

SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE — FIRST CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

EIGHTH DAY

(Continued)

(Thursday, August 10, 2017)

AFTER RECESS

The Senate met at 10:12 a.m. and was called to order by the President.

SENATOR ANNOUNCED PRESENT

Senator Burton, who had previously been recorded as "Absent-excused," was announced "Present."

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given by Senator Birdwell on Monday, August 7, 2017.

Senator Birdwell moved confirmation of the nominees reported by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Administrator, Texas Bullion Depository: Tom Smelker, Travis County.

Members, Board of Directors, State Bar of Texas: Michael E. Dokupil, Harris County; Jarrod T. Foerster, Harris County.

SENATE RESOLUTION 118

Senator Watson offered the following resolution:

SR 118, In memory of Mark Wells White Jr.

The resolution was read.

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

On motion of Senator Watson, **SR 118** was adopted by a rising vote of the Senate.

In honor of the memory of Mark Wells White Jr., the text of the resolution is printed at the end of this day's *Senate Journal*.

REMARKS ORDERED PRINTED

On motion of Senator Hughes and by unanimous consent, the remarks by Senators Watson, Lucio, Hinojosa, and Whitmire regarding **SR 118** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Watson: Thank you, Mr. President. Members, as I indicated to you the other day after we heard of the sad passing of Governor White that this resolution would be, I would move and have this resolution have the names of all of the Senators attached to it. Governor White, the resolution speaks to most of what I would say. I will say that I had the privilege of speaking to him on the Friday before he passed. He had called my Senate office, and as he always did when he would call, he would, he was always in a happy mood, wanted to talk politics and wanted to talk Baylor. He loved Baylor University and he, of course, he loved politics. I remember the first time I met him, and it was when I was 20 years old in 1978 when he was running for Attorney General. And he was, I was in Waco. I was at Baylor. And when he came through, when he would come through Waco, course I was already in love with politics myself, and I would, I got to be with him on those occasions. The thing I most remember about that was not just that this was the guy that was going to be the next Attorney General and actually end up winning it, but the thing that impressed me the most as a 20-year-old college student was he acted, he treated me like I was somebody. He acted like I actually knew something, and that was a lesson that, frankly, I've tried to carry with me as I've gone forward in politics and in life. He, when he was Governor, you've heard a lot, and it was just mentioned, I'll mention one other thing, Senator Rodríguez, when he ran for Governor, one of the big issues that year, the year he won, was utility bills and how we deal with utilities. And one of the things that he did during that period of time was he campaigned that he was going to put a housewife on the Public Utility Commission. And he did. He appointed Peggy Rosson of El Paso to be on the Public Utility Commission. She was consumer advocate on the Public Utility Commission. Members that have been here awhile will remember that after she left the Public Utility Commission, she became a State Senator from El Paso and served for several years as a State Senator. One of the biggest accomplishments of Governor White's time in the Governor's Office was when MCC, and you heard this in the resolution, the Microelectronics and Computer Technology Corporation, when it was recruited to come to Austin, Texas. This, in many people's minds, was the first big step by the State of Texas into diversifying its economy and serving as the threshold for both Austin and the State of Texas to become a focal point in a worldwide information and technology economy. Austin, Texas, was not at the top of the list of a place for Microelectronics and Computer Corporation to locate at the time. But Governor White, working with some other visionary people, and working with The University of Texas at Austin, they put together a coalition that allowed MCC to come and locate here. Many of you know Admiral Bobby Ray Inman, he was the first president, CEO, he had led the, he had been a leader in Washington, D.C., and he came and was the leader of this. This MCC is a big reason that today we're able to brag in Texas and in Austin, Texas, that we are, we are rivals of anyone in the world.

We're in competition with anyone when it comes to being able to attract and retain and recruit the technology sector of our economy. And arguably that was his, one of his biggest achievements. As you all know, Members, he will lie in state in the Capitol Rotunda today. He will be buried in the State Cemetery, and as I understand it, a private family gathering. It's important, I think, for us to recognize the history of our state and the role that leaders have played in it, and I appreciate you all joining me in this resolution honoring Governor White. Thank you, Mr. President.

Senator Lucio: Thank you, Mr. President and Members. I, too, rise to pay tribute to a great Texan, a gentleman that I certainly had a relationship with as a public official. I was pretty young when I first met him, and we did call on Governor Briscoe. At the time I was a County Treasurer, and the County Treasurers' Association really, also, supported Governor White to be Secretary of State. He, the Valley, I can say, the Rio Grande Valley, you know, it was a place he truly loved. He loved the people of the Valley and the people from the Valley loved him. I remember the young man that was always at his side, Lupe Zamarripa, who certainly helped. And I'm going to call him Mark because that was something he loved to do, he loved to call you by your first name. That made it personal and he wanted to be personal. He wanted to be your best friend, and he certainly treated you that way. I think he's got a lot of legacies, a lot of things that he can add to his leg— that we can say today as we honor him throughout the day that would add to his incredible legacy as a statewide public official serving in various positions. But I think Secretary of State really kicked it off in the right way for him. He got so close to the people throughout the state. It was not just the Valley. We knew him personally because he was down there so often. And I think being Secretary of State really meant so much to him because it gave him a chance to work with both sides of the aisle. It gave him a chance to address issues in a bipartisan way or a nonpartisan way. And I think that was very significant, and I think that's where he earned the respect from both sides of the aisle, a conservative Democrat that I related to quite a bit on the issues. I know that he raised the bar. All of us know he raised the bar for UIL competition, the athletes of our state, as Senator Watson alluded to in the resolution. And I think that's important for us because it changed, it changed things. It challenged our kids to be scholars and not just athletes, and I thought at the time that was a pretty good thing to do because a lot of the coaches, and I coached in the '60s, felt that way. We focused on the kids making sure they finished, you know, junior high and then went on, the high school and finished high school and, hopefully, had an opportunity to be first in their families to go to college. Those are the kind of students that I had, and there were many throughout the state in that same position. So, I can obviously stand here and say so much about him, how much he meant to us. We could call on him anytime. He would certainly be a great counselor no matter what the issue or the subject matter. He always had a way of addressing it, addressing it very effectively. So, I have a lot of wonderful memories of him and Linda Gale, who was very often with him. We got to know his wife, you know, in a first-name basis, as well. And that was a period of time when, you know, I thought, you know, coming in '87, I was going to serve with him. But Governor Clements came back and quite, you know, to my great surprise, and I was very happy. I had a great relationship with Governor Clements. I really did. He and I hit it off pretty big. I gave him a Mexican hat, and, you know, after that it was, it was love at first sight, I guess to be

trying to be cute right now. But, going back to Mark, I'm just happy I have an opportunity to reflect on the many wonderful things he did for the Valley and the fact that the people back home are mourning his loss. And I, for one, will remember him and Lupe Zamarripa and how much they did for us down in the Valley during the period of time when they served in public office. Thank you, Mr. President, and thank you, Members.

Senator Hinojosa: Thank you, Mr. President, and thank you, Senator Watson, for bringing this memorial resolution. You know, and I do remember Mark White, Governor Mark White. As a matter of fact, I worked on his staff when he was Secretary of State. And at that time I was just a young lawyer out of Georgetown Law School. And Governor White would come into the office always smiling, always full of energy, always glowing. He would stop and shake hands with each one of the staff people in his office. He was an unbelievable person, and you could see him always being encouraging, always being there to help, always providing the leadership. His doors were always open. Then, I left and started working for John Hill when he was Attorney General. But Mark White then came in and became Attorney General, and I worked under Mark White as an Assistant Attorney General. And he named me to head the McAllen regional office and the San Antonio Attorney General's office. And in that position, he was also just as accessible, always looking for ways to improve law enforcement, always looking for ways to improve the Attorney General's office in our state. And he made many, many trips down to the Valley. He really focused on colonias. He also focused on helping local prosecutors prosecute drug cases and any help that law enforcement would need. And then, I had the pleasure and honor of being elected to the Texas House of Representatives when he was Governor. And there he is, again, a man of courage, a man of vision, not afraid to do what's right for our state. And I do remember very well at that time he was pushing education, educational reforms, House Bill 72, and a tremendous impact on our public education system. Keeping in mind that what he did, no one had ever done before. He pushed House Bill 72 "no pass, no play" rule, so that you couldn't play football or any sport or any extracurricular activity if you did not make a passing grade. Unheard of, right? He also passed and pushed with Ross Perot for a large pay raise for our teachers of \$3,000 or more. But just as important, the public demanded accountability where they wanted to make sure that our teachers were doing a good job in teaching. So, we also passed legislation called TECAT, which was a competency test for our teachers. And all the teacher groups initially supported it and endorsed it. Somewhere along the line, a lot of teachers went off on the wrong, rogue and attacked him and criticized him, called him, Mark White-out. And I remember going down to the Rio Grande Valley with him when he was Governor and I was a State Rep, and we landed in Harlingen and there were hundreds and hundreds of teachers screaming and yelling at him. He never lost his composure. He was always poised. And he knew that what he was doing was right, regardless of the consequences. And he really has had tremendous impact on education in terms of putting a system in place to improve the quality of education for a student. He understood that education was and is our best equalizer in our society. He understood that education will give a student the power, the power to succeed. And that is his legacy. But besides education, he had, took the lead in dealing with indigent health care. He passed legislation to help our counties and have the

county set aside a certain amount of their budget, I think at that time it was 10 percent, for indigent health care. And I remember that Speaker Craddick, at that time State Representative Craddick, I think killed the bill right at midnight, sine die. And pretty interesting because we all went crazy about we needed the bill, we needed that bill, and Attorney General, then our Governor Mark White, called a special session around 1:30, 2 o'clock in the morning, and we got it passed. That was a commitment to the people in the State of Texas. Fearless. Courage. And also he paid attention to the colonias in South Texas and found out that the colonias were not just along the Border. Senator Perry, they're up in Lubbock. They're up, Senator Seliger, they're up in Amarillo. So, it was a statewide problem he focused. And he was never afraid to do the right thing, regardless of the consequences, and he always felt that he wanted to make this state a better place. And now that he's gone to heaven, he certainly made the State of Texas a better place for all of us to live and enjoy than when he first, when he first came to the world. May he rest in peace and be in heaven. Thank you, Mr. President.

Senator Whitmire: Thank you, Mr. President and Members. I think the wonderful resolution Senator Watson introduced certainly covered the accomplishments. I thought it would be interesting to share with you some hardball politics on the side of Mark White. A lot of people think we just kind of started recently when it got so partisan around here, but I got to go back and share with you the impact he had on my political experiences. I think as I look on the Senate floor, Mr. President, I'm the only Senator that had the pleasure of serving in the Senate when Mark White was Governor. They well documented his accomplishments and his willingness to suffer the consequences to do the right thing. I was right here voting on the Senate floor when he and Ross Perot teamed up, education reform, certainly the athletic aspect, which got most of the attention, but he really went for accountability toward our public school teachers and probably learned, I did at that time and other colleagues, that the school teachers may not, can elect you but they can certainly defeat you. And I think Mark White experienced that. But let me just briefly tell you what it was like for a freshman State Senator. I had been in the House for 10 years. I knew Mark White as Secretary of State under Briscoe, and certainly he upset Price Daniel Jr., who had been our Speaker, and his family was a legacy in Texas. But Mark White, I can remember one advertisement, commercial, of slamming a county jail door, and as Attorney General he would clean up criminal element and lock everybody up even though at that time the Attorney General had nothing to do with criminal justice. That's been developed in recent years. But I got a call about a week after being sworn in to the Senate. There were about 11 of us freshman Senators, the likes of John Montford and Chet Edwards and Craig Washington. We were called to the Governor's Office, and of course, even after 10 years in the House, I was still really impressed, and I'm surprised Governors don't do it more today, network more, call Senators and State Reps into the Governor's Office. It still is a pretty impressive experience. So, John Fainter was sitting there as his Chief of Staff and said this is what I need you freshman Senators to do. This bad ol' Republican Governor was the first Republican Governor in 100 years, had just got defeated, made 50 midnight appointments. About 10 minutes to 12, Governor Clements had submitted 50 key appointments to state boards and agencies, A&M Regents, Texas Regents. And he said if you will, as a

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RECESS AND MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 10:56 a.m. recessed, pending the receipt of messages and committee reports and the introduction of bills and resolutions on first reading.

The Senate further agreed to recess, in memory of Mark Wells White Jr. and Jason Fann, upon receipt of messages and committee reports and the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

AFTER RECESS

The Senate met at 3:23 p.m. and was called to order by Senator Buckingham.

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 80 to Committee on State Affairs.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 114 by Buckingham, In memory of Elise Ybarra.

SR 115 by Watson, In memory of Julie Gomoll.

SR 117 by Lucio, In memory of Ira Elmer Black Jr.

SR 119 by Hughes, In memory of Samuel Alvin White.

SR 124 by Hughes, In memory of John William Foster.

SR 125 by Hughes, In memory of Lonnie "Bo" Pilgrim.

SR 126 by Hughes, In memory of Betty Jean Slentz West.

SR 127 by Hughes, In memory of Polly Perry Marsh Brabham.

Congratulatory Resolutions

SR 113 by Schwertner, Recognizing Chris Kirk for receiving the Tom Tellepsen Award.

SR 116 by Zaffirini, Recognizing Andrea Miranda Paez for being named the 2016-2017 Laredo Sector Youth of the Year.

SR 120 by Hughes, Recognizing Saint Mark Christian Methodist Episcopal Church on the occasion of its 150th anniversary.

SR 121 by Hughes, Recognizing Mark Neeley on the occasion of his retirement.

SR 122 by Hughes, Recognizing J. Kie Bowman for 20 years of service to Hyde Park Baptist Church.

SR 123 by Hughes, Recognizing Steve Packer on the occasion of his retirement.

HCR 26 (Taylor of Collin), Congratulating Margana Wood on being crowned Miss Texas 2017.

RECESS

Pursuant to a previously adopted motion, the Senate at 3:24 p.m. recessed, in memory of Mark Wells White Jr. and Jason Fann, pending the receipt of messages and committee reports and the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORT

The following committee report was received by the Secretary of the Senate:

August 10, 2017

HEALTH AND HUMAN SERVICES — HB 13

In Memory
of
Mark Wells White Jr.
Senate Resolution 118

WHEREAS, The Senate of the State of Texas joins Texans across the state in mourning the loss of Mark Wells White Jr., who died August 5, 2017, at the age of 77; and

WHEREAS, Governor White served the people of Texas with dedication and integrity over the course of an exceptional career in public service that spanned many years; a conservative Democrat and a highly respected state leader and politician, Mark White served with distinction as Texas' secretary of state, attorney general, and governor; during his governorship, he was noted for championing political and educational reform and for making inclusiveness a high priority in all facets of life in Texas; and

WHEREAS, Mark White was born March 17, 1940, in Henderson, Texas, and he grew up in Houston; he attended Baylor University, where he earned degrees in business administration and law, and where he also met his beloved wife, Linda Gale White; and

WHEREAS, He began his career in statewide office at the age of 32, when he was appointed by Governor Dolph Briscoe in 1973 to be Texas secretary of state; in 1978, at the age of 37, he was elected attorney general; and

WHEREAS, In 1982, he defeated the incumbent governor, Bill Clements, to become the state's 43rd governor; during his term in office, from 1983 to 1987, he was a powerful advocate for transforming the state's educational system, and he pushed through a \$4 billion tax and fee increase to pay for improvements in the state's public schools; an innovative and, at the time, controversial aspect of his reform efforts was the implementation of "no pass, no play," a measure that required students to be passing all their classes in order to participate in extracurricular activities; the measure endured a firestorm of criticism and became a valued and integral part of the Texas educational system that remains in place today; and

WHEREAS, Other features of his significant and successful public school initiatives were reductions in class size, a 26 percent increase in funding to equalize statewide education spending, and the implementation of statewide testing standards; a number of states across the nation adopted into their educational systems many of Governor White's groundbreaking initiatives; and

WHEREAS, During Governor White's tenure, he grappled with the state's struggling economy due to disruptions in the oil market and the collapse of the savings and loan industry, which led to drastically reduced revenues for the state; however, he welcomed the era of new technology, and

he is noted for embracing diversification of the state's economy and for the major role he played in the recruitment to Austin of the research conglomerate MCC; and

WHEREAS, After leaving office, he returned to the private practice of law; he also continued to be active on behalf of his fellow Texans, and he eventually began to have serious reservations about capital punishment; he urged lawmakers to reconsider its use, and he worked with the Innocence Project on behalf of wrongfully convicted inmates; and

WHEREAS, A man of courage and exceptional vision, he served the people of Texas with loyalty and a commitment to fairness, and his love of this state, his many accomplishments as its governor, and his dedication to public service have had a lasting and positive impact; and

WHEREAS, He was a devoted husband, father, and grandfather, and he leaves behind memories that will be treasured forever by his family and countless friends and by all who were privileged to share in his life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 85th Legislature, 1st Called Session, hereby extend sincere condolences to the bereaved family of Mark Wells White Jr.: his wife, Linda Gale Thompson White; his sons, Mark White III and Andrew White; his daughter, Elizabeth Marie White Russell; his daughters-in-law, Melanie and Stacey; his son-in-law, Seth Russell; his sister, Betty Gerlach; and his nine grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate and that when the Senate adjourns this day, it do so in memory of Governor Mark White.

WATSON