

# FIRST DAY

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MONDAY, APRIL 17, 2006

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## PROCEEDINGS

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In obedience to the Proclamation of the Honorable Rick Perry, Governor of the State of Texas, the Senate met in the Senate Chamber of the State Capitol at Austin, Texas, on the 17th day of April, 2006, at 2:35 p.m. and was called to order by the Honorable David Dewhurst, Lieutenant Governor and President of the Senate.

The President directed the Secretary of the Senate to call the roll of the Senate.

The roll was called and the following Senators were present: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Williams.

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

The Reverend Dr. C. A. W. Clark, Good Street Baptist Church, Dallas, offered the invocation as follows:

Almighty God, we pause on this special day to acknowledge Thee as our savior, lord, and king. We confess that through many dangers, toils, and snares, we have already come. But it was Your grace that brought us safe thus far, and Your grace will lead us on. O heavenly Father, thank You for the privilege of living in America where we can serve Thee without fear or intimidation. We praise Thee, Father, for the majestic beauty of the State of Texas, the greatness of its people, and for the vision of its leadership. As we gather in this place hallowed by traditions of greatness and surrounded by men and women of power and wisdom, grant them, I pray Thee, love sufficient for their awesome tasks. And, Father, I invoke Thy blessings on this assembly and pray for Thy divine guidance during their deliberations and action. May You inspire in each Senator a true sense of fairness, equity, and justice. Now, Father, as we divide the spoils of victory, let us never forget the least of these my brethren. And, it is for their sake as well as ours that we pray mightily in the name of Jesus. Amen.

## LEAVE OF ABSENCE

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

**PROCLAMATION BY THE GOVERNOR**

The following Proclamation by the Governor was read and was filed with the Secretary of the Senate:

PROCLAMATION  
BY THE  
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, education is the foundation for the economic and cultural future of the state of Texas and the constitutional responsibility for the development of an efficient system of public education rests with the legislature; and

WHEREAS, the current state of public school finance requires immediate action by the legislature to ensure the continued efficient and effective operation of Texas schools due to the Texas Supreme Court's conclusion that the public education finance system violates article VIII, section 1-e of the Texas Constitution and the Texas Supreme Court has given the legislature until June 1, 2006 to change the public education finance system; and

WHEREAS, the people have placed the constitutional power to call and convene the legislature into special session in the hands of the Chief Executive Officer of the State;

NOW, THEREFORE, I, RICK PERRY, GOVERNOR OF THE STATE OF TEXAS, by the authority vested in me by Article IV, Section 8, of the Texas Constitution, do hereby call an extraordinary session of the 79th Legislature, to be convened in the city of Austin, commencing at 2 p.m. on Monday the 17th day of April 2006, for the following purposes:

To consider legislation that provides for school district property tax relief.

To consider legislation that provides for modification of the franchise tax.

To consider legislation that provides for modification of the motor vehicle sales and use tax.

To consider legislation that provides for modification of the tax on tobacco products.

To consider legislation that provides for an appropriation to the Texas Education Agency.

The Secretary of State will take notice of this action and will notify the members of the Legislature of my action.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 17th day of April 2006.

/s/Rick Perry  
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams  
Secretary of State

### PHYSICIAN OF THE DAY

Senator Seliger was recognized and presented Dr. Kevin Todd Stennett of Lockney as the Physician of the Day.

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

### SENATE RESOLUTION 1 (Caucus Report)

Senator Whitmire offered the following resolution:

BE IT RESOLVED BY THE SENATE OF THE STATE OF TEXAS:

SECTION 1. CAUCUS REPORT. At a caucus held in the offices of the senate attended by 29 members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. SENATE OFFICERS. (a) Senate officers for the 79th Legislature are:

- (1) Secretary of the Senate—Patsy Spaw;
- (2) Calendar Clerk—Linda Tubbs;
- (3) Enrolling Clerk—Mardi Alexander;
- (4) Journal Clerk—Dianne Arrington; and
- (5) Sergeant-at-arms—Carleton Turner.

(b) Officers named in this section serve at the will of the senate.

SECTION 3. PARLIAMENTARIAN. The parliamentarian, Karina Davis, is named by the lieutenant governor and serves at the will of the lieutenant governor. The parliamentarian is a senate officer.

SECTION 4. EMPLOYEES. (a) The lieutenant governor may employ staff for the office of the lieutenant governor at salaries set by the lieutenant governor.

(b) Each senator may employ staff for the senator's office at salaries set by the senator.

(c) The chairman of each committee may employ staff of the chair's selection as needed by the committee. A committee employee shall be compensated in amounts similar to the compensation paid to persons in similar senate positions.

(d) The secretary of the senate may employ other staff necessary for the operation of the senate at salaries approved by the administration committee.

(e) The lieutenant governor, the secretary of the senate, and each senator may use the assistance of any assistant sergeant-at-arms or other available senate employee for any and all services needed in and about the senate.

(f) In this resolution, "senate employee" includes an employee of the lieutenant governor, the secretary of the senate, a senator, a senate committee, and any other person compensated from funds appropriated for the operation of the senate.

SECTION 5. DUTIES OF ADMINISTRATION COMMITTEE. (a) In addition to the duties of the administration committee expressly imposed by this resolution, the committee shall take actions necessary to ensure that the administrative operations of the senate comply with applicable law and are conducted effectively and efficiently.

(b) The committee shall establish appropriate and necessary controls over contracts, inventory, and property management.

(c) The committee may delegate any of its responsibilities to the committee chair or to the secretary of the senate to be performed under the general supervision of the committee.

(d) Policies adopted by the administration committee must be consistent with the provisions of this resolution. To the extent of a conflict between a policy and this resolution, this resolution prevails.

(e) Policies adopted by the administration committee are subject to the will of the senate, and a majority of the senate may reject or modify any policy adopted by the committee.

SECTION 6. EMPLOYMENT AND PERSONNEL POLICIES. (a) The administration committee may adopt and enforce personnel and employment policies governing senate employees.

(b) The administration committee may not adopt a policy that limits the salary of an employee of the lieutenant governor, a senator, or a senate committee, except that the administration committee may require approval by that committee of any senate committee employee salary that is proposed to exceed \$5,000 a month.

SECTION 7. MEMBER'S EMPLOYEE LEAVE POLICY. (a) An employee of a senator accrues vacation leave, compensatory leave, or sick leave in accordance with policies adopted by the senator consistent with the requirements of this section.

(b) An employee may accrue vacation leave, compensatory leave, or sick leave only if the employee files a monthly time record with the senate human resources office. Time records are due not later than the 10th day of the following month.

(c) Compensatory time must be used not later than the last day of the 12th month following the month in which the time was accrued.

(d) An employee is not entitled to compensation for accrued but unused compensatory time.

SECTION 8. OUTSIDE EMPLOYMENT. An employee of the senate may not be employed by and receive compensation from any other person during the term of senate employment without the permission of the employee's senate employer.

SECTION 9. WORK HOURS. An employee shall report to work at the time, and work for the number of hours, set by the employee's senate employer.

SECTION 10. LIMIT ON MONTHLY STAFF SALARY AND TRAVEL EXPENSES. (a) The total amount of staff salaries and intrastate staff travel expenses for each senator may not exceed \$35,000 per month.

(b) This monthly amount accrues on the first day of the month and may not be expended prior to the month in which it accrues, but any unexpended portion for a month may be carried forward from one month to the next and expended until the end of the fiscal year.

SECTION 11. SENATORS' EXPENSE REIMBURSEMENT AND PER DIEM. The secretary of the senate shall provide for the reimbursement of the expenses of each senator and the payment of each senator's per diem in accordance with law, this resolution, and the rules of the Texas Ethics Commission.

SECTION 12. OTHER SENATE EXPENSES. (a) The lieutenant governor, the secretary of the senate, and each senator may incur expenses for carrying out official duties, including expenses for items such as subscriptions, stationery, postage, and telecommunications.

(b) Expenses under this section shall be paid from the contingent expense fund of the senate.

SECTION 13. PAYMENT OF SALARIES AND EXPENSES. (a) Salaries and expenses authorized by this resolution shall be paid from the contingent expense fund as provided by this section.

(b) Vouchers for payment of any expense, including salaries and travel expenses, must be signed by the chair of the administration committee and the secretary of the senate.

(c) The administration committee shall adopt policies regarding the presentation of timely, properly completed, and signed vouchers.

SECTION 14. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS. (a) The administration committee shall designate a senator or any employee to attend an official meeting of a national governmental organization during a session of the 79th Legislature. The person designated is entitled to reimbursement for actual and necessary expenses.

(b) The lieutenant governor may designate a senator to represent the senate at ceremonies and ceremonial functions. The necessary expenses of the senator and necessary staff for this purpose shall be paid pursuant to a budget adopted by the administration committee.

SECTION 15. ELECTRONIC RECORDING BY MEMBER PROHIBITED. No member of the senate may electronically record a private conversation held within the brass rail on the senate floor during a legislative session without the knowledge and consent of all participants to the conversation.

SECTION 16. JOURNAL. The secretary of the senate shall provide for the printing of not more than 500 copies of the daily journal. Of that number:

- (1) 175 shall be furnished to the house of representatives;
- (2) 60 shall be furnished to the Legislative Reference Library; and
- (3) the remainder shall be apportioned among the senators and the lieutenant governor.

**SR 1** was read and was adopted by a viva voce vote.

### **GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced government students from Northwest Vista College in San Antonio, accompanied by their professors.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Staples was recognized and introduced to the Senate a delegation of citizens representing Leadership Palestine.

The Senate welcomed its guests.

**GUEST PRESENTED**

Senator Gallegos was recognized and introduced to the Senate his wife, Theresa. The Senate welcomed Mrs. Gallegos.

**MOTION IN WRITING**

Senator Whitmire offered the following Motion In Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five Members to notify the Governor and the House of Representatives that the Senate is organized and ready to transact business.

WHITMIRE

The Motion In Writing was read and was adopted without objection.

Accordingly, the President appointed the following Committee to Notify the Governor and the House of Representatives: Senators Ogden, Shapiro, Lucio, Whitmire, and Averitt.

**AT EASE**

The President at 2:47 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

The President at 3:05 p.m. called the Senate to order as In Legislative Session.

**ELECTION OF PRESIDENT PRO TEMPORE  
SEVENTY-NINTH LEGISLATURE, THIRD CALLED SESSION**

The President announced that the time had arrived for the election of President Pro Tempore of the Senate of the 79th Legislature, 3rd Called Session.

Senator Ogden placed in nomination the name of Senator Royce West of Dallas for the office of President Pro Tempore of the Senate of the 79th Legislature, 3rd Called Session.

Senators Nelson, Zaffirini, Harris, Carona, Hinojosa, Whitmire, Shapiro, Lucio, Deuell, Barrientos, Averitt, Ellis, Duncan, Staples, Gallegos, Lindsay, Brimer, and Van de Putte seconded the nomination.

On motion of Senator Ogden, the nominating speech and the speeches seconding the nomination were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Ogden:** Mr. President, Members, I rise to place in nomination the name of Senator Royce West to serve as President Pro Tempore of the Texas Senate for the 79th Legislature, 3rd Called Session. Under the Texas Constitution and Senate Rules, the responsibilities of the office of President Pro Tempore are to perform the duties of the Lieutenant Governor during periods of temporary absence of the Lieutenant Governor. The President Pro Tempore also convenes the Senate to select an acting Lieutenant Governor in case of vacancy in that office. The President Pro Tempore also

acts as Governor when the Governor and Lieutenant Governor are both unavailable. Senator West is fond of saying, "Work with me, my brother." And I am proud to consider him a brother, someone I admire and depend on. Royce is a man we can all work with. He is smart, articulate, knows his subject, and does his homework. Some of his best work is done in committee and on this floor when he is reading a bill and notices a sentence or phrase that the author is not aware of or, more likely, prefers that no one else be aware of. And when he does, on this floor, all eyes turn as Royce seeks recognition, and the Chamber will quiet to learn what is on Senator West's mind and what is his concern. And, more likely than not, after the question has been asked and the point made, there will be a brief recess in order for the offending sentence or phrase to be edited, deleted, or corrected. I admire Senator West when I watch him engage in the many legislative issues we face here. I often think that the people of the 23rd District really did send one of their best and brightest. *Texas Monthly* agrees with me. Royce has previously been named one of the Ten Best Legislators in Texas, and recently was recognized as one of the 25 most politically powerful people in Texas. The article noted his success in the areas close to his heart, such as bringing a branch of UNT to Dallas, and his ability to work with members of both parties without sacrificing his principles. *Texas Monthly* identified him as "a formidable adversary" and that may be true, but I'd say that Royce is a powerful ally. Royce has done yeoman's service in this Chamber, and others will elaborate on his legislative agenda and accomplishments. I would like to tell you about Royce West, the man. The son of Gloria Ashford and Willis West, Jr., Royce was born in Annapolis, Maryland. Annapolis is dear to me as the site of the Naval Academy, and the place I met and married my wife, Beverly. That my brother Royce was also born there adds to its meaning for me. He comes from good Navy stock, too. His maternal grandfather, Samuel Morris, was the first African American chief machinist in the U.S. Navy. The family moved to Dallas, where Royce attended Dallas and Wilmer-Hutchins public schools. He was an outstanding athlete, starting his football career at Pearl C. Anderson Junior High School. He went on to play football and basketball for the Wilmer-Hutchins Eagles, and received a football scholarship to The University of Texas at Arlington, where he was a wide receiver. Royce has earned two degrees from UT Arlington, a bachelor's and master's in sociology, and was elected the first African American President of the Student Congress there in 1974. Counselor West then achieved his law degree from the University of Houston in 1979. He has served as an Assistant District Attorney for Dallas County, spending three years as Chief Felony Prosecutor for Dallas County, the first African American to hold that position. He was also a prosecutor for Harris County. Royce has been in private legal practice since 1984 and is currently a senior partner in the law firm of West & Gooden, P.C. A devoted family man, Royce is the husband of Carol R. West, a certified public accountant. They have seven children: Stephond, Tara, Royce II, Remarcus, Rolando, Roddrick, and Brandon. He is the proud grandfather of five grandchildren: Ryan, Royce III, Autavia, Natasha, and Tiara. Members, if I was ever in a legal scrape where I needed a really good lawyer, I know who to call: my brother, Royce West. And, now when the call goes out for a really good Senator to be President Pro Tempore, I know who to nominate: my brother, Senator Royce West.

**Senator Nelson:** Thank you Mr. President and Members. I rise to second the nomination of my good friend, Senator West. I probably have known Senator West longer than anybody, any Senator, certainly not anybody else in this Chamber right now. We were both students together at The University of Texas at Arlington. One of the reasons that Royce and I get along so well in the Senate is, probably, has a lot to do with the theory of mutual destruction. I could tell stories about Royce and I know he could tell stories about me. I do have a picture of Royce with a 'fro out to here, but he has a picture of me in a miniskirt that I don't want my daughters to see, so we've both just agreed not to go there. I knew the first time that I met Royce West that he was destined to do great things. Even back at UTA, he was charismatic, he was a leader, he was smart, he was funny, he knew everybody on campus, and it was back in the '60s, and you remember that that was an extremely political time in our history. Royce West had a passion for being a part of everything and anything that was happening at our university, even back then. I later transferred to the University of North Texas, and the next time I saw Royce is when we came in together as freshmen in the class of '93. And, Senator West, there are so many things that I respect and admire about you, but one of the things that I think I respect most is your passion for education. When, when we were becoming reacquainted, we found that we had a mutual friend, and that was Dr. Emmett Conrad, with whom I had served on the State Board of Education, and Royce and I started talking and soon discovered that Dr. Conrad was a huge fan of yours, Royce, and I know you and I both respected and admired him. But he was one of the most passionate education advocates I've ever known, and he thought the world of you, Royce, because of your passion for education, as well. The scholars program that you established in his memory, I think, was a great example of you putting your words into action, and I have such great respect for that. Senator West, I'm proud to call you my classmate, and I am certainly proud to second the nomination for you to serve as our President Pro Tem. Thank you Mr. President.

**Senator Zaffirini:** Thank you Mr. President. Mr. President and Members, I rise to second the nomination of a great leader, a great Senator, a great friend, the Honorable Royce West, our Senator from Dallas. Senator West will make such a good Governor of Texas. Just think about it, Governor Royce West, doesn't that sound great, even better than Senator Royce West? In his inspiring poem "Invictus," Ernest Henley wrote, although from a totally different perspective than that of Royce West, and gave thanks for his unconquerable soul. In the Texas Senate, Royce West is known for his unconquerable spirit, his unconquerable tenacity, and, indeed, his unconquerable soul. And that is why today we look forward to hearing all the seconding speeches about this great man, because every one of us has a different perspective about Royce West and how he makes a difference, not simply for his district, not simply for Democrats, not simply for minorities, but for all the people of Texas. And for your good work, Senator West, we are so very grateful. I met Royce in 1993 when he first came to the Texas Senate. We were over on 15th Street in the crowded little cramped corners, and we were deskmates. We worked together to help each other be more effective. I would signal him when his pitch was too low, and I would suggest that he raise it, and he would signal me when my pitch was too high, and he would suggest that I would lower it. And, so we became not only deskmates but also colleagues and friends. Very,



very quickly he evolved from freshman elected to his first public office to a key leader, a mover and a shaker in the Texas Senate, someone who is known for being smart and hard-working, as passionate as he is compassionate, as fearless as he is tenacious, an unbelievable chore, an unbelievable goal that is so characteristic of this great man. Senator West, as many of you already know, is also a very high-profile attorney. Often we see him on CNN, a celebrity attorney representing celebrity athletes. And, Senator West, you look so good on CNN, always, we are so proud to see you. But he uses those legal skills not only in his private business but here in the Texas Senate to benefit his constituents. A gifted orator, he has used his persuasive skills to pass 235 bills, including creating in statute the University of North Texas at Dallas and the Texas Juvenile Crime Prevention Center at Prairie View A&M. And, Senator West, I know how grateful your constituents must be for all of your legislation, but especially for those two. He is not satisfied, however, simply to pass bills or to amend them. From time to time, and we hope more rarely in the coming years, Senator West believes that legislation will hurt his constituents, and so he takes it upon himself, Senator Shapiro, to kill legislation, to kill legislation that he believes will be bad for his constituents, such as in 2003, he filibustered and killed the bill that would've eliminated the top 10 percent rule, and in 2005 he led the charge to kill a related bill. Senator West champions issues with tenacity, issues such as HUBS (Historically Underutilized Businesses), minority rights, civil rights, always with the same intensity with which he champions issues that impact all Texans: public education, higher education, especially closing the gaps, criminal justice, economic development, and the list goes on and on. He serves as a Member of the Senate Finance Committee, on Health and Human Services, on Jurisprudence, and on the Subcommittee on Capital Funding for Higher Education. And from those positions he asks piercing, telling questions that help us all pass better bills. As Chair of the Subcommittee on Higher Education and as Vice-chair of the Senate Education Committee, Senator West presides over the most important hearings of all, those that impact the single most important issue and legislation for all of our families, the education of students of all ages. And for that, too, Senator West, we thank you and we applaud your leadership. Senator West personifies the words of Martin Luther King when he wrote, the ultimate measure of a man is not how he acts in those moments of comfort and convenience but how he acts in times of challenges and controversy. Senator West is never, ever afraid of controversy. He understands, for example, that too often families are torn apart because of gangs and violence, and because of that knowledge, he provided for us and took a leadership role in creating Community Youth Development programs in 13 Texas cities, not just in his district, Members, in 13 Texas cities, wonderful work with a statewide impact. And for that, too, Senator West, we are so very grateful. His favorite legislation is equally important. He has understood for so long that too often children are torn from their families because their parents are in trouble. Understanding this full well, Senator West created a program to provide funding for grandparents who are from low-income families, and because of Senator West's leadership, they can now take care of their grandchildren with that very important financial assistance. Senator West, all of us who know him well understand that while you are so proud of being a Senator and being such an excellent attorney, you are first and foremost a man for your family, a

man of deep faith, and you show that every day in every way. He has received countless awards, but ask him which matter to him most and he'll single out all of those related to family values, for example, the Silver Beaver Award given to him by the Boy Scouts, Father of the Year given to him by the Girl Scouts, impressive awards that we understand are so very important about what they say about this great man. Perhaps what you don't know about Senator West is that he is a deacon at the Good Street Baptist Church, and that he speaks Spanish fairly fluently and with a very good accent. He knows some very colorful words and expresses himself very, very well in Spanish at the appropriate time. And we who are Hispanic always appreciate that and certainly understand the effort that he makes to do this. Did you also know that he loves poetry and he recites "Invictus" from memory? A very impressive accomplishment, I believe. Senator West embodies the sterling qualities that every Senator should reflect. He is smart, honest, and hard-working; he has a record of fairness and integrity; and he prioritizes family and faith. And because of that, he is truly an impressive Senator who will be an excellent Governor of Texas when the Governor and the Lieutenant Governor are out of state. I once heard Senator West say that all of us should pray as if everything depended on the Lord and work as if everything depended upon us. And from that perspective, he often quotes the closing words of "Invictus:"

It matters not how strait the gate,  
How charged with punishments the scroll,  
I am the master of my fate:  
I am the captain of my soul.

In the days ahead as we address public school finance, Senator West will be among our best captains. Mr. President and Members, it is my pleasure to second the nomination of my friend, Royce West, for President Pro Tempore of the Texas Senate.

**Senator Harris:** Thank you Mr. President. It is also my distinct pleasure, Royce, to stand here today and to second your nomination as President Pro Tem of the Texas Senate. Royce and I, through the years, have worked on countless pieces of legislation together. In fact, on Jurisprudence, Royce and I have been termed to become the experts on family law and fought very steadfastly to protect the rights of family and to strengthen the values that we in the court now allow families. During our time together, I have very much grown to respect Royce for his honesty and his integrity. And the truth of that integrity was exemplified earlier on the floor because through all these years of Royce being here in the Senate, he has yet to tell us the truth about what Senator Nelson was really doing at UTA. That is true integrity, ladies and gentlemen. You can blush, Jane, you're entitled. But on a personal note, and I'm really not quite sure how to phrase this, Royce sat here and he was hellfire and brimstone, and he had a special interest group that he was out to do everything for, and that being his people in Texas. In turn, one day, I pulled Royce over to the side, and I told Royce, and, of course, he may have another version, but I told Royce, in essence, that the thing he was asking for, all Texans needed those benefits. All Texans needed Royce to fight for them, and since that time Royce has truly, truly been the fighter for all. And it's a very great pleasure, Royce, to second the nomination.

**Senator Carona:** Thank you Mr. President. Fellow Members, Senator, I pity the fool that would storm across this Chamber and challenge you on the floor of the Texas Senate. And I say that, Senator, because I was that fool. And, and I survived, and that is, in itself, a testament to your good nature and especially your benevolence. Senator West knows that being a good legislator takes more than a mind for politics, it takes a heart for the community. Royce West is a respected leader in the Dallas community and all across Texas. For the past 13 years, Senator West has sponsored the Dr. Emmett J. Conrad Leadership Program, and this program has provided college students from Senatorial District 23 with paid employment in their respective fields of study. To date, 766 students have gone through the program receiving over \$100,000 in scholarships, thanks in large part to the hard work of Senator West. In 1994, Senator West created the One Community-One Child Program, a parental involvement program at the Julia C. Frazier Elementary School. The program was designed to increase the performance and attendance of students by soliciting support of parents, guardians, and other volunteers, at least twice per semester, without pay. The school's test scores improved, attendance rates and performance rates increased, and the school was selected as the number one K-3 elementary school in the Dallas public schools. In 1996, Senator West established the Student Advisory Committee to obtain the perspective of students on legislative issues and to expose them to volunteer opportunities throughout our community. And just this weekend, Senator, I noticed that *The Dallas Morning News* reported that Senator West has started the summer work program for Dallas area youth. With Governor Perry and Dallas Mayor Miller working alongside him, his aim is to match businesses with eligible youth throughout Dallas County. The kids supply the sweat and the employers provide \$6.50 an hour and a guaranteed six weeks of employment, and I think that's a wonderful opportunity, Senator. Today we honor Senator West as a man of character, I can tell you, as a pillar of determination, and as a role model for youth all across Texas. So I am proud at this occasion to second the nomination of Royce West as President Pro Tem, 3rd Called Session.

**Senator Hinojosa:** Thank you Mr. President. I, too, rise to second the nomination of my good friend, Royce West. I don't know what else I could add to what's been said, but let me tell you, I have not known Senator West as long as some of you have. But when I was in the House, and I needed help from the Senate side, I would come to Senator Royce West, he would always listen, he would always help. And when I got elected, and came over here and joined my colleagues in the Senate, I could always ask him for advice, ask him for guidance. He never hesitated to give me his time, and I appreciate that, Senator West. We work a lot of issues on Criminal Justice to make this a better place for all of us. I can also tell you that Senator West is a person committed to public policy, what's best for the state. He will go to anyone, Democrat or Republican, to get help to get the job done, and that is, on a nonpartisan way, good public policy. I'll also tell you that Senator West is committed to his profession. He's an excellent lawyer. I've seen him in trial, but I've also seen him ask questions of Senator Jane Nelson. He will slice the question 10 different ways to get the answer that he wants. He's also committed to his family. I spent quite a bit of time with Senator West in Albuquerque, New Mexico. He's a very good father. I had my son up there. Senator West, I saw the way you interacted with your boys and you're an

excellent father. He also invited me, unselfishly, without any selfishness, to join him and his sons, to take my son to watch Emmitt Smith play football in Phoenix, Arizona. It was a hot night, but afterwards, he also invited my son to join his sons and enjoy barbecue at Emmitt Smith's house. That was very generous of you, Senator West. So I'm very proud to stand here and call you my friend with public service, and I'm very proud to second the nomination as President Pro Tem to this great body. Thank you.

**Senator Whitmire:** Thank you Mr. President. Members, it's an honor to rise and second the nomination of an outstanding Senator such as Senator West. Senator West, you know, I was here when you arrived in '93 and very interesting, from my point of view, to watch you grow and grow and grow as a state Senator, not only in physical stature, and speaking of that, if Senator Carona would've observed the growth that I observed, he would've stayed in his seat that day. But I would've like to have seen you when you, when you were a wide receiver. But you've not only grown in physical stature but you've grown intellectually in effectiveness, and I could spend the rest of the day, having observed your full career on the Senate floor, mentioning your accomplishments. But the two that I really want to mention today is, one, racial profiling. We should all know, and Senator West brought it to this floor and to the Criminal Justice Committee, that racial profiling has existed in this state, and it still exists in this state to a degree, but to a lesser degree because of the reporting mechanism that Senator West brought to state law. Local jurisdictions are required now, he actually made them implement cameras in law enforcement vehicles. We can now document and evaluate the departments at all levels on how they deal with the serious issue of racial profiling, an issue that impacts the state in such a significant way. Number two, public education. I kid my good friend Senator West when we come out of Finance and he's done such an effective job for not only his district but the Dallas area and the state as a whole, and I say, Senator West, after he gets a few more millions for Dallas for public higher education, I say, you know, you're going to keep on when you leave here some day, you're going to have a legacy of having gotten public higher education established and prospering in Dallas. And I will forecast, Senator West, you've made your mark, and you're going to continue in that regard, and some day, you will be known as the father of higher education in Dallas County. I will close by saying we all know the test that is applied to us not only on the Senate floor but in life: leave this world a better place than we found it. Senator West, when that test is applied to you, you will pass with great flying colors. It's indeed an honor to serve with you and to make this seconding speech.

**Senator Shapiro:** Thank you very much, Mr. President. On the surface, Royce and I look very different. He's a Democrat and I'm a Republican. He's from the south side of Dallas and I'm from the north side of Dallas. He's Black and I'm white. He's a man; I'm a woman. You would think with all these differences that we wouldn't have very much in common. But that's not true. We have a lot in common. We have so many things that we share, and it is a pleasure for me to stand here today to second your nomination for President Pro Tempore of the Texas Senate. It started many years ago. I guess, maybe, I saw you from afar when you ran for District Attorney in Dallas County, and I admired you, admired you because I believed that you were doing it for all the right reasons. Obviously, we were on different sides, but I still thought, now

there's a guy that really stands for something. I was fortunate enough, in 1993, to begin my service in the Texas Senate with you. And, Carol, how many times have we sat over there with little bitty kids running around who are now grown up, sat over there in 1993 and went back and forth on the plane together with our children? We have been through a lot over those years, and it's an honor to have served with you. You have the ability, Royce, to bring people to you. You have the ability to make people see a different viewpoint or a different perspective than maybe they have in the past. You have the ability to speak on this floor with a tremendous amount of stature and intelligence, that people stop what they're doing and listen and watch and, and hear, not always agreeing with you, but always listening and always paying attention because you're always doing it with such conviction. And when I think of Royce West, I think of three things. I think of conviction, I think of commitment, and I think of courage. I think of all three of those, and you put them all together, and they speak to me about who you are as a man. I know your commitment to your family is very, very deep and I, and I sense that almost in everything that you do. And I know your conviction is very deep, because, again, you exude that conviction in everything that you do. But I think as much as anything, that last piece, that courage, is what I admire most about you. You know where you're going, you know what you want to do, and you're courageous about it. And we're all the beneficiary of that courage. So it is an honor for me to not only highlight the similarities that you and I have but, certainly, to be one of those to second your nomination today. It's a great amount of pride for me with your family here, seeing your colleagues, and knowing that, I think it was Jane that said that you were actually the last one of our class, out of that 1993 class, to be President Pro Tem, which means, guys, where's Jeff, we're old, we're very old. We probably ought to go into another line of work soon. But it is an honor for me to be here and salute you and your family and second your nomination for President Pro Tempore of the Senate.

**Senator Lucio:** Mr. President. Members, I, too, rise to second the nomination to elect our friend and colleague, Senator Royce West, as President Pro Tempore of the Senate for this 3rd Called Session. I know we all appreciate Senator West's hard work and dedication to this body. In particular, we are all aware of his tireless dedication to public education, both in our public schools and in higher education. There is nothing in this Chamber that we do that is more important for the future of Texas, and there is no one who takes this duty more seriously than our colleague, Senator Royce West. Members, I'm not sure all of you know this, but this dedication to his constituents and to learning goes beyond this body. In fact, Senator West has been taking Spanish lessons. So what I'd like to say, very simply, is, *Senador West, le quiero dar mis más sinceras gracias a usted por los esfuerzos que está haciendo para ayudarlo a todos los jóvenes de nuestro gran estado de Texas: muchísimas gracias.* Senator West, I can truly say that going into any fight, whether it be in court or here in the Legislature, there is no one who I would rather go into battle with than you, the Senate's "big guy." And, Senator, when I say "big guy," I am, of course, referring to your heart and your intellect. I do want to share this story that some of you might not know. In 1993, this "big guy" came into my office the first day of session, and he knows what I'm going to say. Very few people know what happened there at the Clements Building. The first day, he comes into my office and he says, "Senator Lucio, I want those bills

you're carrying." I was carrying some HUB bills that we had been working on the session before. That's Historically Underutilized Business bills, and Senator West really wanted to work on that issue. I said, join me via Co-author, and he did. And we passed one of those two bills. But, obviously, my right arm looked like my left arm looks today after that little argument. It wasn't a big one. I also want to say that I've been fortunate, like other Senators, to have an opportunity to meet his family, to go fishing with the boys. Now that's an experience, down at South Padre Island, and South Padre has never been the same again since then. But I want to add to Senator Shapiro's descriptions that she had, I want to add leadership. See, leadership is not the ability to tell people what to do, it's the ability to make people want to do the right thing, through example. And you have served as a great example, Senator, not only in your district but in this entire state. Yes, you're a big pillar of a man, but you're gentle, and you live the type of life that I think our children need to look at and emulate and imitate, and for that I thank you. This is a very important day for Senate District 23, and your constituents should be deservedly proud. I look forward to standing with you in November and calling you Governor West. Congratulations.

**Senator Deuell:** Thank you Mr. President. It is indeed an honor to second the nomination of Senator West as Pro Tempore of the Senate. We share a part of Dallas County, and Senator West represents the area that I used to live in as a kid in South Oak Cliff. And I'm very proud of the fact that he and I really don't know exactly where the borders are because we, together, represent that part of Dallas County, Lancaster, DeSoto, Cedar Hill, and we work as a team. My family, when I was a kid, moved to South Oak Cliff in 1960 and things weren't as they should be in that part of the world, as well as others, and now in a new era, he and I can stand side by side and represent that part of Dallas County. I also attended what was then North Texas State University. Senator Nelson and I actually lived in the same dormitory, but at different times. And I don't have any stories, I wish I did. So I've been very pleased to work with Senator West with issues regarding the University of North Texas in Dallas and will continue to do so. You know, I knew that being a former professional musician, I went to a Senator West fundraiser and he had Little Richard, and I said, this guy is OK. Little Richard came in and jumped on top the piano, something we were all hoping Senator West wouldn't do, and he didn't, nor would I try. But it is indeed a pleasure to work with you, Sir, and we still have a long way to go in so many areas. I remember a story when Frederick Douglass was very discouraged about things in that era, and he said, it's just hopeless, we should just give up, and Sojourner Truth stood up and said, Frederick, is there no God? So what I see in Senator West is the passion of a Frederick Douglass, but the wisdom and the patience of Sojourner Truth. And I look forward to working with you as a colleague in the Senate, as Senate Pro Tempore and for that very special day as Governor of the State of Texas. So I am very proud to second the nomination. Thank you Mr. President.

**Senator Barrientos:** Thank you Mr. President. I arise to second the nomination of Royce West. Now, Senator West, assuming that we get something done in the next 30 days, this is my last Senate roundup. Now, it's liberating. A man in this position, Senator West, I can say anything I want and express how I really feel, even in a public forum like this. Not to worry, as how I feel is that you're a good man who does a good job representing the people in your district. And I'm not alone in that opinion. The list

of honors on your Web page is as long as my arm, actually, it's as long as your arm. And I'm sure they are all well-deserved. *Texas Monthly*, I understand, named you one of the 25 most powerful people in Texas politics, and when people are thumbing through *Texas Monthly* looking for a review of an expensive restaurant, they will run into your name, and it's nice to be recognized. Senator West, as Vice-chair of the Education Committee, you have been diligent in seeking ways to ensure that all our kids have a real educational opportunity. And as Chair of the Higher Education Subcommittee, you have worked hard to find a way to preserve access to our best colleges and universities, and that is for all Texans, while still leaving our best colleges and universities some flexibility in enrollment. And, as you know, as the original sponsor of the top 10 percent law, you know that that's an issue that's close to my heart, and I thank you for your continuing efforts. On a lighter side, education note, Senator, although it's more like life and death to some, I trust you're using your considerable powers of persuasion, discreetly, of course, to encourage our friends at The University of Texas to stop trying to fix something that is not broke. And, no, I'm not talking about the top 10 percent law again, I am talking about leaving the Texas-Oklahoma game in your district at the Cotton Bowl where it belongs. Now speaking of college, you know, Members, Senator West's leadership in higher education dates back to his days on campus. Few remember the distinguished career Royce West had in college athletics. And that is because at UT-Arlington, they dropped football right after he graduated. Now he was awarded a football scholarship under a law that required high school seniors in their top 10 percent of their height and weight be granted automatic admission to any state university with a losing record. I josh, of course. With Royce's help, UT-Arlington maintained that tradition and, while they never had a winning record, they never lost a game to Louisiana-Lafayette. Now his football team was once known as the grub worms, Members. Later, the junior Aggies, then the Rebels, and finally, when they discovered that Royce West would not whistle "Dixie," the school fight song, they became the Mavericks. Seriously, Royce had a stellar academic career. He got two degrees in sociology, and we all know he became the first African American student body president at UT-Arlington, but what is less well-known was that he was one of the 11 students to found the new Beta Chapter of the Omega Psi Phi Fraternity. Now according to their Web site, this group was known as the invisible caravan. It goes on to say, and I quote, for the first time, Omega men would grace the UTA campus with scholarship, perseverance, uplift, and, above all, manhood. And Royce West has tried to bring all of those qualities with him to the Texas Senate. All kidding aside, Senator West, congratulations on your nomination and election to President Pro Tempore of this body. And it promises to be an interesting 30 days, my friend. Thank you.

**Senator Averitt:** Thank you Mr. President. I've had the unique experience of working shoulder to shoulder with Senator West on the Finance Committee and the Education Committee. It's been quite an experience, I must say, Members, coming from the quiet and demure House over to the Texas Senate and working shoulder to shoulder with Senator West, who has a whole different attitude about how things should be done. But I've learned a great deal about how to negotiate and cut a deal by watching Senator West and his negotiating style, which was not to negotiate. I've really enjoyed, seriously, the experience of working on a number of tough issues with

Senator West. And one day, an issue came to the Texas Senate, called on us once again, Members, to make a tough decision. It happens on a regular basis here, but this particular one was particularly tough for me because there were powerful arguments on both sides of the issue. There were questions about how the top 10 percent rule was going to affect the students in my district. There was a lot of questions; there was a lot of emotion; there was a lot at stake. And, so after studying the issue for a great deal of time and trying to do my homework and do my research on the issue, I finally learned that Senator West would be leading the charge in favor of keeping the top 10 percent law. And, so I thought to myself, why not join the winning side, which is what I did. Senator West has an ability to persuade us in many different ways, but always as a gentleman and always as a respected Member, someone that we can turn to and, I think, have ultimate confidence that the opinions and advice that we get from Senator West are thoroughly thought through and words that we can rely on. And I think that leads itself to making Senator West an outstanding candidate for President Pro Tempore of the Texas Senate, and I therefore second his nomination.

**Senator Ellis:** Thank you Mr. President. And Members, I, too, rise to second the nomination of the husband of Carol R. West for President Pro Tempore of the Texas Senate. I heard about this Royce West fellow in Dallas some years ago. There was this party that was very famous in Dallas called the wild, wild West party. I'm sure that Senator Nelson might remember that from her days back at the university with him, but there was a very popular song called "Wild, Wild West." And Royce had this party, and there were literally 1,000 people there, and it was a first-class party. They served shrimp and barbecue, they had free liquor. And I asked some of our mutual friends, because I didn't know him that well, I said, now, let me get this, this guy is in private practice now, he went to law school in Houston about the time that I was in school, here, why is he having a free party? Well he was developing his law practice, because I found out later that he was dating a CPA named Carol West, and she made it very clear to him that she was looking forward to this blended family, but he was going to have to make a lot more money, and he did that. I really got to know Royce, not at his party, but we were at a conference, Jeff Wentworth, it was my first time in the Salt Lake City area, you and I were there last week, but we were in, I think, Park City, Utah, and it was a conference for people who wanted to diversify, bring more minorities into the bond business. And Carol and Royce were there. I'd just got elected to the city council and so we did go out and ski together. And let me tell you, Carona, Royce is a very intimidating fellow, but he's very humble when he's in that white powder. And I thought he had an ability to move across this Senate floor and persuade people, but let me tell you, he is a big man, not just in terms of the intellect and a big heart, he's a big guy. And to have the nerve to get out on those skis with no instructor gave me a certain sense, Gloria and Mr. Willis West, that he must've been an awesome child in the crib. In fact, I wanted to call you and ask, was he ever a little guy? Was he ever humble? Did he ever not dominate the conversation? And if he did, I'm assuming that he lost that along the way. Royce has a special skill, a special gift in this body. I remember an early conversation that we had when he first got here, and he said, now, you know, Rodney, there are not a whole lot of people who look like us in the body, so how do you blend in? I say, Royce, I don't think you ever blended in. You just go in and do what you think is right and it'll work out. Look, I always like to



mention for the folks that watch this on video later, on TV or whatever, in the audience, this really is a big deal because when you are President Pro Tem of the Senate, it does mean on our Constitution, you're third in line to run the place. And if, God forbid, something would happen to the Governor, even the Lieutenant Governor, now I would never wish that on any of them, of course, but it's always good when you're picking somebody to be President Pro Tempore, if you know they'll cover your back. And I'm sure that, Senator, when you become President Pro Tempore, Governor Perry and Governor Dewhurst won't have to worry about it if they want to leave the state. We've had all these special sessions, I haven't had a chance to do any of the cuttin' and shootin', whatever it is, the horse ropin' routine. And I know back when Rick Perry was Lieutenant Governor, he liked to travel a bit. And with all of these specials, after this is over with, they can travel a bit and know that the State of Texas will be in great big, warm, and friendly hands when Royce West is President Pro Tempore of the Senate, and I'm proud to second your nomination, Sir.

**Senator Duncan:** Mr. President. Members, first of all, I guess the Governor and Lieutenant Governor just cancelled all their travel plans after that speech, Senator Ellis. And I agree with Senator Shapiro that you guys are getting old, and on behalf of the youth caucus in the Texas Senate, I want to second your nomination. I don't know of any better friend to have on the Senate floor than Royce West. Royce and I have spent many, many hours together on a lot of issues, and I've always, I've learned one thing about Royce. He's very principled. Royce does not back down from his principles. We've served in the finance conference committee and Royce would never back down on a principle. He had some tough, agonizing decisions to make and he always fell back on principle. Whenever Royce retires, whenever that is, 100 years from now or whatever, we'll look back on Royce's career, and there are many things in a major, impactful things that Royce West has done for the State of Texas in the criminal justice field, in gains in the higher education field, and in public education. Royce has taken care of the children of this state. And, I always, Royce is a conscience of the Senate, as well. When Royce, I'll be sitting here minding my own business, carrying a good bill, and Royce will lean over here and look at me and say, why are you doing that, Duncan? He always tries to appeal to my lawyer conscience about something, and he really is an outstanding lawyer and really a tough person to debate. And, so I believe his constituents are very well represented. But more than that, I think the people of the State of Texas are very fortunate to have Senator Royce West on the Senate floor helping shape the policy for the State of Texas. Mr. President, I nominate, or second the nomination for Royce West for Senate President Pro Tempore.

**Senator Staples:** Thank you Mr. President. It's an honor to rise today to second the nomination of Senator Royce West as President Pro Tem of the Texas Senate. To say that you have a presence in this body is an understatement. As a freshman, I learned quite a bit about the process as Senator Carona reminded us, he meandered to this side of the Chamber, and Senator Van de Putte and I were the first two on the scene, and I learned that this, too, Senators, you don't want to get in between of, who are articulating their case on a particular issue. But I think the fact that both of you sit so close together today really tells a story of both of you gentlemen, about your love and compassion and desire to see our state move forward. I always try to learn from

anybody I'm around, and I've been around Senator West as Chairman of the Higher Education Subcommittee and Finance and Education. And there's a lot of ways to turn debate and to stop debate when you want to see it going another way, and one of your traits that I've tried to imitate is the "wait a minute, wait a minute, wait a minute." Has your family ever experienced that when you didn't—you've seen that? It's worked great in the legislative body and it works great and I've used that and learned a great deal from you. You are a fierce competitor but you're also an unwavering ally, and your leadership and passion has made Texas a better place, and I know that you will lead this body well as President Pro Tem.

**Senator Gallegos:** Thank you Mr. President. Members, and I'm not going to go over everything, Royce, they're saying about you. Grub worms, is that what that was? Well, don't feel bad, they called us the channel rats. So, but, what I do want to say is that when the, you know, we tackled tough legislation on this floor to the families, especially, and I see you have the, part of the Medrano family, which is, you know, we appreciate the Medrano family in Houston, Texas, especially Ricardo and Pancho. But, as, as far as, you know, the issues that you tackle and the bills that Senator Zaffirini said that you had passed out, and we, and you have, and you have. And when you speak, sometimes you speak softly, but you carry a big stick, though. And we recognize that, and I just wanted to say that for the times that, especially in Dallas, we had during redistricting, and some of the issues that came up, the education issues that you brought up, and the other issues that are still going on that we're going to have to address on the Senate floor, not during this special session, but down the road. And it's nice to know that, my brother, that if we can fight about who's got a better basketball team and whether Houston does or Dallas, or Dallas does, but that one time Houston did. And, but we can see those young men and women now playing for Austin and, UT-Austin, A&M, and on down. But I think your participation and your presence here on this Senate floor is a big part of that. And I wanted to tell your family that and the Medranos, you can take that back to Dallas. You know, we, he's a keeper. And I think that you can know when Royce gets up he's got something to say and he's going to say it. And I'm proud to join with the rest of my colleagues to second the nomination of Royce West for Pro Tem.

**Senator Lindsay:** Thank you Mr. President. I, too, rise to second the nomination of Senator West. You know, when I first came into this body, I didn't really, really recognize the uniqueness of this body, having known only four or five of the Senators at that time. I didn't come from the House and I hadn't spent a whole lot of time up here, but I did come from an urban area that had particular problems, and I found an ally on this Senate floor to talk about urban issues like the hospital district and mental health issues, things of that nature that were of big concern to me as I came from being the County Judge of Harris County. And I found also that the uniqueness of this body made it so that you could work with people from other parts of the state with other political backgrounds in such a way that you could be productive, and, Senator West, you were one of those that really made it a comfort for me to be here to work on the kinds of issues that, at that time, that were near and dear to my heart. And I feel very secure that when I leave at the end of this term, they will continue to be in good hands with people like you, and I know there's others on this floor just like you, but I appreciate what you led me through in this almost 10 years of Senate leadership. Thank you.

**Senator Brimer:** Thank you Mr. President. One of the first lessons I was taught when I came over to the Senate was by my deskmate. We were in the Senate lounge and we were comparing suits. And he took his coat off and he said, here, try this on. And, jumped right into it and found out it was a size larger, and I took the point. I was new over here, and the big man made his point. So I figure anybody that size needs to cover my back, so that's why I chose this seat on the Senate floor. Now what I learned from that size lesson, Mr. President, what I believed that you and the Governor are going to have to be gone longer than one day because a man of that size really should be Governor of the Weekend and I wouldn't stand in his way if he decides that's going to happen. Senator West is fully responsible for the University of North Texas at Dallas. We all know that. And it's nobody's surprise it's called West U. Now I was surprised, however, to see the plans of the university, and over on Camp Wisdom Road is a drawing of the huge stadium called Royce West Football Stadium. You need to look at your plans. The thing I would really like to point out is that where you are and where the campus is, we could go ahead and expand that a few miles northwest to Irving and there will be a stadium available in 2009, we could just change the name of it, right, Senator Harris? Now the other point, speaking of the Cowboys, is that Jerry Jones may sign top draft choices and free agents, but the truth is, Royce West keeps them playing. I think it was Senator Shapiro says, all you have to do is watch the TV or CNN and there will always be a Cowboy on TV and Royce West is standing next to him. Point being, if Jerry Jones had signed Royce West as a free agent he would have saved a lot more money being a team member representing those guys. Now taking it home, he and I have a lot in common. Janna and I share responsibilities in a strong marriage partnership, and, like me, Senator West acknowledges one major fact, and I know this because, this is a true story, Carol will back me up on this. He was rushing to avoid being late for a meeting with Carol, and someone teased him about not wearing the pants in the family, and Senator West stopped and pointed to the questioner, he said, I run my house and don't you forget it. He said, I run the dishwasher, I run the vacuum cleaner, I run the washing machine, I run the clothes dryer, I run to the drugstore when it's necessary. Mr. President, I second the nomination for a man that runs a strong house.

**Senator Van de Putte:** Thank you Mr. President. Mr. President and Members, I also rise with my colleagues to second the nomination of Senator Royce West. Royce, you are an exceptional leader, you have the ability to bring people into the room. And I don't know that it's just your size or your intellect. I think it's because people know that deep in your heart you believe that working together that people can compromise and come to solutions, and I've seen you do it, over and over again with the tough, tough issues. But I've also seen another side of you. I've seen you be a parent. I've seen you take pride in your children and, particularly, your sons' accomplishments. I've seen you make the tough decisions when it comes to family. And, Members, you know how tough it is when you know a family member is ill back home and you have to leave this floor on a critical vote because someone back home needs you. And, Royce, you balance it, you make the right decisions. Many people have gotten to rise to their feet today in your praises and in humor, and they've quoted great leaders and great poets and authors. Many people don't know Royce is a music aficionado and he likes old school stuff. But you're always right on, brother, when you remember Miles

Davis, that great jazz musician who says, just like Texas politics, Miles Davis says, if you're not nervous, you're not paying attention. Royce, you always know when to get nervous and to scrutinize the bills that come before us. You're a proud man, and your mama and daddy should be very, very proud of you, your accomplishments, and your loving willingness to be a part of this body, and to be a leader, not just for Dallas and not just for the Senate but for the entire state. The one image that I have of you is not of Mr. Tough Guy but of you leaving this floor when your son was very ill and saying, I gotta go where I gotta go. And, so that I hope today that your family here realizes that today we elect to President Pro Tempore, not just your daddy and your husband, Carol, but a man who puts family and God first and the love of this state right next. Congratulations, Royce, well deserved.

Senator West was elected President Pro Tempore of the Senate of the 79th Legislature, 3rd Called Session, by a rising vote.

The President appointed the following Committee to Escort President Pro Tempore West to the President's Rostrum: Senators Ogden, Harris, Carona, Hinojosa, and Zaffirini.

The Oath of Office was administered by the President as follows:

I, Royce West, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

#### **ADDRESS BY PRESIDENT PRO TEMPORE**

President Pro Tempore West addressed the Senate as follows:

Lieutenant Governor Dewhurst, my colleagues in the Texas Senate, Dr. Clark, Mrs. Clark, thank you all very, very much. I am honored and humbled to be standing before you today as the 267th President Pro Tempore of the State of Texas. Let me start by thanking Senator Ogden for nominating me to be President Pro Tem. Steve, I need to tell you that I can hardly wait until Governor Perry leaves the state and I get to propose my own budget. Let me tell you, it won't just be full of zeroes. Senator Harris, I think you described yourself as "Mr. Congenial" when you addressed the Senate as President Pro Tempore, and I would just like you to know that, for the next six months, I have every intention of continuing your fine tradition of tough love. Senator Hinojosa, we both well know the demographic changes that are transforming the face of our state, changes that are apparent not just in the border region but also in our biggest cities as well. In fact, I would have delivered this speech in Spanish until my staff pointed out that Senator Zaffirini would have to proofread it first. You know, there's only so much red ink in this world. And to my fellow Senator from Dallas, Senator Carona, it has been a pleasure serving with you here on the Senate floor as we work together to build bridges where in the past there may have been walls.

Building bridges is what this institution is all about. Some might look down here from the gallery and think this body is just 31 individual Members, each with his or her own agenda, each struggling to do what is right for his or her own corner of Texas. But I would say that the Senate is much more than that, that it's much bigger than the sum of its parts, that the glorious thing about serving in this body is that we don't lose sight of the forest for the trees. One thing more than anything unites us. We're all here, I think, in response to what Martin Luther King, Jr., called life's most persistent and urgent question: What are you doing for others? Or, to paraphrase John F. Kennedy, we're here because we have asked not what Texas can do for us, but what we can do for Texas. We have a long-standing tradition in the Senate of putting aside our differences to work together for the good of all Texans, whether they live or work in the rolling plains of the Panhandle or the wooded slopes of East Texas, along the sandy beaches of the Gulf Coast, or the glittering skyscrapers of my hometown. And we're here, as well, to work together on behalf of those who live in the colonias along the border, where houses lack the basic amenities that many Texans take for granted, and on behalf of those elderly Texans, living out their final days in a nursing home without a hand to hold, and on behalf of our many young Texans who are born into neglect, who most need our help to provide them with the nutrition, the healthcare, and the education that they need to survive and become productive, fulfilled citizens.

In the past 13 years that I have been privileged to be elected by the voters of Senate District 23 to represent them down here in Austin, I have learned from you, my colleagues, what it is that makes the Senate tick. It's the belief that, even while we agree to disagree, we're all in this together, and that, ultimately, the good of the whole state is at the top of each of our priority lists. It's an appreciation of others' perspectives without sacrificing one's own core principles that allows us in this body to work. It's the belief that through deliberation we can continue to respect each others' differences by emphasizing cooperation, compromise, accommodation, over conflict.

When I think back to what got me started in politics, it was two things: my love for school and my love for food. Actually, it was a picnic. As a student at Wilmer-Hutchins High School, the question was raised about whether we should have a freshman class picnic. From that experience, I learned a valuable lesson: that it's better to fashion a compromise than it is to be stuck in the middle of a food fight. Think about it. That's a lesson that serves me well whenever I leave the Members' dining room and walk out here onto the floor of the Senate. It's this spirit of negotiation and compromise that makes this body so great, and we should never lose sight of that, even though the body changes. We work together, hearing the voice of Governor Bullock in the most heated of debates, basically saying, "God Bless Texas." We work together remembering a friend like Senator Haywood, who walked, and all of us remember Senator Haywood, who walked across the aisle so that there could be a discussion on the issue of hate crime. Of course, we rely on people like Patsy Spaw, whose steady

hand on the rudder of the ship of the Senate will guide us into safe harbor. And we rely on our staffs, who sometimes have to row through the night, and you know what I mean, so we may arrive on time. Remember, at least in my office, don't sweat the small things, you have all night.

I'd like to begin my thank yous by thanking my family and the two most important women in my life. My mother, Gloria Ashford, without whom I would never be standing here today, she instilled in me the lessons of hard work and personal responsibility. Living in the Frazier Courts projects in Southeast Dallas taught me some valuable life skills that I've brought with me to this forum. When I worked in local grocery stores, I discovered it was far easier to prevent a mess from happening than it was to clean one up. And when I made the rounds as a paperboy, I learned how to take care of myself as it relates to financial responsibility. And I'd like to thank my wife, Carol, whose understanding and love mean the world to me. There's been ups and there's been downs, and she's been there through the ups and the downs and I appreciate that. I'd like to thank my father, who's traveled from Capitol Heights, Maryland, to be with me today. When I needed someone to lean on, when I needed someone to talk to about life's lessons, he was there to provide insight, guidance, and also to make certain that he quoted from the blueprint of life a particular scripture that I should be reading in the Bible in order to deal with the issue at hand. Dad, thank you for that. To my children and my grandchildren, thank you for understanding my passion to serve and forgiving me for missing some of the ball games, be it basketball or football, or sometimes not being there when the curtain fell, for recognizing that I needed to balance in order to be here, in many instances, to do what was right for the State of Texas. I know you understand my, our children, and I want to make certain that you understand the sacrifices, and I appreciate you allowing me to do these things. A large number of my immediate family is here, and I want to say thank you for helping me to stand taller and stay stronger through your love and your prayers, and I really do mean that.

Senator Shapiro, I believe you stood here at this dais on the first day of the last regular session as our newly elected President Pro Tem and said that, as a first generation American, this ceremony embodies the American dream. I think you would join me in saying that we want to make that dream a reality for the next generation of Americans, and that the best way we can do that is to invest heavily in a system of quality public and higher education that will be the envy of not just the nation but the rest of the world. That should be our goal, Members.

We start this 3rd called special session facing down the public school financing issues once again. I'd like to think that we can see light at the end of the tunnel. No, it's not an oncoming train. Don't worry about that. It's the light that will guide us to a fair, equitable, and bipartisan solution. It's up to us to get that done. In my 13 years in this body, I don't think there's been a more important task that the Legislature has to face. Because the most important thing is not the size of any tax cut that might appear on our next

property appraisals, but the condition we're leaving the state in if we fail to deliver a fair, equitable system of quality education in our high schools and universities. We're not just talking about educating our children, but ensuring that we leave the state in competent hands for our grandchildren and our great-great-grandchildren. Let me mention an alarming statistic I came across recently. Research shows that nearly one out of every three public high school students won't graduate. For African Americans and Hispanics, the dropout rate is approaching 50 percent. And according to the National Center for Education Statistics, kids from the lowest income quartile are more than six times more likely to drop out than kids from the higher income quartile. Perhaps "dropout" is the wrong term to describe some of those kids who are actually "pushouts," children who leave school at the earliest possible opportunity because they feel the school culture doesn't speak to them, that it doesn't inspire them to want to graduate. It's what the Bill & Melinda Gates Foundation refers to as the silent epidemic, one-third of our children melting away into dead-end jobs before they've even taken the first step towards becoming productive members of society. After all, the only potential that a high school dropout really has is the greater potential of lower wages, the greater potential of incarceration, and the greater potential that their kids, too, will also end up as dropouts. This is something that we as leaders of this state must deal with. We need to find new, innovative ways of arresting this decline as soon as possible, and as soon as possible starts this session. If it takes a village to raise a child, then it takes a meaningful job market to graduate a student.

At school, I learned that in order to be successful, I had to know how to read and I had to know how to write. At Pearl C. Anderson Junior High School, I met some of the best qualified teachers that the Dallas Independent School District had to offer. They demanded nothing less than excellence in every course that we took. We should demand nothing less than excellence from our teachers, regardless of the type of school district we find our children in. The lesson of settling for nothing less is one I brought with me to Austin. We should—we being business people, legislative leaders, civic activists, parents—take away every excuse that a child has to not succeed. Working with business leaders and other community leaders, hopefully, we'll be able to do that. By placing students in work situations, by combining academic studies with real-life experience, we can inspire and educate. Programs to mentor students on academic probation can help. And work-study programs that in 2004-2005 provided over 5,000 students in financial need with part-time jobs to enable them to attend and continue to attend college can provide answers to some of these problems. Senator Zaffirini, I think we can agree that we should start these programs earlier, so we can catch high school students before they are ever at risk of dropping out. These are innovative programs, and we need more out-of-the-box solutions like these to encourage children to stay in school and go to college. We need to make sure that our public school system has the necessary resources, and I mean human and material resources, to do a

credible job, a good job of educating our kids. Because if we don't, then 10, 15 years from now, we run the risk of lagging behind other competitive economies, of outsourcing jobs to Third World nations, of dealing with a permanent underclass of underskilled workers here in our very midst who just can't compete with the world economies that do invest in their children's future.

One of the best things we've done since I've been here is create the Office of the State Demographer. I say that because I love statistics and because I think Steve Murdock over there is doing a wonderful job bringing our long-term needs to the attention of decision-making bodies such as the Texas Senate. Being politicians, we sometimes fall into the bad habit of thinking only in terms of the next two- or four-year cycle. I'd like to think that when it comes to the basic needs of society—a healthy, well-educated workforce being our top priority—that we think past the next election cycle, past the next census, past the next generation, and think in terms of our long-term legacy. Will the history books that our great-grandchildren read reflect well on our efforts to plan for their future, or will they conclude that, by looking for an easy out, we sold them out? That's a question I'm going to have at the front of my mind over the coming weeks. Needless to say, if we don't have an educated workforce, we're not going to be able to compete nationally, yet alone globally.

You know, many years ago on the Washington Mall, we woke and pledged to and committed to remember "The Dream." We wrote it down so we could remember it, so we could quote from it at occasions like this. But the legacy of Martin Luther King's speech on the steps of the Lincoln Memorial was not a dream, but a wake-up call for all of us. And it was a wake-up call to our consciences. In order to fulfill "The Dream," we'd have to put in a lot of hard work over many years, with one generation passing the torch to the next so they could, too, could pass it on to the next generation, and that's what we should continue to do. And the hard work has only just begun. We must continue to work together to find solutions to this state's most difficult problems, and I know that if we, the Senate, decide to act in concert with our President, that we will find a solution, working very closely with the Governor and also the House, for this state's most pressing issue, our public schools.

Members, thank you very much for allowing me to be the President Pro Tem of the Senate, and I look forward to working with you on solving this state's most pressing issues. Thank you very much.

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

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

#### **SB 1 by Shapiro**

Relating to the compensation and benefits of public school employees, the academic and fiscal accountability of public schools, and the improvement of public schools. To Committee on Education.



**SB 9** by Brimer

Relating to the creation, purpose, implementation, and funding of the County Park Beautification and Improvement Program.

To Committee on Administration.

**SJR 6** by Brimer

Proposing a constitutional amendment relating to appropriations for the preservation and perpetuation of certain items of historical value; allowing the legislature and state agencies to accept on behalf of the state gifts of items of historical value and contributions to purchase such items.

To Committee on Administration.

**SJR 7** by Ogden

Proposing a constitutional amendment establishing a maximum school district ad valorem tax rate for maintenance purposes, providing that an ad valorem tax imposed by a school district is not a state ad valorem tax, authorizing the legislature to set a lower limit on increases in the appraised value of a residence homestead for purposes of ad valorem taxation by a school district, and increasing the residence homestead exemption from ad valorem taxation for public school purposes and correspondingly adjusting the limitation on ad valorem taxes imposed for those purposes on the homesteads of the elderly or disabled.

To Committee on Finance.

**REMARKS ORDERED PRINTED**

On motion of Senator Ellis and by unanimous consent, Senator Armbrister's parliamentary inquiry regarding **SB 1** and the President's opinion were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Armbrister:** Does the Chair have any opinion if **SB 1** is covered under the call of the special session?

**President:** The Constitution authorizes the Governor to convene the Legislature in special session and requires him to state the purpose for which the Legislature is convened. The Constitution further provides that "there shall be no legislation upon subjects other than those designated in the proclamation of the Governor . . ." The subject of the Governor's call is clearly public education funding. While the Governor indicated a preference for the method by which the Legislature would provide additional state funding for public schools, there are ample legal and parliamentary precedents holding that the Governor may not limit the Legislature to detailed legislation rather than a general subject. It is ultimately the responsibility of the Legislature to determine how additional tax revenues are raised and how they are spent. Public education reforms addressing the academic and financial accountability of school districts are, in my view, prudent and reasonable safeguards to provide taxpayers while seeking additional state tax revenues for the support of public education. Therefore, I believe the consideration of these reforms to be wholly within the constitutional limits imposed by the Governor's call.

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Brimer and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Administration might meet and consider the following bill and resolution today: **SB 9, SJR 6.**

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
April 17, 2006

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 11**, Honoring Jo and Fred Nayfa of Sweetwater on their 60th wedding anniversary.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Congratulatory Resolutions**

**SR 2** by Seliger, Commending the Coalition of Health Services and Strategic Healthcare Initiative for their promotion of the NonStop program in Amarillo.

**SR 3** by Seliger, Honoring the memory of 19 fallen heroes on the occasion of the dedication of Station 19 at the Shamrock McKee refinery.

**SR 4** by Shapiro, Recognizing the Junior League of Plano on the occasion of its 30th anniversary.

**SR 5** by Ellis, Recognizing Mary Groves Bland for her service to her community and the state of Missouri.

**HCR 11** (Seliger), Honoring Jo and Fred Nayfa of Sweetwater on their 60th wedding anniversary.

**ADJOURNMENT**

On motion of Senator West, the Senate at 4:52 p.m. adjourned, in memory of Odell McDonald, father of Secretary of the Senate Patsy Spaw, until 11:00 a.m. tomorrow.