

FOURTH DAY

MONDAY, JANUARY 24, 2005

PROCEEDINGS

The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Carona, Nelson.

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

The Reverend Dr. Raymond Bryant, African Methodist Episcopal Worship Center, Austin, offered the invocation as follows:

Almighty God, creator and sustainer of the universe, we come to You on this day with thanksgiving and praise for all the great things You have done. We thank You for a new year and for new opportunities. We thank You for new mercies and for Your continued grace. We thank You for those who serve the great State of Texas in this Legislature. God, we pray that in this session we are able to do the necessary things to ensure the best possible education for all the children of Texas. We pray that the ways and means for financing education are agreed upon and that we go forward together in advancing educational opportunities for all children. We pray for the President of the United States of America and his family. We pray for the troops at home and abroad and their families. We pray for the Governor and his family. God, we pray Your presence, power, and protection over each of them. We pray especially today for Lieutenant Governor Dewhurst. Be with him and guide him as he leads the Senate through this session. Bless him and his family in this season. And, finally, God, we pray that You bless the Senators and their respective families and allow this session to be productive and demonstrate the ability of all Texans to get along and do what is right and necessary for our state. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Thursday, January 13, 2005, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVES OF ABSENCE

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

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
January 24, 2005

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 33, Inviting the chief justice of the Supreme Court of Texas to address a joint session of the legislature on February 23, 2005.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PROCLAMATIONS BY THE GOVERNOR

The following Proclamations by the Governor were read and were filed with the Secretary of the Senate:

Austin, Texas
January 14, 2005

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SEVENTY-NINTH TEXAS LEGISLATURE, REGULAR SESSION:

There is no greater priority than protecting those who cannot help themselves, especially those who are in the dawn of their lives or the twilight of their years and who are at risk of abuse, neglect and manipulation. During the past year, the Health and Human Services Commission has conducted a systemic review of how the state cares for these citizens in need. I issued an executive order creating a new Division of Investigations to focus investigators' time on the critical job of receiving, reviewing, and investigating reports of abuse and neglect. I have called upon you to appropriate \$253 million in new general revenue for Child Protective Services during the next biennium to hire more than 800 new investigators and other clerical and support staff,

to provide \$5,000 retention bonuses for investigators, and to provide a 5 percent across-the-board pay raise to other workers. Likewise, I have called upon you to hire 144 new caseworkers for Adult Protective Services and to institute comprehensive reforms including transferring guardianship services to the Department of Aging and Disability Services.

THEREFORE, I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by means of this special message, do hereby submit the following emergency matter for immediate consideration to the 79th Legislature, now convened:

Legislation that provides for comprehensive reform and additional funding for Child Protective Services and Adult Protective Services.

Respectfully submitted,

/s/Rick Perry
Governor

Austin, Texas
January 14, 2005

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SEVENTY-NINTH TEXAS LEGISLATURE, REGULAR SESSION:

Education is the foundation for the economic and cultural future of the state of Texas. We must maintain an equitable system of school finance that ensures student performance and accountability are the primary goals. Educational excellence requires that the state provide resources to reward higher levels of student performance. Likewise, the state's system of accountability must include new measures of financial accountability and transparency in budgeting. Any changes in revenue structures must stimulate job creation and provide a healthy climate in which business can operate and expand. Local property taxes must be cut and controlled to ensure that Texans are not burdened by excessive property tax rates without a vote.

THEREFORE, I, RICK PERRY, Governor of the State of Texas, pursuant to Article III, Section 5, of the Texas Constitution and by means of this special message, do hereby submit the following emergency matter for immediate consideration to the 79th Legislature, now convened:

Legislation that provides for comprehensive reform of the public education system by creating incentives to improve student performance and teacher compensation, by affirming greater accountability and transparency in school budgeting, and by supporting these goals with a finance system that encourages and stimulates a healthy job creation climate.

Respectfully submitted,

/s/Rick Perry
Governor

PHYSICIAN OF THE DAY

Senator Wentworth was recognized and presented Dr. Michael J. Dominguez of San Antonio as the Physician of the Day.

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

HOUSE CONCURRENT RESOLUTION 33

The President laid before the Senate the following resolution:

HCR 33, Inviting the chief justice of the Supreme Court of Texas to address a joint session of the legislature on Wednesday, February 23, 2005.

WENTWORTH

HCR 33 was read.

On motion of Senator Wentworth and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the resolution except as follows:

Absent-excused: Carona, Nelson.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 28 by Ellis, In memory of Zelma D. Meek.

Congratulatory Resolutions

SR 12 by Jackson, Congratulating Tilman Fertitta on his induction into the Texas Business Hall of Fame.

SR 13 by Jackson, Commending Joel Coulter for achieving the rank of Eagle Scout.

SR 15 by Jackson, Commending Bradley Koslan for achieving the rank of Eagle Scout.

SR 18 by Gallegos, Commending Nevarro Dean Harris Daniels of Houston for her accomplishments in music.

SR 20 by Williams, Congratulating Mark J. Kubala on his selection for the Julie Rogers Special Service Award.

SR 23 by Barrientos, Recognizing Patricia Kappler on the occasion of her retirement.

SR 24 by West, Recognizing Juanita Letha Hicks Lee of Dallas on the occasion of her 100th birthday.

SR 25 by West, Recognizing Carol V. Francois on the occasion of her retirement.

SR 26 by Ellis, Recognizing Jen Ray for her service at the Center for Policy Alternatives.

SR 27 by Ellis, Recognizing Eunice Johnson on the occasion of her retirement.

SR 29 by Ellis, Recognizing J. R. Reynolds Elementary School in Houston on the occasion of its groundbreaking ceremony.

SR 30 by Ellis, Recognizing Sebron Oliver Brown of Houston on the occasion of his 70th birthday.

SR 31 by Ellis, Commending Delbert R. and Minnie J. Jefferson for their service to Christian Home Missionary Baptist Church in Houston.

Official Designation Resolution

SR 14 by Jackson, Declaring March 15, 2005, Brazoria County Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 1:59 p.m. adjourned until 11:00 a.m. tomorrow.

