

SIXTH DAY

MONDAY, MAY 8, 2006

PROCEEDINGS

The Senate met at 2:00 p.m. pursuant to adjournment and was called to order by the President.

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, Williams, Zaffirini.

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

The Reverend Dr. Mark Chadwick, Chaplain, Texas State Guard, offered the invocation as follows:

God above, today is a new day for us to excel in living out our love for You and our genuine concern for all humanity. Guide our hearts and our minds in all that we do. Lead us so that we might be victorious against the challenges we face. Make our words and deeds a shining example for all people of all times to come. Lord, we plead for a shower of Your blessings to rain down upon our nation. May the abundance of Your blessings spring forth in this glorious state. May Your goodness and mercies and love uplift our revered Senators, their families, the staff of these hallowed halls, and the residents of the great State of Texas. This we pray in Your most blessed name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Thursday, May 4, 2006, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

SENATE RESOLUTION 156

Senator Gallegos offered the following resolution:

SR 156, In memory of the life of Joe E. Moreno of Houston.

The resolution was read.

Senator Gallegos was recognized and introduced to the Senate family members of Representative Moreno: his parents, Frank and Alicia Moreno, accompanied by Maggie Nunez, Patsy Nunez, Roger Perez, and Flora Perez.

The Senate welcomed its guests and extended its sympathy.

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

On motion of Senator Gallegos, **SR 156** was adopted by a rising vote of the Senate.

In honor of the memory of the life of Joe E. Moreno, the text of the resolution is printed at the end of today's *Senate Journal*.

REMARKS ORDERED PRINTED

On motion of Senator Gallegos and by unanimous consent, his remarks and the remarks by Senators Lucio, Barrientos, and Ellis regarding **SR 156** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Gallegos: Mr. President. Members, thank you for giving me the floor to say a few words in memoriam of the late state Representative Joe Moreno, who we lost just over a year ago with his untimely passing. First, let me say that Joe was more than just a trusted colleague, he was a respected friend and a wonderful human being. First elected in 1998 to the Texas House of Representatives, Joe was deeply committed to serving his constituency, becoming a champion for education and the underprivileged. He was admired by many in his district, both young and old. Even before his tenure as a state Representative, Joe served with dedication to distinguished Members of the Texas House. Joe was a devoted son, brother, and husband, and he loved his native Houston and its people. The State of Texas lost a great leader, but his memory lives on in the people whose lives he touched. Joining us today on the Senate floor are Joe's parents, Alicia and Frank Moreno; aunt, Maggie Nunez; and cousins, Patsy Nunez, Roger Perez, and Flora Perez. Please join me in welcoming them as we honor Joe and his life and service to the great State of Texas.

Senator Lucio: Thank you Mr. President. And thank you, Senator Gallegos, for giving us an opportunity to reflect on the life of Joe Moreno. I guess you can describe him with one word, he was genuine. He was a giant of a man in more ways than one, and he had a heart of gold. And he was just so friendly, he had a big smile on his face all the time. I remember running into him prior to his accident down at H-E-B on Oltorf and Congress. He gave me a big bear hug, like he usually did, and we spoke a little bit. He said, hey, where's your sidekick, where's your chief, because he knew my, my Chief of Staff, Paul Cowen. Said, he's in the truck relaxing while I do my shopping. And he went on and knocked on the, on the window, and just scared Paul Cowen out of his wits, I mean, he. But Joe, Joe's actions did a lot for people from throughout the State of Texas, it wasn't just for Houston. And his passion for education, which has been our passion in our family forever, certainly made us feel very comfortable that we had such a fighter that could stand up and be counted, you know, for all the children of Texas, which is very fortunate to have had an opportunity. God was good to us to be able to work with him, to know him, and to see the fruit of his labor, because a lot of people did prosper because of his vote. Senator, you lost a great state Representative and we lost a great and trusted loyal friend when we lost Joe Moreno. But I know that in this great cosmic scheme of things, we shall meet again. Thank you.

Senator Barrientos: Thank you Mr. President. Mr. President, Members, I rise to join my colleague, Senator Gallegos, in remembering a good man. In some 25 or 30 years of traveling from Brownsville to the Panhandle, from Orange to El Paso, I have met many people, many Tejanos, and you remember those who make an impression on you regardless of color, gender, age, rich, or poor. Joe Moreno was one of those people. And he made you ask a question, what is the measure of a big man, Senator Lucio? For he was a large man, a big man in terms of his deeds, in terms of his care, in terms of his sensitivity, his love of children, his heritage, and his constituents. I have met many wonderful people in the great City of Houston, and your Joe Moreno was one of the best. *De parte del Senado de el Estado de Tejas, les acompañamos en sus sentimientos, y en vivir como Joe Moreno quería. Gracias.*

Senator Ellis: Thank you Mr. President. Briefly, I just want to commend Senator Gallegos for having us pause for a second and remember Joe today. And also to say to his parents, Joe's life in, in many ways is an embodiment of an old saying that apples don't fall too far from the tree. In this case the trees, because his parents have both continued to be very active in politics and not only in campaigns but in issues. And I think that's a testament to the fact that you raised him well, you wanted him to be interested in politics, and you've continued that legacy, and we appreciate you all for doing that.

SENATE RESOLUTION 42

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the National Guard Bureau, the Adjutant General, the Texas Army National Guard, the Texas Air National Guard, and the Texas State Guard for their assistance with Hurricane Rita and Hurricane Katrina relief; and

WHEREAS, Under the leadership of Major General Charles G. Rodriguez, the Texas Military Forces provided vital aid to the devastated citizens of the Gulf Coast in the wake of these two massive hurricanes; and

WHEREAS, These dedicated men and women gave support to local law enforcement agencies with traffic control, evacuations, and other missions to protect life and property; and

WHEREAS, In the early days of the relief effort, Texas forces distributed 20,000 meals and 39,000 bottles of water; they also provided security and maintained order outside the Superdome in New Orleans; and

WHEREAS, The men and women of the Texas Military Forces furnished invaluable aid and comfort to thousands of citizens whose lives had been changed by two of the largest natural disasters in the nation's history; they are truly worthy of legislative recognition for their heroic efforts; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend the men and women of the National Guard Bureau, the Adjutant General, the Texas Army National Guard, the Texas Air National Guard, and the Texas State Guard for their outstanding efforts in coming to the aid of the victims of Hurricanes Rita and Katrina; and, be it further

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

SR 42 was again read.

The resolution was previously adopted on Monday, April 24, 2006.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Command Sergeant Major Richard G. Vasquez, Texas Army National Guard, San Antonio; Specialist First Class Abdul Dunn, Texas Military Forces, Joint Force Headquarters for Homeland Security, Noncommissioned Officer in Charge, Panama; Technical Sergeant Monica Trevino, Texas Air National Guard, Austin; Staff Sergeant Robert D. Ribeiro, Texas Army National Guard; and Staff Sergeant Dewayne Naumann, Texas State Guard.

The Senate welcomed its guests.

SENATE BILLS ON FIRST READING

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

SB 38 by Lindsay

Relating to the content of public school campus improvement plans.

To Committee on Education.

SB 39 by Barrientos

Relating to facilitating and supporting efforts of certain municipalities and counties to promote economic development by hosting certain major sporting or athletic events.

To Subcommittee on Emerging Technologies and Economic Development.

SB 40 by Whitmire

Relating to authorizing the issuance of revenue bonds for The University of Texas M. D. Anderson Cancer Center.

To Subcommittee on Capital Funding for Higher Education.

SB 41 by Williams

Relating to the recovery and securitization of hurricane reconstruction costs incurred by certain electric utilities outside of the Electric Reliability Council of Texas area.

To Committee on Business and Commerce.

SB 42 by Lucio

Relating to the administration of the Irma Rangel School of Pharmacy.

To Subcommittee on Higher Education.

SENATE RESOLUTION 150

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize its own Senator Leticia Van de Putte, who has been selected to serve as president of the National Conference of State Legislatures for 2006–2007; and

WHEREAS, Known as The Forum for America's Ideas, the National Conference of State Legislatures is a bipartisan organization serving the legislators and staffs of the nation's 50 states, commonwealths, and territories; and

WHEREAS, Senator Van de Putte will be the first Texas legislator to preside over the organization, which provides research, technical assistance, and opportunities for policymakers to exchange ideas on pressing state issues; and

WHEREAS, Senator Van de Putte will bring to the organization her exceptional talents as a leader and an organizer; she will highlight the unique needs of Texas and Texans with her trademark courage, strength, and charm; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby extend congratulations to Senator Leticia Van de Putte on being named president of the National Conference of State Legislatures for 2006–2007; and, be it further

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

SR 150 was read and was adopted without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 8, 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:

SCR 4, Congratulating the Stratford High School Elks on winning the Class 1A state football championship.

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 2, The House hereby returns House Bill 2 to the Senate for further consideration on the grounds that the Senate Amendments are not germane to the original bill.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 4 ADOPTED

Senator Janek called from the President's table the Conference Committee Report on **HB 4**. The Conference Committee Report was filed with the Senate on Friday, May 5, 2006.

On motion of Senator Janek, the Conference Committee Report was adopted by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Averitt, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Jackson, Janek, Lindsay, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, Williams.

Nays: Barrientos, Ellis, Gallegos, Hinojosa, Lucio, Shapleigh, Van de Putte, West, Whitmire, Zaffirini.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Ogden and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance might meet and consider **SB 6** tomorrow.

SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees)

On motion of Senator Ogden and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate was in session.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 151 by Hinojosa, In memory of Ralph H. Rogers of Corpus Christi.

SR 158 by Shapleigh, In memory of Benny Frank of El Paso.

SR 159 by Van de Putte, In memory of Rosita Fernandez of San Antonio.

SR 160 by Ellis, In memory of John Cooper of Memphis, Tennessee.

SR 162 by Lucio, In memory of Samuel Tapia of the Rio Grande Valley.

SR 163 by Lucio, In memory of Lilia Farias Palacios of Pharr.

Congratulatory Resolutions

SR 148 by Carona, Recognizing the Garland Amateur Radio Club on the occasion of Field Day 2006.

SR 149 by Eltife, Commending Charles H. "Pete" Hollingsworth of Mount Vernon for 50 years of service to the Baptist ministry.

SR 152 by Williams, Recognizing Marie Carter on the occasion of her 80th birthday.

SR 153 by Williams, Commending Joseph Richard Fochtman of Kingwood for achieving the rank of Eagle Scout.

SR 154 by Shapleigh, Recognizing the 100th anniversary of the Union Depot in El Paso.

SR 155 by Shapleigh, Recognizing Leo's Mexican Restaurant in El Paso on the occasion of its 60th anniversary.

SR 161 by Lucio, Congratulating the boys' soccer team of Porter High School in Brownsville for winning a state championship.

SR 164 by Barrientos, Ogden, and Zaffirini, Congratulating David M. Oshinsky for earning the Pulitzer Prize in history.

SR 165 by Barrientos, Recognizing Kruger's Diamond Jewelers in Austin on the occasion of its 100th anniversary.

SR 166 by Carona, Recognizing Anthony A. Imondi on the occasion of his retirement.

RECESS

On motion of Senator Whitmire, the Senate at 3:05 p.m. recessed, in memory of the life of Joe E. Moreno of Houston, until 2:00 p.m. Tuesday, May 9, 2006.

**In Memory
of
Joe E. Moreno
Senate Resolution 156**

WHEREAS, State Representative Joe E. Moreno, a greatly esteemed member of the Texas House of Representatives, was lost to his loved ones and the State of Texas far too soon when he died on May 6, 2005, and on the first anniversary of his passing, his family and friends are celebrating the life of this remarkable man; and

WHEREAS, First elected to the legislature in 1998, Representative Moreno took tremendous joy in public service and was deeply devoted to his community; a Houston native and a resident of Denver Harbor, he belonged to Resurrection Catholic Church, held membership in the Harris County Tejano Democrats and LULAC Council No. 60, served as Democratic chair and election judge for Harris County Precinct No. 62, and was an ardent basketball fan and supporter of the Houston Rockets; and

WHEREAS, Before assuming office himself, Joe Moreno honed his skills as a legislative aide to State Representative Al Luna and as chief of staff and campaign manager for State Representative Jessica Farrar; and

WHEREAS, During his tenure in the legislature, Representative Moreno worked hard to improve the quality of life for Houston citizens and distinguished himself as a tireless champion of children, the elderly, and Texas schools; one of his major achievements was the passage in the house of a bill and joint resolution that helped open the way for the Port of Houston to become certified as a coffee exchange port by the New York Board of Trade; with the subsequent approval of a constitutional amendment by Texas voters, Houston became the fourth coffee exchange port in the nation and the only such port west of the Mississippi River; and

WHEREAS, The deep respect felt for Representative Moreno was reflected in his selection to chair the Harris County house delegation, a group composed of the 25 legislators representing Harris County districts; during the 79th Texas Legislature, Representative Moreno served on the House Committees on Border and International Affairs and Juvenile Justice and Family Issues; and

WHEREAS, In recognition of his tireless efforts in behalf of Houston citizens and his staunch support of education, the Houston Independent School District has named a new elementary school in Representative Moreno's honor; additionally, his family and friends have established the Joe E. Moreno Scholarship Fund, a fitting honor for one who believed so fervently in the power of education to open the door to opportunity; and

WHEREAS, Representative Moreno is survived by his parents, Alicia and Frank Moreno; his brother, Mario Moreno, and his wife, Margot; his sister, Sarah Blancett; his grandmother, Olivia Moreno; and his nephews, Drake, Andrew, Matthew, and Taylor; and

WHEREAS, His family and a host of friends are remembering Joe Moreno at a memorial Mass at St. Mary's Cathedral on May 8, 2006, in the Capital City; and

WHEREAS, Joe Moreno brought honor to the Texas House of Representatives, and he counted his legislative colleagues among his good friends; together with all who treasured him, they continue to cherish the memory of his genial warmth, his unfailing integrity, and his joyous spirit, and to find renewed inspiration in his passionate devotion to public service; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature, 3rd Called Session, hereby pay tribute to the life of the Honorable Joe E. Moreno and express profound appreciation for his immeasurable contributions to the Lone Star State; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the members of his family and that when the Texas Senate adjourns this day, it do so in memory of the Honorable Joe E. Moreno.

GALLEGOS

