

# FIRST DAY

---

---

TUESDAY, JANUARY 11, 2005

---

---

## PROCEEDINGS

---

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Seventy-ninth Legislature met in the Senate Chamber of the State Capitol on Tuesday, the eleventh day of January, 2005, at 12:00 noon.

The Honorable David Dewhurst, Lieutenant Governor and President of the Senate, called the Senate to order.

The Reverend Manson Johnson, Holman Street Baptist Church, Houston, offered the invocation as follows:

God of our weary years, God of our silent tears, Thou who has by Thy might led us into the light, keep us forever in Thy path, we pray. Almighty God, we beseech You and Your mercy with humble hearts on this historical day. We are aware that life and all its activities are in Your hand.

We invoke Your power of wisdom and grace upon this Senate Chamber of the great State of Texas. The agenda before this body of lawmakers during this session is filled with issues and items that warrant Your wisdom. The tasks of negotiating and resolving life-changing matters are ever before You and this Senate Chamber. We summon You and Your wisdom to intervene among the thoughts of these honorable gentlemen and honorable women who are elected to carry out the mountainous charge of their oath. Give them the strength, the know-how, the patience, and the integrity to know what is the right thing to do for the entire body of the great State of Texas. In their weakest hour, make them strong.

It is evident that God has raised you, the Senate Members, up to guide our great State of Texas for this 79th legislative session. You, indeed, have come to the kingdom of Austin, Texas, for such a time as this. A time when positive, progressive, and creative leadership is needed from the northern Panhandle to the southern tip of the Gulf coastline, from Beaumont and East Texas to El Paso and West Texas, and, interiorly, into Central Texas and the Hill Country.

We bless this Senate Chamber for a very special anointing to come upon you that energizes you with power from above to know what to do, when to do it, and how to do it. We bless this Senate Chamber with an anointing unlike any other previous session, because the times in which you

will lead shall require it. We bless each of you to be endowed with the gift of supernatural wisdom so that you may be able to face the unique challenges that inevitably will arise.

We bless you for the favor of God to rest upon you that you may excel in all you put your hands to. We bless you for divine favor among each other as colleagues so that you may see your agenda successfully negotiated on behalf of those you represent. We bless you for your vision for the great State of Texas and America to come to pass with bipartisan cooperation so that all our citizens of the great State of Texas may dwell in health, peace, and prosperity. We bless you with an abundant harvest of blessings from heaven's window. We bless you that God's angels be with you and keep you safe and secure.

We bless you to be aware that God has raised up an army of very powerful, skilled intercessors to pray for you and hold your hands up so that you may triumph over every foe.

We bless you for the peace of God to rule your heart and your mind. We speak that the peace of God prevail in the Senate Chamber of Texas so that your sleep may be sweet and that you rise refreshed and renewed in God's mercies morning after morning.

We speak forth a blessing to take place on this Austin, Texas, hill. We speak that a new spirit of bipartisan cooperation prevail in spite of predicted division and strife, that a new day will dawn, a powerful spirit of revival will invade the halls of the Texas Legislature, a spirit that will return our state to brotherhood and dignity.

We bless you, Governor Rick Perry. We bless you, Lieutenant Governor David Dewhurst. May God give you the inner strength to be a shining example of God-fearing men of integrity and wisdom. We speak that God give you an open heaven, so when you pray, your effectual, fervent prayers shall ensure swift intervention from on high. May your leadership inspire the people to help make Texas a greater state and a blessed place to live.

Almighty God, we invoke Your blessings upon our troops that defend our country. Bless our Commander in Chief, President George W. Bush. God bless America and God bless the great State of Texas. Amen.

### **ACKNOWLEDGMENTS**

The President acknowledged the presence of esteemed guests and other state officials.

The Senate welcomed its guests.

### **ROLL CALL OF SENATORS**

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

The roll was called and the following Senators answered to their names:

The Honorable Ken Armbrister, representing the Eighteenth Senatorial District composed of: Aransas, Austin, Bastrop, Caldwell, Calhoun, Colorado, DeWitt, Fayette, part of Fort Bend, Goliad, Gonzales, Jackson, Lavaca, Matagorda, Refugio, Victoria, Waller, Washington, and Wharton counties.

The Honorable Kip Averitt, representing the Twenty-second Senatorial District composed of: Bosque, Coryell, Ellis, Falls, Hill, Hood, Johnson, McLennan, Navarro, and Somervell counties.

The Honorable Gonzalo Barrientos, representing the Fourteenth Senatorial District composed of: Part of Travis County.

The Honorable Bob Deuell, representing the Second Senatorial District composed of: Part of Dallas, Delta, Fannin, Hopkins, Hunt, Kaufman, Rains, Rockwall, part of Smith, and Van Zandt counties.

The Honorable Rodney Ellis, representing the Thirteenth Senatorial District composed of: Part of Fort Bend and part of Harris counties.

The Honorable Kevin Eltife, representing the First Senatorial District composed of: Bowie, Camp, Cass, Franklin, Gregg, Harrison, Lamar, Marion, Morris, Panola, Red River, Rusk, part of Smith, Titus, Upshur, and Wood counties.

The Honorable Kyle Janek, representing the Seventeenth Senatorial District composed of: Part of Brazoria, part of Fort Bend, part of Galveston, part of Harris, and part of Jefferson counties.

The Honorable Jon Lindsay, representing the Seventh Senatorial District composed of: Part of Harris County.

The Honorable Frank Madla, representing the Nineteenth Senatorial District composed of: Bandera, part of Bexar, Brewster, Crockett, part of Culberson, Edwards, part of El Paso, Hudspeth, Jeff Davis, Kinney, Loving, Maverick, Medina, Pecos, Presidio, Real, Reeves, Sutton, Terrell, Uvalde, Val Verde, Ward, and Winkler counties.

The Honorable Jane Nelson, representing the Twelfth Senatorial District composed of: Part of Denton and part of Tarrant counties.

The Honorable Steve Ogdan, representing the Fifth Senatorial District composed of: Brazos, Burleson, Freestone, Grimes, Houston, Lee, Leon, Limestone, Madison, Milam, Robertson, Trinity, Walker, and Williamson counties.

The Honorable Florence Shapiro, representing the Eighth Senatorial District composed of: Part of Collin and part of Dallas counties.

The Honorable Eliot Shapleigh, representing the Twenty-ninth Senatorial District composed of: Part of El Paso County.

The Honorable Todd Staples, representing the Third Senatorial District composed of: Anderson, Angelina, Cherokee, Hardin, Henderson, Jasper, part of Montgomery, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, part of Smith, and Tyler counties.

The Honorable Jeff Wentworth, representing the Twenty-fifth Senatorial District composed of: Part of Bexar, Comal, Guadalupe, Hays, Kendall, and part of Travis counties.

The Honorable John Whitmire, representing the Fifteenth Senatorial District composed of: Part of Harris County.

### **MESSAGE FROM THE SECRETARY OF STATE**

The following message from the Secretary of State was read and was filed with the Secretary of the Senate:

#### **THE STATE OF TEXAS Secretary of State**

I, GEOFFREY S. CONNOR, Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office the attached is a true and correct list, in alphabetical order, of the members of the Senate of the 79th Legislature, 2005, whose election on November 2, 2004, has been duly and legally certified to this office.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, Texas this 4th day of January, 2005.

(Seal)

*/s/Geoffrey S. Connor*  
Secretary of State

### **ROLL CALL OF SENATORS-ELECT**

The President directed the Secretary of the Senate to call the roll of the Senators-elect as certified by the Secretary of State.

The roll was called and the following Senators-elect answered to their names:

The Honorable Kim Brimer, representing the Tenth Senatorial District composed of: Part of Tarrant County.

The Honorable John Carona, representing the Sixteenth Senatorial District composed of: Part of Dallas County.

The Honorable Robert Duncan, representing the Twenty-eighth Senatorial District composed of: Armstrong, Borden, Briscoe, Carson, Castro, Childress, Coke, Collingsworth, Concho, Cottle, Crosby, Dawson, Dickens, Donley, Fisher, Floyd, Foard, Garza, Gray, Hale, Hall, Hardeman, Haskell, Hockley, Irion, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Mitchell, Motley, Nolan, Reagan, Runnels, Schleicher, Scurry, Sterling, Stonewall, Swisher, Terry, Tom Green, Upton, and Wheeler counties.

The Honorable Craig Estes, representing the Thirtieth Senatorial District composed of: Archer, Baylor, Clay, part of Collin, Cooke, part of Denton, Grayson, Jack, Montague, Palo Pinto, Parker, Shackelford, Stephens, Throckmorton, Wichita, Wilbarger, Wise, and Young counties.

The Honorable Troy Fraser, representing the Twenty-fourth Senatorial District composed of: Bell, Blanco, Brown, Burnet, Callahan, Coleman, Comanche, Eastland, Erath, Gillespie, Hamilton, Kerr, Kimble, Lampasas, Llano, Mason, McCulloch, Menard, Mills, San Saba, and Taylor counties.

The Honorable Mario V. Gallegos, Jr., representing the Sixth Senatorial District composed of: Part of Harris County.

The Honorable Chris Harris, representing the Ninth Senatorial District composed of: Part of Dallas, part of Denton, and part of Tarrant counties.

The Honorable Juan "Chuy" Hinojosa, representing the Twentieth Senatorial District composed of: Brooks, part of Hidalgo, Jim Wells, and Nueces counties.

The Honorable Mike Jackson, representing the Eleventh Senatorial District composed of: Part of Brazoria, part of Galveston, and part of Harris counties.

The Honorable Eddie Lucio, Jr., representing the Twenty-seventh Senatorial District composed of: Cameron, part of Hidalgo, Kenedy, Kleberg, and Willacy counties.

The Honorable Kel Seliger, representing the Thirty-first Senatorial District composed of: Andrews, Bailey, Cochran, Crane, Dallam, Deaf Smith, Ector, Gaines, Glasscock, Hansford, Hartley, Hemphill, Howard, Hutchinson, Lipscomb, Martin, Midland, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, and Yoakum counties.

The Honorable Leticia Van de Putte, representing the Twenty-sixth Senatorial District composed of: Part of Bexar County.

The Honorable Royce West, representing the Twenty-third Senatorial District composed of: Part of Dallas County.

The Honorable Tommy Williams, representing the Fourth Senatorial District composed of: Chambers, part of Harris, part of Jefferson, Liberty, part of Montgomery, and Orange counties.

The Honorable Judith Zaffirini, representing the Twenty-first Senatorial District composed of: Atascosa, Bee, part of Bexar, Dimmit, Duval, Frio, Jim Hogg, Karnes, La Salle, Live Oak, McMullen, San Patricio, Starr, Webb, Wilson, Zapata, and Zavala counties.

### **OATH OF OFFICE ADMINISTERED TO SENATORS-ELECT**

The President directed the Senators-elect to proceed to the Bar of the Senate.

Chief Justice Wallace B. Jefferson administered the Constitutional Oath of Office to the Senators-elect as follows:

I, \_\_\_\_\_, do solemnly swear, that I will faithfully execute the duties of the office of Senator 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.

The President announced that a quorum was present.

## **COMMITTEE REPORT**

The following committee report from the Committee on State Affairs was submitted by Senator Duncan:

### **REPORT OF THE SENATE COMMITTEE ON STATE AFFAIRS REGARDING THE SENATOR OF DISTRICT 6**

We, the Senate Committee on State Affairs, to whom was referred the election contest of Susan Delgado, Contestant, and Mario V. Gallegos, Jr., Contestee, pending before the Senate of the State of Texas report as follows:

#### **I. PROCEEDINGS OF THE COMMITTEE**

On December 16, 2004, the Committee requested written briefs by both parties. In compliance with the Committee's order, Contestant's brief was filed on December 23, 2004, Contestee's brief was filed on December 29, 2004, and Contestant's reply brief was filed on January 5, 2005. The Committee conducted a public hearing on January 10, 2005, to investigate the factual and legal issues of the election contest for the election of a State Senator from Senate District 6.

As both parties were given the opportunity to provide their arguments in writing, neither party provided testimony or oral argument before the Committee. After discussing the briefs filed by the parties, the Committee made conclusions of law regarding this matter. A copy of the Conclusions of Law is attached to this report.

#### **II. RECOMMENDATION OF THE COMMITTEE**

The Committee finds that the Contestant has failed to state the grounds necessary to maintain an election contest, therefore, the Committee recommends that the contest for Senate District 6 be dismissed.

The committee report was read and was adopted by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Gallegos.

### **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 30 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) Doorkeeper—Don Long;
  - (4) Enrolling Clerk—Mardi Alexander;
  - (5) Journal Clerk—Dianne Arrington; and
  - (6) Sergeant-at-arms—Carleton Turner.
- (b) Officers named in this section serve at the will of the senate.

SECTION 3. PARLIAMENTARIAN. The parliamentarian, Karina Casari 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 \$36,000.00 per month.

(b) Any unexpended portion of this monthly amount 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 without objection.

### **OATH OF OFFICE ADMINISTERED TO OFFICERS OF THE SENATE**

The President directed the officers of the Senate to proceed to the Bar of the Senate.

Chief Justice Wallace B. Jefferson administered the Constitutional Oath of Office to the officers as follows:

I, \_\_\_\_\_, do solemnly swear, that I will faithfully execute the duties of the office of \_\_\_\_\_ 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.

### **APPRECIATION EXTENDED**

The President, joined by the Senate, extended appreciation to Chief Justice Wallace B. Jefferson for his services today.

### **ELECTION OF PRESIDENT PRO TEMPORE SEVENTY-NINTH LEGISLATURE, REGULAR SESSION**

The President announced that the time had arrived for the election of President Pro Tempore of the 79th Legislature, Regular Session.

Senator Nelson placed in nomination the name of Senator Florence Shapiro of Plano for the office of President Pro Tempore of the 79th Legislature, Regular Session.

On motion of Senator Ogden and by unanimous consent, the nominating speech by Senator Nelson and the remarks made to second the nomination were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Nelson:** Thank you Mr. President. Members, I rise to place in nomination the name of Senator Florence Shapiro to serve as our next President Pro Tempore. One of our great traditions in this body dates back more than 40 years, and that is to elect one of our own Members to serve as President Pro Tempore of the Senate. This role has been both symbolic and constitutional in nature. To be elected President Pro Tem is probably the highest honor that one of this body can receive. It's a compliment, not just because the honoree has earned our respect and our admiration,

but because we truly feel comfortable placing our trust in that individual to serve as our leader. The President Pro Tem position is much more than ceremonial, it carries with it an important constitutional duty as well. The President Pro Tem is third in the line of succession behind the Lieutenant Governor and the Governor. If our state's top two elected officials leave the state or are otherwise unable to fulfill their duties, then the President Pro Tem performs in their absence the functions of the Governor. In the past, the President Pro Tem has been asked to preside over executions, to sign emergency orders, I've had to sign disaster relief order papers when a hurricane came through. Senator Shapiro, these are important functions, and I can think of no one more capable to serve in this capacity than my friend, Senator Shapiro. One of the great traditions that we have for our President Pro Tems is that we get to be Governor For a Day. There is one day of that person's choosing that the Governor and Lieutenant Governor leave the state, or at least say they've left the state, and you get to serve as Governor For a Day. Now when I was Governor For a Day, I asked Senator Shapiro if she would give an introduction of me, and in her remarks she pointed out that the two of us have a lot in common. We were both elected to serve in the Senate in the same year, we're both former schoolteachers, we both represent suburban parts of North Texas, and, of course, we're both naturally blonde and 40. And the similarities, quite honestly, are so strong that we've been mistaken in that the press will say Senator Nelson from Plano and people in the halls, I know, will come up to Senator Shapiro and start talking to her as Senator Nelson, but I consider that a true compliment. Senator, I can think of no one I would rather be mistaken for than you, and compared to. Since joining the Senate in 1993, Senator Shapiro has been a champion of education, transportation, security, children's issues. In addition to serving now as Chair of our Senate's Education Committee, Senator Shapiro served as Chairman of the State Affairs Committee. She served on the Legislative Budget Board and on the Governor's Homeland Security Task Force. She served as President of the National Republican Legislators Association. Her legislative accomplishments are way too numerous for me to list, but I know some that she is very proud of are the Texas Mobility Fund, Ashley's Laws, a number of anti-drug laws, and she had a very impressive resume before she came to us. She served as Mayor of Plano. She was President of the Texas Municipal League and a very successful businessperson in her own right. Recently a reporter called me, he was doing an article on Senator Shapiro that some of you probably saw, and he, you know, did the interview because we've known each other and served together for a long time. And he said, what one word would you use to describe Senator Shapiro? And that was really tough. I, the first word that came to mind was "statesman," or should I say, "stateswoman." Senator Shapiro has proved herself to be a steady leader on very complex issues. This session, I know we're going to be relying on her abilities to serve as a stateswoman as we discuss school finance and, I think, we all agree, Senator, that we're in very good hands. Senator Shapiro is much more than a statesman, she is persistent. I thought that would be a good word because, boy, when she has an issue she sticks with it and does not back down when she believes in something. She is fearless when taking on some of the most difficult issues. I think, I remember back, Senator, when our region was affected by a series of heroin overdoses by our teenagers, and you, there were no easy answers, you immediately rolled up your sleeves and had town hall meetings and

served as leader of our North Texas delegation to try to resolve that problem. There are so many words that I could use to describe Senator Shapiro, but the one that I answered to that reporter, Senator, without even hesitating, was "grandmother." Of all of Senator Shapiro's incredible accomplishments on education and criminal justice and a whole host of other important issues, I know that, by far, she considers her greatest achievement those people that I see sitting right over there. And that's the reason she's a Senator, she wants to make this world a better place for those grandchildren sitting there and for all of our grandchildren, and for that, Senator, we are very, very grateful. I know that she would love to have us know who all these wonderful people surrounding her are. Howard, bless you, I mean, I have a very supportive husband, and I know the sacrifices that our husbands made and make for us to be down here serving our constituents. So, Howard, we're glad to have you here with us. Senator Shapiro's daughter, Lisa Strauss and her husband, Brian, and their three children, Joshua is three and a half, Noah is one and a half, and Ari is three weeks old and just being an angel. Senator Shapiro's son, Todd, and his wife, Jori, and their daughter, Ella, who is eight weeks old and they're, what, two days apart? Yeah. And a very special welcome to Senator Shapiro's mother and Donald, and to her father, Martin, who is watching us, I am sure, online as we speak, and I know they're both very, very proud. Senator Shapiro, we've worked on a lot of issues together, but when I reflect on our time together in the Senate, what stands out for me, most probably, are those times when we talk about our families and why these issues are important to those that we love. I cherish our friendship, I look forward to serving together with you, and I want you to know that I take great comfort in the fact that when I'm away from home during this session, there is going to be somebody that I can sit here and swap grandparent photos with. Mr. President, I am proud to nominate Senator Florence Shapiro to serve as our next President Pro Tem.

**Senator Shapleigh:** Thank you. I, too, rise to support the nomination of my good friend, Florence Shapiro, as President Pro Tempore of this Texas Senate. You know, Kel Seliger, when I got to the Senate, I guess Florence had been here a couple of sessions, as a typical committee hearing, about a 700-page book right in front of you, had about 20 minutes to read it and then vote on something. And I asked Florence, how does this work where you sit in the committee and then, and then you're supposed to digest this and vote on an issue so important to the State of Texas? And she said it's kind of like putting your face in front of a fire hydrant and just staying there. And as you go through this committee process, you and Senator Eltife, you're going to realize, you're doing important work here. And, Florence, when you took the job of crafting a school finance and a tax plan for this state, if what we were doing before was being in front of fire hydrant, this is like being at the bottom of Niagra Falls with your mouth open, because you've got yourself a heck of a job, and we've got a lot of work to do in this great state. And I'm pleased, personally, that you're leading that effort. Senator Nelson, when you asked for a word to describe Florence Shapiro, I would say it's "leader." I've been with her from the minute I got in this session, in this Senate, on various committees, from the sexual predator committee that went all around the state, and from that came a series of Ashley's Laws, to the great work that you did in the Infrastructure Committee to craft the Texas Mobility Fund. I remember standing with you at a border crossing and watching trucks go

through and you were sitting there wondering what is happening to the trade in Dallas and in Mexico City as we watched that. But there's something unique about this Texas Senate, and Governor Ratliff talked about it a little last night, and that is the spirit of brotherhood and sisterhood. When we're here at two o'clock in the morning, at four o'clock in the morning and dealing with some of the toughest issues that our people ever face, hate crimes for one, others, it is the ability to walk across the aisle, the ability to walk across the state, and the ability to walk in other shoes to try and understand their point of view, their family, what's in their heart and their spirit. And I remember going to your district to talk to Mike Boone and some of the folks in Highland Park and Plano about what happens when a schoolteacher who's been in Highland Park, in the district, for 20 years can no longer afford her home because the taxes are, literally, too high for the pay that she's getting. And some of the great classes that that school district has built up over the years, in debate and others, being cut because while taxes are going up, programs are going down. And we heard that from the people that you represent. And then six months later you came to Ysleta, to a district where limited English proficiency is the issue, and the idea of educating your kids on a very low tax base and try and have the same opportunities that every American and every Texan might have. And I want to say, Florence, to you, and to all those gathered here today, I want to especially appreciate your leadership this session. It's going to take a big heart, a lot of spirit. I know you have the ability to do it because you've demonstrated it over and over again, and I'm proud to support your nomination as President Pro Tempore of this Texas Senate.

**Senator Wentworth:** Thank you Mr. President. As you may know, it's been my privilege and honor for the better part of a year to serve as President Pro Tem. And when I was nominated and my nomination was seconded the better part of a year ago, a number of people said that the position was the third in line of succession to be Governor of Texas. And I want to, Senator Shapiro, I'm going to give you a promotion. The truth of the matter is, the Governor is the Governor. The first person in line of succession is the Lieutenant Governor. The second in line of succession is the President Pro Tem of the Senate. The third is the Speaker of the House. The fourth is the Attorney General. I thoroughly enjoyed my term as President Pro Tem of the Senate. I think if I had one regret it was that the Governor and Lieutenant Governor did not leave the state often enough. I thoroughly enjoyed the six days they were both in New York City at the Republican National Convention. I didn't have a great deal to do in terms of substantive work. I believe you'll find that they really don't want us to do a lot of really important things. As a matter of fact, Senator Schwartz, who was earlier introduced by the Lieutenant Governor, served as President Pro Tem and was acting Governor of Texas for a time. And on the day he was actually Governor, he decided that Jack Ruby, who shot and killed Lee Harvey Oswald, should be pardoned. And he decided he would do that as Governor that day and called the Department of Public Safety for Jack Ruby's file. And they told him they couldn't find it. But it was, it was probably a good idea. I'd add one other thing that hasn't already been mentioned and that is that Senator Shapiro serves on the Southern Regional Education Board in recognition of her leadership in education at the national level. She's been a

true leader. It's been a pleasure to serve with her for the last dozen years, and I'm sure she'll do an outstanding job as President Pro Tem, and it's my honor, Mr. President, to second her nomination as President Pro Tem.

**Senator Fraser:** Thank you Mr. President. Mr. President, I rise to second the nomination of Senator Florence Shapiro for Senator, Senate Pro Tempore of this august body we call the Texas Senate. Senator, I know you're aware the Texas Constitution mandates that this body, at the start of every legislative session since 1846, elect a President Pro Tem. And I'm sure you also probably know that the first President Pro Tem was Edward Burleson and I believe he was from Bastrop, Texas. And if my memory serves me correctly, he was quickly defeated in his next election. But, Senator, I think it probably would give you some comfort that all the President Pro Tems, at least in recent memory, have been returned back by the voters of their district. Governor, as my colleagues and myself were discussing a potential Senate Pro Tem, we decided we, during the session, had to find somebody who had an empty plate this session and someone who had a lot of time on their hands. And it occurred to us that who could be better to do this than the Chair of the Senate Education Committee? Senator Shapiro's accomplishments throughout her life should be an example to all Texans. She's a champion for education, having served children in some degree all of her life, and as it's been recognized, but must be recognized again, a former English teacher from Plano, where she rose to Mayor after serving six years on the Plano City Council. And we all know that she was elected to serve in the Texas Senate on January the 12th, 1993, and has been reelected three times without opposition. Senator Shapiro, she continues to acknowledge her grandchildren. She's been instrumental in the passage of a package of major legislation to make government more efficient, to protect citizens, and to improve opportunities for all Texans. She's fought to restore parental rights in the fight against drug use and strengthen penalties for drug dealers. Senator Shapiro led the effort to require a doctor to notify parental consent prior to performing an abortion of a minor daughter. Senator Shapiro has also been a great leader for the Senate, serving in 1997 as the first woman Chairman of the Republican Caucus. She's also received numerous awards from organizations such as the Texas Civil Justice League, and all of us know that she was named as a rising star by *The Dallas Morning News*, but it was something that we all recognized much earlier in her career. But I also think everyone's aware that Florence, since she moved, all of you are aware she moved back to the power row this last session and had joined notable former Pro Tems such as Senator Whitmire, Senator Nelson, Senator Ellis, and Senator Zaffirini. And, but soon after she moved back to the back row, there developed a healthy competition about grandchildren. And I remember very clearly sitting here last time when she was hugging Joshua, and noticing her grandchild, and then during the session of the special that Noah was born, and she had two, and I have to tell you that when my little first granddaughter, Chloe, was born back in the spring, I had anticipated this moment for all that time. I had rehearsed in my mind my greatest *Lion King* imitation of holding my granddaughter, standing on my desk and holding my granddaughter to share with the world, but, alas, my little Chloe has the sniffles today and didn't make it. But even if I'd have been here with my granddaughter, I would have been one-upped again with the birth of Ari and Ella about, I guess, two months ago in November. Grandmother Florence,

Grandfather Howard, I congratulate you again and again and again and again. Florence, we've spent many hours working in the trenches together trying to do what's best for Texas. I'm honored to be able to serve in the Texas Senate with you. I'm proud to have you as the Senate Pro Tem of the 79th Legislature, but, more importantly, I respect the work you do for your district and for Texans across the state. But, Florence, most of all I'm proud to call you a friend, and I look forward to all of the great things that we will do and will accomplish during Texas this session. Thank you.

**Senator West:** Thank you very much. Members, I rise, also, to second the nomination of my friend, my co-grandparent. You know, let me say something. All of us are talking about grandkids, Jane, thank you very much for having sons and daughters, OK? You know, we talk about the wisdom, and when you start talking about grandkids we're talking about wisdom and knowledge, it's an example of that. I have served with Florence for 12 years, this is our 12th year now. Many of us came in together from our different walks of life throughout the State of Texas and developed a relationship. Our first session was not here in this historic Chamber, but was across the street in the Clements Building. I got to know Florence, got to know Howard, where's Todd, where's that district attorney, the family, the family. And I can tell you that through criminal justice initiatives that have basically been chronicled by Jane Nelson who also was a part of that class, along with Madla, along with Wentworth, and several others that are no longer here, that that particular class has produced the leaders that have worked very closely with other leaders in this Chamber. Now, mind you, Florence, Steve, is about this tall, somewhere off in there, in stature, but I can tell you her presence in this Chamber, as we all know, is much taller than that. And her legacy will be one of statesmanship, if I may use that. When we began to look at criminal justice initiatives—Howard, I need your help this session on those—Florence has been right there in terms of Ashley's Laws. When we began to look at State Affairs as Fraser has just chronicled, Florence being one of the, being the first female to head up that most important committee and the work that you did there. You've cast a broad shadow in terms of that type of legislation. And, then the most important initiative as it relates to education that I've had the pleasure of working with her on over the past couple of years, not only as it relates to public education but also higher education. And I can't think of a better person to kind of sit there and kind of look at that issue than provide the leadership on that issue than Florence, because I know that there have been committee hearing after committee hearing with the only person that was sitting there was Florence Shapiro, listening to input from persons from different walks of life, trying to do and craft what is, she believes it's in the best interest of the State of Texas, while receiving input from constituents. I was asked a question by a reporter today. And the question was whether there will be any more, whether there will be any acrimony as a result of redistricting and all the things that occurred. And I say, no, there will not be, because the fact of the matter is that when we come together as a body and recognize the importance of the issue that Florence is providing the leadership on, all of us will rally around her and the other leaders of this Chamber in order to craft a bill that will be within the best interest of the State of Texas. I rise, my

friend, my fellow grandparent, to put your name in and second the nomination of Florence McDonald Shapiro as President Pro Tempore of the Senate of the State of Texas.

**Senator Estes:** Thank you Mr. President. Florence, it's your day. I have a hard time conveying to you what a friend and mentor you have been to me as I have come into my Senate career, and to share with you the territory, with the good citizens of Collin County has been a joy. And I really felt like that today, maybe, since words were hard to come by, I should read from this book that you gave me, which are the Hebrew scriptures. And I haven't gotten really very far along on the right side of the page where the Hebrew is, but I am reading the English. And this is from the wisdom of Solomon, Proverbs 31, and it speaks to you, "An accomplished woman, who can find? Far beyond pearls is her value. Her husband's heart relies on her and he shall lack no fortune. She bestows goodness on him, never evil, all the days of her life. With strength she girds her loins and invigorates her arms. She discerns that her enterprise is good, her lamp is not snuffed out by night. She spreads out her palm to the poor and extends her hands to the destitute. Strength and majesty are her raiment, and she joyfully awaits the last day. She opens her mouth with wisdom and the teaching of kindness is on her tongue." And you've got to turn the pages the opposite way. "She anticipates the ways of her household and does not eat the bread of laziness. Her children have risen and praised her, her husband, and he extolled her. Many women have amassed achievement, but you surpass them all. Grace is false and beauty vain, a woman who fears the Lord, she should be praised. Give her the fruits of her hands, and let her be praised in the gates by her very own deeds." And let me just add to that, Florence, that your passion and your intelligence and your integrity are all wrapped up together and they're a light that shines in this great deliberative body. And it shows us the way. It's so very appropriate that you're President, going to be President Pro Tem in this time when we're discussing these issues on education and educational finance. And I'm proud to second the nomination for President Pro Tem.

**Senator Lucio:** Thank you Mr. President. Members, I join with you in rising, as well, to second this important nomination here today. For those of us, Florence, that are ahead of you in seniority, we know how you feel. It's a great honor and a great responsibility. When you came here in '93 you lit up the Senate, you really did. And you proved to all of us that you were very worthy of being called Senator because this is a Chamber that, of Members, men and women, who take their work very seriously. Your work ethic, your outgoing personality, unmatched by many, and you joined three other women who I call "the big four," all outstanding, all outgoing, and all that serve as role models in this Chamber. I can't say enough about your accomplishments. That's been articulated very well here this morning. We have been on different sides of issues, you and I, but always never lost respect for one another, and always worked to try to find common ground, to help one another. I can't tell you folks how very proud I was when I picked up election results in November of 2001 and saw where Plano and your district had voted in high percentages to support a \$175 million bond issue, road bonds, for road bonds for colonias along the border of Texas. That showed me something, that the people in your district and other parts of the state truly had a heart for other Texans in our great state. I think that even though we have disagreed on issues these last few sessions, we're all going to be together on public school

finance. There's no doubt in my mind that we will not let the people of, the children of Texas wait any longer for us to do the right thing. I look forward to this session. I think it's going to be a very meaningful session and we will stand together as we have in the past. I have great memories. One of them was when Senator Zaffirini, Senator Madla, Senator Harris, Senator West, Senator Barrientos, and others stood beside you on the steps of the State Capitol and we cried together as we remembered the Holocaust and the victims of that tragedy. And we will stand together, we will stand together as proud Texans doing the right thing for the people of our state. I do want to say one thing, folks. This lady motivated me to wear bow ties. So I wear a bow tie on Wednesday and she knows it because she saw me. My wife doesn't like bow ties, Florence. But when you told me I looked cute, I started wearing them on Wednesdays. But I try not to show those pictures with my wife. I just want to let everyone know that we have laughed together, we have cried together, we'll continue to work together to make Texas the greatest state in the nation.

**Senator Barrientos:** Mr. President. Members, I also rise to second the nomination of Florence Shapiro to be President *por esta temporada* of the Senate. Senator, having held this post before, I can tell you it has its positives but its negatives. On a positive side, after a decade of having to say nice things about colleagues nominated for this position, today you get to listen to us say nice things about you. On a negative side, when the Lieutenant Governor is absent, you will be paid his salary. Senator Shapiro came from a class of women leaders who demonstrated their leadership skills at the municipal level, Mayors who went on to serve their state at other levels, like Carole Strayhorn and Kay Granger. As a result, she is always cognizant of how what we do as state policy impacts local government. Florence shows a lot of foresight. For example, she sponsored a resolution honoring a native son of her City of Plano, Lance Armstrong, before he won the Tour de France. She also shares the glory, because Lance was a constituent of mine at the time Senator Shapiro let me co-sponsor the resolution with her. As Chair of Education, she is tackling the most important issue in our state and in our times, school finance. At a time when this issue is before the Supreme Court, she is maintaining a positive attitude in trying to lead on this issue when too many people in this building are waiting for 18 pairs of shoes to drop to get the job done. Senator, you and I have disagreed on some issues in the past and will likely do so again in some pretty different fundamental ways. Did I say likely? Above all else, I do admire your willingness to lead in transportation, education, child protection. You get out front to take the risks and you act. I applaud you for that, Senator Shapiro. You've made Howard, your children, your grandchildren proud. You've made Plano proud, and I hope, and I say hope, but I will not be surprised that when the dust settles on the school finance fight, we will all be proud, we Democrats and also Republicans.

**Senator Duncan:** Thank you Mr. President. Members, Senator Barrientos has inspired me to do math. Let's see, nine, 18 shoes, 62 shoes, I guess is what we are here. But in doing the math I got to thinking, if you're just 40, how do you have all these grandkids? I haven't understood that. It's with great honor that I rise to second the nomination for Senator Shapiro to serve as President Pro Tem. You have been a real leader to this Senate and to me. I remember first working with you on a substantial rollback bill on tort reform in 1995 when I served in the House and that



was my first opportunity to work with you. And I found you to be very intelligent and very passionate on the issues that you are involved in. And over the years we have not always agreed on issues. You know, there's a red and black and orange and white deal there every once in a while that causes some problems, but whenever we haven't, I've always found that you've been very willing to compromise, willing to sit down and talk. And I know we have some tough issues this session. I appreciate the integrity about which you approach an issue. I appreciate the energy that you put into the issue and the fact that the zeal that is very genuine and sincere to do the good job. So I look forward to working with you this session, and I'm really happy that you're going to be our leader.

**Senator Deuell:** Thank you Mr. President. It is indeed an honor to second this nomination. I think I am the only Senator who actually voted for Senator Shapiro to be Senator in 1992, because Hunt County was part of her district. I hesitate to mention redistricting, but with redistricting, Hunt County was placed in another district, so now I get to vote for you as our Senate Pro Tempore. I'll speak briefly just to say that I admire your energy and your spunk and your knowledge and thank you for your encouragement to me in my races and as a freshman Senator last year, and I still look forward to having that mentoring and that encouragement, and God bless you and God bless Texas. You're going to do a great job for us.

**Senator Ellis:** Thank you Mr. President. I, too, rise to second the nomination of this outstanding Senator. There are a lot of adjectives that I could use to describe you, Florence, here in public, but I won't use all of those. When I think of you, Senator Shapiro, more than anything else I think of you as a survivor. I heard reference by a couple of people to the fact that you are Jewish. It is important to note that some 27, I think, 26 years ago, when you first ran for public office for the City Council in Plano, you won by 35 votes. You had a very tough race for the Texas Senate after that redistricting issue. You beat a long-term incumbent. It was a rough race. A rough race for a woman who is tough as nails. I remember a number of times you telling me about the swastikas that were put on campaign signs. And, Florence, when I think of some of the battles that you and I have gone through on this Senate floor, it has also struck me that being such a tough politician, how you're a very sensitive person as well, and what a great sense of humor. As all of us know, from time to time, you're known to get a little teary-eyed. And I can remember on one occasion I thought I'd given one of my rip-roaring speeches and I saw the tears begin to well up in your eyes and I went over and I held your hand and I said, Florence, do I have you? You said, no, I'm crying because I'm going to kill your bill. Florence, I think of you as a survivor first and foremost, because of your generation, to be someone who's Jewish, whose parents survived the Holocaust, although you lost dozens of relatives in the Holocaust. You being our President Pro Tem is not so much, my friend, an opportunity for us to celebrate the victories that you have had, but, hopefully, to motivate you, to challenge you, in the tradition of your faith. Because you, my friend, will have the awesome responsibility this session not just to craft a political compromise, you get a chance, Madam Chair, to write a chapter in the history books of Texas public policy. The challenge for you, my friend, is not to just do what is

expedient, to do what gets us through the process, but to do what is right. So I proudly second the nomination of the Right Honorable Florence Shapiro for President Pro Tem of the Texas Senate.

**Senator Staples:** Thank you Mr. President. I rise to second the nomination of my dear friend, Senator Shapiro. And although the adjectives and accolades have been showered upon you today, I want you to know it's because of our true admiration for you and your work ethic and the example that you set for all of us. You have the ability to be a strong voice for your district and represent their interests, but you also have the ability to lead on issues important to all Texans, and we are so grateful for that broad Texas view that you bring to this Chamber. And in a lot of ways, Florence, you represent the optimism that defines Texas, and I think that is such a great element that you bring to our body. We also know, Senator Armbrister and I can attest, that with your karaoke abilities, that you will be able to lead these voices in harmony on whatever issues as President Pro Tem of the Senate. We know that among your many talents, of your knowledge and your wisdom that you bring, that your being a whirlwind of energy and being a tiny Texas tornado enables us to move the agenda forward, and you have the ability to stop an issue from the onset or to move something forward. And your constituents should be extremely proud of you because you truly enhance the rich heritage of the Texas Senate. I am proud to second your nomination.

**Senator Armbrister:** Thank you Mr. President. Florence, the thing about the Texas Senate that has always amazed me was even though that there are 31 of us coming from all parts of the State of Texas, we seem to find a lot of commonalities, not only of interest, sometimes relations, the good kind, obviously. I was sitting next to former Senator David Sibley, for a couple of years he was sitting there where Senator West is now, and we got to talking and found out that his mother is first cousin to my uncle by marriage, and, two different parts of the state. But as you know, you and I have that commonality and something special between us, in that you became a grandmother about seven hours before Susie and I became grandparents in the same hospital, only a seven hours difference. You had a grandson, we had a granddaughter. As you recall, my son and daughter-in-law were there, he was and still is a football coach and he was coaching at Plano High School, Plano West. Had our first grandchild. He's now coaching out on West Columbia. You have four grandchildren. We still have the one. As Chairman of the Senate's Committee on Natural Resources, part of the interim committee, we did do an investigation and found that it is the water in Plano, obviously. Florence, being President Pro Tempore of this body, you don't get a bigger parking place, you don't get a bigger office, you certainly don't get any more money as far as salary, you won't pass any more bills. I don't say these things to dim the light on this honor. I say those to remind all of us that what we do up here is often forgotten. What you have been back home, your work with abused and abandoned children, your work on the Samaritan Inn and that project for those less fortunate. As we sit here in this modern world trying to grasp the loss of 150,000 people by an event of a natural cause, in 2001 when we as Americans tried to grasp the loss of three to four thousand people in an attack on this country, I recall your and my conversation, and your conversation with a lot of us, because of your work on the Holocaust memorial museum and survivors recognition. And talking to us about what

it is for a people to survive those things, that has always given me hope to hear your conversations and have those. Like I say, in times of real trouble when we see the world that it's in and recognizing that you do shine as a beacon, that we can overcome those things, as we will overcome the issue of school finance in this state, as we did with transportation issues, as we did with a lot of these issues. We're all called here for whatever talents that we may have. But to know the fact that even though it must be the water in Plano, you do have a son-in-law from Hallettsville, down in my area, so we hope we can continue to contribute. And I do, as our colleagues have done, rise in pleasure to place in second your name as President Pro Tempore of this body.

**Senator Jackson:** Thank you Mr. President. I, too, rise to second the nomination of my almost-deskmate, Florence Shapiro, as President Pro Tempore for the 79th legislative session. It's been a pleasure. When I first got elected I had a lot of issues, especially dealing with criminal justice issues, and I was asking around who I need to talk to about those issues and Senator Whitmire's name and Senator Shapiro's name were at the top of the list of who we need to go to and talk to about trying to help in that arena. And she was so gracious of, even letting me take her to dinner one night to tell me that she was probably going to have to kill my bill, but she thought it was a fairly good idea, but, no, it was very gracious of her to work with me on that issue, and since then to watch her here. It's been mentioned about her personality and her character, and it takes quite a person to stand up here at the microphone and have just about every Member in this body get up and beat and hammer and hammer and talk about why what you are proposing shouldn't be done, and she stands there like a trooper and fights them all off and usually prevails, and it's just a real honor to watch her charisma and her character and her personality, and to have her serve as President Pro Tempore of this body is going to be a definite asset for all of us and all of the State of Texas. And, Howard, I think you would probably agree with me that, as being the husband and watching her all of these years, that she is so, so much more than just a "Plano" woman. She does a whole lot more, but, Mr. President, I will, too, with my colleagues, second the nomination of Florence Shapiro as President Pro Tempore.

**Senator Brimer:** Mr. President. I couldn't believe the caption, she's not just a "Plano" Senator, lasted that long before Jackson stole it from me right before I got up. Most of us are pleased to just do a few things well. Well, this Senator that we're honoring here today seems to do everything very well. And even during some of our leisure times we find out just how some can excel. I asked Senator Shapiro one evening to go to one of our regular, friendly card games, and she graciously accepted. And as we arrived in the smoke-filled room with very deep, loud voices, she took her place and commenced to cleaning everybody out. She did not lose one hand. She had them screaming and yelling. I had my back to the wall, and we finally escaped that night, only till the next morning when one who I shouldn't name, but it happened to be Representative Haggerty from El Paso, came up to me and said, Brimer, there's only one thing worse than a woman at a poker game and that's the sorry so-and-so that brought her. She was good. And now she wants to come back and I don't know what to tell her. The words that come to mind with Florence are "energy," she's got so much energy she puts that Energizer bunny down; "perseverance," she could be the role model for the children's story of the train, I think I can, I think I can; "effervescence," she's more bubbly than French champagne; and "positive," let me

tell you, anybody that would draw to an inside straight and hit it like she did, she's positive, that's for sure. So it's my honor to second the nomination of not just the "Plano" Senator, but my good friend, Florence Shapiro.

**Senator Ogden:** Florence, one of the hardest and most difficult things I did last session was have to face you about a provision in House Bill 3588 that had to do with how we were going to fund the mobility fund. And I dreaded the meeting and have come to appreciate how tenacious and how committed you are to the things that you believe in. And I know that I share with you the pride that you must have in knowing that beginning now, the Texas Mobility Fund will be fully funded and the revenue source is secure, a major, major accomplishment for transportation and the people of Texas. I was thinking about how far you've come and we've come since you were first elected in 1993, and I would hope that today that you will have a moment to think back about what it was like then, and because of your leadership, what it's like now. I mean, you have truly been a force for change in this Legislature and in our state government. And I don't think anybody could argue with the fact that because of your leadership, our state government is more conservative. It is more fiscally responsible. It is more focused on the things that government should focus on, like educational excellence, protection of the most vulnerable in our society. Our government is more pro-growth. Our government is more pro-opportunity. These are all things that I know you believed in deeply in 1993, and I think that, I hope that in 2005 you can achieve some sense of satisfaction that these beliefs have been translated into reality over the last 12 years. You've been a leader here. You've been a mentor for me, who had the privilege to follow you here in this Senate, and it's a great privilege to second your nomination for Senate Pro Tempore.

**Senator Hinojosa:** Thank you Mr. President. You know, Senator Shapiro, I really didn't know you when I was in the House of Representatives. I chaired a Committee on Criminal Jurisprudence, and I said who is this gracious woman sharing all of these criminal bills who wants to put everybody behind bars? When I came over to the Senate, I found out who you really were, and we had a lot of things in common. You have a lot of energy, a lot of focus, a lot of drive, but, also, you believe that, like I believe, that education is the best equalizer we have in our society. Education gives you knowledge, gives you power. But I also found out that we had another thing in common in that my son is Jewish. Your family is Jewish. I appreciate it, sharing those thoughts and concerns about the Holocaust and the terrorism that is going around in the world. But you know that as I worked with you, I found out that you were easy to talk to, you were easy to communicate with, and we could compromise, and I also wanted to put all of those criminals behind bars. But I would tell you, I noticed you were a gentler and kinder state Senator once you became a grandmother. So I look forward to working with you. It's an honor for me to also second the nomination for you to be the Senate Pro Tem in this Senate. Thank you.

**Senator Zaffirini:** Thank you Mr. President. Mr. President, Members, and guests, I, too, rise to second the nomination of my dear and valued friend, Florence Shapiro, for President Pro Tempore of the Texas Senate. You have heard about her virtues, about her characteristics, about her leadership, but one of the things that we all agree, in addition to those characteristics in all those stories, is that Senator Shapiro is a true

friend, and she is a friend who is compassionate. In fact, I know no Senator who exhibits the sympathy and the empathy and the compassion that Senator Shapiro does. She cares about each of us, and she cares about our families. She cares about her staff, she cares about her constituents, and she cares about the people of Texas. One of the things that I heard about Senator Shapiro recently that I would like to share with you is that on one day when she was in a hospital room in Dallas, a room full of joy where she was celebrating the birth of one of her grandchildren, she took the time to go down the hall to a room full of tragedy, a room full of sorrow, where one of her staff members had lost a child. Members, that is a friend, that is a person who cares, that is a person of compassion, and that is Florence Shapiro. Now, Senator Shapiro, you promised not to cry today. She promised she would not cry today. But the fact is, Members, that she does cry, she cries when any friend hurts, she cries when anyone is sad, because she cares so deeply. And yet this is a woman of great stature even though she is so tiny, and this is a woman of great strength, a woman who cares, but more important, a Senator who delivers. I am proud to second her nomination, Mr. President.

**Senator Van de Putte:** Thank you Mr. President. Mr. President and Members, I joyfully rise today to second the nomination of my dear *amiga*, Florence Shapiro. You've heard many of the comments from the colleagues, and you've heard both with joy and laughter, the good times that we've shared and the special relationships. And it's only through the really tough times that you can measure your leadership, Florence. And you have dealt with some tremendous issues. You know, there is a saying that my grandmother always said that *el que sabe que no sabe, sabe algo*, which means if you know what you don't know then you know something. And as a leader, and I've served with you on your Education Committee, you have always been the first to say, well, I don't know about that but we are going to find out. We will find out the answer. And a great leader always knows that we don't know all the facts. I am so tremendously excited about your leadership this year. The Lieutenant Governor has placed a great charge in you. We have the unique opportunity to transform our educational system. My family is here with me today, and they're a family of educators and of musicians, and much has been said about our musical ability. It's much like our educational system and a band that my husband once played in. And that band—sorry, honey—always sounded kind of mediocre. And there was much room for improvement, and the band leader would come to Pete and he'd say, "Oh, we got this really tremendous new trumpet player. He's going to add tremendously. And we've got a great new guy who plays guitar." Florence, you have two great new Members that have been added to this Chamber, but your charge as Chairman of our committee and as, now, our Pro Tempore, our President Pro Tempore is not just to get the new Members but to change the sheet music. We have a tremendous opportunity to change the music of our public school finance system, and in your endeavor, in your leadership, I pledge to you: You be our leader, you be our star; I'll always be your backup singer. I'm so proud to second your nomination as President Pro Tempore.

**Senator Lindsay:** Thank you Mr. President. When I arrived here in 1997, you didn't, I didn't have to spend a lot of time reading Florence's resume to find out that, indeed, she was a leader. And all I had to do was observe her in the committee

meetings and on the floor, and it was obvious that she was a significant leader in this organization, in this Senate body. It's been my privilege to have the opportunity to serve with her, and, Florence, all I can say, very briefly, is thank you and continue the great work, and I'm just delighted that you took the time to actually serve as the President Pro Tempore.

**Senator Williams:** Thank you Mr. President. I proudly rise to second the nomination of my friend and colleague, Senator Florence Shapiro, for President Pro Tem. I'll be very brief. We've heard already about your many virtues, about your fearless energy as you pursue things here in the state Senate, but I couldn't leave one thing left unsaid, and that is, the great patience that you have shown with me as you mentored me on the Senate Education Committee. I arrived last session very eager to have an opportunity to work on this issue. I had a lot to learn, and you exhibited enormous patience with me and with the others who had much to learn, and thank you so much for that. You are surrounded today by friends and family who have lots of warm feelings and love for you. We appreciate everything that you do, and, Howard, we appreciate you sharing Florence with us. Thank you.

**Senator Gallegos:** Thank you Mr. President. I also rise to second my friend's, Senator Shapiro's nomination to President Pro Tem. And now that Brimer has told me that you are going to be for voting, I mean for gambling, we might talk about school finance. But, let me just say, on education, that you are working with my dear friend, Shirley Neeley, from the Galena Park Independent School District. The Governor took her from us, but she is doing a good job. I do want to tell you that, there is something that, you know that when I came here in '95 and I was sitting on Health and Human Services Committee, and there was one of the bills that I had, I did not know you, and even though I served in the House, that I had some problems with, and, but you know, I knew some of the rules and Judy taught me some of the rules, and I said, well you could tag and kill a bill. And I said, well let me see what I, let me ask permission first. So Bob Johnson was sitting up there where Karina is and where the President is, Bullock was there, and I didn't want to upset Bob Bullock. So I called Mr. Johnson and I said, look, there's this Senator from Plano that's got this bill that I have got real serious problems with and I want to tag it. Can you ask the Lieutenant Governor if I can tag it? And he said, I'll call you back. So, true story, he calls me back and tells me, Senator, if you want to tag that bill, you go right ahead. And here comes Florence: You tagged my bill. I said, yes, I did. And she had a lot of people coming in to testify that day from all over the country. And she says, Mario—this is that gambling inside of her—Mario, why don't you just let me, at least let my folks testify, and I promise you I'll hold the bill. And I told her, Florence, I was born at night, but not last night; that bill is tagged. But let me just tell you that, and you've been given all the accolades already, but when I went to Israel, I knew some of your family was there, and we were going to have dinner, and I wanted to invite them, but I think they had something else to do that day. But, ultimately, you did pass that bill that I don't like and still don't like, but that's the tenacity in you, and it's an honor for me, Mr. President, to second the nomination of Florence Shapiro.

**Senator Harris:** Thank you Mr. President. Florence, when I sit here today and listen to all the many accolades that have been bestowed upon you, and, of course, as previous Pro Tem, and so many of us have been, many times there's very flowery speech, and at times it's stretching the truth of our capabilities and our previous achievements. But, Florence, whenever it comes to you, what has been said today is true. I mean, you even broke me from calling all the lady Senators "Hon," which was very hard for me to learn not to do. But here it is, Florence, we are going into, literally, a session that is going to change the future of Texas. You are Chairman of the Education Committee. The leadership trusts you, and, in turn, we as Senators trust you to help us solve this problem. Mr. President, I, too, wish to second the nomination.

**Senator Seliger:** Thank you Mr. President. I guess I'm one of only two people whose bills have not been killed by Senator Shapiro, and, so in our view, I suppose she's perfect. It's a good thing to think of terms to describe a person and I wanted to think of something unique and distinctive and I thought, how about one tough grandma? I thought, no, that's not very unique. But in ways she is tough and compassionate and tenacious and kind, with a laser-like focus that's obvious to any new Member, but with very broad vision, with a realization that her actions and her passions affect not only the people who send her to this body but all the people of the State of Texas. It also lies to me, Mr. President, to both nominate, second, and cast the vote to elect Senator Shapiro Chairman of the Jewish Caucus in the Senate. And because I've done so, you are also elected, and if you allow me to present the Caucus budget to the President later in the day. It will distinguish the careers of all of us to have served in the Senate with Senator Shapiro and the body that she will in this capacity preside. It's a very great honor, Mr. President and Members, for my first action as a Texas Senator, to second the nomination of Florence Shapiro as President Pro Tem of the Texas Senate.

**Senator Averitt:** Thank you Mr. President. I join my colleagues rising to second the nomination of Senator Shapiro as President Pro Tem. And today, Senator Shapiro, as we celebrate your tenure in the Texas Senate, we recognize that you were elected in 1993, that was the same time I was elected on the other side in the lower chamber. And during that time you've learned the rules, you've passed major legislation, you've chaired important committees, and today, however, you're charged with the task of carrying the burden of our greatest challenge in the Legislature. School finance, education reform is our greatest challenge, and I want to say publicly that I am ecstatic about the work that you are doing in that regard. It is bold, it's daring, and it's exactly the direction that our state needs to be moving, and I couldn't be prouder of serving with you in the Texas Senate. I couldn't be prouder to nominate you, or second the nomination for President Pro Tem and thank you for voting for my bills, by the way. Mr. President, I second the nomination.

**Senator Eltife:** Well, I was actually waiting to hear the Senate suspend the rules that would allow freshmen to speak, and then I realized when Senator Seliger spoke that I was allowed to stand up, so I was honored to second your nomination. One of the first Senators when I got here to call me and welcome me was Senator Shapiro, and she called and said I'd like to take you to dinner. So I said, that's great. You know, I

couldn't even find my office or the restroom or anything else, so she was the first person to call and help me. So we met at Jeffrey's and had dinner and I found out later, that night it was her birthday. So she had taken the time on her birthday to take me to dinner to welcome me to the Texas Senate, and that's really the kind of person she is. She represented Tyler when I was on the City Council and Mayor and she was always there for us, always taking care of us. Her graciousness, her kindness, is incredible. And, Florence, I'm honored to stand up and second your nomination.

**Senator Janek:** Thank you Mr. President. Senator Shapiro, I'll leave it with this. If I had to go into a political fight and I could only pick one person to go along with me, it would be you. More importantly, if I had to trust my kids with someone, it would be you. And now that I think about it, with the future of education at our doorstep, perhaps that's exactly what I am doing, trusting you with my kids. Thank you for serving, thank you for all you do for our state.

**Senator Whitmire:** I won't take long. Senator Shapiro, it's a tribute to you that so many Members have risen to speak. In fact, we've even got the freshmen coming out of their seats. Someday I'll tell y'all what would have happened to me in '83 if I'd have gotten up as a freshman and spoken. But it shows that we have made a lot of progress. First of all, I need to clear up, in all due respect to the grandparents, that y'all seem to have this grandparents' caucus here, some of us are not ready to become a grandfather. I've been telling my college-age daughters, repeatedly, wait and wait. Plus, I'm much younger than most of you grandparents. Florence, it's an honor because, and I'll be brief because we have been here a long time, I was here when you arrived and it's been so exciting and a personal pleasure to watch you grow as a Senator and truly become one of our leaders. You have become a role model not only for our freshmen but school students who come to the Capitol. I think we could demonstrate you as a role model for dignitaries from other countries because you work hard, your integrity is so high, we never question that you have a hidden agenda, and you, truly, your record speaks for itself. You are a role model. And, in closing, there are two dynamics, though, that I, personally, as Dean of the Senate, want to thank you for because you have made this body better, leaving partisanship outside our doors. We got a little off track last summer, but for the most part I know you to be a fierce partisan at election time. I watch you, I watch you bring all these Republican women in their red dresses, fill our gallery, but working with our current Lieutenant Governor and all 31 of us, you leave that outside. You recognize school finance and transportation are not Democrat or Republican issues, and when you join hands with a fierce partisan like Gonzalo Barrientos, and I could name others, to work as nonpartisan Senators is a tribute to you and it serves our state. Also in closing I want to publicly thank you for respecting our diversity. It was not always the practice on this Senate floor that we mixed and respected each other's diversity as well as you have insisted, not only with our ethnicity but also our faiths. So for that I want to publicly thank you. I think, Mr. President, I can close by saying that I believe we have the right Senator at the right place at the right time, not only to be our President Pro Tempore for this Regular Session but certainly to handle the tough issue of school finance. We are a better state, Senator Shapiro, because you are serving in the state Senate. With that I second Senator Shapiro's nomination.



The President declared that the Honorable Florence Shapiro had been duly elected President Pro Tempore of the 79th Legislature by a rising vote of the Senate.

The President appointed the following committee to escort Senator Shapiro and her party to the President's Rostrum: Senators Nelson, Shapleigh, West, Ogden, Fraser, Whitmire, and Estes.

Senator Shapiro and her party were then escorted to the President's Rostrum by the committee.

### **OATH OF OFFICE ADMINISTERED**

The President administered the Oath of Office to Senator Shapiro as follows:

I, Florence Shapiro, 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 Shapiro addressed the Senate as follows:

Today is a beautiful day in Austin, Texas, but it will soon turn cold in a day or two, and when Governor Perry and Lieutenant Governor Dewhurst go out of town next week, I will be the Governor, and it will be really cold. Howard always said it would be a cold day in Austin when Florence became Governor. I am overwhelmed. Jane said this would be special and it truly is.

I would like to share some of my thoughts with you this afternoon, to express my feelings, right here, right now, in this hallowed and beautiful Chamber, with my family, friends, and colleagues. This Chamber represents some of the finest men and women to ever serve in public office, and how fortunate I am to serve with you. The collegiality that exists in this room is something I cherish and will fight to preserve. To outsiders looking in, today's ceremony may seem like a good deal of pomp and circumstance, but to those of us who serve in this body, we know that this event transcends party, transcends ideology, transcends geographic regions, and transcends background. This is not just a legislative body, it is a family, a family of public servants who know, care about, and even love those sitting around us. My journey, like all journeys, has taken many years and many friends to bring me to this moment. Clearly, the four Lieutenant Governors I have served under have played influential roles in my life and my career in the Senate. I want to publicly thank Lieutenant Governor Dewhurst, Lieutenant Governor Bill Ratliff, Governor Perry, and Lieutenant Governor Bullock—I know you're up there and I know you're listening—thank you. Each of you have helped me along the way with a wise word or a comforting smile. You showed me where the turns in the road could be found and how to follow the jockey and not the horse, Governor Ratliff. And along the way, you taught me the importance of knowing when to stand up and talk and when to sit down and listen. First and foremost, I am

humbled by your words, Senators, and I shall cherish them for as long as I live. I am also so proud to have my family here to hear them. How often did I leave a family dinner or event to come to Austin for a Senate meeting? And, certainly, my children and my husband, Howard, have spent many a night or weekend without me at home. So for them, today is especially worthwhile. And my pride and joy, my grandbabies, they will likely never remember today, but rest assured, I will remind them of every word spoken here today about their Mimi, maybe even play the video, oh, two or three hundred times as they grow up. For this and many other reasons, I thank you for this honor.

I stand here before you today as President Pro Tem of the Texas Senate because of the sacrifices that Howard and my children made for me to be a public servant, first as City Councilmember, then Mayor, and now Senator. And I would like to say to them from the bottom of my heart, for all you did for me, thank you. Without my staff, I am nothing. They are the workers in this process, and I must give you all the credit. My Senate staff and education staff, you make me look good, and I thank you for your hard work and dedication. How lucky am I to have such great friends back home? So many have come here today, and you are my support system, and I love you for being here and coming all this way to support me. We are all motivated to serve for different reasons. Me? I wanted to make my parents proud. I am a first-generation American, the daughter of Holocaust survivors, and the first in my family to attend college. I know how hard my parents worked to make certain both my brother and I had whatever it took for a good education. Today's ceremony is the embodiment of the American dream, and for that, I am ever so grateful.

Today, I would like, as President Pro Tem of the Senate, to dedicate this session to our most precious resource in Texas, our children. As freedom expands around the globe, let's make sure freedom also expands here in Texas through a great education system for each child in Texas. Our children deserve the best education we can provide. Our children deserve the best health care we can offer. And our children deserve the best Texas we can imagine. As we begin this session, I hope each of you will join me in dedicating it to the children of Texas. This session, let's ask ourselves: How does what we do improve the lives of our children? My son-in-law, the Rabbi, reminds me that our lives are a gift from God and with that comes an obligation to serve him by *tikkun olam*, that's Hebrew for improving the world. What better way to improve the world than right here in Texas with our children? Once again, I thank you for this honor. I pledge to you my best effort. Let's make this session a great session. After all, our future demands it and our children deserve it. Thank you and God bless you all and God bless Texas.

**VIDEO RELEASE POLICY WAIVED**

On motion of Senator Nelson and by unanimous consent, the Senate policy which governs the release of videotapes of the Senate proceedings was waived in order that President Pro Tempore Shapiro might receive a copy of the videotape of this day's session.

**GUEST PRESENTED**

Senator Gallegos was recognized and introduced to the Senate his cousin, Colonel Joe E. Ramirez, Jr., of Houston.

The Senate welcomed its guest.

**GUESTS PRESENTED**

The President introduced to the Senate Governor Rick Perry and his wife, Anita.

The Senate welcomed its guests.

Governor Perry briefly addressed the Senate.

**MOMENT OF SILENCE OBSERVED**

At the request of Senator Hinojosa, the Senate observed a moment of silence in honor of our troops in Iraq.

**SENATE NOTIFIED**

A committee from the House of Representatives appeared at the Bar of the Senate and notified the President and Members that the House was organized and ready to transact business.

**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 (5) 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 Shapiro, Zaffirini, Ellis, Eltife, and Seliger.

**PHYSICIAN OF THE DAY**

Senator Nelson was recognized and presented Dr. Erica Williams Swegler of Keller as the Physician of the Day.

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

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 2:16 p.m. adjourned, in memory of Joseph E. Fite of Round Rock, until 11:00 a.m. tomorrow.

