The Senate met at 10:00 a.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, Bivins, Brimer, Carona, Deuell, Duncan, Estes, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Ratliff, Shapiro, Shapleigh, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Ellis, Fraser, Staples.

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

Senate Doorkeeper Don Long offered the invocation as follows:

Gracious and loving heavenly Father, we ask that Your special guidance be upon these Senators and their staff personnel. They have such a great responsibility to You and to the citizens of Texas. Give each a mind that is calm and a heart that is caring. Guide each one in this chamber as we seek to do Your will in order to make Texas a better place to live for all its citizens.

Lord, we do not understand the misfortunes, heartaches, and tragedies that often accompany our sojourn on this Earth. Therefore, teach us to walk by faith in You and not by our limited human sight. Help us claim this truth:

Through faith we understand
The things we cannot know—
The hidden pattern God has planned,
And why each thread is so;
We trace life’s vast design
And lose His golden strand,
But when our wills with His entwine
Through faith we understand.

(E. Margaret Clarkson)

Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.
LEAVES OF ABSENCE

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

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

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

CO-AUTHOR OF SENATE BILL 256

On motion of Senator Harris, Senator Wentworth will be shown as Co-author of SB 256.

CO-AUTHORS OF SENATE BILL 310

On motion of Senator Fraser, Senators Duncan, Hinojosa, Janek, Nelson, Wentworth, and West will be shown as Co-authors of SB 310.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

SB 311 by Shapleigh
Relating to prohibiting certain foreign corporations from participating in state contracts.
To Committee on Business and Commerce.

SB 312 by Harris
Relating to civil liability of and liability insurance for certain nursing institutions.
To Committee on State Affairs.

SB 313 by Harris
Relating to collection of civil damages awarded against certain nursing institutions.
To Committee on State Affairs.

SB 314 by Janek
Relating to the medical transportation program.
To Committee on Health and Human Services.

SB 315 by Hinojosa
Relating to the annexation by certain junior college districts of territory in a district’s service area.
To Committee on Education.

SB 316 by Hinojosa
Relating to the prosecution of the offense of burglary.
To Committee on Criminal Justice.

SB 317 by Hinojosa
Relating to the prosecution of the offense of violation of a protective order or magistrate’s order.
To Committee on Criminal Justice.
SB 318 by Hinojosa
Relating to a fee to fund women's athletic programs of The University of Texas System.
To Committee on Education.

SB 319 by Armbrister
Relating to the death of or injury to an unborn child; providing penalties.
To Committee on State Affairs.

SB 320 by Armbrister
Relating to the prosecution of a capital murder involving the death of a peace officer.
To Committee on Criminal Justice.

SB 321 by Armbrister
Relating to the compensation of an election judge or clerk in a general election.
To Committee on State Affairs.

SB 322 by Armbrister
Relating to persons who may administer oaths in Texas.
To Committee on State Affairs.

SB 323 by Armbrister
Relating to the additional penalty for costs associated with the collection of delinquent ad valorem taxes by an attorney.
To Committee on Jurisprudence.

SB 324 by Armbrister
Relating to the exemption of certain persons from regulation as a credit services organization.
To Committee on Business and Commerce.

SB 325 by Armbrister
Relating to the implementation of a change in law imposing or changing the amount of certain court costs and fees.
To Committee on Finance.

SB 326 by Shapleigh
Relating to the regulation of certain sales of water to be transported by pipeline.
To Committee on Natural Resources.

SB 327 by Janek
Relating to disease management programs for certain Medicaid recipients.
To Committee on Health and Human Services.

SB 328 by West
Relating to the filing of certain information by arbitrators after each arbitration.
To Committee on Jurisprudence.

SB 329 by Shapiro
Relating to public school finance.
To Committee on Education.
SB 330 by Nelson
Relating to access to certain private medical information.
To Committee on Health and Human Services.

SCR 1 by Estes, Averitt, Carona, Ellis, Fraser, Harris, Jackson, Lindsay, Lucio, Shapiro, Van de Putte, Wentworth
Memorializing Congress to restore the federal income tax deductibility of state and local sales taxes.
To Committee on Finance.

SCR 6 by Averitt
Memorializing Congress to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds not apply to bonds for water and wastewater facilities.
To Committee on Intergovernmental Relations.

SCR 7 by Shapleigh
Relating to the request that the Federal Bureau of Investigation be directly involved in assisting the Mexican law enforcement authorities in their investigation of the brutal murders of women in Juarez, Mexico.
To International Relations and Trade

SJR 6 by Wentworth
Proposing a constitutional amendment establishing the Texas Redistricting Commission to establish legislative and congressional districts and revising constitutional redistricting procedures.
To Committee on Jurisprudence

SJR 7 by Carona
Proposing a constitutional amendment permitting refinancing of a home equity loan with a reverse mortgage.
To Committee on Business and Commerce.

SJR 8 by Lindsay
Proposing a constitutional amendment to repeal the constitutional provision that prohibits state employees, and other employees who are compensated with state money, from receiving a salary for serving on the governing body of a city, town, or district.
To Committee on State Affairs.

SJR 9 by Gallegos
Proposing a constitutional amendment requiring eight justice of the peace precincts in Harris County, with at least two justices of the peace and at least one constable to be elected in each of those precincts.
To Committee on Intergovernmental Relations.

SJR 10 by Janek
Proposing a constitutional amendment to authorize the legislature to set a lower limit on the maximum average annual percentage increase in the appraised value of a residence homestead for ad valorem tax purposes.
To Committee on Finance.
SJR 11 by Janek  
Proposing a constitutional amendment to require a two-thirds vote of the membership of each house of the legislature to enact certain tax bills.  
To Committee on Finance.

SJR 12 by Shapleigh  
Proposing a constitutional amendment relating to a moratorium on the execution of persons convicted of capital offenses.  
To Committee on Criminal Justice.

SJR 13 by Ellis  
Proposing a constitutional amendment relating to the use of income and appreciation of the permanent school fund.  
To Committee on Education.

SJR 14 by Lindsay  
Proposing a constitutional amendment to allow election judges to hold other civil offices.  
To Committee on Jurisprudence.

HOUSE CONCURRENT RESOLUTION 35

The President laid before the Senate the following resolution:

BE IT RESOLVED by the 78th Legislature, Regular Session, That the Senate and House of Representatives of the State of Texas meet in Joint Session in the Hall of the House of Representatives on Tuesday, February 11th, 2003, at 11:30 a.m.; and, be it further

RESOLVED, That the Honorable Rick Perry, Governor of the State of Texas, be, and is hereby, invited to address the Regular Session of the 78th Legislature in Joint Session at that time.

WENTWORTH

The resolution was read.

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

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: SCR 2.

SENATE RESOLUTION 115

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Estudiantina Infantil, who are being honored with the National Latino Children's Institute Award on February 6, 2003; and
WHEREAS, Estudiantina Infantil is a musical group that seeks to instill a sense of pride in their culture and love for music in children, while promoting academic excellence; 33 fourth-grade and fifth-grade students at James Bowie Elementary School in the Pharr-San Juan-Alamo Independent School District were members of the group in 2001 and 2002; and

WHEREAS, An arts program that has positively touched the lives of students, Estudiantina Infantil was established in 1994 under the direction of Criola Elizondo, who brought her expertise in the mariachi tradition and her passion for teaching music to this endeavor; musical instrumentation includes mandolins, bells, guitars, and a guitarron; and

WHEREAS, When Estudiantina Infantil began, three quarters of its members were at-risk bilingual students; happily, studying music and learning to perform publicly has contributed to the members' academic advancement; most participants are now enrolled in gifted and talented classes; and

WHEREAS, The community has benefited from the musical talents nurtured by Estudiantina Infantil; the group has performed at Texas A&M University in Corpus Christi and has been featured on a "Top of the Class" segment on television; the success of the group has led to the implementation of similar music programs in other schools in the Rio Grande Valley; and

WHEREAS, Estudiantina Infantil has brought the beauty of music to many children and given them the desire and determination to succeed; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 78th Legislature, hereby commend Estudiantina Infantil for demonstrating that children can succeed with discipline and determination and extend best wishes for continued success; and, be it further

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

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Jenarae Alaniz, Veronica Silva, Sonia Flores, and Bianca Vasquez, accompanied by Director Criola Elizondo and a delegation of members of Estudiantina Infantil of James Bowie Elementary School in Alamo.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Lindsay submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Chair, Texas Agricultural Finance Authority Board of Directors: Jane Anne Stinnett, Lubbock County.
Members, Texas Agricultural Finance Authority Board of Directors: Ruben O. Bosquez, Hidalgo County; Darwin Dallas "Dal" DeWees, Tom Green County; Sydney Michael "Mike" Golden, Brazoria County; Susan Kay Kennedy, Nacogdoches County; Albert Todd Lowry, Webb County; Victoria Salin, Ph.D., Brazos County.

Members, Air Conditioning and Refrigeration Contractors Advisory Board: Janet L. Gallagher, Travis County; Hector Martinez, Live Oak County; Truman O. Powell, Smith County.

Members, Texas Appraiser Licensing and Certification Board: Elroy Carson, Lubbock County; Dona Sherman Scurry, El Paso County; Shirley J. Ward, Brewster County; Ted Whitmer, Brazos County.

Members, Interagency Council on Autism and Pervasive Developmental Disorders: Lora Bennett, Travis County; Margaret Hasse Cowen, Bexar County; Richard E. Garnett, Ph.D., Tarrant County; Patrick H. Herndon, D.O., Burnet County; Opal Irvin, Lee County; Barbara N. Villanueva, Collin County.

Members, Automobile Theft Prevention Authority: Carlos Luis Garcia, Cameron County; Ernest C. Garcia, Travis County; Borris Lee Miles, Harris County.

Members, Texas State Board of Examiners of Professional Counselors: Glynda Corley, Brazoria County; Michelle Alcon Eggleston, Randall County; Alma Gloria Leal, Cameron County; Matthew Washington, Fort Bend County; Dan F. Wilkins, Shelby County.

Members, Texas Commission on Fire Protection: Walter "David" Abernathy, Camp County; Juan J. Adame, Nueces County; Marvin G. Dawson, Terry County; Arthur Lee Pertile III, McLennan County; G. Kent Worley, Tarrant County.

Members, Texas Industrialized Building Code Council: Davy Beicker, Bexar County; Joe D. Campos, Dallas County; Mark George Delaney, Harris County; Craig N. Farmer, Lubbock County; Martin J. Garza, Bexar County; Rudolph V. Gomez, Cameron County; James Anthony Kingham, Nacogdoches County; Michael Mount, Collin County; Gary Lynn Purser, Randall County; Douglas Owen Robinson, Dallas County; Ravi Shah, Denton County; Arthur N. Sosa, Nueces County.

**NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Lindsay gave notice that he would Monday, February 10, 2003, at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

**SENATE RESOLUTION 119**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize PJ Pierce for her outstanding work as an author and for the highly acclaimed book she wrote on wise women of Texas; and
WHEREAS, PJ Pierce, a freelance writer in Austin, is the author of "Let me tell you what I’ve learned:" Texas Wisewomen Speak; her book is a compilation of stories of Texas women with a variety of experiences, career paths, and backgrounds, and she drew inspiration from such strong and powerful women as the late Barbara Jordan, who died shortly before she could be interviewed; and

WHEREAS, PJ Pierce's book is a combination of biographical sketches and interviews of 25 Texas women ranging in age from 53 to 93, who share the wisdom they have acquired through living unconventional lives; and

WHEREAS, These wise women of Texas share common traits, such as enthusiasm for their work and their lives, perseverance, optimism, and a sense of social responsibility; many of the women overcame hard times to find success, and many point to the atmosphere in Texas as having played a major role in their lives; and

WHEREAS, PJ Pierce began her career in journalism at age 10 when she began to edit her neighborhood newspaper; she went on to become editor of her high school and college newspapers, and she earned a bachelor's degree in journalism and a master's degree in German from Texas Tech University; and

WHEREAS, She was born and reared in a family of 10 siblings in Amarillo; her parents are Pauline and RL Robertson, well-known historians of the Texas Panhandle; and

WHEREAS, PJ Pierce has done a great service to all people in Texas; women and men of all ages can benefit from the wisdom her book imparts and be inspired by the life stories of those about whom she wrote; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 78th Legislature, hereby commend PJ Pierce for her outstanding work as an author and for a book that reflects the power, courage, and strength of Texas women and extend best wishes to her for continued success; and, be it further

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

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate PJ Pierce; Marj Carpenter, journalist; Wilhelmina Delco, former Representative; Diana Natalicio, President of The University of Texas at El Paso; Barbara Jacket, United States olympic track and field coach; Dr. Juliet Villarreal Garcia, President of The University of Texas at Brownsville; Liz Carpenter, journalist; and Pauline Robertson, mother of PJ Pierce.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate representatives of the Eugene McDermott Scholars Program from The University of Texas at Dallas.

The Senate welcomed its guests.
GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate Senator Michael Machado, California 5th Senatorial District, and Ronald Gastelum, President and Chief Executive Officer of the Metropolitan Water District of Southern California.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Barrientos was recognized and presented Dr. Eduardo Sanchez of Austin as the Physician of the Day.

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

MOMENT OF SILENCE OBSERVED

At the request of Senator Lucio, the Senate observed a moment of silence in memory of Walter "Lee" Kirkpatrick of Brownsville.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Sandra Whiteker, Superintendent, and Julie P. Novak, Executive Director of Business and Operations, both of the Poteet Independent School District.

The Senate welcomed its guests.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SCR 9 by Madla, Congratulating Lou Edna Musquiz on earning the Skills USA-VICA Advisor of the Year award.

SR 116 by Lindsay, Commending Robert J. Bodman of Spring for achieving the rank of Eagle Scout.

SR 117 by Barrientos, Commending Joyce D. Howell of Rollingwood for her contributions to her community.

SR 118 by Barrientos, Congratulating Shirley Terry of Austin on her retirement.

Official Designation Resolution

SR 71 by Zaffirini, Barrientos, Carona, and Nelson, Recognizing February 4, 2003, as Senior Day.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 11:36 a.m. adjourned, in memory of Anthony L. Badrak of San Antonio and Walter "Lee" Kirkpatrick of Brownsville, until 2:00 p.m. Monday, February 10, 2003.