

SIXTH DAY

(CONTINUED)

TUESDAY, MAY 9, 2006

PROCEEDINGS

AFTER RECESS

The Senate met at 2:12 p.m. and was called to order by the President.

LEAVE OF ABSENCE

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 9, 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 35, Designating July 21, 2006, as Frances Cox Henderson Remembrance Day.

HCR 39, Honoring Beatrice Marie Langehennig on her 35 years of outstanding service as county and district clerk for Mason County.

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 4 (86 Yeas, 47 Nays, 2 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

BILL AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bill and resolutions in the presence of the Senate after the caption had been read:

SCR 4, HB 4, HCR 18.

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 43 by Barrientos

Relating to appropriating money to pay for a judgment rendered in certain litigation.
To Committee on Finance.

SENATE RESOLUTION 147

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Manuel Z. Montes of Laredo, who was selected Youth of the Year by a panel appointed by the United States Border Patrol, KGNS TV, and the office of Senator Judith Zaffirini; and

WHEREAS, Manuel was selected Youth of the Year from among nine Youth of the Month winners; the title is given to outstanding young people for academic achievements, community involvement, and determination to succeed; and

WHEREAS, A graduating senior at Dr. Leo G. Cigarroa High School, Manuel is a straight-A student and president of the National Honor Society and Sociedad Honoraria Hispanica; he has been a member of his school's academics teams for four years and has earned numerous awards in music, science, and mathematics; and

WHEREAS, Manuel has been a vocalist with the Mariachi Azteca Group I and has played with the Mighty Toro Band all through high school; he is a member of his church youth group and a volunteer in the community, and his goal for the future is to become a pediatrician; and

WHEREAS, It is indeed a pleasure for the Texas Senate to recognize this fine young man for his contributions to his school and community and his outstanding scholarly accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend Manuel Z. Montes on his exceptional achievements and congratulate him on his selection as Youth of the Year; and, be it further

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

SR 147 was again read.

The resolution was previously adopted on Thursday, May 4, 2006.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Manuel Z. Montes; his father, Manuel Montes; his mother, María Montes; nominating teacher, Nora Elia Soria; math teacher and teacher of the year, María Valverdé; and Assistant Chief, United States Border Patrol, Rosa Nely Hernandez; accompanied by representatives from the United States Border Patrol and AT&T.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Staples was recognized and introduced to the Senate Logan West, President, Future Farmers of America.

The Senate welcomed its guest.

SENATE RESOLUTION 143

Senator Barrientos offered the following resolution:

SR 143, In memory of William Max Hale.

The resolution was again read.

Senator Barrientos was recognized and introduced to the Senate family members of William Hale: his wife, Karen, and his niece, Erin Purdy.

The Senate welcomed its guests and extended its sympathy.

The resolution was previously adopted on Thursday, May 4, 2006.

In honor of the memory of William Max Hale, the text of **SR 143** is printed at the end of today's *Senate Journal*.

AT EASE

The President at 2:57 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 4:03 p.m. called the Senate to order as In Legislative Session.

**VOTE RECONSIDERED ON
COMMITTEE SUBSTITUTE HOUSE BILL 2**

Senator Williams moved to reconsider the vote by which **CSHB 2** was finally passed:

CSHB 2, Relating to the allocation of certain revenue from franchise taxes, motor vehicle sales and use taxes, and taxes on cigarettes and other tobacco products to school district property tax relief and public education.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Armbrister, Averitt, Brimer, 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.

Absent-excused: Carona.

Question — Shall **CSHB 2** as amended be finally passed?

REMARKS ORDERED PRINTED

On motion of Senator Shapiro and by unanimous consent, the exchange between Senators Williams and Shapiro regarding **CSHB 2** was ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Shapiro: I know you referenced this many times, but I just want to say as simple as I think you intended for it to be, the issue is very clear, and the problem that we have is, under the current law, what we call an enrichment tier is not what, under the new law, we're going to call a local enrichment tier, is that correct?

Senator Williams: That is correct, Senator Shapiro.

Senator Shapiro: So when we look at this verbiage that has been drafted for you, as all of us have, we look at that enrichment tier or enrichment tax, and we make an assumption it's the new third tier, and it's not.

Senator Williams: I understand why people are confused, and I had a similar question, as did you.

Senator Shapiro: Great. And so your intent, as you have said numerous times, your intent, then, is that, not go to equalization at the local enrichment tier, but in the basic tier, which is what we call tier one and tier two, to raise the guaranteed yield, to raise the basic allotment.

Senator Williams: And that's correct, Senator Shapiro. And if you look at the section of the Education Code where we pulled these terms of art from, it is the basic tier language that we have.

Senator Shapiro: Perfect.

Senator Williams: That's clearly what my purpose is, and I appreciate your questions.

Senator Shapiro: Excellent. Thank you.

CONSIDERATION POSTPONED

On motion of Senator Williams, further consideration of **CSHB 2** was temporarily postponed to a time certain of 5:30 p.m. today.

Question — Shall **CSHB 2** as amended be finally passed?

AT EASE

The President at 5:02 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 5:48 p.m. called the Senate to order as In Legislative Session.

Question — Shall **CSHB 2** as amended be finally passed?

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSHB 2** on third reading in SECTION 1 of the bill as follows:

(1) Strike added Section 403.109(c)(2), Government Code (page 1, lines 43-48), and substitute the following:

(2) one-third of the money appropriated from the fund may be appropriated only for the purpose of increasing the level of equalization of school district enrichment tax effort to the extent that limits reliance by school districts on local property tax effort and decreases the enrichment tax rates of districts.

(2) In added Section 403.109(d), Government Code (page 1, lines 56-57), strike "to the Texas Education Agency".

The amendment to **CSHB 2** was read and was adopted by the following vote: Yeas 20, Nays 10.

Yeas: Armbrister, Averitt, Brimer, 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.

Absent-excused: Carona.

POINT OF ORDER

Senator Barrientos raised a point of order that **CSHB 2** was in violation of Section 30, Article III, Texas Constitution, stating that the bill had more than one subject.

POINT OF ORDER RULING

The President stated that the point of order was respectfully overruled.

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

CSHB 2 as again amended was again finally passed by the following vote: Yeas 20, Nays 10.

Yeas: Armbrister, Averitt, Brimer, 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.

Absent-excused: Carona.

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 37** tomorrow.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 167 by Hinojosa, In memory of Eduardo "Edward" Chavez of Edinburg.

SR 174 by Fraser, In memory of Juan D. Martinez.

SR 175 by Ogden, In memory of Sean Anselm Hayes.

SR 177 by Lucio, In memory of Juan D. Salinas, Jr., of La Joya.

SR 180 by Staples and Ellis, In memory of Arthur Temple, Jr., of Lufkin.

Congratulatory Resolutions

SCR 5 by Lindsay, Congratulating James D. Pitcock, Jr., of Houston for his selection as the 2006 Engineer of the Year.

SCR 6 by Barrientos, Armbrister, Ellis, Gallegos, Hinojosa, Lindsay, Lucio, Madla, Shapleigh, Van de Putte, Whitmire, and Zaffirini, Recognizing the cultural importance of Tejano music.

SR 168 by Hinojosa, Commending John Flores for his work as a reporter.

SR 169 by Hinojosa, Commending Maria Silguero for her volunteer work in behalf of the Robstown Senior Center.

SR 170 by Hinojosa, Commending Marie Partington for her volunteer efforts with the Senior Companion Program in Corpus Christi.

SR 171 by Hinojosa, Commending Roger "Red" Frank, Jr., for his volunteer efforts with KEDT-TV in Corpus Christi.

SR 172 by Hinojosa, Recognizing Ignacio Acuna for his volunteer efforts at the Zavala Senior Center in Corpus Christi.

SR 173 by Harris, Recognizing the Girl Scouts of the United States of America on the occasion of the organization's 94th anniversary.

SR 176 by Lucio, Recognizing Cesar Gonzalez of San Benito on the occasion of his retirement.

SR 178 by Lucio, Recognizing Maria Guadalupe and Leopoldo Palacios, Jr., of Pharr on the occasion of their 50th wedding anniversary.

SR 179 by Lindsay, Commending Rexton West of Houston for achieving the rank of Eagle Scout.

SR 182 by West, Recognizing Greg Street for his contributions to his community.

RECESS

On motion of Senator Whitmire, the Senate at 6:04 p.m. recessed, in memory of Bruce Walcutt of Austin, William Max Hale of Austin, and Sean Anselm Hayes of Cedar Park, until 11:00 a.m. tomorrow.

In Memory
of
William Max Hale
Senate Resolution 143

WHEREAS, The Senate of the State of Texas honors and commemorates the life of William Max Hale, who died March 17, 2006, at the age of 70; and

WHEREAS, Bill grew up in the Texas Panhandle; he was a passionate civil rights advocate, and he worked at the Mobilization for Youth program with Michael Schwerner in New York and marched with Dr. Martin Luther King, Jr., in the South; and

WHEREAS, Early in his career, Bill served as director and area coordinator of the Volunteers in Service to America program; he was head of the Fort Worth Human Relations Commission and was instrumental in the passage of the Texas Fair Housing Act and the Texas Commission on Human Rights Act by the Texas Legislature; and

WHEREAS, Bill was the first executive director of the Texas Human Rights Commission, a position he held for 17 years; under his direction, the agency was able to obtain the first successful enforcement of fair housing laws against the Ku Klux Klan; and

WHEREAS, Bill received numerous national and international honors for his work and was recognized by the Texas Senate and the House of Representatives for his contributions to the state; and

WHEREAS, He served as chair of the Austin Human Rights Commission and as president of the International Association of Official Human Rights Agencies; and

WHEREAS, A man of courage, strength, and compassion, Bill gave generously to others, and his wisdom, warmth, and valued counsel will not be forgotten by those who knew him; and

WHEREAS, He was a devoted husband, father, and grandfather, and he leaves behind memories that will be cherished forever by his family and countless friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby extend sincere condolences to the bereaved family of William Max Hale: his wife, Karen; his son, Mathis Hale; his daughter, Lisa Coody; and his grandchildren, Britton, Paige, and Jace; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of profound sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of William Max Hale.

BARRIENTOS

