolution was previously adopted on Monday, March 12, 2007.

### **GUESTS PRESENTED**

Senator Whitmire was recognized and introduced to the Senate representatives of the Chicano/Hispanic Law Students' Association: Veronica Leal, Jaime Vasquez, Marrisya Ybarra, Mauro Ramirez, and Arturo Villarreal.

The Senate welcomed its guests.

### **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, 433rd Judicial District Court, Comal County: Dibrell W. "Dib" Waldrip, Comal County.

Adjutant General, Adjutant General's Department: Charles Gary Rodriguez, Travis County.

Director, Alamo Regional Mobility Authority Board of Directors: William E. "Bill" Thornton, Bexar County.

Director, Cameron County Regional Mobility Authority Board of Directors: David E. Alex, Cameron County.

Member, Office of Rural Community Affairs Executive Committee: Wallace G. Klussmann, Llano County.

Public Counsel for the Office of Public Insurance Counsel: Roderick A. "Rod" Bordelon, Jr., Travis County.

Members, Public Safety Commission: Allan B. Polunsky, Bexar County; Louis E. Sturns, Tarrant County.

Member, State Cemetery Committee: Deborah "Borah" Van Dormolen, Bell County.

Members, State Commission On Judicial Conduct: Ann Applying Bradford, Midland County; Cynthia Tauss Delgado, El Paso County; Sid L. Harle; Jorge C. Rangel.

Chief Administrative Law Judge, State Office of Administrative Hearings: Shelia Bailey Taylor, Travis County.

Member, State Preservation Board: Jocelyn Levi Straus, Bexar County.

Member, State Securities Board: Edward Escudero, El Paso County.

Members, Texas Funeral Service Commission: Doug Carmichael, Gray County; Sue Evenwel, Titus County; Javier Villalobos, Hidalgo County.

Members, Texas School Safety Center Board of Directors: Garry Edward Eoff, Brown County; Daniel Riley Griffith II, Travis County; Vivian R. King, Harris County; Carl A. Montoya, Ed.D., San Patricio County; Jane A. Wetzel, Dallas County.

Member, Texas State Board of Examiners of Psychologists: Donna Lord Black, Fort Bend County.

Members, Texas State Board of Public Accountancy: Gregory Lee "Greg" Bailes, Travis County; John W. "Jay" Dunbar, El Paso County; James Calvin Flagg, Brazos County; Dorothy M. Fowler, Nueces County; Evelyn M. Martinez, Bexar County; James W. "Jim" Pollard, Hemphill County.

Member, Texas Water Development Board: Thomas Weir Labatt III, Bexar 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.

### **SENATE RESOLUTION 565**

Senator Averitt offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Bob Bullock Scholars Program of Baylor University and this year's participants; and

WHEREAS, Established in 2000 to honor the memory of Lieutenant Governor Bob Bullock, this exemplary program promotes the study of politics by Baylor University students; and

WHEREAS, Each student in the program works for a member of the House or Senate on a full-time basis during the legislative session to learn firsthand about the political structure of Texas government; the Bob Bullock Scholars Program is a model for those who seek to serve others through a career in public service; and

WHEREAS, Dr. James A. Curry, the Bob Bullock Professor of Public Policy and Administration at Baylor University, has served as the director of the program since its inception; and

WHEREAS, Eleven Bob Bullock Scholars are participating in the 2007 session of the Texas Legislature: David Bonem, Jennifer Casey, Ryan Franklin, Jessica Gonzales, Jeff Hay, Jessica Lutrell, Maresa Martin, Claudia Tijjerina, Lauren Tipton, Victoria Vickery, and Elaine Yeung; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby pay tribute to Baylor University's Bob Bullock Scholars Program and commend this year's scholars for their participation in their state's governmental process; and, be it further

RESOLVED, That copies of this Resolution be prepared for the participants in this program as an expression of esteem from the Texas Senate.

**SR 565** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Averitt was recognized and introduced to the Senate participants in Baylor University's Bob Bullock Scholars Program.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 562**

Senator Jackson offered the following resolution:

**SR 562**, In memory of Brooke Alyson Phillips.

The resolution was read.

Senator Jackson was recognized and introduced to the Senate family members of Brooke Alyson Phillips: her parents, Chaney and Jessica Phillips; her sister, Taylor Phillips; and her grandmothers, Sharron Phillips and Monette Smith.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Jackson, **SR 562** was adopted by a rising vote of the Senate.

In honor of the memory of Brooke Alyson Phillips, the text of the resolution is printed at the end of today's *Senate Journal*.

#### **SENATE RESOLUTION 563**

Senator Jackson offered the following resolution:

WHEREAS, Inspired by their daughter's love for others, Chaney and Jessica Phillips have established B.I.G. (Brooke's Incredible Gift) Love Cancer Care Services to carry on the compassion and love that Brooke Alyson Phillips had for all people; and

WHEREAS, Brooke was diagnosed with acute myeloid leukemia when she was three years old, and for two years, she fought for her life courageously through intense chemotherapy and a bone marrow transplant at Texas Children's Hospital; her parents understand firsthand the heavy burdens families must endure while their children are fighting a life-threatening disease and hope to see B.I.G. Love Cancer Care Services provide assistance for those families; and

WHEREAS, With the passing of their five-year-old daughter on September 29, 2006, they chose to honor her memory by establishing this organization, named B.I.G. because Brooke taught them how wide, long, high, and deep love could be; and

WHEREAS, B.I.G. Love Cancer Care Services was approved as a nonprofit organization in March of 2007; the organization's mission is to not only meet some of the basic needs of children with cancer and their families, but also to provide opportunities for laughter, happiness, and comfort; and

WHEREAS, Already Brooke's brave parents have been actively working to make life better for cancer patients and their families at Texas Children's Hospital in Houston and Arkansas Children's Hospital in Little Rock; they delivered treats at Thanksgiving and 180 big baskets full of toys, games, and goodies on Valentine's Day, with help from family, friends, and concerned children and teachers at Angleton Middle School; and

WHEREAS, They are now focusing on meeting the practical needs of these families, such as parking passes and meals, and on providing special gift baskets for holidays, including Mother's Day and Father's Day; their long-range goals include hosting retreats for parents after the loss of a child, publishing literature to encourage and help families throughout their journeys, and advancing childhood cancer awareness and research; they also plan to express appreciation and encouragement to the pediatric oncology nurses and doctors who work with these children and families; and

WHEREAS, Brooke Alyson Phillips cared deeply about the children with cancer around her; she prayed for them and brought them gifts when they were sad, and this organization truly embodies the spirit of this remarkable child; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend Chaney and Jessica Phillips for their courageous and compassionate work and extend to them sincere best wishes for the future with B.I.G. Love Cancer Care Services; and, be it further

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

**SR 563** was read and was adopted by a rising vote of the Senate.

### **GUESTS PRESENTED**

Senator Jackson was recognized and again introduced to the Senate Chaney and Jessica Phillips, representing B.I.G. Love Cancer Care Services.

The Senate welcomed its guests.

### **CONCLUSION OF MORNING CALL**

The Presiding Officer, Senator Carona in Chair, at 2:20 p.m. announced the conclusion of morning call.

**(President in Chair)**  
**COMMITTEE SUBSTITUTE**  
**SENATE BILL 9 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 9** at this time on its second reading:

**CSSB 9**, Relating to the dissemination of criminal history record information and child abuse investigation reports for certain purposes, including the certification and employment of educators and other public school employees who engage in certain misconduct.

The bill was read second time.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 9** as follows:

- (1) In SECTION 5 of the bill, in added Section 21.060(4), Education Code (page 2, line 37), following the semicolon, insert "or".
- (2) In SECTION 5 of the bill, in added Section 21.060(5), Education Code (page 2, line 40), strike "subchapter; or" and substitute "subchapter."
- (3) In SECTION 5 of the bill, in added Section 21.060, Education Code (page 2, lines 41-42), strike Subdivision (6).

The amendment to **CSSB 9** 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, Van de Putte.

Senator Hinojosa offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 9** in SECTION 5 of the bill, in added Section 21.060(2), Education Code (page 2, line 28), by striking "with" and substituting "in which the victim is".

The amendment to **CSSB 9** 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, Van de Putte.

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

**CSSB 9** 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, Van de Putte.

**COMMITTEE SUBSTITUTE  
SENATE BILL 9 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 9** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Van de Putte.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 9**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 9** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Gallegos, Van de Putte.

**RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 7, HCR 157.**

**COMMITTEE SUBSTITUTE  
SENATE BILL 158 ON SECOND READING**

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 158** at this time on its second reading:

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



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, Van de Putte.

**COMMITTEE SUBSTITUTE  
SENATE BILL 158 ON THIRD READING**

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 158** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Van de Putte.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 158**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 158** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Gallegos, Van de Putte.

**SENATE BILL 500 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 500** at this time on its second reading:

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

The bill was read second time.

Senator Hegar offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 500** (committee printing) in SECTION 1 of the bill, added Subsection (b), Section 643.209, Transportation Code (page 1, line 16), between "to" and "a", by inserting "the unincorporated area of".

The amendment to **SB 500** 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, Van de Putte.

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

**SB 500** 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, Van de Putte.

**SENATE BILL 500 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 500** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Van de Putte.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 500**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 500** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Gallegos, Van de Putte.

#### **SENATE BILL 535 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 535** at this time on its second reading:

**SB 535**, 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.

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, Van de Putte.

#### **SENATE BILL 535 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 535** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Van de Putte.

#### **Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 535**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 535** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Gallegos, Van de Putte.

**COMMITTEE SUBSTITUTE  
SENATE BILL 985 ON SECOND READING**

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 985** at this time on its second reading:

**CSSB 985**, Relating to certification of a person as eligible for disabled parking privileges.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 985** (committee printing) as follows:

(1) Insert the following appropriately numbered SECTION of the bill:

SECTION \_\_. Section 681.001, Transportation Code, is amended by amending Subdivision (2) and adding Subdivision (3-a) to read as follows:

(2) "Disability" means a condition in which a person ~~has~~:

(A) has mobility problems that substantially impair the person's ability to ambulate;

(B) has visual acuity of 20/200 or less in the better eye with correcting lenses; ~~or~~

(C) has visual acuity of more than 20/200 but with a limited field of vision in which the widest diameter of the visual field subtends an angle of 20 degrees or less; or

(D) is an expectant or new mother.

(3-a) "Expectant or new mother" means a person during the period extending from the 30th day before the person is due to give birth to the 90th day after the person is due to give birth.

(2) In SECTION 1 of the bill, strike the introductory language (page 1, lines 13 and 14) and substitute the following:

SECTION 1. Section 681.003, Transportation Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(3) In SECTION 1 of the bill, in amended Subsection (c), Section 681.003, Transportation Code (page 1, line 15), strike "Subsection (e)" and substitute "Subsections [Subsection] (e) and (f)".

(4) In SECTION 1 of the bill, at the end of the SECTION (page 1, between lines 33 and 34) insert the following:

(f) An application for a disabled parking placard by an expectant or new mother must be accompanied by evidence of the date the person is due to give birth provided by the person's physician.

(5) Renumber SECTIONS of the bill appropriately.

The amendment to **CSSB 985** 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, Van de Putte.

Senator Patrick offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 985** by inserting the following language as Section 2 and appropriately renumbering the existing language as follows:

(1) SECTION 2. Sections 157.0541(a), (c), and (e), Occupations Code, are amended to read as follows:

(a) In this section, "alternate site" means a practice site:

(1) where services similar to the services provided at the delegating physician's primary practice site are provided; and

(2) located within 75 [~~60~~] miles of the delegating physician's primary practice site.

(c) Physician supervision is adequate for the purposes of this section if the delegating physician:

(1) [~~is on site with the advanced practice nurse or physician assistant at least 20 percent of the time;~~

~~[(2)]~~ reviews at least 10 percent of the medical charts from [~~at~~] the site; and

~~(2) [(2)]~~ is available through direct telecommunication for consultation, patient referral, or assistance with a medical emergency.

(e) The combined number of advanced practice nurses and physician assistants to whom a physician may delegate under this section and at a primary practice site under Section 157.053 may not exceed six [~~three~~] physician assistants or advanced practice nurses or the full-time equivalent of six [~~three~~] physician assistants or advanced practice nurses.

The amendment to **CSSB 985** was read.

### **POINT OF ORDER**

Senator West raised a point of order that Floor Amendment No. 2 was not germane to the body of the bill.

### **POINT OF ORDER WITHDRAWN**

Senator West withdrew the point of order.

Question — Shall Floor Amendment No. 2 to **CSSB 985** be adopted?

Senator Patrick withdrew Floor Amendment No. 2.

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

**CSSB 985** 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, Van de Putte.

**COMMITTEE SUBSTITUTE  
SENATE BILL 985 ON THIRD READING**

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 985** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Van de Putte.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 985**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 985** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Gallegos, Van de Putte.

**COMMITTEE SUBSTITUTE  
SENATE BILL 132 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 132** at this time on its second reading:

**CSSB 132**, Relating to the establishment and operation of a motor bus-only lane program.

The motion prevailed by the following vote: Yeas 21, Nays 7.

Yeas: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Harris, Hegar, Lucio, Nelson, Nichols, Seliger, Shapiro, Shapleigh, Uresti, Watson, Wentworth, Whitmire, Williams, Zaffirini.

Nays: Eltife, Fraser, Hinojosa, Jackson, Janek, Ogden, West.

Absent: Patrick.

Absent-excused: Gallegos, Van de Putte.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

### **Floor Amendment No. 1**

Amend **CSSB 132** as follows:

(1) In SECTION 1 of the bill, proposed Section 455.006(b)(2), Transportation Code (committee printing, page 1, line 31), strike "55" and substitute "50".

(2) In SECTION 4 of the bill, proposed Section 545.352(c-1), Transportation Code (committee printing, page 2, line 5), strike "55" and substitute "50".

The amendment to **CSSB 132** 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, Van de Putte.

Senator Williams offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 132**, in SECTION 1 of the bill, in added Section 455.006, Transportation Code (committee printing, page 1, between lines 42 and 43), by inserting:

(d) Notwithstanding Subsection (a), the department may not establish or operate a motor bus-only lane on a highway that is part of a facility maintained by the governing body of a toll road authority that operates a facility connecting:

(1) a county having a population of 3.3 million or more; and

(2) an adjacent county having a population of 275,000 or more but less than 300,000.

The amendment to **CSSB 132** 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, Van de Putte.

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

**CSSB 132** 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: Eltife, Fraser, Jackson, Janek, Ogden, West.

Absent-excused: Gallegos, Van de Putte.

**COMMITTEE SUBSTITUTE  
SENATE BILL 6 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 6** at this time on its second reading:

**CSSB 6**, Relating to the apprehension, prosecution, and punishment of individuals committing or attempting to commit certain sex offenses.

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, Van de Putte.

**COMMITTEE SUBSTITUTE  
SENATE BILL 6 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 6** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Gallegos, Van de Putte.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 6**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 6** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Gallegos, Van de Putte.



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

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Joint Select Committee on Operation and Management of the Texas Youth Commission might meet tomorrow at 8:30 a.m.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**HCR 131** (Eltife), In memory of John H. "Wimpy" McCoy, former longtime mayor of New Boston.

**Congratulatory Resolutions**

**SR 567** by Hinojosa, Commending Captain Marisa Alma Alvarado-Brown for her service to her country.

**SR 568** by Uresti, Recognizing Howard Lynn and Linda Sue DuBose of Devine on the occasion of their 40th wedding anniversary.

**SR 570** by Wentworth, Congratulating Barbara B. Gentry for being named a 2007 Distinguished Alumna of Saint Mary's University.

**SR 571** by Wentworth, Commending Douglas W. Cross for being named a 2007 Distinguished Alumnus of Saint Mary's University.

**SR 572** by Wentworth, Commending Ronald J. Herrmann for being named a 2007 Distinguished Alumnus of Saint Mary's University.

**SR 574** by Uresti, Recognizing Karin Crump for her contributions to the legal community in Texas.

**HCR 27** (Watson), Commending The Biscuit Brothers television show for its quality children's programming.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 3:35 p.m. adjourned, in memory of Matthew Paul and Brooke Alyson Phillips, until 11:00 a.m. tomorrow.

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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:

March 26, 2007

JURISPRUDENCE — **SB 505, CSSB 306, CSSB 399, CSSB 512, CSSB 562, CSSB 778, CSSB 990**

**CRIMINAL JUSTICE — CSSB 44, SB 75, CSSB 78, CSSB 167, SB 244, CSSB 534, CSSB 740, CSSB 1061**

**TRANSPORTATION AND HOMELAND SECURITY — SB 274, SB 384, SB 718, SB 766, SB 1084, SB 1119**

**HEALTH AND HUMAN SERVICES — SB 983, SB 994, SB 802, CSSCR 28, CSSB 288, CSSB 625, CSSB 814, CSSB 993**

**BUSINESS AND COMMERCE — CSSB 502, CSSB 611, CSSB 884**

**SENT TO GOVERNOR**

March 26, 2007

**SCR 35**

**SIGNED BY GOVERNOR**

March 26, 2007

**SCR 32**

**In Memory**  
**of**  
**Brooke Alyson Phillips**  
**Senate Resolution 562**

WHEREAS, The Senate of the State of Texas joins Texans across the state and citizens of Arkansas in mourning the loss of Brooke Alyson Phillips, who died September 29, 2006; and

WHEREAS, Brooke Alyson Phillips touched the hearts of countless people during her five years on this earth, and her family and many friends in Texas and Arkansas were deeply saddened by her passing; and

WHEREAS, Brooke brought much happiness to others, as she lived her life with courage, love, and laughter, inspiring all who met her and those who cared for her at Texas Children's Hospital and Arkansas Children's Hospital; and

WHEREAS, Born on July 23, 2001, Brooke grew to love all the frilly things so dear to little girls, including playing dress-up, dancing, and pretending to be a princess; in addition, she enjoyed singing, especially such songs as "I Love You More," collecting pretty rocks, swimming in the ocean, and sharing fun times with her beloved older sister, Taylor; she delighted her family with her generous goodnight kisses and told them of her wish to be a mermaid in heaven, one with a green tail and long hair; and

WHEREAS, While they cherish these bittersweet memories, her family recalls the wonderful qualities of this remarkable child who had so much compassion for others during her brave battle with leukemia; even as a hospital patient herself, this little girl would pray for the crying child in the next room, or share her toys with the other children, or ask her parents to do something special to improve the lives of the children who were hurting; and

WHEREAS, Members of her family never lost hope, even in their deepest despair, and they are comforted in their faith today; moreover, they are dedicated to helping others through their organization, B.I.G. Love Cancer Care Services; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby pay tribute to the life of Brooke Alyson Phillips and extend sincere condolences to her family: her parents, Chaney and Jessica Phillips; her sister, Taylor; her grandparents, Jesse and Monette Smith and Bert and Sharron Phillips; and her other relatives; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of her family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Brooke Alyson Phillips.

JACKSON

