

# SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## TWENTIETH DAY

(Wednesday, February 28, 2007)

The Senate met at 11:06 a.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Gallegos.

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

The Reverend Stephen Jasso, All Saints Catholic Church, Fort Worth, offered the invocation as follows:

*Bendito seas Señor, Dios de toda la creación, tu bondad llena nuestros corazones de alegría y gratitud. Bendito seas tu, por habernos reunido en este día para llevar acabo la Octogésima Asamblea de la Legislatura del Estado de Texas. Fortalece a nuestro Gobernador, Rick Perry, Teniente Gobernador David Dewhurst, y a todos los Miembros del Senado con tu gracia y sabiduría pues tu eres Dios, por los siglos de los siglos. Amén.*

Blessed are You, Lord, God of all creation, whose goodness fills our hearts with joy and gratitude. Blessed are You who have brought us together this day to work in harmony and peace on the occasion of the 80th Legislature of the State of Texas. Strengthen our Governor, Rick Perry, Lieutenant Governor David Dewhurst, and Senate Members with Your grace and wisdom for You are God for ever and ever. Amen.

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

The motion prevailed without objection.

## LEAVE OF ABSENCE

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

**CO-AUTHOR OF SENATE BILL 50**

On motion of Senator Zaffirini, Senator Van de Putte will be shown as Co-author of **SB 50**.

**CO-AUTHOR OF SENATE BILL 210**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 210**.

**CO-AUTHORS OF SENATE BILL 407**

On motion of Senator Eltife, Senators Seliger and Zaffirini will be shown as Co-authors of **SB 407**.

**CO-AUTHOR OF SENATE BILL 485**

On motion of Senator Fraser, Senator Deuell will be shown as Co-author of **SB 485**.

**CO-AUTHOR OF SENATE BILL 568**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 568**.

**CO-AUTHOR OF SENATE BILL 620**

On motion of Senator Jackson, Senator Williams will be shown as Co-author of **SB 620**.

**PHYSICIAN OF THE DAY**

Senator Estes was recognized and presented Dr. Ron McMurry of Jasper as the Physician of the Day.

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

**SENATE RESOLUTION 353**

Senator Jackson offered the following resolution:

WHEREAS, Proud citizens of Pearland are gathering in Austin to celebrate Pearland Day at the State Capitol on February 28, 2007; and

WHEREAS, Situated on the alluvial lowlands of Brazoria County, Pearland stands at the center of a region traversed by Native Americans and such famous historical figures as Cabeza de Vaca, Cavelier de La Salle, and Stephen F. Austin; and

WHEREAS, Founded in 1882 as a siding switch on the Gulf, Colorado, and Sante Fe Railroad, the site was originally called Mark Belt after the man whose house served as a local post office; in the mid-1890s the Southern Homestead Company constructed the town's first building, a rail depot, and the community was renamed Pearland because of the abundance of pear trees in the vicinity; the depot was the town's only link to the outside world and the center of town life; the combination freight and passenger train known as the "Bobby Train" was the only way for citizens of Pearland to travel back and forth to Houston; and

WHEREAS, The Galveston hurricane of 1900 destroyed Pearland's fruit orchards, but the region rebounded and was promoted only 10 years later by the Allison-Richey Suburban Garden Company as an "agricultural Eden" where fruit could be raised on a commercial scale; and

WHEREAS, From the mid-1960s to the present, Pearland has grown from a population of 1,497 to 80,000, making it one of the fastest growing cities on the Gulf Coast; the life of the city is enriched with such annual events as the Winterfest in January and the Silverlake Sprint Triathlon every May; and

WHEREAS, With the original railway depot still standing as a reminder of its colorful past, Pearland looks forward to an even more dynamic future, and it is appropriate to take this opportunity to honor it; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby recognize February 28, 2007, as Pearland Day at the State Capitol and extend to the visiting delegation best wishes for an informative and enjoyable stay in Austin.

**SR 353** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate Pearland Mayor Tom Reid and Councilmember Kevin Cole, accompanied by former Councilmember Woody Owens and a delegation of citizens from Pearland.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Jason Wigginton, Chase Waggoner, and Andrew Sudder, students from Gregory-Portland Junior High School in Portland.

The Senate welcomed its guests.

### **SENATE RESOLUTION 371**

Senator Duncan offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the members of the Rolling Plains Communities Partnership and citizens across the Lone Star State in celebrating February 28, 2007, as Rolling Plains Day at the State Capitol; and

WHEREAS, The scenic Rolling Plains of North Central Texas is an area of approximately 28 million acres, much of which is covered with juniper woodlands and prairie midgrasses; the rugged Caprock Escarpment separates the Rolling Plains from the High Plains; and

WHEREAS, Four Texas rivers run through the soft prairie sands and clay soil of the region; the Canadian River, the Colorado River, the Concho River, and the Red River offer scenic beauty and many recreational opportunities; and

WHEREAS, The Rolling Plains Communities Partnership encourages rural counties to pool their resources in order to promote economic and community development in the area; the counties of Wheeler, Donley, Collingsworth, Briscoe, Hall, Childress, Motley, Cottle, Foard, and Hardeman have all benefited from the partnership's work; and

WHEREAS, The leadership and services provided by the Rolling Plains Communities Partnership have assisted numerous Texans, and this outstanding organization is truly deserving of recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the citizens of the Rolling Plains for their many contributions to our state and welcome the delegation of the Rolling Plains Communities Partnership to Austin for Rolling Plains Day at the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this occasion.

**SR 371** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Duncan was recognized and introduced to the Senate Cottle County Judge D. N. Gregory, Jr., Childress City Councilmember Barbara Jones, Childress Emergency Management Coordinator Bill Ricks, Childress Economic Development Corporation Board Member Talmadge Porter, and Childress County Judge Jay Mayden, accompanied by a delegation of citizens from the Rolling Plains area.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate a delegation of citizens and county officials from Washington County.

The Senate welcomed its guests.

### **SENATE RESOLUTION 336**

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join representatives of Tarrant County and of the Coalition of Tarrant County Chambers of Commerce in celebrating Tarrant County Days at the State Capitol on February 27 and 28, 2007; and

WHEREAS, Since its creation in 1849, Tarrant County has grown from a frontier community to a modern county providing a wide array of opportunities for its residents, a vibrant business economy, outstanding educational institutions, and diverse entertainment and cultural facilities; and

WHEREAS, Countless tourists each year are drawn to Tarrant County for its exceptional sources of entertainment, such as Six Flags Over Texas and the Fort Worth Zoo, and for its outstanding museums, such as the Kimbell Art Museum and the Amon G. Carter Museum, both of which are located in the county seat of Fort Worth; and

WHEREAS, Tarrant County's central location, major highway and rail corridors, and exceptional air transportation facilities are accommodating to business interests that range from cattle and agriculture to such corporate giants as American Airlines, Pier I, and Radio Shack; and

WHEREAS, The county owes much of its economic stability and diversity to the leadership provided by the Coalition of Tarrant County Chambers of Commerce; the coalition brings together chambers of commerce from throughout the county to support public policy initiatives that meet the needs of all county citizens and that provide for positive growth; and

WHEREAS, Tarrant County Days at the State Capitol is an excellent opportunity for the legislature to pay tribute to the unique history and qualities of Tarrant County and the many contributions its citizens have made to the development of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby extend best wishes to the representatives of Tarrant County and of the Coalition of Tarrant County Chambers of Commerce on the occasion of Tarrant County Days at the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this event.

NELSON

BRIMER

HARRIS

**SR 336** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Nelson, joined by Senators Brimer and Harris, was recognized and introduced to the Senate a delegation of Tarrant County Officials and citizens representing Tarrant County Days at the State Capitol, accompanied by Fort Worth Mayor and former Senator Mike Moncrief.

The Senate welcomed its guests.

### **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

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

There was no objection.

### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate students, their teachers, and sponsors from Three Rivers High School in Three Rivers.

The Senate welcomed its guests.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

February 28, 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 116**, Honoring the Northside Indians football team of Wilbarger County on winning the 2006 Class A Six-Man Division II State Championship.

**HCR 120**, Recognizing February 28, 2007, as Rolling Plains Day at the State Capitol.

**HCR 129**, In memory of Donna Annita High of Paris.

**HCR 130**, In memory of Commissioner Micheal Roger Blackburn of Lamar County.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE RESOLUTION 330**

Senator Estes offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Northside Indians football team of Wilbarger County for capturing the 2006 University Interscholastic League Class A Six-Man Division II State Championship with an impressive 60-41 victory over runner-up Jayton High School at Shotwell Stadium in Abilene on December 16, 2006; and

WHEREAS, The Indians showed great talent and determination throughout the season, ending the year with an outstanding 14-1 record; under the exceptional leadership of Regional Coach of the Year Ed Donahue, the team totaled 951 points on offense, yielded only 324 points on defense, and outscored opposing teams by 45 points or more in 12 of 15 games during the season, including three of five in the playoffs; and

WHEREAS, The team was fortunate to have all-state players Justin Acosta, Nathan McGee, Corey Samson, Colby White, Landry Freeling, and Zack Agnew and members Koby Dickerson, Clinton Selman, Zach Voelkel, Blaine Halencak, Bobby Pruitt, Joe Martinez, Larry Phillips, Cody Bunch, Bradley Thompson, Cole Selman, Johnny Delgado, Brad Matthews, and Josh Horn; and

WHEREAS, In addition to benefiting from the leadership of Coach Donahue, who also serves as the school superintendent, the team received indispensable support from the assistant coaches, Wayne Tuckwell and Chris Casarez; the team also benefited from the efforts of cheerleader sponsor Carla Selman; cheerleaders Vanessa

Humphrey, Malinda Riggins, Blythe Wilkinson, Allison Baker, Lauren Ward, Jodie Pruitt, and Carolann Humphrey; managers Bobby Don Riggins, Clint Ward, Kye Adams, Cade Freeling, Justin Faulkner, and Glenn Cook; and principal and athletic director Cindy Riggins; lending her inspirational and vocal support to the team was Lady, the canine mascot and lucky charm; and

WHEREAS, The Northside Indians football team has earned its place in the annals of Texas high school football history by winning the school's first state football championship title; Northside School is justifiably proud of the Indians for their hard work, their impressive skills, and their fine sportsmanship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby congratulate the Northside Indians football team and Coach Ed Donahue for winning the 2006 University Interscholastic League Class A Six-Man Division II State Championship and extend best wishes to the many individuals who played a part in this tremendous achievement; and, be it further

RESOLVED, That a copy of this Resolution be prepared for all associated with Northside School as an expression of high regard from the Texas Senate.

**SR 330** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate Northside School Indians football coach, Ed Donahue, and team members, Justin Acosta, Nathan McGee, Cole Selman, and Corey Samson, winners of the 2006 University Interscholastic League Class A Six-Man Division II State Championship.

The Senate welcomed its guests.

### **SENATE RESOLUTION 323**

Senator Brimer offered the following resolution:

WHEREAS, Big Brothers Big Sisters of North Texas is celebrating its 80th anniversary on February 24, 2007; and

WHEREAS, This exemplary organization was founded in 1927 through the instrumental work of Jessie A. White, a young probation officer in Dallas, who was distraught at the future that awaited the boys filing through the Dallas Juvenile Court; and

WHEREAS, Ms. White believed that these boys needed a friend that they could count on and who would give them the feeling that someone cared about them; the Reverend J. J. Burnett, a Methodist minister, became the first president of the Dallas Big Brothers, and he was joined by 75 Dallas businessmen who stepped forward to mentor boys throughout the city; and

WHEREAS, In 1932, the County Boys' Parental Home and School was opened to provide care for youth who had been convicted through the juvenile courts but who did not meet the requirements for reform school; seven years later, Camp Tammi Babi, named for the Comanche expression for "little brother," opened in Cedar Hill to offer members of the program a structured summer environment away from the busy city; and

WHEREAS, The Melba Theatre on Elm Street in Dallas hosted Saturday morning Big Brother programs that featured visits by Popeye the Sailor and Baby Rose Marie, in addition to screening such motion pictures as *Joe Palooka*, with Jimmy Durante, and *The Lone Cowboy*, with Jackie Cooper; and

WHEREAS, During World War II, many men and boys connected with the program left to join the service; by the end of 1942, approximately 100 Big Brothers and 64 Little Brothers were on active military duty; and

WHEREAS, Over time, other communities in the region began to create their own agencies; Fort Worth launched its Big Brothers program in 1939, followed by Arlington in 1969, Denton County in 1975, Paris in 1978, and Grayson County in 1996; in 2003, the programs in Dallas, Fort Worth, Arlington, and Mansfield merged to form Big Brothers Big Sisters of North Texas, under the leadership of newly appointed CEO Charles Pierson; and

WHEREAS, The well-being of our youth is something in which all Texans have a stake, and through the exceptional dedication of its volunteers and its staff, Big Brothers Big Sisters of North Texas is helping countless children to develop a sense of self-worth and to find their way to a fulfilling and productive future; now, therefore, be it

RESOLVED, That the Senate of the 80th Texas Legislature hereby commemorate the 80th anniversary of Big Brothers Big Sisters of North Texas and extend to all who make that program possible sincere appreciation for their immeasurable contributions to their community; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Big Brothers Big Sisters of North Texas as an expression of high regard by the Texas Senate.

**SR 323** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Brimer was recognized and introduced to the Senate representatives of Big Brothers Big Sisters of North Texas: T. Charles Pierson, President and Chief Executive Officer, and Olivia Eudaly, Statewide Executive Director, accompanied by Board of Directors members, Bill Jackson, Rob Roby, and Mary Ann Pylon.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Hegar was recognized and introduced to the Senate a delegation of citizens and county officials from Victoria County.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 377**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Atascosa County in celebrating February 28, 2007, as Atascosa County Day at the Capitol; and



WHEREAS, Situated astride the famous Camino Real, Atascosa County has benefited throughout its history from its location on major transportation arteries that link the Gulf Coast region, the Rio Grande Valley, and Mexico; and

WHEREAS, Atascosa County was founded in 1856 when a courthouse was built at Navatasco on land donated by Jose Antonio Navarro; two years later, the courthouse was relocated to Pleasanton, where it remained until an election in 1910 resulted in its move to Jourdanton, which remains the county seat today; and

WHEREAS, Atascosa County is blessed with fertile farmland and a productive range; every April, the Poteet Strawberry Festival celebrates the annual strawberry harvest, and the Longhorn Museum in Pleasanton offers natural science and local history exhibits; and

WHEREAS, Each year, the citizens of Atascosa County enjoy the Frenchie Burke Festival in Lytle during May and the Cowboy Homecoming Celebration in Pleasanton at the end of August; Saint Ignatius Catholic Church holds its annual picnic celebration during the Labor Day weekend; and

WHEREAS, In 2006, Atascosa County celebrated its 150th birthday with a gala sesquicentennial event; the county's residents should be justly proud of their heritage and the traditions and achievements that were a part of it; and

WHEREAS, Atascosa County citizens have enriched our state for over a century, and Atascosa County Day is an appropriate occasion to recognize them; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby recognize Atascosa County Day and commend the county's citizens for their contributions to our state; and, be it further

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

**SR 377** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Atascosa County Commissioners, Bill Torans and David Caballero; City of Charlotte Mayor Augustine Muñoz; Pleasanton City Councilmembers, Roger Garza and J. R. Gallegos; and Atascosa County Justice of the Peace Betty Caballero.

The Senate welcomed its guests.

### **SENATE RESOLUTION 354**

Senator Jackson offered the following resolution:

**SR 354**, In memory of the life of Lance Corporal William Lewis Miller of Pearland.

The resolution was read.

Senator Jackson was recognized and introduced to the Senate family members of William Lewis Miller: his parents, Lewis and Susie Miller, and his grandmother, Gloria Bailey.

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 Jackson, **SR 354** was adopted by a rising vote of the Senate.

In honor of the memory of the life of Lance Corporal William Lewis Miller of Pearland, the text of the resolution is printed at the end of today's *Senate Journal*.

#### **SENATE RESOLUTION 355**

Senator Jackson offered the following resolution:

**SR 355**, In memory of Lance Corporal Ryan Adam Miller of Pearland.

The resolution was read.

Senator Jackson was recognized and introduced to the Senate family members of Ryan Adam Miller: his parents, Frank Miller and Jeannine Maughmer-Miller; his brother, Brandon Miller; and his sister, Meghan Miller.

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 Jackson, **SR 355** was adopted by a rising vote of the Senate.

In honor of the memory of Lance Corporal Ryan Adam Miller of Pearland, the text of the resolution is printed at the end of today's *Senate Journal*.

#### **GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate students, their teachers, and parents from Pegasus School of Liberal Arts and Sciences in Dallas.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Uresti was recognized and introduced to the Senate Presidio Mayor Pro Tempore Lorenzo Hernandez, Presidio Alderman Kenneth Martin, Richard Clay Slack, and Presidio City Engineer Frank X. Spencer.

The Senate welcomed its guests.

#### **SENATE CONCURRENT RESOLUTION 29**

The President 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 28, 2007, and ending on Monday, March 5, 2007.

WHITMIRE

**SCR 29** was read.

On motion of Senator Carona, 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: Gallegos.

### **SENATE BILL 846 WITHDRAWN**

The following letter was received by the Secretary of the Senate:

THE SENATE OF TEXAS  
JUAN "CHUY" HINOJOSA

February 27, 2007

Ms. Patsy Spaw  
Secretary of the Senate  
Capitol Rm. 2E.22  
Austin, Texas 78711

Dear Ms. Spaw:

Please accept this letter as a formal request to withdraw S.B. 846 which was filed in error on February 23, 2007.

Should you have any questions, please don't hesitate to call me.

Yours truly,

/s/Senator Juan "Chuy" Hinojosa

/s/Senator Eddie Lucio, Jr.

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 12:09 p.m. agreed to adjourn, in memory of Lance Corporal William Lewis Miller and Lance Corporal Ryan Adam Miller of Pearland, upon completion of the introduction of bills and resolutions on first reading, until 3:00 p.m. Monday, March 5, 2007.

### **SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**SB 639** by West

Relating to the rental of personal property under a rental agreement.  
To Committee on Business and Commerce.

**SB 640** by West

Relating to creating a recognition day to celebrate adoption, adoptive families, and adoption workers in Texas.  
To Committee on Government Organization.

**SB 641** by West

Relating to employee leave from work to address family violence situations.  
To Committee on Business and Commerce.

**SB 642** by West

Relating to registration and regulation of secondhand metal dealers and metal recycling entities; providing penalties.  
To Committee on Natural Resources.

**SB 643** by Carona

Relating to court orders for discovery in a criminal case.  
To Committee on Criminal Justice.

**SB 644** by Ellis

Relating to restrictions on the location and operation of concrete crushing facilities.  
To Committee on Natural Resources.

**SB 645** by Ellis

Relating to a study of residential foreclosures in certain counties.  
To Committee on Business and Commerce.

**SB 646** by Ellis

Relating to prohibiting human cloning; providing a penalty.  
To Committee on Health and Human Services.

**SB 647** by Ellis

Relating to the use of unencumbered surplus state revenues to create a permanent fund for indigent defense.  
To Committee on Finance.

**SB 648** by Shapleigh

Relating to information for teachers posted on the Texas Education Agency's Internet website.  
To Committee on Education.

**SB 649** by Shapleigh

Relating to a joint partnership between the Texas Tech University Health Sciences Center and The University of Texas at El Paso.  
To Subcommittee on Higher Education.

**SB 650** by Carona

Relating to prompt payment of contractors and subcontractors under a contract to improve real property.  
To Committee on Business and Commerce.

**SB 651** by Eltife

Relating to the regulation of the sale and inspection of real estate and residential service contracts.  
To Committee on Business and Commerce.

**SB 652** by Seliger

Relating to professional staff salaries paid by certain school districts.  
To Committee on Education.

**SB 653** by Seliger

Relating to filling certain vacancies on the governing bodies of municipalities.  
To Committee on Intergovernmental Relations.

**SB 654** by Seliger

Relating to the management of certain public land.  
To Committee on Natural Resources.

**SB 655** by Seliger

Relating to the membership of the governing board of the Department of Information Resources.  
To Committee on Government Organization.

**SB 656** by Seliger

Relating to the authority of the Department of Information Resources to accept gifts and grants.  
To Committee on Government Organization.

**SB 657** by Seliger

Relating to the threshold amount at which certain water districts are required to solicit competitive bids before awarding certain contracts.  
To Committee on Natural Resources.

**SB 658** by Seliger

Relating to an energy-efficient building accreditation program.  
To Committee on Business and Commerce.

**SB 659** by Wentworth

Relating to the maximum permitted withdrawals and critical period management of groundwater in the area regulated by the Edwards Aquifer Authority and to the operations and oversight of the Edwards Aquifer Authority.  
To Committee on Natural Resources.

**SB 660** by Wentworth

Relating to the creation of an additional statutory county court in Travis County.  
To Committee on Jurisprudence.

**SB 661** by Wentworth

Relating to the administration, operation, financing, powers, and duties of the Hays Trinity Groundwater Conservation District.  
To Committee on Natural Resources.

**SB 662** by Wentworth

Relating to transmittal to the Texas Water Development Board and a local groundwater conservation district of certain information by a person applying to subdivide a tract of land.  
To Committee on Natural Resources.

**SB 663** by Hegar

Relating to the production and taxation of renewable diesel fuel.  
To Committee on Natural Resources.

**SB 664** by Uresti

Relating to the penalty for driving a motor vehicle on a highway without a valid driver's license.

To Committee on Transportation and Homeland Security.

**SB 665** by Uresti

Relating to the expunction of certain alcohol-related convictions committed by a minor.

To Committee on Jurisprudence.

**SB 666** by Carona, Van de Putte

Relating to an exemption from ad valorem taxation of the residence homesteads of certain totally disabled veterans.

To Committee on Finance.

**SB 667** by Carona

Relating to the tax imposed on certain tobacco products.

To Committee on Finance.

**SB 668** by Watson

Relating to the operation, powers, and duties of a toll project entity.

To Committee on Transportation and Homeland Security.

**SB 669** by Watson

Relating to erecting an off-premise sign adjacent to and visible from certain roads.

To Committee on Transportation and Homeland Security.

**SB 670** by Ellis

Relating to allowing an independent school district to change the length of trustees' terms.

To Committee on Education.

**SB 671** by Ellis

Relating to territory included in, and the validation of acts of, the Greater Southeast Management District.

To Committee on Intergovernmental Relations.

**SB 672** by Ellis

Relating to distribution of sexual barrier protection devices to inmates and state jail defendants confined in facilities operated by or under contract with the Texas Department of Criminal Justice.

To Committee on Criminal Justice.

**SB 673** by Zaffirini

Relating to allowing a student receiving special education services to participate in a graduation ceremony after the fourth year of high school.

To Committee on Education.

**SB 674** by Zaffirini

Relating to health benefit plan coverage for routine patient care costs for enrollees participating in certain clinical trials.

To Committee on State Affairs.

**SB 675** by Averitt

Relating to the preservation for development of regional water supply reservoirs and stream segments of unique ecological value.

To Committee on Natural Resources.

**SB 676** by Williams, Averitt, Deuell, Duncan, Eltife, Estes, Fraser, Hegar, Hinojosa, Janek, Lucio, Seliger, Uresti, Van de Putte, Watson, Wentworth

Relating to state financial assistance to school districts that make contributions for social security coverage.

To Committee on Finance.

**SB 677** by Williams

Relating to the prosecution of certain offenses relating to a driver's license, personal identification certificate, or other related instruments.

To Committee on Criminal Justice.

**SB 678** by Williams

Relating to enforcement of the collection of tolls on leased or rented vehicles.

To Committee on Transportation and Homeland Security.

**SB 679** by Williams

Relating to the use of certain surplus revenue in the unemployment compensation fund.

To Committee on Finance.

**SB 680** by Williams

Relating to certain swimming pools as public nuisances in the unincorporated areas of counties.

To Committee on Intergovernmental Relations.

**SB 681** by Williams

Relating to contributions to, benefits from, and the administration of the Texas Municipal Retirement System.

To Committee on State Affairs.

**SB 682** by Hegar

Relating to the creation of the Fulshear Municipal Utility District No. 1 of Fort Bend County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 683** by Hegar

Relating to the powers of the Fort Bend County Municipal Utility District No. 182, including powers related to the construction, maintenance, operation, and financing of roads or turnpikes.

To Committee on Intergovernmental Relations.

**SB 684** by Hegar

Relating to the creation of the Waller County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

**SB 685** by Van de Putte

Relating to an exemption from tuition and mandatory fees for certain members of the Texas National Guard.

To Committee on Veteran Affairs and Military Installations.

**SB 686** by Van de Putte

Relating to the authority of the Veterans' Land Board to sell certain loans issued by the Veterans' Land Board.

To Committee on Veteran Affairs and Military Installations.

**SB 687** by Shapleigh

Relating to the use of TexasOnline by state agencies and local governments.

To Committee on Government Organization.

**SB 688** by Shapleigh

Relating to the area served by certain municipal drainage utility systems.

To Committee on Intergovernmental Relations.

**SB 689** by Shapleigh

Relating to the sale or transport of certain desert plants; providing a penalty.

To Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.

**SB 690** by Shapleigh

Relating to licensing and regulation of certain facilities providing personal care to elderly or disabled persons; providing penalties.

To Committee on Health and Human Services.

**SB 691** by Uresti

Relating to the performance of community service as a condition for a deferral of adjudication in certain misdemeanor cases punishable by fine only.

To Committee on Criminal Justice.

**SB 692** by Uresti

Relating to the authority of a dental assistant to apply a pit and fissure sealant.

To Committee on Health and Human Services.

**SB 693** by Uresti

Relating to eligibility for and administration of certain health benefits programs.

To Committee on Health and Human Services.

**SB 694** by Ellis

Relating to the registration of voters at a polling place and related procedures.

To Committee on State Affairs.

**SB 695** by Ellis

Relating to the designation of certain election days as state holidays.

To Committee on State Affairs.

**SB 696** by Harris

Relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.

To Committee on Health and Human Services.



**SB 697** by Shapleigh

Relating to the issuance of high school diplomas to certain crime victims.  
To Committee on Education.

**SB 698** by Carona

Relating to the adoption of a salary career ladder for parole officers.  
To Committee on Criminal Justice.

**SB 699** by Carona

Relating to the use of driver's license and social security numbers in certain court documents.  
To Committee on Jurisprudence.

**SJR 3** by Duncan

Proposing a constitutional amendment requiring a four-fifths record vote of the membership of each house to enact a law granting the power of eminent domain.  
To Committee on State Affairs.

**SCR 17** by Averitt

Designating the Texas Medal of Honor Memorial on the campus of Hill College in Hillsboro as the official State Memorial to Texas-Born Medal of Honor Recipients.  
To Committee on Veteran Affairs and Military Installations.

**SCR 21** by Estes

Authorizing the construction of a monument on the Capitol grounds honoring the contributions of small businesses.  
To Committee on Administration.

**SCR 23** by Uresti

Urging Congress to ensure the timely reauthorization of the federal State Children's Health Insurance Program.  
To Committee on Health and Human Services.

**SCR 26** by Williams

Requesting the lieutenant governor and speaker to create a joint interim committee to study the qualifications and standards necessary to be designated a police agency and to encourage a moratorium on creation of new police agencies.  
To Committee on Criminal Justice.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 12:40 p.m. adjourned, in memory of Lance Corporal William Lewis Miller and Lance Corporal Ryan Adam Miller of Pearland, until 3:00 p.m. Monday, March 5, 2007.

**EMERGENCY LEGISLATIVE SESSION**

At the request of the Members and with the agreement of the President, the Senate reconvened today in an emergency legislative session to take up and consider **SR 384**.

The President at 6:32 p.m. called the Senate to order as In Legislative Session.

**ADJOURNMENT RECONSIDERED**

On motion of Senator Whitmire and by unanimous consent, the vote by which the Senate agreed to adjourn until 3:00 p.m. Monday, March 5, 2007, was reconsidered.

Question — Shall the Senate stand adjourned?

Senator Whitmire withdrew the motion to adjourn.

**SENATE RULE 8.02 SUSPENDED  
(Referral To Committee)**

Senator Whitmire moved to suspend Senate Rule 8.02 to take up for consideration **SR 384** at this time.

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

Absent-excused: Gallegos.

**SENATE RESOLUTION 384**

The President laid before the Senate the following resolution:

WHEREAS, The West Texas State School is a facility under the jurisdiction and direction of the Texas Youth Commission; and

WHEREAS, Recent investigations of the West Texas State School by the Texas Rangers have reported that school personnel have engaged in sexual conduct with students at the school; and

WHEREAS, The reported sexual conduct with students went undiscovered for a substantial period of time, especially considering the duration of the incidents and the number of youth involved; and

WHEREAS, The Summary Report for Administrative Review prepared by an investigator for the Texas Youth Commission makes the following findings:

Information regarding use of pornography on the job, a recognized risk indicator of sexual misconduct, was not considered in the selection of certain supervisory staff members.

Repeated reports of school staff being alone with students after hours were not properly reported and not addressed with documented supervisory intervention.

Youth and employee grievance programs at the facility were ineffective and sabotaged and complaints that were made off campus were explained away by school staff when investigated, or the evidence of misconduct was covered up.

Complaints regarding the conduct of school staff that were reported to program administrators and above at the facility were not properly registered to a complaint system, or investigated.

Certain complaints made about the unsupervised presence of youths in the administration building after-hours were not properly registered or assigned for resolution.

School supervisory staff failed to report the suspicions of abuse regarding other staff members, screening the reports by personally interviewing youth.

The standard for reporting suspected abuse, neglect, and exploitation at West Texas State School was kept artificially high by the screening of reports at the local level for evidence of validity before reporting and staff members who reported their concerns without evidence were discouraged from reporting; and

WHEREAS, The conduct described above was carried out by state employees during official working hours in state facilities, involved the use of state resources, and reportedly victimized youth under the direct supervision of the Texas Youth Commission; now, therefore, be it

RESOLVED by the Senate of the State of Texas, That the Senate hereby finds that the conduct described above involves the diversion of state funds from their intended and lawful purposes and a use of those funds for unauthorized or unlawful purposes and thus constitutes gross fiscal mismanagement by the Texas Youth Commission; and, be it further

RESOLVED that the Senate finds that the condition of gross fiscal mismanagement existing in the Texas Youth Commission is sufficient cause for the appointment of a conservator for the agency to assume all of the powers and duties of the governing body of the agency and to carry out the other powers and duties of a conservator pursuant to Chapter 2104, Government Code; and, be it further

RESOLVED, That the Senate hereby requests that the Legislative Audit Committee examine the conduct described above and determine whether a condition of gross fiscal mismanagement exists in the Texas Youth Commission, and on making such a finding notify the Governor and recommend that the Governor appoint a conservator for the agency to assume all of the powers and duties of the governing body of the agency and to carry out the other powers and duties of a conservator pursuant to Chapter 2104, Government Code.

WHITMIRE	HARRIS	SELIGER
AVERITT	HEGAR	SHAPIRO
BRIMER	HINOJOSA	SHAPLEIGH
CARONA	JACKSON	URESTI
DEUELL	JANEK	VAN DE PUTTE
DUNCAN	LUCIO	WATSON
ELLIS	NELSON	WENTWORTH
ELTIFE	NICHOLS	WEST
ESTES	OGDEN	WILLIAMS
FRASER	PATRICK	ZAFFIRINI
GALLEGOS		

**SR 384** was read and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Gallegos.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 380** by West, In memory of Mabel Meshach White of Dallas.

**HCR 53** (Averitt), In memory of former Tenth Court of Appeals Justice Bob Cummings of Gatesville.

### **Congratulatory Resolutions**

**SR 372** by West, Commending the South Central District of the National Association of Negro Business and Professional Women's Clubs, Incorporated, for its achievements.

**SR 373** by Ellis, Commending Quentin Crawford of Houston for achieving the rank of Eagle Scout.

**SR 376** by Estes, Recognizing Austin Howard for his accomplishments in the fields of music and academics.

**SR 378** by Lucio, Congratulating all associated with the creation of the McAllen Wing of the World Birding Center at Quinta Mazatlan.

**SR 379** by Shapleigh, Commending Jose Maria DeLeon "Little Joe" Hernandez for receiving the March, 2007, Adelante Con Ganas Award.

**HCR 18** (Estes), Congratulating the R. A. Brown Ranch on winning the 2006 Texas Ranch Roundup.

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

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

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

**HCR 50** (Eltife), Honoring Mark Taylor on his retirement as Wood County district attorney.

**HCR 77** (Van de Putte), Recognizing the 75th anniversary of Firstmark Credit Union in San Antonio.

**HCR 116** (Estes), Honoring the Northside Indians football team of Wilbarger County on winning the 2006 Class A Six-Man Division II State Championship.

### **Official Designation Resolutions**

**SR 374** by Nelson, Harris, and Shapiro, Proclaiming March 1, 2007, Texas Federation of Republican Women Legislative Day at the State Capitol.

**HCR 85** (Eltife), Declaring February 20, 2007, as Panola County Day at the State Capitol.

**HCR 120** (Duncan), Recognizing February 28, 2007, as Rolling Plains Day at the State Capitol.

### **ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 7:06 p.m. again adjourned, in memory of Lance Corporal William Lewis Miller and Lance Corporal Ryan Adam Miller of Pearland, until 3:00 p.m. Monday, March 5, 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 28, 2007

STATE AFFAIRS — **CSSB 90**

BUSINESS AND COMMERCE — **SB 277, CSSB 225**

INTERGOVERNMENTAL RELATIONS — **SB 350, SB 456, SB 426, SB 339, SB 342**

EDUCATION — **SB 25, CSSB 370, SB 389**

BUSINESS AND COMMERCE — **CSSB 483**

**In Memory**  
**of**  
**William Lewis Miller**  
**Senate Resolution 354**

WHEREAS, Lance Corporal William Lewis Miller of Pearland, who died during combat duty in Iraq on November 15, 2004, at the age of 22, served his country with valor and earned the profound appreciation of every American; and

WHEREAS, From the time he was very young, Billy Miller wanted to join the military; he enlisted in the Marines the summer before his senior year at Pearland High School, and in June of 2001, three weeks after receiving his diploma, he left for basic training; and

WHEREAS, His first overseas tour of duty lasted nearly two years and took him to United States Naval Station Rota, in Spain, where he was attached to a Fleet Anti-Terrorist Security Team; before he left Rota he had already earned a reputation as a "salt dog," the Marine term of respect for someone who is highly proficient at his job; and

WHEREAS, In March of 2004, Corporal Miller transferred to Bravo Company, 1st Battalion, 8th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force; he deployed in June of 2004 to Iraq, where he made the ultimate sacrifice while leading a mission in Fallujah, in Al Anbar province; and

WHEREAS, Endowed with an exuberant spirit, an irrepressible smile, and an affectionate, generous heart, Corporal Miller infused the world around him with laughter and joy; he wanted to attend college after returning to civilian life and, characteristically, planned to study psychology or psychiatry so that he could help others; a gifted athlete who played Little League baseball and idolized Nolan Ryan, he also loved fishing and hunting and spending time with his sister's children; and

WHEREAS, In the midst of an arduous struggle, Corporal Miller always sought to be on point, the man in front, and he carried out his duties with unfailing dedication and professionalism; the Marine Corps values of honor, courage, and commitment have had no finer champion, and all who knew and treasured this young Texan will forever remember him with infinite love and gratitude; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby pay tribute to the life of Lance Corporal William Lewis Miller and extend sincere sympathy to the members of his family: his parents, Susie and Lewis Miller; his sister, Sabrina Blankenship, and her husband, Joe; his half sister, Lisa Miller Story, and her husband, Ken; his grandmother, Gloria H. Bailey; and his many other relatives and friends; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family, and that when the Senate adjourns this day, it do so in memory of Lance Corporal William Lewis Miller.

JACKSON

**In Memory**  
**of**  
**Ryan Adam Miller**  
**Senate Resolution 355**

WHEREAS, Words cannot express the sorrow felt at the loss of Lance Corporal Ryan Adam Miller of Pearland, who died in Iraq on September 14, 2006, at the age of 19; and

WHEREAS, Born in Houston on October 9, 1986, Corporal Miller attended Pearland High School but completed his secondary education through instruction at home; a proud, third-generation Marine, he enlisted in the corps shortly after his 18th birthday and graduated from boot camp at Marine Corps Recruit Depot Parris Island on May 13, 2005; seven months later he was promoted to the rank of lance corporal; and

WHEREAS, This courageous young man served with the 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division, 3rd Marine Expeditionary Force; he deployed to Iraq in March of 2006, and during his tour of duty there he earned the deep admiration and respect of his fellow Marines; Corporal Miller was mortally wounded while patrolling in Barwana, in Al Anbar province; and

WHEREAS, Raised in a loving family, Ryan Miller grew to be a young man toward whom people were naturally drawn, attracted by his unfailing kindness and warmth and his ready sense of humor; an ardent fan of the Houston Astros, he played baseball with the Dad's Club when he was a boy; and

WHEREAS, Corporal Miller was a man of strong faith and a member of Fellowship Bible Church; he planned, after leaving the military, to join the Houston Police Department, where both his parents had built distinguished careers; and

WHEREAS, For his selfless efforts and immeasurable sacrifice, Americans owe to Ryan Miller a debt that the passage of time can never diminish, and those who loved him will forever carry him close in their hearts; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby pay tribute to the life of Lance Corporal Ryan Adam Miller and extend sincere sympathy to the members of his family: his parents, Frank Miller and Jeannine Maughmer-Miller; his sister, Meghan Miller; his brother, Brandon Miller, and his wife, Leasha; his grandmother, Betty Maughmer; his aunts and uncles, Lyn Swan, Joan and Raymond Goodnight, Michelle and Dexter McKey, Denise Daniels, and Cheryl and Lynn Maughmer; and his many other relatives and friends; and, be it further



RESOLVED, That a copy of this Resolution be prepared for his family, and that when the Senate adjourns this day, it do so in memory of Lance Corporal Ryan Adam Miller.

JACKSON

