

FIRST DAY

TUESDAY, JANUARY 14, 2003

PROCEEDINGS

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Seventy-eighth Legislature met in the Senate Chamber of the State Capitol on Tuesday, the fourteenth day of January, 2003, at 12:00 noon.

The Honorable Bill Ratliff, Lieutenant Governor and President of the Senate, called the Senate to order.

The Reverend Dr. Raymond Armstrong, First Christian Church, Clarksville, offered the invocation as follows:

Creator of us all, who hast given us this good land for our heritage, cause us to be mindful and thankful for Thy favor. Bless our land with honorable industry, sound learning, and pure manners. Save us from terror, violence, discord and confusion, from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom we entrust the authority of government, that there may be justice and peace on the Earth. To this end we offer a special prayer for the leaders of the nations and for our countries' armed forces now in various parts of the world.

O God of wisdom, we beseech Thee so to guide and bless our Senators and Representatives in this 78th legislative session of the State of Texas, that they may enact such laws as shall please Thee, and the welfare of the people of this state. Give courage, wisdom, and the foresight to provide for the needs of all our people, and to fulfill our obligations in the community of nations.

Author of liberty, grant this body and its leadership understanding and integrity that human rights may be guarded and justice served. Make us good stewards of the time and resources Thou hast entrusted to us in this legislative session. Bless the Members and their families in mind, body, and spirit. This is our prayer in Thy holy name. Amen.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the Senate was provided by Ella Anderson.

CO-AUTHOR OF SENATE BILL 155

On motion of Senator Zaffirini, Senator Wentworth will be shown as Co-author of **SB 155**.

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, GWYN SHEA, 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 78th Legislature, 2003, whose election on November 5, 2002, 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 18th day of December, 2002.

(Seal)

/s/Gwyn Shea
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 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 Teel Bivins, 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 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 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 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 Rodney Ellis, representing the Thirteenth Senatorial District composed of: Part of Fort Bend and part of Harris 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 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 Eddie Lucio, Jr., representing the Twenty-seventh Senatorial District composed of: Cameron, part of Hidalgo, Kenedy, Kleberg, and Willacy counties.

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 Ogden, 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 Bill Ratliff, 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 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 Leticia Van de Putte, representing the Twenty-sixth Senatorial District composed of: Part of Bexar County.

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

The Honorable John Whitmire, representing the Fifteenth Senatorial District composed of: Part of Harris 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 Thomas R. Phillips 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 of the Senate was present.

ADDRESS BY LIEUTENANT GOVERNOR-ELECT

The President presented to the Senate Lieutenant Governor-elect David Dewhurst who addressed the Senate as follows:

Governor Ratliff, I want to thank you very, very much. Distinguished Members of the Texas Senate, friends, I want to thank you for all of your hospitality in being here today and for your help in the caucus just a little while ago. But let me start off by saying, I want to give my most sincere appreciation to Governor Bill Ratliff for his service to the State of Texas over these past two difficult years. Bill Ratliff has truly been a man of the hour, and he's demonstrated what we all know, integrity, hard work, experience, and wisdom. And on a personal basis, Governor Ratliff has been a source of inspiration and counsel to me over these last several months since the election, and, Governor, I appreciate you very, very much.

You know, Members, we knew it was going to be tough, and it got a little tougher yesterday morning. But the people of Texas have given us a great responsibility, and we didn't come here not to be successful. We will be successful. As our friend Senator Brimer said last night very eloquently, "It's time to get started." And we are getting started today. This is an historic session. People have said that this is probably the toughest session since 1991. It's the toughest session since the end of World War II. But where we have challenges, we'll turn these into opportunities.

I've had the honor over these last two months to spend hours and hours with every one of our 31 Senators. And for those of you who may not know all 31, let me just say from the bottom of my heart, we are lucky to have such a great group of men and women. The men and women of the Texas Senate are committed to put Texas first. Again, we've got some challenges in front of us. We are starting work today. We will be successful, and we will be successful in providing for essential services to the people of Texas. We will work to continue to make this state even a greater state to live, to have a family, to have a job, and to grow in.

So thank you for being here today. My congratulations to all of the new Members of the Senate. I am, as I said in the caucus, Bob Bullock said 12 years ago, that he was, as he stood before the people of Texas and was

inaugurated, he felt to be one of the most humble men in the State of Texas, and that's the way I feel. I am honored to have the opportunity to serve with you as your next Lieutenant Governor. I am honored to serve with men and women such as Bill Ratliff. May God bless the great State of Texas. Thank you so much.

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 31 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 78th Legislature are:

- (1) Secretary of the Senate—Patsy Spaw;
- (2) Calendar Clerk—Pat Rodgers;
- (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, Walter Fisher, 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 or another appropriate senate officer, 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 personnel 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 \$31,000 per month for chairs and \$34,000 per month for non-chairs.

(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 the regular session of the 78th 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.

The resolution 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 Thomas R. Phillips 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.

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

The President announced that the time had arrived for the election of President Pro Tempore of the 78th Legislature, Regular Session.

Senator Harris placed in nomination the name of Senator Eddie Lucio, Jr., of Brownsville for the office of President Pro Tempore of the 78th Legislature, Regular Session.

The nominating speech by Senator Harris was reduced to writing and printed in the *Senate Journal* as follows:

Mr. President, Members, in 1985 I entered the Texas House of Representatives as a Republican House Member from Tarrant County. Now, in those days, if you even crossed the river into Dallas County, you were going into no man's land and, in fact, the idea that there was more to Texas than Tarrant County was totally foreign to me and to my beliefs.

In 1987 there was a young man elected from the border region of our great state. That young man, he was a Democrat, but he had unbridled enthusiasm. He had an unbridled belief in his part of the state. And I was very, very fortunate that Eddie and I became friends. And suddenly Eddie opened my horizons, and I realized there was more to Texas than just Tarrant County. As we moved through the House process together, very fortunately for me, Eddie and I learned how to work on issues together. We learned how to help each other to help our areas. But the most important thing is he taught me to look at Texas as a whole and for us to do what was best for all Texans. Now, through the years, Eddie has continually remained true to that goal that he had when he entered the House in 1987, and that was to take care of all of the people.

In 1991 I was seriously considering running for the Texas Senate. I couldn't decide if it was the best move for me at that time, or whether or not I was better off to wait, and I was really vacillating on whether or not to run. In my period of vacillation I got a call from Eddie, and Eddie said he was running for the Senate. Well, instantly, my mind was made up. If Eddie was going to run, I was going to run, because I knew I would have a soul brother in the Senate. And as it's turned out, that's been by far the best decision for both of us. Eddie and I through the years have worked on many issues together, every type of health care issue you can dream of. Eddie was invaluable when I chaired the Senate side of the Sunset Commission, and, of course, the benefits that Senate Finance has had when Eddie's been there, and his stewardship that he gave to all of us on key issues when he was on Finance.

Now, Eddie and I don't always agree, and the process isn't always pretty—that's mainly my fault, not Eddie's. But I think in the end the two of us together, along with the rest of you, we all make Texas a little better place to be. I cannot stress enough how important it is to me to be able to call Eddie Lucio a friend and confidante. He is one of the finest men I have ever had the honor and privilege in knowing, and the entire State of Texas,

not just District 27, has benefited from Eddie's willingness to serve. That is why it gives me great pleasure to nominate Senator Eduardo Lucio, Jr., President Pro Tempore of the 78th Regular Session.

Senators Madla, Bivins, Barrientos, Fraser, Shapleigh, Wentworth, Van de Putte, Ogden, West, Lindsay, Gallegos, Jackson, Armbrister, Ellis, Duncan, Zaffirini, and Whitmire seconded the nomination.

Senator Lucio was elected President Pro Tempore by a rising vote of the Senate.

The President appointed the following committee to escort Senator Lucio and his party to the President's Rostrum: Senators Harris, Armbrister, Van de Putte, Fraser, and Ellis.

Senator Lucio and his party were then escorted to the President's Rostrum by the committee.

OATH OF OFFICE ADMINISTERED

Chief Justice Thomas R. Phillips administered the Oath of Office to Senator Lucio as follows:

I, Eddie Lucio, 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 Lucio addressed the Senate as follows:

Governor Ratliff, congratulations to you, Sir. I did everybody a favor after all those long speeches I thought I'd leave my speech on the table. But I wanted to take a brief moment to acknowledge the fact that I feel very humbled, as Governor Dewhurst mentioned earlier today, this morning. I feel very humbled and blessed and honored to have an opportunity to work with 30 others along with the Lieutenant Governor, 31 other great Texans, the best Texas can offer, and I want you to give the Senators here, ladies and gentlemen, a big, big hand, along with our new Lieutenant Governor.

I have some very brief remarks but I first want for all of you to please join with me in a moment of silence. We learned this morning that one of our colleagues' mother-in-law passed away, the Honorable Troy Fraser's mother-in-law passed away. Linda is a very dear friend of ours, and if you would join me for just a brief moment of silence in respect to the family. Thank you.

Senator Harris, Chris Harris, probably one of the most compassionate individuals I've ever met, ever, in my whole life, I thank you for offering my nomination to President Pro Tem. Senator Madla, who I've been with for so many years I lost count, I thank you, Sir, for seconding. And all the Senators that rose and all those that have talked to me, obviously, I respect and admire and appreciate each and every one of you. I've learned a lot of things. I forgot some of those stories. I think the greatest story that will be

told this year will be when we finish our work here during this legislative session and we look back and say that we did it. We came together as a body and, someone mentioned, brothers and sisters that we truly feel we are. We become so closely bonded that every day we look forward to working with one another and appreciating one another and looking at every corner of the state and trying to do what's best for the people of this great state.

I'm here, as was mentioned, because of two individuals, obviously 57 years ago as of January 20th of this month, my mom and dad who are not able to be here. My daddy unfortunately broke a leg and had a slight heart attack and is recuperating, going under some rehab. My mother, who we consider the Rock of Gibraltar—with ten kids, that's a pretty good title—has done so much for me and for my siblings that I could stand here all day and relate many, many other stories. My lovely wife of 34 years, and that's a pretty good record for me, Minnie, has done a wonderful job, obviously, not only as my wife, but the mother of two great children. My daughter, Lynda, who is here, is a public school counselor. I'm very proud of her being one of the finest educators I've ever met, quite frankly. She's got a great work ethic, she gets that from her mama. My son, Eddie Lucio III, just finished his first semester of law school. And we, obviously, as you, everyone in this chamber and this great state consider education to be foremost, and most important, as we try to establish a foundation for our family through their education.

I was looking at the history book, and I understand that there was a gentleman, also by the name of Eduardo, but Edward Burleson, Senator Barrientos, from Bastrop, down the road here, who served as the first President Pro Tem back in 1846. A hundred years later I was born, and here we are again, 57 years later. I can't tell you enough about the things that have happened to me in my life. I'm probably the luckiest guy in the Valley, and one of the luckiest ever in the State of Texas because I have nine brothers and sisters who love me like I love them. I think two sisters are here, Beatrice, the eldest, right over here. Bea, would you please stand. Bea is the leader in our family. She's an educator of 39 years now and about to retire. But I wanted her to be here because she gave me my first English lesson and writing lesson. She charged me 25 cents a week to be able to teach me to do that. But we used to go down and buy that big red tablet and that's what we used the money for, to buy some paper and some pencils to be able to teach the kids in the neighborhood. And my other sister, Maggie, my youngest of four sisters here with me. Maggie, please stand. And my brother Robert is here, Robert Lucio, he's the golf pro in the family, I taught him everything he knows. Also with us today is, I'm very, very proud, is my son-in-law who, you know I always wanted my daughter to go to law school. She was a cheerleader at Texas Christian University for four years and never won a championship, but I think she married a great guy, and he's a lawyer. And together they have given us two of the most beautiful grandchildren in the State of Texas, Carlitos and Alejandro. This is Carlos.

Wave, son. There you go. I always say that thank God they look like the other grandpa. They're beautiful. And then last, but not least, on the floor today is my brother-in-law, Albert Rodriguez, married to my oldest sister, and my sister-in-law, Juanita de Luna. I'm very proud of my family. I'm very proud of each and every one of you here today.

I want to say this. When we're born, I guess we're born, Dean Whitmire, with an awesome power, and that's the power to choose. And we use that power every day. We choose what to wear. We choose how to comb our hair. We choose what tie to wear, and I know that Senator Shapiro wants me to wear a bow tie on Wednesday, so I'm going to go shopping tonight; I forgot mine. We choose to do right or wrong. We choose whether we're going to make a difference with our families, our communities, and the State of Texas. And I choose to try to listen and to make a difference and to work alongside of the men and women that I love in this state that call themselves Senator. I choose to work with Governor Rick Perry and listen carefully to what he's got to say as a mandate from the State of Texas, the people who voted for him, was set on the table for us, and for Lieutenant Governor David Dewhurst as well. And for all the other statewide officials, I choose to try to do my very best to make a difference in every corner of the state. And I'm blessed because the people that have really made a difference in the Valley have been the Senators that are here today and those that have come before us. I am very blessed to have known so many who are not on the Senate floor anymore, and some that are not on the House floor anymore that I served with. And I think that's my biggest blessing.

I do want to take this opportunity and invite you down to South Padre Island. I would have made a phone call, but Senator Madla didn't want me to have a cell phone on the floor this morning. But I wanted to make a phone call and make sure that Senator Bivins got his grapefruit. I couldn't do that, but I'll go back, Senator Bivins, and do that. To all of you who have made this possible, I want to pledge my support to your area of the state and together, as Lieutenant Governor-elect David Dewhurst said, together we can make a difference, and we will make a difference. The greatest story ever told will be at the end of this session, God willing. God bless you all. Thank you.

APPRECIATION EXTENDED

The President extended appreciation to Chief Justice Thomas R. Phillips for his assistance in the opening session of the 78th Legislature.

VIDEO RELEASE POLICY WAIVED

On motion of Senator Armbrister and by unanimous consent, the Senate policy which governs the release of videotapes of the Senate proceedings, was waived in order to grant the request of President Pro Tempore Lucio for a videotape of this day's session.

SENATE RESOLUTION 8

Senator Whitmire offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That two committees of five members of the Senate be appointed by the President to notify the Governor and the House of Representatives that the Senate is organized and ready to transact business.

The resolution was read and was adopted without objection.

COMMITTEES TO NOTIFY APPOINTED

The President appointed the following Committee to Notify the Governor: Senators Whitmire, Chair; Bivins, Barrientos, Shapiro, and Estes and the following Committee to Notify the House of Representatives: Senators Brimer, Chair; Williams, Hinojosa, Averitt, and Janek.

SENATE CONCURRENT RESOLUTION 3

The President laid before the Senate the following resolution:

BE IT RESOLVED by the 78th Legislature, Regular Session, That a joint committee, composed of six members of the senate appointed by the lieutenant governor and six members of the house appointed by the speaker of the house, arrange for the canvass of the votes cast for governor and lieutenant governor at the general election held on the first Tuesday in November, 2002, and that a joint session of the senate and house be held in the hall of the house of representatives at 10:00 a.m., Thursday, January 16, 2003, for the purpose of counting the votes, receiving the report, and hearing the declaration of the results of the canvass; and, be it further

RESOLVED, That the senate and house sit in joint session at 12 noon on Tuesday, January 21, 2003, for the inauguration of the governor-elect and lieutenant governor-elect of Texas as determined by the canvass of the votes; and, be it further

RESOLVED, That a joint committee, composed of five members of the senate appointed by the lieutenant governor and five members of the house appointed by the speaker of the house, make arrangements for the joint session and oath-taking ceremony on January 21, 2003; and, be it further

RESOLVED, That the Department of Public Safety of the State of Texas be, and is hereby, instructed to close all entrances to the Capitol on Tuesday, January 21, 2003, except for those vehicles approved by the inaugural committee as necessary for use in connection with the ceremony and the program following.

The resolution was read.

On motion of Senator Bivins, the resolution was considered immediately and was adopted without objection.

**CANVASS AND INAUGURAL
COMMITTEES APPOINTED**

In accordance with the provisions of **SCR 3**, the President announced the appointment of the following as a Committee to Canvass the Votes: Senators Nelson, Chair; West, Ogden, Gallegos, Duncan, and Van de Putte and the following as the Inaugural Committee: Senators Ratliff, Chair; Ellis, Fraser, Staples, and Zaffirini.

SENATE RESOLUTION 7

Senator Whitmire offered the following resolution:

WHEREAS, Under the provisions of Article III, Section 3, of the Constitution of the State of Texas, the Senators elected after each new apportionment shall be divided into two classes, the seats of the Senators of the first class to be vacated at the expiration of the first two years, and the seats of those of the second class to be vacated at the expiration of four years; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 78th Legislature, That the Senate shall draw lots as provided by this resolution; and, be it further

RESOLVED, That the drawing of lots shall be conducted as follows:

(1) That the Lieutenant Governor appoint a committee of five Senators to supervise, direct, and verify all matters relating to the preparation of the slips and envelopes and the drawing of the envelopes as provided by this resolution;

(2) That the Secretary of the Senate prepare 31 slips of paper of uniform size and appearance; that the Secretary of the Senate type on each of the slips of paper a number between "1" and "31," both inclusive, the number "1" to be typed on the first slip of paper, and the number "2" to be typed on the second slip of paper, and so on until a different number has been typed on each of the slips of paper; and that the committee verify the proper preparation of the 31 slips of paper;

(3) That the Secretary of the Senate, under the supervision of the committee in the presence of the Senate at an open session of the Senate to be held at a time and on a day to be determined by the President, place each of the slips of paper in a separate capsule, each of the capsules to be of uniform size and appearance; that the Secretary of the Senate then place each of the capsules in a separate envelope and seal the envelope, each of the envelopes to be of uniform size and appearance; and that the 31 envelopes, each containing one of the capsules and slips of paper, then be placed in some suitable receptacle;

(4) That at a time and on a day to be determined by the President in open session of the Senate the drawing of the envelopes be conducted under the supervision of the committee in the following manner:

(A) The receptacle containing the sealed envelopes shall be placed on a suitable table or desk at the front of the Senate Chamber; and

(B) The Secretary of the Senate shall call the names of the Senators in alphabetical order, and as the name of each Senator is called, that Senator shall withdraw from the receptacle one envelope, which shall then be immediately opened and the number appearing on the slip of paper in the envelope shall be written after that Senator's name on a suitable register to be prepared by the Secretary of the Senate;

(5) That the 15 Senators drawing slips with any of the even numbers "2" - "4" - "6" - "8" - "10" - "12" - "14" - "16" - "18" - "20" - "22" - "24" - "26" - "28" - "30" shall be of the first class and their term of office shall terminate at the expiration of two years, or one-half of the four-year constitutional term, and that the 16 Senators drawing slips with any of the odd numbers "1" - "3" - "5" - "7" - "9" - "11" - "13" - "15" - "17" - "19" - "21" - "23" - "25" - "27" - "29" - "31" shall be of the second class, and their term of office shall terminate at the expiration of four years; and

(6) That any Senator who is unable to attend the drawing shall appoint and designate in writing some other Senator to draw an envelope in the place of the absent Senator; in the event any Member of the Senate is absent and has failed to appoint and designate some Member of the Senate to act for the absent Senator in the drawing, the Secretary of the Senate shall draw an envelope for the absent Senator.

The resolution was read and was adopted without objection.

HOUSE OF REPRESENTATIVES NOTIFIED

The Committee to Notify the House that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Brimer for the committee notified the President and the Members of the Senate that the committee had performed the duty assigned it.

COMMITTEE APPOINTED FOR DRAWING FOR TERMS OF OFFICE

The President appointed the following committee to supervise and direct the preparation of the slips, capsules, and envelopes for the drawing for terms of office: Senators Wentworth, Chair; Madla, Deuell, Armbrister, and Lindsay.

AT EASE

The President at 1:44 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 1:58 p.m. called the Senate to order as In Legislative Session.

DRAWING FOR TERMS OF OFFICE

The President at 2:00 p.m. announced that the time had arrived for the drawing for terms of office by the Senators, pursuant to the provisions of **SR 7**.

Senator Wentworth reported that the slips, capsules, and envelopes had been prepared by the Secretary of the Senate as directed.

The roll was called and the Members drew for terms of office with the results announced as follows:

Armbrister, District 18, drew No. 23, four-year term.
Averitt, District 22, drew No. 15, four-year term.
Barrientos, District 14, drew No. 27, four-year term.
Bivins, District 31, drew No. 6, two-year term.
Brimer, District 10, drew No. 16, two-year term.
Carona, District 16, drew No. 26, two-year term.
Deuell, District 2, drew No. 3, four-year term.
Duncan, District 28, drew No. 14, two-year term.
Ellis, District 13, drew No. 17, four-year term.
Estes, District 30, drew No. 24, two-year term.
Fraser, District 24, drew No. 28, two-year term.
Gallegos, District 6, drew No. 8, two-year term.
Harris, District 9, drew No. 22, two-year term.

Hinojosa, District 20, drew No. 30, two-year term.
 Jackson, District 11, drew No. 10, two-year term.
 Janek, District 17, drew No. 5, four-year term.
 Lindsay, District 7, drew No. 1, four-year term.
 Lucio, District 27, drew No. 18, two-year term.
 Madla, District 19, drew No. 25, four-year term.
 Nelson, District 12, drew No. 11, four-year term.
 Ogden, District 5, drew No. 21, four-year term.
 Ratliff, District 1, drew No. 13, four-year term.
 Shapiro, District 8, drew No. 7, four-year term.
 Shapleigh, District 29, drew No. 29, four-year term.
 Staples, District 3, drew No. 19, four-year term.
 Van de Putte, District 26, drew No. 20, two-year term.
 Wentworth, District 25, drew No. 31, four-year term.
 West, District 23, drew No. 4, two-year term.
 Whitmire, District 15, drew No. 9, four-year term.
 Williams, District 4, drew No. 2, two-year term.
 Zaffirini, District 21, drew No. 12, two-year term.

PHYSICIAN OF THE DAY

Senator Fraser was recognized and presented Dr. Robert Hogue of Brownwood as the Physician of the Day.

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

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate his cousins Colonel Joe Ramirez of Fort Hood and Andy Reyes, Mayor of Alvin.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Congressmen Chris Bell and Gene Green, both of Houston.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Armbrister was recognized and introduced to the Senate Sally Ratliff, wife of Lieutenant Governor Ratliff.

The Senate welcomed Mrs. Ratliff.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 5 by Averitt, Congratulating Richard Byrd "Buddy" and Minnie Pauline Rogers on their 60th wedding anniversary.

SR 6 by Averitt, Congratulating the football team of Rosebud-Lott High School in Rosebud for winning a state championship.

SR 9 by Van de Putte, Congratulating June Bush on her 25th anniversary with FOCUS Direct, Incorporated.

SR 10 by West, Congratulating L. G. Slider, Sr., of Dallas on his 85th birthday.

SR 11 by West, Congratulating Bessie Slider Moody for her service as a teacher, counselor, and educational administrator.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:25 p.m. adjourned, in memory of Mary Sartwell, mother-in-law of Senator Fraser, until 11:00 a.m. tomorrow.

