

# FIFTY-FOURTH DAY

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WEDNESDAY, APRIL 23, 2003

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## PROCEEDINGS

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The Senate met at 11:00 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, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Ratliff, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

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

The Reverend David Green, University Christian Church (Disciples of Christ), Austin, offered the invocation as follows:

Loving Creator of the Universe, hear our prayer today. Be with us as we gather, as we listen to one another, as we seek the highest and brightest and noblest courses of action for the sake of every citizen of Texas. Each of us has arrived here in this place today with our own agenda, our own game plan, our hopes, our dreams, and our fears. We have people to protect, interests to consider, and alliances to build. Help us, we pray, rather than look to our own needs, to simply do our best and be our best, so that in years to come we may look back on this moment and know that we were called to serve Your people and that we answered Your call with justice, with compassion, and by striving to do what was obviously right: to bind up the wounded, to feed the hungry, to clothe the naked, to cherish our children, to honor our elderly, to use the enormous intellect and wealth and power at our disposal to be Your instruments of grace in the world. This is our prayer not only for today but every day. 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.

### CO-AUTHOR OF SENATE BILL 113

On motion of Senator Van de Putte, Senator Gallegos will be shown as Co-author of **SB 113**.

**CO-AUTHOR OF SENATE BILL 155**

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

**CO-AUTHORS OF SENATE BILL 389**

On motion of Senator Ellis, Senators Barrientos, Gallegos, Hinojosa, and Shapleigh will be shown as Co-authors of **SB 389**.

**CO-AUTHOR OF SENATE BILL 835**

On motion of Senator Williams, Senator Estes will be shown as Co-author of **SB 835**.

**CO-AUTHOR OF SENATE BILL 1012**

On motion of Senator West, Senator Nelson will be shown as Co-author of **SB 1012**.

**CO-AUTHOR OF SENATE BILL 1073**

On motion of Senator West, Senator Nelson will be shown as Co-author of **SB 1073**.

**CO-AUTHOR OF SENATE BILL 1074**

On motion of Senator West, Senator Nelson will be shown as Co-author of **SB 1074**.

**CO-AUTHOR OF SENATE BILL 1239**

On motion of Senator Barrientos, Senator Van de Putte will be shown as Co-author of **SB 1239**.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 1**

On motion of Senator Estes, Senator Duncan will be shown as Co-author of **SCR 1**.

**CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 21**

On motion of Senator Shapleigh, Senator Lucio will be shown as Co-author of **SCR 21**.

**SENATE BILLS ON FIRST READING**

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

**SB 1911** by Bivins

Relating to the creation of the Downtown Midland Management District; providing authority to impose taxes and issue bonds. (Local Bill)

To Committee on Intergovernmental Relations.

**SB 1912** by Jackson

Relating to the creation of the Harborside Management District; providing authority to impose taxes and issue bonds. (Local Bill)

To Committee on Intergovernmental Relations.

**PHYSICIAN OF THE DAY**

Senator Harris was recognized and presented Dr. Ronda Beene of Arlington as the Physician of the Day.

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

**SENATE RESOLUTION 660**

Senator Nelson offered the following resolution:

WHEREAS, Long-Term Care Ombudsman Day on April 21, 2003, honored those ombudsmen who advocate for nursing home residents, and the Texas Senate is proud to recognize these special men and women for their work on behalf of all those who live in nursing homes; and

WHEREAS, More than 800 long-term care volunteer ombudsmen serve as a vital resource to ensure quality of life and quality of care for the 90,000 older Texans who reside in the state's 1,120 licensed nursing homes and over 1,200 licensed assisted living facilities; and

WHEREAS, Many of these residents have no family or regular visitors who routinely check to assure that they receive the appropriate care to meet their needs; and

WHEREAS, The ombudsmen receive specialized training and are certified by the Texas Department on Aging to be advocates in helping to protect the health, safety, welfare, and rights of residents and identifying, investigating, and resolving complaints by or on behalf of nursing home residents; and

WHEREAS, The well-being of residents in long-term care facilities is enhanced through regular contact with trained and certified advocates, who provide an important public service through complaint resolution, education, information, and assistance; and

WHEREAS, The long-term care ombudsmen are to be commended for their dedication and commitment to the residents of nursing homes; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 78th Legislature, hereby recognize April 21, 2003, as Long-Term Care Ombudsman Day in Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for these outstanding Texans as an expression of high regard and appreciation from the Texas Senate.

The resolution was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate representatives of the Texas long-term care ombudsman program.

The Senate welcomed its guests.

(Senator Armbrister in Chair)

(President in Chair)

**SENATE RESOLUTION 662**

Senator Ratliff offered the following resolution:

**SR 662**, In memory of the life of Senator Tom Haywood of Wichita Falls.

The resolution was read.

Senator Ratliff was recognized and introduced to the Senate family members of Senator Haywood: his widow, Pat Haywood, and his daughters, Lisa Green, Denise Haywood, and Jamie Ratliff.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Ratliff, the resolution was adopted by a rising vote of the Senate.

In honor of the memory of the life of Senator Tom Haywood of Wichita Falls, the text of **SR 662** is printed at the end of today's *Senate Journal*.

**REMARKS ORDERED PRINTED**

On motion of Senator Whitmire and by unanimous consent, the following remarks regarding **SR 662** were ordered reduced to writing and printed in the *Senate Journal*:

**Senator Ratliff:** Thank you Mr. President. Members, we often celebrate and admire bravery of soldiers and police and people who go about hazardous duties. We seldom stop to think about bravery of the character exhibited by Tom Haywood, probably one of the bravest people that I've ever seen, when he served his state here in this chamber at a time when I think most of us would have given up. And he did so with such fantastic attitude and humor from the day that he got up to offer a bill which, as you may recall, Senator Sims had had a stroke and was limping around the floor, and Senator Haywood got up to offer this bill, and he said, "This bill is sponsored by the slow-talkin' and the slow-walkin' Senators." To the fact that his gift to those of us here in this chamber when he was on a cane was to give us a cane so that we could all walk with him. He was such a person to be admired and his mind was so sharp. You might wonder why we do this today. The fact is that since Tom Haywood passed away after the last session, this session is the first opportunity that we as a body have had to remember and to express our sincere condolences to the family and our admiration for this man that we all loved so much. And I hope that you will just join me in expressing our love and our appreciation for the life of Tom Haywood to the family and say we're glad you're here, and we're glad that we finally have the chance to do something honoring Tom.

**Senator Bivins:** Mr. President, thank you. I do rise in support of this resolution and to welcome the Haywood family back to the floor of the Senate. It harkens me back to some fine days where you guys were around here all the time, helping your dad and your husband. Denise, it's good to see you again and, certainly, Pat. I don't know the other girls as well, but we welcome you all here. Tom Haywood was a good friend and a great Member of the Texas Senate, and had, as Senator Ratliff said, a

remarkable humor. On his first day on the floor of the Texas Senate, Governor Bullock was presiding, and he welcomed Tom to the Senate, and Tom rose to speak, and he said the following: "Governor Bullock, I'm the new Republican filibuster weapon." Brought the house down, I mean it was hysterical. And he had a great self-deprecating humor. He knew he had a serious disability, but as Governor Ratliff said, he always, always was brave and strong, and never talked about it, never once uttered an "Oh, poor me" kind of a statement but was always very humorous about his limitations and he used them with great skill on the floor of the Senate and got a lot of stuff passed that, I would submit, some other Members might not have been able to pass on the floor of the Senate. Senator Ratliff, I, too, have my cane that Tom gave me, and I'm proud to have it, and it will always stay in my office. So, Members, I join Senator Ratliff in urging the adoption of this memorial resolution.

**Senator Estes:** Thank you Mr. President. It's so good to have you on the floor today. And I have to tell you that one of the most precious memories I'll have is the wonderful conversation Tom and I had two days before he passed on to his reward. And I must say the easiest question I had to answer as I campaigned—Pat, you were there, you knew—it was, everybody asked, "How are you gonna fill Tom Haywood's shoes?" The reason it was so easy was it was just easy for me to say, "There's no way; I'll never be able to fill his shoes." So there's not a day that goes by in this body that I don't think about him, and think about his courage and his tenacity. And just to be in his shadow is a great honor. And, as you know, all of us have a Bible in our desk, and Senators write down their favorite passages, and I thought it would be appropriate to read Tom's favorite passage. It's from the Gospel of John, the third chapter, the sixteenth verse: "For God so loved the world that He gave His one and only Son, that whoever believes in Him shall not perish, but have eternal life." And as I think about that scripture, I think about the fact that, as Tom passed from this world, he heard the words that all of us long to hear at the end of our life, "Well done, good and faithful servant." And it won't be long before all of us make that journey, and I can think of no one more fitting that I could follow and strive to live up to, and so I'm happy to support the resolution. Thank you Pat.

**Senator Zaffirini:** Thank you Mr. President. Mr. President and Members, it is my great joy to honor Senator Haywood because he was such a joy in the Texas Senate. I remember so vividly the day the Lieutenant Governor called on him to preside and he said, "A guy could get used to this." He loved presiding and he loved being in the Senate. But the other thing that I remember so vividly about Senator Haywood is his telling me that when he arrived to serve in the Senate that he arrived as a Republican, period, and that he did not expect to work so well with a Democratic Lieutenant Governor and the Democratic Members of this body. And that what he learned to love was the bipartisanship of this great body, and in that he excelled. He became one of our leaders, one of our most honored Members, one of our most respected Members, and I don't know anyone who didn't love and respect Tom Haywood. One day he came up to me and said, "I hate your bill," and he had just voted for it. He said, "But I figured I had committed to you, so I voted for it." And I said, "Senator, the Lieutenant Governor called on me before I was ready for it." I had not polled. But because he thought he had given me his word, he voted for it. And with that, he went up and changed his vote immediately, I assure you. So he was a man of his

word, a man of character, a man loved and respected. We miss him and we always will. Sometimes I have teased Members of the Senate, especially "Dollface" Senator Harris, and have often offered, for example, to name a charm school after the likes of Chris Harris or former Senator Carl Parker. But for Tom Haywood we really could name a school of charm in his honor, because he was not only respected and loved, he was charming. Thank you for being with us today.

**Senator Shapiro:** Thank you Mr. President. Members, as I look around this floor I see all you with a big smile on your face, and that's the joy of knowing Tom Haywood. There is not a time that I do not think about Tom Haywood, my deskmate, if we have such a thing, former House Members. But we were deskmates, and he sat next to me, and I can't think of anybody that I would have more enjoyed sharing time with than I did with Tom Haywood. But I think it's really important that we know not only the fabulous qualities that Tom Haywood had, because I think we all recognize all of those wonderful and endearing qualities that he had, but I think there's something, that he brought out the best in us. I think each one of us in our own way that got to know Tom Haywood became better people because of our relationship with Tom Haywood. I think back on one specific event. And, Senator Ellis, I know I told you this but, your wife was very, very sincere in a thing that she said to me one day. We were actually in the Senators' lounge. We were eating lunch and Senator Haywood, it was probably towards the end of session, and Senator Haywood was having a hard time cutting his meat. Well none of us really thinks anything about it. Senator Buster Brown was sitting there and he moved over and he started cutting the meat, and Senator Mike Moncrief was there and he helped him do something, and he needed a glass of water and I got up and got a glass of water. We did this just because it was what we thought was the right thing to do. Never did any of us stop and think about what we were doing. And your wife came up to me afterwards, she was in that lounge, and she said, "Do you realize what you Senators are doing for this man?" And I said, "No, why are you asking?" And she said, "You don't even notice it. You don't even realize it. Each one of you, each one unto themselves feels a sense of belonging, a sense of need, to be there for him." No matter who was sitting at the table, no matter what his needs were, everybody participated in meeting that need. There is nothing that I can think of, when I think about Tom Haywood, that makes me smile more than the compassion that he brought to each and every one of us, to make us feel good about ourselves because we cared so deeply for him. I am so honored to be able to stand up and also feel the passion of adopting this resolution. I think the last thing that I would like to say, and I think it's the most important of what I remember about Tom Haywood: "How're you doin', Tom?" "Good, by golly!" By golly. Well let me tell you something: I miss Tom Haywood, by golly, and I thank you for being here and allowing me to feel that passion and that feeling again of knowing how much I cared about him. Thank you for being here.

**Senator Wentworth:** Thank you Mr. President. Mr. President, what Senator Shapiro just talked about, I had really forgotten about until she mentioned it. But we did it because we loved Tom. We all did. And I think we all respected him so much because he was so principled. He didn't care about the political consequences of any vote he cast; he didn't care about offending any of us in telling us, no, I'm not going to vote for your bill. If it was right for the people of his district, that was what he was

going to do. The only time I remember in the 15 years I've been in this Capitol building where I could sit and hear laughter throughout the Capitol building, because we're on this closed circuit television, was the time that Senator Zaffirini referred to, when Governor Bullock turned the Chair over to Tom Haywood. And the actual quote was, after there was a little lull, "You know, a man could get to like this job." And you could hear the laughter throughout this whole building. But that was Tom and we loved him and we miss him.

**Senator Lucio:** Thank you Mr. President. Members, in Spanish there's a saying, Senator Barrientos, *Hace más el que quiere, que el que puede*, and that's something that translates into, the person that wants to do something regardless of his physical makeup can do more if he really wants to in his heart. And I think Tom reflected that. I certainly feel that at the time he served on this floor, Senator Shapiro, you're right, there's not one Member that didn't love and respect this man. He was a role model and he was genuine. And I got a little upset during the campaign when his opponent starting calling him all kinds of names and that he was physically unfit. I wrote a letter to the editor, a strong one, I thought, and I was hoping that it would help. And he came back to my desk one day and he said, "Thank you." And I said, "No, thank you, I think you've opened many an eye here and you've shown us all that if you try harder you can certainly accomplish more." I served on several committees. I had the privilege of serving with Tom and having many a conversation. The committee on agriculture, I think, was one that really captured his spirit. He really wanted to make a difference in that subcommittee, and he did. I think he's going to be long remembered. I certainly will remember the times when he would walk up and down the aisles with his ribbons and all, and he would obviously ask us to vote on a controversial bill, and I wouldn't let him get away from my desk unless he voted for my controversial bill, and when we agreed we shook hands and he went on along to do his business and served his district well and served the people of Texas well. He was a great Texan and he will long be remembered. I have great memories of him and I have his grandchild's picture on my kitchen refrigerator. Thank you for that.

**Senator Barrientos:** Haywood family, I sure am glad to see you. You know, many years before I came to Austin, in the little town of Bastrop, I had met a few Senators like Senator Schwartz, Senator Haring, Senator Gonzalez, Senator Barbara Jordan. And then since '85 I've served with, Members, you may recall some of them, Grant Jones—I saw here in the halls a while ago, former Chairman of the Finance Committee, Kent Caperton and Ed Howard, Senator Traeger, Senator Kothmann, Senator Parker, Senator Parmer. One will find that over the years we meet men and women of this body, and we take something from each one and they leave something within ourselves. Immediately when I saw the Haywood family I had to get my cane, Senator Ratliff, and I have it with me in the office all of the time because it reminds me of this Senator who brought to me an added sense of tenacity, strength, and yet the way he was, his gentleness, sensitivity. He's still with us. Thank you.

**Senator Whitmire:** Thank you Mr. President. Members, I'd certainly like to thank Senator Ratliff for bringing this resolution before us because I think the timing of it is excellent with what we're facing the next six weeks, because Tom Haywood would be of great help to us right now. Primarily because he would do the right thing and

worry about the consequences of doing the right thing, so we could certainly use him as we try to go through these challenging remaining weeks. Lot of things we could talk about Tom. I can see him like it was yesterday shuttling around the floors. I had forgotten until Senator Nelson reminded me, he had his little system of his little stickums, because he had difficulty with his checkmarks, he would just reach over and count his votes by his green and red stickums. And I said once before when we had the opportunity to talk about the Haywood family I truly believe, Mr. President, if some people in the Capitol would have been smart enough to have allowed Tom Haywood to sponsor the voucher bill it would have passed, because I can only imagine if Tom shuttled over here to my desk after watching him work the floor so diligently for several days—sometimes it would take him a couple of days to complete a polling of the Senate floor—I don't know if I could have told him no. I would have probably said, "Tom, under no other circumstances, but for you I will go ahead and at least vote to bring the thing up." But Tom did do the right thing. Senator Ellis, I know how we talked about his assistance with hate crimes. There's a classic example. There's probably from his district, and I could build many reasons why he would not be for the hate crimes legislation, but I know he was a deciding vote. In fact, six years ago when I was struggling with the, Senator Brimer, the sports authority legislation over here, I worked and there was all kind of inner squabbles between Dallas and, I believe, Arlington, and how they were going to vote. Tom was a no, but he let me know, if you really gotta have me I'll be there. So we could all talk our Tom Haywood lessons for a long time, but the one I want to use to close on is I mentioned, Denise, once before, all the family members did such a display of love for Tom, but Denise spending her time the last several sessions truly, Mr. President, impacted each and every one of us and particularly with me and my daughters. As I had mentioned at the close of the session when we made recognition of your caring in working with your father, I'm totally convinced I could not get that out of my two teenage daughters at the time. But I am glad to say that there was a lesson there, there was an experience there that I think we all took back to our families to show how a father and his daughter or son could just have such a visible public display of love and affection. So that was the value of Tom Haywood's life that I will always experience. I will close by saying this should not become a sad day but, Mr. President, I thank all the Members and the Haywood family for allowing us to have a celebration of Tom Haywood's life and his public service, because he truly was a display of the very finest that this body has to offer. Thank you Senator Ratliff.

**Senator Van de Putte:** Thank you Mr. President. Mr. President and Members, I with joy rise today to support this resolution, and thank you, Governor Ratliff, for bringing this to us. And it is so good to see you back on the floor. I, as a House Member, was so honored when I got a phone call from Tom Haywood to ask if I would pick up one of his bills in the House, and that began a somewhat, I guess, odd relationship between a very strong conservative Republican and a Democrat on the House side as we worked together. It was amazing to me to see then, when I got to the Senate, not only how well respected he was and loved by the Members here, but I think you don't realize how excited House Members are to be able to work with Tom Haywood. And I didn't get here in time to receive a cane, but I have my doll. Tom had a wonderful way of treating everybody with respect and he saw us all with our



weaknesses and our strengths, and this is the warrior doll that he called, because this is how he said he saw me. I always commented that I loved the figure part and that I wasn't a blonde, but he saw me as that woman warrior, and I keep this doll in the desk because it reminds me that when we have tough days I've got to remember who I really am at the core and this is how he saw me. He had such respect for us. I sat now over in Senator Williams' desk, and as you know, this was Tom's desk, and as he would make the rounds to poll Members, and I would see that he would get up I got up to come to him. And I told him, "Tom, whenever you're polling, just signal back to me; I'll walk over here for you," and he said, "No, Senator, it's my bill, I come to you." And that's the respect that he had for all of us. When I had the opportunity to change desks this legislative session I chose this one purposefully. I think that in hopes of sitting here maybe I'll pick up his wonderful aura and that charm that Senator Zaffirini talked about, but also that wisdom, that even-handedness. Because I think he still sits here, he'll always be here, and I am comforted every day when I come and I sit at Tom's desk. He loved us and he loved this Legislature but I don't know if you realize how much he loved his family. When we honored Denise and how she worked as a daughter, many Members commented, what a wonderful display of affection and respect and sacrifice. And I said, no, it's not that she's a good daughter or that his family is good to him, it's that he was such a fantastic husband and dad; that was due him. We will miss him and we honor him and we celebrate his life and I thank you for sharing him with not only this Senate but with the people of that district and the people of the State of Texas for all of his contributions. We love him and he will always be in our hearts.

**Senator Duncan:** Thank you Mr. President. Members, Senator Ratliff, thank you for bringing this. I've told this story before, but I think it really reflects the devotion of the Haywood family and I think we saw that as a team, they worked as a team, and how Tom loved his family. I recall a day last session, we were in some sort of a terrible debate on one of my bills, and it was a long debate, and I was standing here for a long time and I felt something tugging on my coat. And it was Tom and David Sibley standing behind me, and I didn't know what they wanted, I was engaged, and they kept tugging. And I turned around and Tommy was in the hospice watching the Senate debate and Tom said, "Scoot over." So I scooted over so that Tom could get here and he was waving to Tommy on the television. That was a very touching moment for me, but it told me a lot about Tom Haywood, it told me a lot about the Haywood family. And we gained much more from Tom's service in the Senate than he ever gained from us. We learned a lot and it made us understand that you can persevere; you can do things that you never thought you could do. And so thank you for helping him serve and allowing him to serve with us in the Texas Senate.

**Senator Deuell:** Thank you Mr. President. I met Senator Haywood in the summer of '99 when I was thinking about running for the Texas Senate. I told him I was a family doctor from Greenville and was thinking about running, and he kind of looked at me and paused and he said, "Go see your doctor." But after that we had a long conversation, he was very encouraging. He said if you have the right reasons for running and you want to serve, then you should do it and from that point on, obviously a month or two later, that I made that decision to run. So I thank him and I thank you for that support. And I have the privilege of having his chief of staff, Todd

Gallaher, working as my chief and I hear all kinds of stories and what he overcame and how he kept serving in the Senate despite the adversity that he faced and that's certainly an inspiration to me when times get tough around here. Thank you Mr. President, thank you Senator Ratliff.

**Senator Ellis:** Thank you Mr. President. I, too, rise to thank Governor Ratliff for bringing this up today and also to say greetings to the Haywood family again. John Whitmire made reference to Denise. Denise, we think of you and your family often but particularly you. At my age, my wife and I have a little one on the way, so I will be collecting Social Security and paying college tuition at some point, to have a child at my age. I think Licia expected me to want a boy, and maybe deep down inside, maybe I did. When we went to take the amnio and found out it will be a little girl she thought I'd be disappointed and I said, well no, not really, because I think about Tom Haywood, and I think about Denise, and I can see 20 years from now my one son, Leland, or his lovely wife, probably saying, "Put him in a home, let him look at some of his old speeches, put him out there with his African art, get him out of here." But I told Licia that I suspect it'll be this little girl coming at a later point in my life who will have a special relationship, hopefully, with me. She'll be the one who will change my diapers and she'll be the one who will help me cut my meat. And she'll be the one that I think will protect me as you, Denise, were with your dad. I got two memories of your father. One was on that hate crimes bill, because I only asked Tom Haywood for his vote one time. Governor Ratliff told me to be very careful not to use the state's budget to pass my bills because he figured a lot of them were bills whose time probably hadn't come anyway. So I remembered that. I only asked Tom Haywood one time, could he vote to bring the bill up. Last session was a difficult session. Pat and Tom, obviously, were having to spend a lot of time at the hospice with Tommy, about the time that that bill was coming up. And so I was reluctant to call him and ever ask for his vote again. He called me. I'm sure word got around, Florence, I was waiting until you were going to some event, Holocaust event at the White House, and you know we didn't need 21 votes last go around if a couple of people were absent. So Tom called me, I think from the hospice, and asked, "Where are you on your votes?" And I said, "Well, you know, of course you're the key." And, you know, he's such a gentleman, he said, "Well, has Ratliff picked the conference committee yet?" Now you know, he's just so smooth, I didn't catch it. And so I said, "Well, I don't think so," and I said, "Really it's a game; I'm acting like I have some influence over it, but they'll be his conferees and then I'll act like I had something to do with what I'm getting, you know I'm prone to do that from time to time." And so we got off the phone and maybe about two hours later I woke up roaring, just laughing, about 10:30 at night, and I said to myself, "Haywood was shaking me down, I can't believe it." So I called him back. You all had left the hospice so he was at home. And I said, "Tom, was that a shakedown?" And he said, "No, I'm going to either be absent or I'm going to vote to let your bill come up, but you can't fault a fellow for trying." I got a nice note from Denise during the interim which I framed and I have it on my ego wall. And I guess she saw the comments in the paper where I talked about how long of a walk it must have been for Tom Haywood to come from Van de Putte's seat now all the way over to this side. And Denise, you were back here at this rail so I saw him coming, how could you miss him,

and I assumed he was coming over here to tell me he would not vote for that bill and so I figured I'd just sit here. You know sometimes you get up and try to help him; I figured I'm gonna sit here and just let him make that long walk to come over here and tell me no. And then when he got here he said, "I'll vote to bring the bill up." And so I was quoted in the press as saying what a long walk it must have been for Tom Haywood to come here. Denise sent me a nice note during the interim with a picture of her little baby and she said, "I don't think my dad was so much for your bill, but he was for you." I still have my cane, it's not in my office, it's at home. It's in my study by the fireplace. And Leland refers to that stick as a Mr. Haywood stick. And the other day I saw it, I shipped a big old Mali bird back from Africa and it sort of scares the kids, I think, so Leland had that stick and Maria came upstairs and said, "Daddy, Leland's down there hitting that Mali bird with Mr. Haywood's stick." So, I thank you for being here, and I miss your dad and your father so very much. He lived a wonderful life and we've all been touched by him. Thank you.

**Senator Fraser:** I didn't want my silence to be misunderstood. Tom was a great friend, which you all knew. I spent, I suspect, about as much time as anybody with him. As you know, I intentionally sat by him in every committee and just to be there just in case he needed help. But Tom and I were great friends but we're missing him. We miss y'all being here but, Pat, I see these correspondences come in to Linda every once in a while and we always make sure that when she reads it, after she reads it I want to read it and see what's going on. And, Denise, we got the picture of you and the baby. It's prominently displayed and we looked forward to seeing that. I wanted to convey we miss Tom. I feel like he's here with us. He'll always be with us and he was a great friend, but we, I appreciate Governor Ratliff bringing this up because we're missing him but he was a wonderful friend. Thank you.

**Senator Gallegos:** Thank you Mr. President. Members, I want to echo what everybody said here today but I'd be remiss if I didn't get up, Pat and Denise and the girls. There was a bill that Senator Haywood was carrying and I had just done some research on all Senate Districts on sales of lottery. And he had a bill, and you know whenever, obviously, when you're running you're saying we're going to bring back all the money we can to our districts. Well, Tom had that bill. And it was a certain percentage, I forgot the percentage, one, two percent of lottery sales, that percentage, goes back to your district, your respective districts. I loved that bill because my district was the number one in lottery sales for that year that Tom brought that bill up and I was right behind him. I said, "Man, we want that thing." That bill never saw the light of day. But it was a good bill, it was a good bill. But the best memories that I have of Tom was when Bullock was here. Y'all all know me, I'm a Houston firefighter, and the jokes are not here, they're in the Senate lounge, and I usually like to tell my firehouse jokes back in there. Well Bullock, I think Whitmire was there, Bullock, myself, and I think maybe Gonzo, maybe Ellis was back there, and Tom was there. And probably Tom would always tell Denise, "That Mario, he's a character." Well, I told the joke. Bullock was sitting in the chair, and after the punchline everybody started laughing, and I said, "Tom, did you want me to repeat it?" "No, no, I heard what you said and I got the joke," and he said, "I heard every word. That was a good joke. Can you take me to that fire station that you heard that joke from?" And then later on, when it filtered out he said, "Come here, I want to ask you something."

He said, "Did you see Bullock laughing? He nearly fell out of his chair. I would have loved to have seen that." And that was Tom Haywood. But believe me, you didn't think he was listening, he was listening. He had probably one of the sharpest ears, whether it be in the Senate lounge or on this floor. We will surely miss him.

**Senator Ratliff:** Thank you Mr. President. I see some young folks up in the gallery and in closing let me just say to you, to the folks that are in the gallery today, if you didn't have the honor of knowing Senator Tom Haywood let me just describe him this way: he was the embodiment, he was a personal refutation of all the jokes that you've ever heard about politicians; he defied all of those characterizations that you hear because he was the ultimate dedicated public servant.

#### AT EASE

The President at 12:04 p.m. announced the Senate would stand At Ease pending the departure of its guests.

#### IN LEGISLATIVE SESSION

The President at 12:14 p.m. called the Senate to order as In Legislative Session.

#### CONCLUSION OF MORNING CALL

The President at 12:14 p.m. announced the conclusion of morning call.

#### COMMITTEE SUBSTITUTE SENATE BILL 1010 ON THIRD READING

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1010** at this time on its third reading and final passage:

**CSSB 1010**, Relating to public and common nuisances; providing a penalty.

The motion prevailed by a viva voce vote.

The bill was read third time.

Senator Ratliff offered the following amendment to the bill:

#### **Floor Amendment No. 1 on Third Reading**

(1) Amend **CSSB 1010** in SECTION 1 of the bill by striking Subsection (c), Section 125.001, Civil Practice and Remedies Code, as deleted following Section 125.0015, Civil Practice and Remedies Code (Senate committee printing, page 2, lines 12-14) and substituting the following:

(c) A person maintains a common nuisance if the person knowingly maintains an animal processing facility that repeatedly emits offensive or obnoxious odors. In this subsection, "animal processing facility" means the land and any improvements on the land used in the operation of a feedlot, concentrated animal feeding operation, slaughterhouse, animal rendering plant, plant for the production of products from animal parts, plant for the recycling of animal waste produces, or similar operation [Subsection (b) applies only to a multiunit residential property, as that term is defined by Section 125.041, that is located in a municipality].

(2) Amend **CSSB 1010** in SECTION 2 of the bill by revising Subsection (f) of Sec. 125.002, Civil Practice and Remedies Code (Senate committee printing, page 2, lines 56-66) to read as follows:

(f)(e) The bond must:

(1) be payable to the state at the county seat of the county in which the nuisance exists;

(2) be in the penal sum of \$10,000;

(3) have sufficient sureties approved by the court; ~~and~~

(4) be conditioned that the property will not be used or permitted to be used for prostitution or gambling in violation of the Penal Code or for delivery, possession, manufacture, or use of a controlled substance in violation of Chapter 481, Health and Safety Code; and

(5) in the case of an animal processing facility, include conditions requiring the nuisance to be abated.

The floor amendment was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Barrientos, Carona, Ellis, Gallegos, Harris, Lucio, Madla, Ratliff, Shapleigh, Van de Putte, West, Whitmire, Zaffirini.

Nays: Armbrister, Averitt, Bivins, Brimer, Deuell, Duncan, Estes, Fraser, Hinojosa, Jackson, Janek, Lindsay, Nelson, Ogden, Shapiro, Staples, Wentworth, Williams.

**CSSB 1010** was finally passed by a viva voce vote.

**(Senator Fraser in Chair)**

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

April 23, 2003

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 210**, Designating April 23, 2003, as Long-Term Care Ombudsman Day in Texas.

**SB 240**, Relating to the enrollment of certain children and recipients of medical assistance in group health benefit plans.

**SB 572**, Relating to the euthanasia of an animal by an animal shelter; providing criminal penalties.  
(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE  
SENATE BILL 1017 ON THIRD READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 1017** at this time on its third reading and final passage:

**CSSB 1017**, Relating to the ability of a county to sue and be sued.

The motion prevailed by a viva voce vote.

The bill was read third time.

On motion of Senator Wentworth, consideration of **CSSB 1017** was temporarily postponed.

Question — Shall **CSSB 1017** be finally passed?

**COMMITTEE SUBSTITUTE  
SENATE BILL 280 ON SECOND READING**

Senator Nelson moved to suspend the regular order of business to take up for consideration **CSSB 280** at this time on its second reading:

**CSSB 280**, Relating to the continuation and functions of the Texas Workforce Commission.

The motion prevailed by a viva voce vote.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 280** as follows:

(1) On page 14, after line 7, add new SECTION 3.071:

Subchapter C, Chapter 2308, Government Code, is amended by amending Sections 2308.264 and 2308.267 to read as follows:

Sec. 2308.264 Contracting for Service Delivery

(a) A board may not directly provide workforce training and services. A board may not act as a fiscal agent for any entity with which the board contracts to provide one-stop services.

(b) When contracting for the provision of one-stop services, a board must:  
1. ensure that the contractor has fiscal controls and fund accounting procedures in place necessary to guarantee the proper disbursement of and accounting for federal and state funds,

2. require the contractor to guarantee sufficient insurance, bonding, and liability coverage for the overall financial security of workforce training and services funds and operations.

3. ensure that all contracts involving the provision of one-stop services, whether the board is signatory or a third-party beneficiary, strictly comply with section 2308.267(b), and

4. ensure that no contract involves the provision of one-stop services through an independent contractor who does not directly employ staff, have direction or control over employee staff, or have the right to hire, fire, discipline, and reassign staff that provide the workforce training and services. An independent contractor is authorized to be a client of a professional employment organization holding a license pursuant to Chapter 91, Labor Code.

(c) A board may request from the Texas Workforce Commission [~~council~~] a waiver of the requirements of this Section [~~Subsection (a)~~].

(d)[~~(c)~~] The request for a waiver must include a detailed justification based on the lack of an existing qualified alternative for delivery of workforce training and services in the workforce development area.

(e)[~~(d)~~] If a board receives a waiver to provide workforce training and services, the evaluation of results and outcomes is provided by the Texas Workforce Commission [~~council~~].

(f) The Texas Workforce Commission shall establish guidelines defining the financial security sufficient to comply with this section.

(g) The Texas Workforce Commission shall ensure that boards are in compliance with this section and shall not approve a plan that does not comply with this section.

Sec. 2308.267(b) and (c) are amended to read as follows:

(b) A board's staff shall be separate from and independent of any organization providing workforce education or workforce training and services in the workforce development area. Board staff shall not direct or control the staffing of any entity providing one-stop services.

(c) The requirement for separate staffing does not preclude a board from designating a qualified organization to provide staff services to the board if the board:

(1) arranges for independent evaluation of any other workforce services provided by the staffing organization; and

(2) requests and obtains from the Texas Workforce Commission [~~council~~] a waiver of the separate staffing requirement and the requirements under section 2308.264.

The floor amendment was read and was adopted by a viva voce vote.

On motion of Senator Nelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 280** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 280 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 280** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Averitt, Barrientos, Bivins, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Shapiro, Shapleigh, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Ratliff, Staples, Wentworth.

The bill was read third time and was passed by a viva voce vote.

**GUESTS PRESENTED**

Senator Harris was recognized and introduced to the Senate the cheerleaders of Hebron High School in Carrollton, winners of the National Cheerleaders Association Championship.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1017 ON THIRD READING**

The Presiding Officer laid before the Senate **CSSB 1017** on its third reading. The bill had been read third time and further consideration temporarily postponed:

**CSSB 1017**, Relating to the ability of a county to sue and be sued.

Question — Shall **CSSB 1017** be finally passed?

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 1 on Third Reading**

Amend **CSSB 1017** in SECTION 2 of the bill by striking Sec. 262.007(b), Local Government Code, as added by Floor Amendment No. 2, and substituting the following:

(b) This section does not waive a defense or a limitation on damages available to a party to a contract, other than a bar against suit based on sovereign immunity.

The floor amendment was read and was adopted by a viva voce vote.

On motion of Senator Wentworth and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

**CSSB 1017** as again amended was finally passed by a viva voce vote.



**COMMITTEE SUBSTITUTE  
SENATE BILL 381 ON SECOND READING**

Senator Armbrister moved to suspend the regular order of business to take up for consideration **CSSB 381** at this time on its second reading:

**CSSB 381**, Relating to food manufacturer and food wholesaler licensing requirements under the Texas Food, Drug, and Cosmetic Act.

The motion prevailed by a viva voce vote.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 381** as follows:

(1) In SECTION 1 of the bill (committee printing page 1, line 22), after "subdivision", insert "or to a nonprofit organization".

(2) In SECTION 1 of the bill (committee printing page 1, line 35), after "subdivision", insert "or to a nonprofit organization".

(3) In SECTION 1 of the bill (committee printing page 1, between lines 37 and 38), insert the following: "(6) "Nonprofit organization" means an organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, and its subsequent amendments, as an organization described in Section 501(c)(3) of that code.".

(4) In SECTION 2 of the bill (committee printing page 1, line 50), after "subdivision", insert "or to a nonprofit organization".

The floor amendment was read and was adopted by a viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 381** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 381 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 381** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Averitt, Barrientos, Bivins, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Ratliff, Wentworth.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 899 ON SECOND READING**

Senator Averitt moved to suspend the regular order of business to take up for consideration **CSSB 899** at this time on its second reading:

**CSSB 899**, Relating to the fees of office and reimbursement of directors of groundwater conservation districts.

The motion prevailed by a viva voce vote.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 899 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 899** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Averitt, Barrientos, Bivins, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Ratliff, Wentworth.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE JOINT RESOLUTION 30 ON SECOND READING**

Senator Lindsay moved to suspend the regular order of business to take up for consideration **SJR 30** at this time on its second reading:

**SJR 30**, Proposing a constitutional amendment relating to the provision of parks and recreational facilities by certain conservation and reclamation districts.

The motion prevailed by a viva voce vote.

**RECORD OF VOTES**

Senators Bivins, Fraser, Ogden, and Staples asked to be recorded as voting "Nay" on the suspension of the regular order of business.

The resolution was read second time.

Senator Lindsay offered the following amendment to the resolution:

**Floor Amendment No. 1**

Amend **SJR 30** (Senate committee printing) by striking all below the resolving clause and substituting the following:

SECTION 1. Section 59, Article XVI, Texas Constitution, is amended by amending Subsections (a) and (c) and adding Subsection (c-1) to read as follows:

(a) The conservation and development of all of the natural resources of this State, and development of parks and recreational facilities, including the control, storing, preservation and distribution of its storm and flood waters, the waters of its rivers and streams, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, the reclamation and drainage of its overflowed lands, and other lands needing drainage, the conservation and development of its forests, water and hydro-electric power, the navigation of its inland and coastal waters, and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties; and the Legislature shall pass all such laws as may be appropriate thereto.

(c) Except as provided by Subsection (c-1), the [The] Legislature shall authorize all such indebtedness as may be necessary to provide all improvements and the maintenance thereof requisite to the achievement of the purposes of this amendment. All such indebtedness may be evidenced by bonds of such conservation and reclamation districts, to be issued under such regulations as may be prescribed by law. The Legislature shall also authorize the levy and collection within such districts of all such taxes, equitably distributed, as may be necessary for the payment of the interest and the creation of a sinking fund for the payment of such bonds and for the maintenance of such districts and improvements. Such indebtedness shall be a lien upon the property assessed for the payment thereof. The Legislature shall not authorize the issuance of any bonds or provide for any indebtedness against any reclamation district unless such proposition shall first be submitted to the qualified voters of such district and the proposition adopted.

(c-1) For development of parks and recreational facilities the Legislature may authorize indebtedness as may be necessary to provide for improvements and maintenance only for a conservation and reclamation district all or part of which is located in Harris County, Galveston County, Brazoria County, Fort Bend County, or Montgomery County. All the indebtedness may be evidenced by bonds of the conservation and reclamation district, to be issued under regulations as may be prescribed by law. The Legislature may also authorize the levy and collection within the district of all taxes, equitably distributed, as may be necessary for the payment of the interest and the creation of a sinking fund for the payment of the bonds and for maintenance of and improvements to the parks and recreational facilities. The indebtedness shall be a lien on the property assessed for the payment of the bonds. The Legislature may not authorize the issuance of bonds or provide for indebtedness under this subsection against a reclamation district unless a proposition is first submitted to the qualified voters of the district and the proposition is adopted.

SECTION 2. The legislature intends by the amendment proposed by Section 1 of this resolution to expand the authority of conservation and reclamation districts with respect to parks and recreational facilities. The proposed amendment should not be construed as a limitation on the powers of a district as those powers exist immediately before the amendment takes effect.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 2003. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment relating to the provision of parks and recreational facilities by certain conservation and reclamation districts."

The floor amendment was read.

**(President in Chair)**

Senator Barrientos offered the following amendment to the amendment:

**Floor Amendment No. 2**

Amend Floor Amendment No. 1 to **SJR 30**, in SECTION 1, in the first sentence of proposed Subsection (c-1), between "in" and "Harris County", by inserting "Travis County".

The amendment to the amendment was read and was adopted by a viva voce vote.

**RECORD OF VOTES**

Senators Bivins, Fraser, and Ogden asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 2.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

**RECORD OF VOTES**

Senators Bivins, Fraser, and Ogden asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 1 as amended.

On motion of Senator Lindsay and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

**SJR 30** as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTES**

Senators Bivins, Fraser, and Ogden asked to be recorded as voting "Nay" on the passage of **SJR 30** to engrossment.

**SENATE JOINT RESOLUTION 30 ON THIRD READING**

Senator Lindsay moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 30** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Shapiro, Shapleigh, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Bivins, Fraser, Ogden, Ratliff, Staples, Wentworth.

The resolution was read third time and was passed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Ellis, Estes, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ratliff, Shapiro, Shapleigh, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Bivins, Duncan, Fraser, Ogden, Staples.

**COMMITTEE SUBSTITUTE  
SENATE BILL 624 ON SECOND READING**

Senator Lindsay moved to suspend the regular order of business to take up for consideration **CSSB 624** at this time on its second reading:

**CSSB 624**, Relating to the provision of parks and recreational facilities by certain conservation and reclamation districts; authorizing the issuance of bonds on voter approval.

The motion prevailed by a viva voce vote.

**RECORD OF VOTE**

Senator Fraser asked to be recorded as voting "Nay" on the suspension of the regular order of business.

The bill was read second time.

Senator Lindsay offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 624** (committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 49.001(a)(10), Water Code, is amended to read as follows:

(10) "District facility" means tangible real and personal property of the district, including any plant, equipment, means, recreational facility as defined by Section 49.462, or instrumentality owned, leased, operated, used, controlled, furnished, or supplied for, by, or in connection with the business or operations of a district. The term specifically includes a reservoir or easement of a district.

SECTION 2. Section 49.461(a), Water Code, is amended to read as follows:

(a) The legislature finds that:

(1) the provision of parks and recreational facilities is necessary and desirable for the health and well-being of the people of this state; and

(2) it is the policy of the state and the purpose of this subchapter to encourage persons in districts to provide parks and recreational facilities for their use and benefit[;]

~~[(3) within constitutional limitations, the power to enact laws vested in the legislature by Section 1, Article III, Texas Constitution, is supreme;~~

~~[(4) there is no constitutional inhibition that would prohibit the legislature from authorizing districts to acquire, own, develop, construct, improve, manage, operate, and maintain parks and recreational facilities; and~~

~~[(5) the general legislative power alone is adequate to support the enactment of this subchapter without reference to any specific constitutional authorization].~~

SECTION 3. Section 49.463, Water Code, is amended to read as follows:

Sec. 49.463. AUTHORIZATION OF RECREATIONAL FACILITIES. In addition to the other purposes for which a district is created, a district is created for the purpose of financing, developing, and maintaining recreational facilities for the people in the district. A district may accomplish this purpose as provided in this subchapter.

SECTION 4. Section 49.464(a), Water Code, is amended to read as follows:

(a) Except as provided by Section 49.4645, a [A] district may not issue bonds supported by ad valorem taxes to pay for the development and maintenance of recreational facilities.

SECTION 5. Subchapter N, Chapter 49, Water Code, is amended by adding Section 49.4645 to read as follows:

Sec. 49.4645. DISTRICT IN CERTAIN COUNTIES: BONDS FOR RECREATIONAL FACILITIES. (a) A district all or part of which is located in Harris County, Galveston County, Brazoria County, Fort Bend County, or Montgomery County may issue bonds supported by ad valorem taxes to pay for the development and maintenance of recreational facilities only if the bonds are authorized by a majority vote of the qualified voters of the district voting in an election held for that purpose. The outstanding principal amount of bonds, notes, and other obligations issued to finance parks and recreational facilities payable from any source may not exceed an amount equal to one percent of the value of the taxable property in the district as shown by the tax rolls of the central appraisal district at the time of the issuance of the bonds, notes, and other obligations. The board may issue bonds payable solely from revenues by resolution or by order of the board without an election. The district may not issue bonds supported by ad valorem taxes to pay for the development and maintenance of:

(1) indoor or outdoor swimming pools; or

(2) golf courses.

(b) Not later than the 10th day before an election is held to authorize the issuance of bonds for the development and maintenance of recreational facilities, the board shall file in the district office for review by the public a park plan covering the land, improvements, facilities, and equipment to be purchased or constructed and their estimated cost, together with maps, plats, drawings, and data fully showing and explaining the park plan. The park plan is not part of the proposition to be voted on and the park plan does not create a contract with the voters.

(c) Notice of a bond election for the development and maintenance of recreational facilities must contain the proposition to be voted on, which must include the estimate of the probable cost of design, construction, purchase, acquisition, and maintenance of improvements and additions, and incidental expenses connected with the improvements and the issuance of bonds.

(d) A bond election for the development and maintenance of recreational facilities may be held on the same day as another district election. The board may call a bond election by a separate election order or as part of another election order. The board may submit multiple purposes in a single proposition at an election.

(e) The board may call a bond election for the development and maintenance of recreational facilities as a result of an agreement to annex additional territory into the district.

SECTION 6. Subchapter N, Chapter 49, Water Code, is amended by adding Section 49.466 to read as follows:

Sec. 49.466. COMMISSION RULES. (a) The commission shall adopt rules regarding the provision and financing of recreational facilities funded through the issuance of bonds that are supported by ad valorem taxes.

(b) The commission rules shall:

(1) emphasize the primary goal of financing water, sewer, and drainage facilities to serve the district;

(2) emphasize and encourage the secondary goal of financing recreational facilities; and

(3) encourage the conveyance of land to be used for recreational facilities.

SECTION 7. Section 49.461(b), Water Code, and Subchapter I, Chapter 54, Water Code, are repealed.

SECTION 8. This Act takes effect on the date on which the constitutional amendment proposed by the 78th Legislature, Regular Session, 2003, relating to the provision of parks and recreational facilities by certain conservation and reclamation districts is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.

The floor amendment was read.

Senator Barrientos offered the following amendment to the amendment:

### **Floor Amendment No. 2**

Amend Floor Amendment No. 1 to **CSSB 624**, in SECTION 5, in the first sentence of proposed Section 49.4645(a), Water Code, between "in" and "Harris County", by inserting "Travis County".

The amendment to the amendment was read and was adopted by a viva voce vote.

### **RECORD OF VOTE**

Senator Fraser asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 2.

Senator Fraser offered the following amendment to the amendment:

### **Floor Amendment No. 3**

Amend Floor Amendment No. 1 to **CSSB 624**, in SECTION 5, line 30, Subsection 49.4645(a), Water Code, after "obligations" by inserting "or an amount greater than the estimated cost provided in the park plan under Subsection (b), whichever is smaller".

The amendment to the amendment was read and was adopted by a viva voce vote.

Senator Williams offered the following amendment to the amendment:

#### **Floor Amendment No. 4**

Amend Floor Amendment No. 1 to **CSSB 624** (committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS appropriately:

SECTION \_\_\_. Section 49.107, Water Code, is amended by adding Subsection (h) to read as follows:

(h) An operation and maintenance tax to be used for recreational facilities, as defined by Section 49.462, may be levied only by a district described by Section 49.4645(a). The maximum rate of tax used for recreational facility purposes may not exceed 10 cents per \$100 of assessed valuation of taxable property in the district.

The amendment to the amendment was read and was adopted by a viva voce vote.

#### **RECORD OF VOTE**

Senator Fraser asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 4.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

#### **RECORD OF VOTE**

Senator Fraser asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 1 as amended.

On motion of Senator Lindsay and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 624** as amended was passed to engrossment by a viva voce vote.

#### **RECORD OF VOTE**

Senator Fraser asked to be recorded as voting "Nay" on the passage of **CSSB 624** to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 624 ON THIRD READING**

Senator Lindsay moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 624** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Averitt, Barrientos, Bivins, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Shapiro, Shapleigh, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Fraser, Ratliff, Staples, Wentworth.

The bill was read third time and was passed by a viva voce vote.



**RECORD OF VOTE**

Senator Fraser asked to be recorded as voting "Nay" on the final passage of **CSSB 624**.

**COMMITTEE SUBSTITUTE  
SENATE BILL 933 ON SECOND READING**

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 933** at this time on its second reading:

**CSSB 933**, Relating to a virtual charter school administered by a public senior college or university.

The motion prevailed by a viva voce vote.

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 933** as follows:

(1) Before SECTION 1 of the bill (committee printing, page 1, between lines 11 and 12), insert the following:

**ARTICLE 1. AMENDMENTS EFFECTIVE  
THROUGH AUGUST 31, 2009**

(2) In SECTION 1 of the bill (committee printing, page 1, line 12), strike "SECTION 1." and substitute "SECTION 1.01."

(3) In SECTION 2 of the bill (committee printing, page 1, line 24), strike "SECTION 2." and substitute "SECTION 1.02."

(4) In SECTION 3 of the bill (committee printing, page 1, line 57), strike "SECTION 3." and substitute "SECTION 1.03."

(5) In SECTION 3 of the bill (committee printing, page 1, line 58), strike "Section 12.157" and substitute "Sections 12.157 and 12.158".

(6) In SECTION 3 of the bill, strike proposed Section 12.157(d), Education Code (committee printing, page 2, lines 30-32).

(7) In SECTION 3 of the bill, in proposed Section 12.157(e), Education Code (committee printing, page 2, line 33), strike "(e)" and substitute "(d)".

(8) In SECTION 3 of the bill (committee printing, page 2, between lines 42 and 43), insert the following:

(e) This section expires September 1, 2009.

Sec. 12.158. STATE FUNDING. (a) Except as otherwise determined by the commissioner under this section, for each enrolled student in average daily attendance, a virtual charter school is entitled to funding at a level determined by the commissioner under this section, not to exceed a level equal to the funding for each student in average daily attendance in an open-enrollment charter school.

(b) For purposes of virtual charter school funding, the commissioner shall determine the number of hours of virtual charter school educational activities that are the equivalent of one day of school attendance.

(c) The commissioner shall determine the level of funding for a virtual charter school under this section. The level of funding must reflect the school's actual cost of efficiently providing a student with educational services, as determined by the commissioner. The commissioner shall provide different levels of funding as necessary to reflect the costs of different instructional arrangements.

(d) A virtual charter school may not receive funding for a student if the student is not administered an assessment instrument under Subchapter B, Chapter 39. The assessment instrument must be administered to the student in the presence of a qualified, independent person, as determined by the commissioner. The commissioner may not grant a waiver from the requirements of this subsection.

(e) This section expires September 1, 2009.

(9) Strike SECTION 4 of the bill (committee printing, page 2, lines 43-47) and substitute the following:

ARTICLE 2. AMENDMENTS EFFECTIVE  
ON SEPTEMBER 1, 2009

SECTION 2.01. Effective September 1, 2009, Sections 12.151, 12.152, and 12.153, Education Code, are amended to read as follows:

Sec. 12.151. DEFINITION. In this subchapter, "public senior college or university" has the meaning assigned by Section 61.003.

Sec. 12.152. AUTHORIZATION. [~~(a)~~] In accordance with this subchapter and Subchapter D, the State Board of Education may grant a charter on the application of a public senior college or university for an open-enrollment charter school to operate on the campus of the public senior college or university or in the same county in which the campus of the public senior college or university is located.

Sec. 12.153. RULES. The commissioner may adopt rules to implement this subchapter.

ARTICLE 3. EFFECTIVE DATE

SECTION 3.01. Except as otherwise provided by this Act, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003, except as otherwise provided by this Act.

The floor amendment was read and was adopted by a viva voce vote.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 933** as follows:

(1) In SECTION 2 of the bill, in proposed Section 12.152, Education Code (committee printing, page 1, line 38), strike "[~~(a)~~]" and substitute "(a)".

(2) In SECTION 2 of the bill, in proposed Section 12.152, Education Code (committee printing, page 1, between lines 49 and 50), insert the following:

(b) The State Board of Education may grant a total of not more than two charters for virtual charter schools and the combined enrollment for the two charter schools may not exceed 2,000 students.

The floor amendment was read and was adopted by a viva voce vote.

Senator West offered the following amendment to the bill:

### Floor Amendment No. 3

Amend **CSSB 933** between SECTION 2 and SECTION 3 of the bill (committee printing, page 1, between lines 56 and 57), by inserting the following:

(c) The commissioner shall establish guidelines for the reporting of and verification of the enrollment of and instructional hours completed by each student enrolled in a virtual charter school.

The floor amendment was read and was adopted by a viva voce vote.

Senator Shapleigh offered the following amendment to the bill:

### Floor Amendment No. 4

Amend **CSSB 933** by inserting the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 12.156, Education Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioner may not grant a virtual charter school's request for a waiver from compliance with a provision listed in Section 12.104. This subsection expires September 1, 2009.

The floor amendment was read and was adopted by a viva voce vote.

Senator Shapleigh offered the following amendment to the bill:

### Floor Amendment No. 5

Amend **CSSB 933** as follows:

(1) In SECTION 3 of the bill (committee printing, page 1, line 58), strike "Section 12.157" and substitute "Sections 12.157 and 12.159".

(2) In SECTION 3 of the bill (committee printing, page 2, between lines 42 and 43), insert the following:

Sec. 12.159. REPORT. (a) Not later than December 1 of each even-numbered year, using funds available for the virtual charter school program, the commissioner shall submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives. To the extent information is available, the report must include:

(1) recommendations regarding virtual charter school funding mechanisms and mechanisms designed to monitor student identification and participation;

(2) recommendations regarding revenue sources, including any funding from general revenue or the agency, necessary to support quality assurance and audit requirements for virtual charter schools;

(3) information relating to the quality of electronic courses, as measured by student achievement on assessment instruments administered under Subchapter B, Chapter 39;

(4) recommendations regarding any need to develop or license specific electronic courses for statewide use to ensure a cost-efficient increase in student access to the recommended high school program, including any estimated costs and resources necessary to make the courses available statewide;

(5) for each grade level, including kindergarten and first and second grade, recommendations regarding the effectiveness and any benefit to students of electronic courses;

(6) the estimated number and cost to the state of private school and home school students who are expected to participate in the virtual charter school program during the two years following the date of the report;

(7) the impact of the virtual charter school program on school districts and campuses; and

(8) recommendations regarding any limit on the number of:

(A) universities that may grant virtual charter schools; and

(B) students that may enroll in virtual charter schools.

(b) This section expires September 1, 2009.

The floor amendment was read and was adopted by a viva voce vote.

Senator West offered the following amendment to the bill:

#### **Floor Amendment No. 6**

Amend **CSSB 933** as follows:

(1) In SECTION 3 of the bill, in proposed Section 12.157(a), Education Code (committee printing, page 1, lines 59-60), strike "A virtual charter school must" and substitute "To be eligible for funding under this subchapter, a virtual charter school must".

(2) In SECTION 3 of the bill, in proposed Section 12.157(a)(5)(C), Education Code (committee printing, page 2, line 15), strike "and".

(3) In SECTION 3 of the bill, in proposed Section 12.157(a)(6), Education Code (committee printing, page 2, line 17), strike the period and substitute "₂".

(4) In SECTION 3 of the bill, between proposed Sections 12.157(a) and 12.157(b) (committee printing, page 2, between lines 17 and 18), insert the following:

(7) give preference in enrollment to students with educational or medical needs that require the student to receive educational services in a home setting, except that preferential enrollment status may not be given to a student who is in an alternative education setting because of the student's suspension or expulsion under Chapter 37 or other relevant law or rule;

(8) to the extent possible, provide that at least 25 percent of the students enrolled in the school are educationally disadvantaged students;

(9) provide general special education services under Subchapter A, Chapter 29; and

(10) provide bilingual and special language program services under Subchapter B, Chapter 29.

The floor amendment was read and was adopted by a viva voce vote.

Senator Van de Putte offered the following amendment to the bill:

**Floor Amendment No. 7**

Amend **CSSB 933** as follows:

In Section 3 of the bill (committee printing, page 2, line 15) strike "Internet access used" and insert "accessing the Internet"

The floor amendment was read and was adopted by a viva voce vote.

Senator Shapleigh offered the following amendment to the bill:

**Floor Amendment No. 8**

Amend **CSSB 933** as follows:

(1) In SECTION 3 of the bill, in proposed Section 12.157(c), Education Code (committee printing, page 2, line 26), strike "and".

(2) In SECTION 3 of the bill, in proposed Section 12.157(c), Education Code (committee printing, page 2, line 29), strike the period and substitute "; and".

(3) In SECTION 3 of the bill, in proposed Section 12.157(c), Education Code (committee printing, page 2, between lines 29 and 30), insert the following:

(3) shall, to the extent consistent with rules adopted by the commissioner, be reasonably available each school day by electronic communication or other means to respond to questions from a student, parent, or legal guardian.

The floor amendment was read and was adopted by a viva voce vote.

On motion of Senator Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 933** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 933 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 933** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Ratliff, Wentworth.

Absent: Averitt.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Armbrister, Bivins, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Ratliff, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams.

Nays: Barrientos, Gallegos, Zaffirini.

Absent: Averitt.

**COMMITTEE SUBSTITUTE  
SENATE BILL 275 ON SECOND READING**

Senator Nelson moved to suspend the regular order of business to take up for consideration **CSSB 275** at this time on its second reading:

**CSSB 275**, Relating to the abolition of the Texas Department of Economic Development and the transfer of certain of its functions and the functions of the Texas Aerospace Commission to the Texas Economic Development Office.

The motion prevailed by a viva voce vote.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 275**, of the committee printing as follows:

On page 17, line 64, add a new SECTION 60 to read as follows and renumber subsequent sections accordingly:

SECTION 60. Subsection (d), Section 156.251, Tax Code is amended to read as follows:

(d) An amount equal to the amount of revenue derived from the collection of taxes imposed by this chapter at a rate of one-half of one percent shall be allocated in the general revenue fund to be used for ~~[media advertising and other marketing activities of the Tourism Division of the Texas Department of Commerce]~~ economic development activities, including tourism, of the Texas Economic Development Office. Section 403.094(h), Government Code, does not apply to funds described in this section. This subsection takes effect October 1, 1994.

The floor amendment was read.

On motion of Senator Nelson, Floor Amendment No. 1 was withdrawn.

**CSSB 275** was passed to engrossment by a viva voce vote.

**SENATE BILL 331 ON SECOND READING**

Senator Brimer moved to suspend the regular order of business to take up for consideration **SB 331** at this time on its second reading:

**SB 331**, Relating to statistical information concerning certain judicial proceedings to bypass parental notice of a minor's abortion.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Armbrister, Bivins, Brimer, Carona, Deuell, Duncan, Estes, Fraser, Harris, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Ratliff, Shapiro, Staples, Williams, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Hinojosa, Shapleigh, Van de Putte, Wentworth, West, Whitmire.

Absent: Averitt.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 331** as follows:

(1) In Section 1 of the bill, in added Section 33.012, Family Code (committee printing, page 1, lines 13-21), strike Subsection (a) and substitute:

(a) The supreme court shall adopt rules governing the collection of statistical information relating to the number of applications filed under Section 33.003.

(2) In Section 1 of the bill, in added Section 33.012(b), Family Code (committee printing, page 1, lines 23 and 24), strike "regional basis, as determined by the court" and substitute "statewide basis".

(3) In Section 1 of the bill, in added Section 33.012, Family Code, immediately following Subsection (b), (committee printing, page 1, between lines 24 and 25), insert:

(c) The supreme court may not report the information collected under this section in any way that directly or indirectly identifies the court in which an application was filed, granted, or denied.

(d) Not later than December 31 of each year, each district and county clerk shall report the aggregate number of cases filed with that clerk during the fiscal year preceding the date on which the report is made.

The floor amendment was read and failed of adoption by the following vote: Yeas 9, Nays 21.

Yeas: Barrientos, Ellis, Gallegos, Hinojosa, Shapleigh, Van de Putte, Wentworth, West, Whitmire.

Nays: Armbrister, Bivins, Brimer, Carona, Deuell, Duncan, Estes, Fraser, Harris, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Ratliff, Shapiro, Staples, Williams, Zaffirini.

Absent: Averitt.

**SB 331** was passed to engrossment by a viva voce vote.

**RECORD OF VOTES**

Senators Barrientos, Ellis, Gallegos, Hinojosa, Shapleigh, Van de Putte, Wentworth, West, and Whitmire asked to be recorded as voting "Nay" on passage of **SB 331** to engrossment.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Bivins and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance might meet and consider the following bills tomorrow: **SB 1543**, **SB 1646**.

**SENATE RULE 11.18(a) SUSPENDED  
(Public Hearings)**

On motion of Senator Shapiro and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Education might consider **SB 671** tomorrow.

**SENATE RULE 11.18(a) SUSPENDED  
(Public Hearings)**

On motion of Senator Wentworth and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Government Organization might consider **HB 89** today.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**SR 664** by Barrientos, In memory of LaDene Dorsett of Austin.

**Congratulatory Resolutions**

**SR 659** by Ellis, Commending Dr. Alvin I. Thomas for his contributions to Prairie View A&M University.

**SR 663** by Barrientos, Expressing appreciation to Dr. Danny Watts of Austin for his contributions to the children of our state.

**Official Designation Resolution**

**HCR 210** (Nelson), Designating April 23, 2003, as Long-Term Care Ombudsman Day in Texas.

**Legislative Policy Resolution**

**SR 658** by Gallegos, Recognizing that the ancient Macedonians are Hellenes and that the inhabitants of the northern province of Greece, Macedonia, are their Hellenic descendants.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 3:24 p.m. adjourned, in memory of the life of Senator Tom Haywood, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

April 23, 2003

CRIMINAL JUSTICE — **CSSB 1129**

ADMINISTRATION — **HB 1011, HB 1236, HB 1508**

HEALTH AND HUMAN SERVICES — **CSSB 245**



BUSINESS AND COMMERCE — **HB 1369, HB 1819, HB 1820**

EDUCATION — **SB 800**

GOVERNMENT ORGANIZATION — **CSSB 279, CSSB 147, CSSB 1152, CSSB 1382, CSSB 1663, SB 1000, SB 1151**

HEALTH AND HUMAN SERVICES — **CSSB 58**

**In Memory**  
**of**  
**Senator Tom Haywood**  
**Senate Resolution 662**

WHEREAS, The Senate of the State of Texas joins the citizens of Wichita Falls and Texans across the state in paying tribute to the life of Senator Tom Haywood, who died July 12, 2001, at the age of 61; and

WHEREAS, Tom Haywood had a long career of achievement and leadership and of service to his beloved state; and

WHEREAS, Tom was born in Dallas on September 30, 1939, he earned a bachelor's degree in physics from The University of Texas at Arlington and a master's degree from the University of North Texas; after receiving his doctorate in physics from the University of Alberta, Canada, he taught physics at the University of North Texas and at Midwestern State University, where he also served as director of university affairs; and

WHEREAS, Tom left the field of education in 1979 to serve as executive vice president of the North Texas Oil and Gas Association and led that organization to become one of the most highly respected of its kind in Texas; and

WHEREAS, Tom Haywood was first elected to the Senate in 1994 and served in the 74th through the 77th legislatures, representing citizens from the 36 counties of District 30 in North and West Texas; and

WHEREAS, Senator Haywood was an advocate for rural areas and an expert on energy-related issues, and his grasp of complex issues was evident during debate; he served on the Education, Economic Development, Nominations, Finance, Natural Resources, and Veteran Affairs and Military Installations committees, and he was chairman of the Subcommittee on Agriculture during the 76th and 77th legislative sessions; and

WHEREAS, Senator Haywood was active in many civic organizations, including the Wichita Falls Board of Commerce and Industry, the Children's Aid Society of North Texas, the Boy Scouts of America, and the Wichita Falls Museum and Art Center; he received numerous awards for his public service, including the Mid-sized School Association Golden Apple Award, the Rotary Club Paul Harris Award, and the Texas Young Republicans Legislator of the Year Award; and

WHEREAS, Tom Haywood displayed a special kind of bravery; although he had progressive supranuclear palsy, a condition similar to Parkinson's disease, he never made excuses for himself and rarely acknowledged that he suffered from the debilitating illness, which fortunately did not affect his brilliant mind; and

WHEREAS, He was an inspiration to others as he confronted the challenges in his daily life; when he experienced a loss of motor skills during his final legislative session, he was assisted by his daughter Denise; and

WHEREAS, Senator Haywood lived his life with a dignity and grace that few possess, and his constancy, sense of humor, and wise counsel were a source of strength to many; and

WHEREAS, A devoted husband, father, and grandfather, Tom Haywood lived an exemplary life, and he leaves behind memories that will be treasured forever by his family, his Texas Senate colleagues, and his many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 78th Legislature, hereby commemorate the life of Senator Tom Haywood and extend sincere condolences to his bereaved family: his wife, Pat Vaughan Haywood; his mother, Carolyne Frady; his children, Alisa Green, Denise Haywood, and Jamie Ratliff; his brother, Richard Haywood; and his eight 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 Senator Tom Haywood.

RATLIFF

