

NINTH DAY

(CONTINUED)

MONDAY, MAY 15, 2006

PROCEEDINGS

AFTER RECESS

The Senate met at 11:07 a.m. and was called to order by the President.

The Reverend James L. Mayfield, Tarrytown United Methodist Church, Austin, offered the invocation as follows:

God, bless each of the Members of this Senate with such a deep awareness of their personal worth they do not look to the office they hold to give their lives meaning. As they deal with the stress and pressures of public service, give them inner calm so they can respond to all that is before them out of the best that is within them. When the tensions are high, rescue them from the temptation to speak and act in ways that make matters worse rather than better. Give them compassion for those with the least power and the weakest voices in our state. Bless them with wisdom to know what is best in the long run for the state as a whole and give them will to do it. This we ask you Lord, God of all that was, is, and will be. Amen.

SENATE RESOLUTION 215

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Reverend Jim Mayfield for his 18 years of invaluable service as pastor of Tarrytown United Methodist Church and for his work to build harmony among the members of Austin's various faiths; and

WHEREAS, Over the years, Pastor Mayfield has ministered faithfully to the temporal and spiritual needs of innumerable people; he has performed countless ceremonies and has prayed with and counseled his church members in times of hardship and bereavement and in times of joy and celebration; and

WHEREAS, Although he is stepping down as pastor of Tarrytown United Methodist Church, Reverend Mayfield will carry on with his mission as a minister of goodwill to people of all faiths; he will write for the church, conduct seminars, and work to better the state's education system; and

WHEREAS, A source of strength and inspiration to others, this beloved pastor has the admiration of his peers for his work on behalf of his church and as president of Austin Area Interreligious Ministries, an organization dedicated to interfaith relations; and

WHEREAS, A man of exceptional intellectual and spiritual depth, Reverend Mayfield has had a lasting and positive impact on the lives of the members of Tarrytown United Methodist Church and of countless people of all faiths; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend the Reverend Jim Mayfield for his years of outstanding service to Tarrytown United Methodist Church and to the cause of unity among all people; and, be it further

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

SR 215 was again read.

The resolution was previously adopted on Friday, May 12, 2006.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate the Reverend James Mayfield, accompanied by his wife, Rita, and son, Robert.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Brimer was recognized and presented Dr. Joane Baumer of Fort Worth as the Physician of the Day.

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

SENATE RESOLUTION 157

Senator Shapleigh offered the following resolution:

WHEREAS, The Senate of the State of Texas joins The University of Texas at El Paso in honoring the 1966 Texas Western College Miners basketball team and coach Don Haskins on the 40th anniversary of the team's National Collegiate Athletic Association national championship; and

WHEREAS, By 1966, the civil rights movement in America had passed several milestones; *Brown v. Board of Education* had been decided and the Civil Rights Act and the Voting Rights Act had become law, but racial discrimination still existed in many areas of national life, including college athletics; and

WHEREAS, Texas Western College, soon to become The University of Texas at El Paso, blazed a trail that many other teams would soon follow when it became the first basketball team to start five African American players in a national championship game; and

WHEREAS, Led by coach Don Haskins, the Miners defeated an all-white University of Kentucky team by a score of 72-65, shattering once and for all the myth that a multiracial team had no place in collegiate sports; the story of that groundbreaking season has been made into the feature film *Glory Road*; and

WHEREAS, The members of this illustrious team were: Jerry Armstrong, Orsten Artis, Louis Baudoin, Willie Cager, Harry Flournoy, Bobby Joe Hill, David Lattin, Dick Myers, David Palacio, Togo Railey, Nevil Shed, and Willie Worsley; and

WHEREAS, The University of Texas at El Paso and the 1966 Texas Western College basketball team are rightly proud of their role in promoting desegregation in college sports, and they are truly deserving of legislative recognition for that enduring legacy; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby extend congratulations to the 1966 Texas Western College Miners basketball team and The University of Texas at El Paso on the 40th anniversary of the team's historic national championship; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the university as a memento of this special occasion.

SR 157 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapleigh was recognized and introduced to the Senate Nevil Shed and David Lattin of the 1966 Texas Western College Miners basketball team.

The Senate welcomed its guests.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

HB 1 (signed subject to Sec. 49-a, Art. III, Texas Constitution), **HB 97**, **HB 154**, **HB 163**, **HCR 37**, **HCR 38**, **HCR 47**, **HCR 48**.

SENATE RESOLUTION 216

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Tommy Garcia of McAllen, chairman of Texas Citrus Mutual, for his many contributions to the Texas citrus industry; and

WHEREAS, Tommy Garcia learned about farming and grove care from his family, which had long been involved in the citrus industry; after completing high school, Tommy and his brother joined their father in the family business, Garcia Farms; the business grew into a successful enterprise with 600 acres of citrus groves and farming tracts; and

WHEREAS, As a participant in the Texans for Treaty Compliance Committee, Tommy was instrumental in acquiring needed funds for farmers and in obtaining payment from Mexico for its water debt; in addition to serving as chairman of Texas Citrus Mutual, he has held leadership positions in other professional organizations, including the Citrus Foundation, Texas Citrus Growers League, TexaSweat, Hidalgo County Farm Bureau, and Water District One; and

WHEREAS, He served as chairman of the Texas A&M University–Kingsville Citrus Center Advisory Committee and as vice chairman of the Texas Citrus Committee; his efforts have contributed to the success of the citrus industry in South Texas and his many achievements are worthy of recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend Tommy Garcia for his notable accomplishments and extend to him best wishes for the future; and, be it further

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

SR 216 was again read.

The resolution was previously adopted on Friday, May 12, 2006.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Tommy Garcia, accompanied by his wife, Mati; his sons, Tommy "TJ," Omar, and Charlie; and his brother, Jesus Garcia, and wife.

The Senate welcomed its guests.

(Senator Brimer in Chair)

SENATE RESOLUTION 193

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Dallas South Oak Cliff High School boys' basketball team, which captured the University Interscholastic League Class 4A state championship on March 11, 2006, at the Frank Erwin Center in Austin; and

WHEREAS, Led by Coach James Mays II, the Golden Bears soundly defeated a talented Fort Worth Dunbar team to finish their season with an impressive 30-7 record and possession of the coveted state crown; and

WHEREAS, Team members include Darrell Arthur, Kendrake Johnigan, Marquis Smyth, Laroderick Thomas, Frankie Solomon, Fred Girson, Edward Bradley, Israel Milson, Brandon Jones, Ronnie Morgan, J'Mison Morgan, Marquis Jefflo, Johnny Johnson, Jr., Jeremy Wallace, and Michael Cooper; and

WHEREAS, Coach Mays received strong support from assistant coaches Derek Stricklin and Anthony Terrell, both of whom helped create a winning atmosphere for the student athletes in their charge; and

WHEREAS, Winning a state championship is the culmination of years of hard work and dedication, and the Golden Bears of Dallas South Oak Cliff High have inscribed their names in the annals of Texas high school sports history with their outstanding season and championship victory; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby congratulate Dallas South Oak Cliff High School on winning the 2006 University Interscholastic League Class 4A basketball state championship and extend best wishes to Coach Mays, his players and staff, principal Donald Moten, and the other individuals who contributed to this significant achievement; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the team as an expression of high regard from the Texas Senate.

SR 193 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate the 2006 University Interscholastic League Class 4A state championship boys' basketball team from South Oak Cliff High School in Dallas: Darrell Arthur, Kendrake Johnigan, Marquis Smyth, Laroderick Thomas, Frankie Solomon, Fred Girson, Edward Bradley, Israel Milson, Brandon Jones, Ronnie Morgan, J'Mison Morgan, Marquis Jefflo, Johnny Johnson, Jr., Jeremy Wallace, and Michael Cooper, accompanied by Head Coach James Mays II and Assistant Coaches, Derek J. Stricklin and Anthony L. Terrell.

The Senate welcomed its guests.

SENATE RESOLUTION 231

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to honor the Franklin D. Roosevelt High School boys' basketball team, who recently won the 2006 University Interscholastic League Class 3A state championship title; and

WHEREAS, The Mustangs soundly defeated Carrollton Ranchview 62-46 to claim the school's first state crown since 1972; and

WHEREAS, Contributing to this total team effort were Isaac Okpe, Demarcus Johnson, Kenneth Brantley, Gabriel Harrison, Kevin Thomas, LaMarcus West, George Phillips, Vincent McNeil, Cedric Robinson, Dewanzell Day, Kadeem Craddock, Jeffrey Warfield, Demontra Brandon, and Danny Hogan; and

WHEREAS, These outstanding student athletes were schooled in the finer points of the game by head coach Stanford Hill, Jr., who was ably assisted by coaches Roderick Johnson and Damien Mobley, as well as by statistician O. J. Wright and ball girl Briana N. Hill; the entire Mustang squad also enjoyed the unwavering support of athletic director Earnest James, school principal Leon Dudley, dean Cheree Curlin, and assistant principals Seaborn Phillips and Anthony Jefferson; and

WHEREAS, Demonstrating the athleticism, talent, and dedication of true champions, the members of the Roosevelt boys' basketball team are a source of tremendous pride to their school, their families, and all of their supporters in the community; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby congratulate the Franklin D. Roosevelt High School Mustangs on winning the 2006 University Interscholastic League Class 3A state championship and extend to the players and coaches best wishes for continued success; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for the team as an expression of high regard from the Texas Senate.

SR 231 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate representatives of the 2006 University Interscholastic League Class 3A state championship boys' basketball team from Franklin D. Roosevelt High School in Dallas: Stanford Hill, Jr., Head Coach; Roderick Johnson and Damien Mobley, Assistant Coaches; Earnest James, Athletic Director; and Leon Dudley, Principal.

The Senate welcomed its guests.

SENATE RESOLUTION 205

Senator Shapleigh offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the El Paso Chapter of the Military Officers Association of America on the occasion of its 50th anniversary; and

WHEREAS, Comprised of officers from every branch of service, the Military Officers Association of America is the largest and most influential military officers organization in the nation; its 370,000 active duty and retired members speak for a strong national defense and for the interests of military officers at every stage of their careers; and

WHEREAS, The El Paso Chapter joined the association on January 23, 1956; this year, it has taken as its anniversary theme "One Powerful Chapter Staying Strong"; the chapter has achieved the association's highest level of recognition, the Five Star Level of Excellence, for the last three years; and

WHEREAS, The association plays an active role in the legislative process, voicing the concerns of the career force, veterans, and the retired community; its advocacy in personnel matters and its support of issues important to its members are embodied in its slogan, "One Powerful Voice"; and

WHEREAS, The men and women of the El Paso Chapter of the Military Officers Association of America have devoted many years of their lives to serving the nation with pride, honor, and courage; their patriotism and dedication to the defense of our country is an inspiration to all, and they are truly deserving of recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend the El Paso Chapter of the Military Officers Association of America for its advocacy on behalf of its members and extend congratulations to the chapter on its 50th anniversary; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the chapter in honor of this special occasion.

SR 205 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapleigh was recognized and introduced to the Senate representatives of the El Paso Chapter of the Military Officers Association of America: Jenny Alloway, National Director; Gilberto Rodriguez, Secretary, Texas Council of Chapters; Edwin Stone, President, El Paso Chapter; Dexter Lyerly, 2nd Vice-president; and Mary Lyerly, Public Relations Director.

The Senate welcomed its guests.

SENATE CONCURRENT RESOLUTION 12

The Presiding Officer, Senator Brimer in Chair, laid before the Senate the following resolution:

WHEREAS, **HB 149** has passed the Texas Senate and is now in the Texas House of Representatives, and there are certain corrections to be made therein; now, therefore, be it

RESOLVED by the 79th Legislature of the State of Texas, 3rd Called Session, That the house is hereby respectfully requested to return House Bill No. 149 to the senate for further consideration.

AVERITT

SCR 12 was read.

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

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

Absent-excused: Carona.

SENATE RESOLUTION 194

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Dallas Independent School District's School for the Talented and Gifted at Yvonne A. Ewell Townview Center for its exceptional educational achievements; and

WHEREAS, The school has been named the top public high school in the nation by *Newsweek* magazine; it was selected from among 1,139 high schools across the country noted for doing an outstanding job in preparing students for college; the school is part of the Yvonne A. Ewell Townview Center, whose executive principal is Alice Black; and

WHEREAS, School for the Talented and Gifted Principal Michael Satarino says that credit for the school's successes must go to his students, who have a passion for learning and who are recognized as being among the best and brightest in the nation; and

WHEREAS, The students, 60 percent of whom are minorities, are committed to education and forego traditional high school activities like sports and cheerleading to go to the talented and gifted magnet school; and

WHEREAS, The students of the School for the Talented and Gifted, Principal Satarino, and Executive Principal Alice Black are truly worthy of legislative recognition for their great achievements; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby congratulate the students, faculty, and administration of the School for the Talented and Gifted at Yvonne A. Ewell Townview Center on being named the best school in the nation and commend them on their fine work; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the school as an expression of high regard from the Texas Senate.

SR 194 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Yvonne A. Ewell Townview Center students, Chelsea Jones, Devan Earle, and Sindi Sanchez, accompanied by Alice Black, Executive Principal, and Mike Satarino, Principal, School for the Talented and Gifted.

The Senate welcomed its guests.

SENATE RESOLUTION 195

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Dallas Independent School District's School of Science and Engineering at the Yvonne A. Ewell Townview Center for its exceptional educational achievements; and

WHEREAS, The School of Science and Engineering was recently ranked eighth among public high schools in the country by *Newsweek* magazine, and it has received international acclaim for its advanced placement programs; the school's college preparatory curriculum emphasizes the interdependence of mathematics, science, and engineering, and graduates of the school excel at some of the most elite colleges and universities in the world; and

WHEREAS, Under the leadership of executive principal Alice Black of the Yvonne A. Ewell Townview Center and principal Richard White of the School of Science and Engineering, the school has become number one in the nation for minorities passing advanced placement calculus exams; its students, faculty, and administration truly deserve praise for their dedication to education; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend the School of Science and Engineering at the Yvonne A. Ewell Townview Center and extend congratulations on being named one of the best public high schools in the nation by *Newsweek* magazine; and, be it further

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

SR 195 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Yvonne A. Ewell Townview Center students, Fernando Gonzalez and Emily Bordelone, accompanied by Alice Black, Executive Principal, and Richard White, Principal, School of Science and Engineering.

The Senate welcomed its guests.

SENATE RESOLUTION 164

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing David M. Oshinsky, who was recently awarded the prestigious Pulitzer Prize in history; and

WHEREAS, The George Littlefield Professor of American History at The University of Texas at Austin, David Oshinsky won the prize for his book *Polio: An American Story*, which describes the war against polio in the 1940s and 1950s; and

WHEREAS, The book depicts the competition between Jonas Salk and Albert Sabin as they raced to create a vaccine for the disease that was crippling thousands and frightening millions; and

WHEREAS, *Polio: An American Story* also highlights the power of grassroots fund-raising; it follows the rise of the National Foundation for Infantile Paralysis and the founding of the March of Dimes, which revolutionized philanthropy and medical research; and

WHEREAS, An exceptionally gifted writer and teacher, Professor Oshinsky has received praise for other books he has written as well; *A Conspiracy So Immense: The World of Joe McCarthy* and *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* won major awards and appeared on *The New York Times* Notable Books list; and

WHEREAS, Highly respected and beloved by his colleagues and students, David Oshinsky has brought great honor to himself, the university, and the State of Texas, and he is truly deserving of legislative recognition for his outstanding achievement; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend David M. Oshinsky for his many contributions to The University of Texas at Austin and extend congratulations to him on earning the Pulitzer Prize in history; and, be it further

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

BARRIENTOS
OGDEN
ZAFFIRINI

SR 164 was again read.

The resolution was previously adopted on Monday, May 8, 2006.

GUESTS PRESENTED

Senator Barrientos, joined by Senator Zaffirini, was recognized and introduced to the Senate David M. Oshinsky, who was recently awarded the Pulitzer Prize in history, accompanied by his wife, Jane, his sister-in-law, Amy Lehman, and his brother-in-law, Tom Lehman.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 15, 2006

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 40, Congratulating Christopher Castillo on his graduation from the Texas School for the Deaf.

SCR 12, Requesting that the house return House Bill 149 to the senate for further consideration.

THE HOUSE HAS CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 5 (77 Yeas, 68 Nays, 1 Present, not voting)

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 2 (86 Yeas, 56 Nays, 1 Present, not voting)

THE HOUSE HAS TAKEN THE FOLLOWING OTHER ACTION:

HB 149

Pursuant to the adoption of SCR 12, H.B. 149 is returned to the Senate for further action.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 207

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Jennifer Ransom Rice on the auspicious occasion of her graduation from The University of Texas at Austin; and

WHEREAS, Jennifer is the press secretary for Senator Florence Shapiro, and she has earned a master's degree from the university's School of Journalism; and

WHEREAS, A high achiever, Jennifer demonstrated exceptional diligence and determination in pursuing the goal she set for herself, and her completion of the master's degree program is evidence of her perseverance and outstanding abilities; and

WHEREAS, Jennifer is a vibrant part of the Austin community; she serves on the board of directors for the Juvenile Diabetes Research Foundation and the Mainspring School, and she is an active member and volunteer with the Ballet Austin Guild, Leadership Austin, and Zachary Scott Theatre; and

WHEREAS, Her family and friends are proud of Jennifer and commend her for her hard work and her great achievement; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby congratulate Jennifer Ransom Rice on her graduation from The University of Texas at Austin School of Journalism and extend to her best wishes for continuing success in the future; and, be it further

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

SR 207 was read and was adopted without objection.

GUEST PRESENTED

Senator Shapiro was recognized and introduced to the Senate Jennifer Ransom Rice, press secretary to Senator Shapiro, who is graduating from The University of Texas at Austin with a master's degree in journalism.

The Senate welcomed its guest.

HOUSE CONCURRENT RESOLUTION 42

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Visit Lubbock was accorded a well-deserved honor when the Texas Travel Industry Association presented it with the Excellence in Photography Award for Tourism; and

WHEREAS, Visit Lubbock is the first group to receive this accolade, which recognizes successful campaigns that have generated positive awareness for and about tourism in the Lone Star State; and

WHEREAS, The winning photograph, entitled "The Legend Lives On" features local cowboy Brice Chapman working with his horse as the sun rises over the West Texas horizon; taken by Artie Limmer of The Thomas Agency of Lubbock, the picture has been used in several ads to promote tourism and has been seen in *Texas Monthly* and *People Magazine* and on the cover of the current Lubbock Visitor Guide; and

WHEREAS, This exceptional work developed by Visit Lubbock promotes the area's tourism industry, and the successful campaign has helped to bring vital revenue into the city; and

WHEREAS, With innovative ideas that have stimulated the local economy, Visit Lubbock has proven itself worthy of this award, and all those associated with this group may take great pride in their accomplishments; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas, 3rd Called Session, hereby congratulate Visit Lubbock on receiving the Excellence in Photography Award for Tourism from the Texas Travel Industry Association and extend to all those involved with this exemplary organization sincere best wishes for continued success; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Visit Lubbock as an expression of high regard by the Texas House of Representatives and Senate.

DUNCAN

The resolution was read.

On motion of Senator Duncan and by unanimous consent, **HCR 42** was considered immediately and was adopted by a viva voce vote.

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

Absent-excused: Carona.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate members of the Visit Lubbock team: Marcy Jarrett, Executive Director; Brian Thomas, Director of Communications; and Gary Lawrence.

The Senate welcomed its guests.

VOTE RECONSIDERED ON HOUSE BILL 149

On motion of Senator Averitt and by unanimous consent, the vote by which **HB 149** was finally passed was reconsidered:

HB 149, Relating to the ownership and use of carbon dioxide captured by a clean coal project.

Question — Shall **HB 149** be finally passed?

Senator Averitt offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **HB 149** on third reading by adding a new Section 119.006 to read as follows:

Sec. 119.006. INDEMNIFICATION. The University of Texas System and the Permanent University Fund may enter into a lease with the commission, or an owner or operator of a clean coal project, for the use of lands owned or controlled by the system or fund for permanent storage of carbon dioxide captured by a clean coal project, provided that such lease adequately indemnifies the system and fund against liability for personal injury or property damage incurred by the system or fund as a result of the escape or migration of the carbon dioxide after it is injected into a zone or reservoir. This section does not affect the application of Chapter 101, Civil Practice and Remedies Code, to any activity carried out by a governmental unit, as defined by that chapter.

The amendment to **HB 149** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading except as follows:

Absent-excused: Carona.

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

HB 149 as amended was again finally passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Carona.

SENATE RESOLUTION 239

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas is fortunate to have many hardworking, dedicated employees, and one of the most outstanding of these employees is Bruce Foster Hupp, who is retiring after more than 30 years of meritorious state service; and

WHEREAS, Executive assistant to Senator Gonzalo Barrientos, Bruce is well known for his unwavering loyalty and utter devotion to Senator Barrientos and the citizens of State Senatorial District 14; and

WHEREAS, Born May 15, 1940, in Utica, Ohio, Bruce graduated from The Ohio State University with a degree in cultural anthropology; after serving with the Peace Corps in Guatemala, he moved to Austin to pursue his doctorate; and

WHEREAS, The rough-and-tumble of Austin politics soon lured him from the ivory towers of The University of Texas, and he joined the campaign of Gus Garcia for school board; as fate would have it, he met a young antipoverty worker, Gonzalo Barrientos, and the rest, as they say, is history; and

WHEREAS, Armed only with his well-worn backpack and a deep desire to serve, Bruce became office manager for Senator Barrientos in his successful campaign for the Texas House of Representatives; and

WHEREAS, Since 1975, Bruce and Senator Barrientos have been an unbeatable Capitol duo, with Bruce fiercely protecting the Senator's public life; every weekend found Bruce in the office working to ensure that every inquiry, complaint, or need of a constituent of Senator Barrientos was addressed and an answer given; and

WHEREAS, Bruce is a true Renaissance man with varied interests, chief among them wine, music, and Medieval murder mysteries; and

WHEREAS, In many offices such a paragon would foster envy and resentment, but his fellow staffers see in Bruce all that Senator Barrientos does and they respect and cherish this endearing and gentle man for his many, many admirable qualities; and

WHEREAS, Although his Capitol friends will miss Bruce's cheerful presence, they wish him well in his future endeavors, which they hope include taking a well-deserved, monthlong vacation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend Bruce Foster Hupp for his extraordinary state service and extend to him best wishes for the retirement years ahead; and, be it further

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

SR 239 was again read.

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

The resolution was previously adopted on Sunday, May 14, 2006.

GUEST PRESENTED

Senator Barrientos was recognized and introduced to the Senate his Executive Assistant, Bruce Foster Hupp, who is retiring after 30 years of state service.

The Senate welcomed its guest.

VIDEO RELEASE POLICY WAIVED

On motion of Senator Shapleigh and by unanimous consent, the Senate policy that governs the release of videotapes of the Senate proceedings was waived in order to grant the request of Bruce Hupp for a videotape of today's session.

SENATE RESOLUTION 232

Senator West offered the following resolution:

SR 232, In memory of Armand Coleman Thompson.

The resolution was read.

Senator West was recognized and introduced to the Senate Armand Thompson's companion, LaJuana Barton, accompanied by Patricia Barton and Susie Ramirez.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator West, **SR 232** was adopted by a rising vote of the Senate.

In honor of the memory of Armand Coleman Thompson, the text of the resolution is printed at the end of today's *Senate Journal*.

RECESS

On motion of Senator Whitmire, the Senate at 1:10 p.m. recessed until 2:00 p.m. today.

AFTER RECESS

The Senate met at 2:26 p.m. and was called to order by the President.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate students from the Hammond Area Career Center in Indiana and his niece, Yvette Sanchez, an instructor at the center, and commended them for their contributions to hurricane victims.

The Senate welcomed its guests.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR**, **HCR 29**, **HCR 45**, **HCR 46**.

SENATE RESOLUTION 9

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 8.02 was suspended to take up for consideration **SR 9** at this time.

The President laid before the Senate the following resolution:

WHEREAS, Military veterans who have served their country honorably and who were promised and have earned health care and benefits from the federal government through the Department of Veterans Affairs are now in need of these benefits; and

WHEREAS, The funding of the health care programs of the Veterans Health Administration of the Department of Veterans Affairs has failed to reflect the admission of newly eligible veterans in the wake of the Veterans' Health Care Eligibility Reform Act of 1996 and has fallen short of the amount needed to counter soaring medical care inflation, resulting in a funding shortfall of at least \$10 billion; and

WHEREAS, The current discretionary method of funding the health care programs of the Veterans Health Administration is uncertain and is subject annually to the whims and competing priorities of congress, to the detriment of the veterans being served; and

WHEREAS, The Vietnam Veterans of America organization supports the adoption of a new funding mechanism for the health care programs of the Veterans Health Administration that is indexed to medical inflation and the per capita use of the administration's health care system; and

WHEREAS, The substantial delay in adjudicating veterans' claims for service-connected disability compensation is the cause of much anguish and anger among veterans and is the result of a lack of funding of the Veterans Benefits Administration of the Department of Veterans Affairs, which has led to an insufficient number of adjudicators and the inadequate training and supervision of adjudicators; and

WHEREAS, While the vast majority of Department of Veterans Affairs employees are dedicated to serving veterans, it is necessary to ensure that employee accountability standards be strengthened at senior and junior levels; and

WHEREAS, While more than five million veterans use the Veterans Health Administration of the Department of Veterans Affairs for their health care needs, tens of thousands more are eligible for benefits of which they are unaware due to inadequate outreach efforts by the department; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby respectfully urge the Congress of the United States to address problems in the Department of Veterans Affairs related to the provision of health care and benefits, the adjudication of claims, accountability, and outreach and to enact legislation that creates an appropriation formula that assures predictable and adequate funding of the health care programs of the Veterans Health Administration; and, be it further

RESOLVED, That the secretary of the senate forward official copies of this Resolution to the secretary of veterans affairs, the president of the United States, the president of the senate and speaker of the house of representatives of the United States Congress, and all members of the Texas delegation to the congress with the request that this Resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

VAN DE PUTTE

SR 9 was read and was adopted without objection.

SENATE RESOLUTION 249
(Caucus Report)

Senator Whitmire offered the following resolution:

BE IT RESOLVED BY THE SENATE OF THE STATE OF TEXAS:

SECTION 1. CAUCUS REPORT. At a caucus held on May 15, 2006, and attended by 20 members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. EMPLOYEES. (a) The lieutenant governor may employ the employees necessary for the operation of the office of the lieutenant governor from the closing of this session and until the convening of the next session. The lieutenant governor and the secretary of the senate shall be furnished postage, telegraph, telephone, express, and all other expenses incident to their respective offices.

(b) The secretary of the senate is the chief executive administrator and shall be retained during the interval between adjournment of this session and the convening of the next session of the legislature. The secretary of the senate may employ the employees necessary for the operation of the senate and to perform duties as may be required in connection with the business of the state from the closing of this session and until the convening of the next session.

(c) Each senator may employ secretarial and other office staff for the senator's office.

(d) The chairman of the administration committee is authorized to retain a sufficient number of staff employees to conclude the work of the enrolling clerk, calendar clerk, journal clerk, and sergeant-at-arms. The administration committee shall establish the salaries for the senate staff.

SECTION 3. SENATE OFFICERS. (a) The following elected officers of the 79th Legislature shall serve for the interval between adjournment of this session and the convening of the next session of the legislature:

- (1) Secretary of the Senate—Patsy Spaw;
- (2) Calendar Clerk—Linda Tubbs;
- (3) Doorkeeper—Austin Osborn;
- (4) Enrolling Clerk—Mardi Alexander;
- (5) Journal Clerk—Dianne Arrington; and
- (6) Sergeant-at-Arms—Carleton Turner.

(b) All employees and elected officers of the senate shall operate under the direct supervision of the secretary of the senate during the interim.

(c) Officers named in this section serve at the will of the senate.

SECTION 4. DUTIES OF CHAIRMAN OF ADMINISTRATION COMMITTEE. (a) The chairman of the administration committee shall place the senate chamber in order and purchase supplies and make all necessary repairs and improvements between the adjournment of this session and the convening of the next session of the legislature.

(b) The chairman shall make an inventory of all furniture and fixtures in the senate chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the purchasing and supply department and shall close the books for the 3rd Called Session of the 79th Legislature.

(c) The chairman shall not acquire any equipment on a rental/purchase plan unless the equipment is placed on the senate inventory at the termination of the plan.

(d) The chairman shall examine records and accounts payable out of the contingent expense fund as necessary to approve all claims and accounts against the senate, and no claim or account shall be paid without the consent and approval of the chairman.

(e) The chairman and any member of the administration committee shall be entitled to receive actual and necessary expenses incurred during the interim.

(f) In addition to the duties of the administration committee expressly imposed by this resolution, the committee shall take actions necessary to ensure that the administrative operations of the senate comply with applicable law and are conducted effectively and efficiently.

SECTION 5. JOURNAL. (a) The secretary of the senate shall have 325 volumes of the Senate Journal of the 3rd Called Session of the 79th Legislature printed. Two hundred and fifty copies shall be bound in buckram and delivered to the secretary of the senate who shall forward one volume to each member of the senate, the lieutenant governor, and each member of the house of representatives on request.

(b) The printing of the journals shall be done in accordance with the provisions of this resolution under the supervision of the chairman of the administration committee. The chairman shall refuse to receive or receipt for the journals until corrected and published in accordance with the preexisting law as finally approved by the chairman of the administration committee. When the accounts have been certified by the chairman of the administration committee, the accounts shall be paid out of the contingent expense fund of the 79th Legislature.

SECTION 6. PAYMENT OF SALARIES AND EXPENSES. (a) Salaries and expenses authorized by this resolution shall be paid out of the per diem and contingent expense fund of the 79th Legislature as provided by this section.

(b) The senate shall request the comptroller of public accounts to issue general revenue warrants for:

(1) payment of the employees of the lieutenant governor's office, the lieutenant governor, members of the senate, employees of the senate committees, and employees of the senate, except as provided by Subchapter H, Chapter 660, Government Code, upon presentation of the payroll account signed by the chairman of the administration committee and the secretary of the senate; and

(2) the payment of materials, supplies, and expenses of the senate, including travel expenses for members and employees, upon vouchers signed by the chairman of the administration committee and the secretary of the senate.

SECTION 7. EXPENSE REIMBURSEMENT AND PER DIEM. (a) In furtherance of the legislative duties and responsibilities of the senate, the administration committee shall charge to the individual member's office budget:

(1) the reimbursement of all actual expenses incurred by the members when traveling in performance of legislative duties and responsibilities or incident to those duties; and

(2) the payment of all other reasonable and necessary expenses for the operation of the office of the individual senator during any period the legislature is not in session. Expenditures for these services by the administration committee are authorized as an expense of the senate and shall not be restricted to Austin but may be incurred in individual senatorial districts. Such expenses shall be paid from funds appropriated for the use of the senate on vouchers approved by the chairman of the administration committee and the secretary of the senate in accordance with regulations governing such expenditures.

(b) Each senator shall be permitted a payroll of \$35,000 per month to employ secretarial and other office staff and for intrastate travel expenses for staff employees. This payroll amount accrues on the first day of the month and may not be expended prior to the month in which it accrues, but any unexpended portion for a month may be carried forward from month to month until the end of the fiscal year. Other expenses, including travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of the member's office or incident thereto, shall be provided in addition to the maximum salary authorized.

(c) The secretary of the senate may order reimbursement for legislative expenses consistent with this resolution and the establishment by the Texas Ethics Commission of per diem rates.

(d) Any member of the senate and the lieutenant governor are eligible to receive such reimbursement on application of the member or the lieutenant governor to the secretary of the senate.

(e) On the application of a member of the senate or the lieutenant governor, the applicant shall be entitled to reimbursement for legislative expenses for each legislative day.

(f) For purposes of this section, a legislative day includes each day of a regular or special session of the legislature, including any day the legislature is not in session for a period of four consecutive days or less, and all days the legislature is not in session if the senator or lieutenant governor attends a meeting of a joint, special, or legislative committee as evidenced by the official record of the body, and each day, limited to 12 days per month for non-chairs or 16 days per month for chairs and the lieutenant governor, the senator or the lieutenant governor, including those living within a 50-mile radius, is otherwise engaged in legislative business as evidenced by claims submitted to the chairman of the administration committee.

SECTION 8. MEMBER'S EMPLOYEE LEAVE POLICY. (a) An employee of a senator accrues vacation leave, compensatory leave, or sick leave in accordance with policies adopted by the senator consistent with the requirements of this section.

(b) An employee may accrue vacation leave, compensatory leave, or sick leave only if the employee files a monthly time record with the senate human resources office. Time records are due not later than the 10th day of the following month.

(c) Compensatory time must be used not later than the last day of the 12th month following the month in which the time was accrued.

(d) An employee is not entitled to compensation for accrued but unused compensatory time.

SECTION 9. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS. (a) The lieutenant governor may appoint any member of the senate, the secretary of the senate, or any other senate employee to attend meetings of the National Conference of State Legislatures and other similar meetings. Necessary and actual expenses are authorized upon the approval of the chairman of the administration committee and the secretary of the senate.

(b) The lieutenant governor may designate a member of the senate to represent the senate at ceremonies and ceremonial functions. The necessary expenses of the senator and necessary staff for this purpose shall be paid pursuant to a budget approved by the administration committee.

SECTION 10. MEETINGS DURING INTERIM. (a) Each of the standing committees and subcommittees of the senate of the 79th Legislature may continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation, and perform research on matters directed either by resolution, the lieutenant governor, or as determined by majority vote of each committee.

(b) Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable.

(c) Expenses for the operation of these committees and subcommittees shall be paid pursuant to a budget prepared by each committee and approved by the administration committee.

(d) The operating expenses of these committees shall be paid from the contingent expense fund of the senate, and committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committees.

SECTION 11. SENATE OFFICES. Members not returning for the 80th Legislature shall vacate their senate offices by December 15, 2006.

SECTION 12. FURNISHING OF INFORMATION BY SENATE EMPLOYEE. An employee of the senate may not furnish any information to any person, firm, or corporation other than general information pertaining to the senate and routinely furnished to the public.

SECTION 13. OUTSIDE EMPLOYMENT. An employee of the senate may not be employed by and receive compensation from any other person, firm, or corporation during the employee's senate employment without the permission of the employee's senate employer.

SECTION 14. REMOVAL OF SENATE PROPERTY. The secretary of the senate is specifically directed not to permit the removal of any of the property of the senate from the senate chamber or the rooms of the senate except as authorized by the chairman of the administration committee.

SR 249 was read and was adopted without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 15, 2006

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 49, In memory of James Richard LaVois of Houston.

HCR 50, Designating May 25, 2006, as Missing Children's Day in Texas in memory of Laura Kate Smither and commending the efforts of the Laura Recovery Center in Friendswood.

HCR 51, Relating to expressing legislative intent to amend provisions of House Bill 3, as enrolled by the 79th Legislature of the State of Texas, 3rd Called Session, relating to rental income and guaranteed payments in the determination of "total revenue."

HCR 52, Commending Kerr County civic volunteers for their successful sesquicentennial celebration.

SCR 10, Congratulating Brett and O'Neal Underwood on the birth of their son, Arch Teaff Underwood.

THE HOUSE HAS CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 63 (144 Yeas, 0 Nays, 1 Present, not voting)

HB 153 (140 Yeas, 3 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM
SEVENTY-NINTH LEGISLATURE, THIRD CALLED SESSION**

The President announced that the time had arrived for the election of President Pro Tempore Ad Interim of the 79th Legislature, 3rd Called Session.

Senator Ogden placed in nomination the name of Senator Royce West for the office of President Pro Tempore Ad Interim of the 79th Legislature, 3rd Called Session.

The President declared that the Honorable Royce West had been duly elected President Pro Tempore Ad Interim of the 79th Legislature, 3rd Called Session, by acclamation.

Senators Ogden and Shapiro escorted Senator West to the President's Rostrum.

OATH OF OFFICE ADMINISTERED

The President administered the Oath of Office to Senator West as follows:

I, Royce West, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore Ad Interim of the Senate of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God.

President Pro Tempore Ad Interim West thanked the Senate.

SENATE RESOLUTION 223

Senator Whitmire offered the following resolution:

WHEREAS, Since 1975, Senator Gonzalo Barrientos has worked passionately on behalf of the citizens of his beloved City of Austin and later State Senatorial District 14, and the Senate of the State of Texas is pleased to recognize this esteemed public servant; and

WHEREAS, Senator Barrientos has had a memorable career in the Texas Legislature and is noted for his work as a strong and tireless advocate for the disenfranchised and the disadvantaged; and

WHEREAS, Before he was elected to public office, Gonzalo Barrientos had already embarked on a career of public service; he had worked as a community organizer for the National Urban League, as a program officer for Volunteers in Service to America and the Peace Corps, and as a trainer for the Leadership Institute for Community Development in Washington, D.C.; and

WHEREAS, Senator Barrientos served five terms in the Texas House of Representatives, from 1975 until 1985; he then began his noteworthy service in the Texas Senate representing Senate District 14; and

WHEREAS, During his tenure as senator, he passed more than two dozen bills aimed at reducing the school dropout rate in Texas, and his prodigious efforts have helped lower the dropout rate across the state; he also sponsored legislation to protect the rights and benefits of state employees and to eliminate abuse of the elderly; and

WHEREAS, Senator Barrientos has been lauded for his meritorious service and he has been the recipient of many awards, including the Mexican American Legal Defense and Educational Fund's Matt Garcia Public Service Award, the National Dropout Prevention Network Award of Excellence for Special Services, and the Combined Law Enforcement Association of Texas Crime Fighter of the Year and Lifetime Achievement awards; he was selected as the Outstanding Legislator of the Year three times by the Texas Public Employees Association, and he was honored by the association with a Lifetime Achievement Award in 2002; and

WHEREAS, Throughout his career, Senator Barrientos has been supported by the love and devotion of his wife, Emma, and their five children, Joseph, Angelina, Alicia, Adelita, and Veronica; and

WHEREAS, Senator Barrientos has always shown Senate staff members great courtesy and kindness, and his annual Valentine's Day party became a Capitol tradition; and

WHEREAS, Respected by his colleagues for his legislative experience and expertise, Senator Barrientos has been dedicated to improving the lives of his constituents and all Texans, and his presence in the Senate will be greatly missed; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby express appreciation to the Honorable Gonzalo Barrientos for his invaluable service to the people of Texas and extend best wishes to him in all his future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Barrientos as an expression of highest regard and esteem from his colleagues in the Texas Senate.

SR 223 was read.

SENATE RESOLUTION 222

Senator Whitmire offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing one of its most respected members, Senator Ken Armbrister, for his 23 years of exceptional leadership in the legislature and his immeasurable contributions on behalf of his fellow Texans and the citizens of Southeast Texas; and

WHEREAS, A resourceful lawmaker with a masterful command of parliamentary procedure, Senator Armbrister has been honored as one of the Best Legislators in Texas and has been recognized by law enforcement organizations, teacher and education associations, the Texas Chambers of Commerce and Business, and health care groups for his legislative leadership and his faithful service to the people of Texas; and

WHEREAS, A former City of Victoria police captain, Senator Armbrister began his illustrious service in the legislature after his election to the Texas House of Representatives in 1983; he joined the Texas Senate in 1987, and during his tenure, he has served as president pro tempore and as acting governor; he has served as chairman of the Natural Resources, Criminal Justice, State Affairs, and Intergovernmental Relations Committees; and

WHEREAS, Senator Armbrister is noted for his authorship of the landmark legislation that created the Edwards Aquifer Authority and solidified the regional water needs for a 26-county area of South Texas; he has served on the Legislative Budget Board and the Legislative Council; and

WHEREAS, Senator Armbrister was appointed to the Task Force on Homeland Security, the Governor's Anti-Crime Commission, and the Texas Water Advisory Council; he is currently a member of the Senate Committees on Business and Commerce, Health and Human Services, State Affairs, and Transportation and Homeland Security; and

WHEREAS, An exceptionally effective legislator, Senator Armbrister has been honored by the College of Criminal Justice at Sam Houston State University with its highest award, The Defensor Pacem, for his achievements in law enforcement and his outstanding legislative record on crime issues; and

WHEREAS, During his career as a lawmaker, Senator Armbrister has enjoyed the support of his wife, Susie; his son, Shane; and his daughter and son-in-law, Erin and Gregg Hnath; he now enjoys the companionship of his grandchildren, Payton and Hayden; and

WHEREAS, Senator Armbrister has contributed sound judgment and a wide range of experience to Senate deliberations; he has consistently upheld the highest standards of public service, and his cheerful spirit and warm presence in the Senate will be greatly missed; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend the Honorable Ken Armbrister for his invaluable service to the State of Texas and for his many accomplishments in the legislature and express deepest appreciation to him for his dedicated work on behalf of the people of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Armbrister as an expression of highest regard and esteem from his colleagues in the Texas Senate.

SR 222 was read.

SENATE RESOLUTION 224

Senator Whitmire offered the following resolution:

WHEREAS, For more than 30 years, Senator Frank Madla has worked tirelessly to improve the quality of life for all Texans and the Senate of the State of Texas is pleased to recognize him for his distinguished and meritorious legislative service; and

WHEREAS, Frank Madla joined the Texas Senate in 1993 after serving in the House of Representatives for 20 years; he chairs the Intergovernmental Relations Committee and serves on the Finance, Natural Resources, and State Affairs Committees; he served as president pro tempore ad interim following the 79th Regular Session and was Governor for a Day on April 1, 2006; and

WHEREAS, Throughout his 13-year tenure with the Senate, Frank Madla has loyally and faithfully addressed the needs of his diverse constituency in Senate District 19, the largest district in the state, which covers an area from El Paso to San Antonio and two-thirds of the Texas-Mexico border; and

WHEREAS, Although a quiet and thoughtful man of gentle nature, Frank Madla passionately fights for the causes he believes in, and he has worked relentlessly to improve education and health care, help seniors and the less fortunate, and bring jobs to our state; he carried legislation to improve the wine industry in Texas and to bring a new Toyota manufacturing plant to San Antonio, adding billions of dollars to the state's economy; and

WHEREAS, Senator Madla has been widely recognized for his many accomplishments on behalf of this state; he has been the recipient of the Lifetime Achievement Award from The University of Texas at San Antonio Hispanic Research Center, the Advocacy Leadership Award from the Texas Hospital Association, and the

Best Legislator Award from *Texas Medicine*; he was named Outstanding Legislator by the Texas Police Chiefs Association and Legislator of the Year by the Association of Rural Communities in Texas; and

WHEREAS, A graduate of Saint Mary's University, Frank Madla was a junior high school teacher before beginning his service in the Texas Legislature; he is known for his devotion to traditional family values and has been supported throughout his career by his wife, Helen, and his children, Dr. Frank Madla III and Marci Madla; he has been blessed with a granddaughter, Aleena; and

WHEREAS, Frank Madla's service in the legislature has been a valuable asset to the citizens of Southwest Texas and Texans across the state, and his presence in the Texas Senate will be greatly missed; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend the Honorable Frank Madla for his outstanding service and his many contributions to his state and extend best wishes to him in all his future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Madla as an expression of highest esteem and respect from his colleagues in the Texas Senate.

SR 224 was read.

SENATE RESOLUTION 221

Senator Whitmire offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to pay tribute to an insightful and dedicated public servant, Senator Jon Lindsay, for his distinguished service in the Senate; and

WHEREAS, Imbued with a deep commitment to improving the quality of life for all Texans, Senator Lindsay was elected to the Texas Senate in 1996 to represent Senate District 7 after serving the citizens of Harris County as Harris County Judge for 20 years; and

WHEREAS, During his noteworthy tenure as Harris County Judge, Senator Lindsay was instrumental in initiating numerous innovative infrastructure projects, including the Harris County toll road system, park development, flood control projects, and jail and juvenile detention facilities, and he brought his experience in those areas to bear in his work in the Senate; and

WHEREAS, Senator Lindsay was named 1986 Engineer of the Year by the Texas Society of Professional Engineers for his leadership in the construction of the Sam Houston and Hardy toll roads; and

WHEREAS, Currently vice chairman of the Committee on Intergovernmental Relations, Senator Lindsay also sits on the Criminal Justice, Health and Human Services, and Natural Resources Committees; and

WHEREAS, Senator Lindsay has served the Senate with exceptional skill, civility, and dedication throughout his tenure; his exceptional knowledge in the areas of property owners' rights and transportation issues has made him a respected voice for his constituents and an invaluable asset to his colleagues; and

WHEREAS, In 2005, Senator Lindsay was named Legislator of the Year by the National Alliance for the Mentally Ill for his legislative initiative requiring police officers to be trained in de-escalation and crisis intervention techniques; and

WHEREAS, Senator Lindsay has served his constituents, the Senate, and the State of Texas admirably and with grace and dignity; he has enjoyed the unwavering support of his wife, Tony, and their three sons, Steve, Larry, and Jon, while ably performing his duties in the legislature; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby pay tribute to the Honorable Jon Lindsay and extend appreciation to him for his invaluable service as a member of the Senate; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Lindsay as an expression of highest regard and deepest friendship from his colleagues in the Texas Senate.

SR 221 was read.

SENATE RESOLUTION 225

Senator Whitmire offered the following resolution:

WHEREAS, Throughout his legislative career, Senator Todd Staples has distinguished himself through his dedication and leadership that have benefitted not only the citizens of East Texas but all Texans, and the Texas Senate is pleased to recognize his contributions to the State of Texas; and

WHEREAS, Noted for his unflinching courtesy and consideration for others, Senator Staples began his legislative career as a member of the Texas House of Representatives in 1995, where his talent and ability were soon recognized; he was elected to the Senate in 2000 and reelected in 2002; before his election to the Texas Legislature he served as mayor pro tempore of Palestine, Texas; and

WHEREAS, Born and raised in East Texas, Senator Staples has demonstrated a deep understanding of the issues facing his constituents and Texans at large; his insight, perseverance, and grace under pressure have won him a reputation for hard work and effective leadership; and

WHEREAS, During the 78th Legislative Session, he played an important role as chair of the Republican Caucus, and he served as chairman of the Committee on Infrastructure Development and Security and of the Select Committee on Workers' Compensation during the 78th Interim; he was chairman of the Committee on Transportation and Homeland Security during the Regular Session of the 79th Legislature; and

WHEREAS, Currently, Senator Staples serves on the Education Committee, the Subcommittee on Higher Education, the Finance Committee, and the Natural Resources Committee; he also serves as vice chairman of the Committee on Veterans Affairs and Military Installations and is a member of the Subcommittee on Base Realignment and Closure; and

WHEREAS, Senator Staples has been recognized with numerous honors for his legislative accomplishments; he received the Law and Order Award from the Texas District and County Attorneys Association for his work for victims' rights and was named a "Champion for Children" by the Equity Center for his work on behalf of schoolchildren; and

WHEREAS, During his career, he has enjoyed the love and support of his wife, Janet, and his children, Brian, Jonathan, Jared, and Elizabeth; and

WHEREAS, Senator Staples has set a fine example of service for the young people of this state, for whom he is an exemplary role model, and he is to be commended for his ideals, his commitment, and his professionalism; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby commend the Honorable Todd Staples for his many accomplishments and express appreciation to him for his years of outstanding service on behalf of his district and the people of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Staples as an expression of highest regard and respect from his colleagues in the Texas Senate.

SR 225 was read.

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

On motion of Senator Whitmire, **SR 223**, **SR 222**, **SR 224**, **SR 221**, and **SR 225** were adopted by a rising vote of the Senate.

REMARKS ORDERED PRINTED

On motion of Senator Ogden and by unanimous consent, the remarks regarding **SR 223**, **SR 222**, **SR 224**, **SR 221**, and **SR 225** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Whitmire: Thank you Mr. President. Members, we've heard the individual background and the accomplishments of these outstanding Senators through these resolutions. I would like to just briefly demonstrate the impact of these Members leaving this body, their tenures: Senator Barrientos has been in the Legislature 31 years; Senator Armbrister, 24 years; Senator Madla, 33 years; Senator Lindsay, 10 years; and Senator Staples, 12. Totally, Members, this is 110 years of legislative service. And I think it's very significant that they have contributed that amount of time on behalf of the people of the State of Texas. It also points out how much harder the rest of us are going to have to work to fill the void of this group of leaders that are leaving this body. The good news is that all of them are moving on to other challenges and responsibilities, where I know that they will be equally successful. With those words I would like to say that we all recognize that this is the greatest legislative body on Earth. Barbara Jordan, who had the honor of serving in the state Senate, when asked, when she had served some period of time in Congress, what was the highlight of her legislative career, she always named the Texas State Senate. And it's not the greatest legislative body in America, but the greatest on Earth because of its size, diversity, and the respect that Members show for each other. With that said, I'm proud on behalf of each Member of this Senate to offer these resolutions. Each Member is a Co-sponsor, and with that said, I would be glad to yield to my colleagues.

Senator Lucio: Thank you Mr. President. Dean Whitmire and Members, I, too, would like to rise to briefly address our friends in what I call the short-term caucus. By short-term I am, of course, referring to the time remaining with our five departing colleagues. We all know that there is nothing short-term about the public service of these five outstanding state Senators. In fact, looking at their biographies, I calculated that our five friends, as you had mentioned, Dean, dedicated over a century of public

service to the great people of our state. This is quite remarkable, Members, not only are we going to miss these friends on the Senate floor but we're losing a wealth of experience, experience that all of us here have counted on at one time or another. No matter what side of an issue we have been on, I thank each and every one of you for working with us and for the role that you have played in making Texas a better place.

Senator Barrientos, we will sorely miss your strong convictions and your intestinal fortitude to say exactly what is on your mind without apologies, and what is on your mind is, quite frankly, simply, equality, justice, and opportunity for your constituents, and to, especially, the most vulnerable communities in Texas, including mine, the elderly, those with disabilities, and others with socioeconomic disadvantages. As long as I've known you, you have never let down the struggle for fair and good public policy for the people of Texas, and I've always called you the champion of state employees and their issues. You have been the conscience of this Senate Chamber and also voted most likely to filibuster.

Senator Armbrister, it is going to be hard to imagine the Senate without its other Parliamentarian on the floor. Ken, we are going to miss your broad knowledge of the issues and your keen eye in dissecting a bill and, not to mention, your great sense of humor. You and I have served on several committees, and I certainly appreciate having someone serving, that I'm serving with in committee that really knows every aspect of the law.

Senator Madla, I call him "Poncho," I guess I miss him the most, and I'll tell you why. It is unimaginable to think of you, Frank, not being here on the south side of the Senate floor and breaking up the three amigos here. Chris and I are going to miss you on deaf row. I guess I will be attending Mass by myself from now on, unless I can talk Senator Ogden into joining me. I saw him coming out of the Saint Mary's Cathedral the other day, so I think he's my next partner. But you have passed landmark and historical legislation, and I mentioned one of those, Frank, that you passed out in that program you passed back when you were a state Representative, the Gifted and Talented Program, in 1975, and look how far that program has come along, and look how many thousands of youngsters in Texas we have helped because of your efforts back then. It was a struggle, it wasn't something that you just introduced and made a motion and passed and got it done. I know there was division, and I know there was controversy, but you got it done because you have always been able to bring people together and do the right thing. So I will miss you dearly.

Senator Lindsay, you came to the body with all the tools as Harris County Judge, and I can relate to that, because, as you know, I was in county government for 12 years. And I've always called you Judge back there, not Senator, but Judge, because I have a great deal of respect. But it's been a joy to serve with you. But the word that comes to mind for me, when I think of you, is, very simply, a gentleman, you've been a great gentleman to all of us. Jon, we will, we have all appreciated your work in this body, and I will always appreciate the calm and considerate demeanor that you brought to this body, and I know everybody agrees with me.

Senator Staples, we will miss you here, but we know that we will be able to count on you in your run for statewide office, and to represent all our rural agricultural communities. You know, that's our number one industry in the Valley, so I'm really looking forward to great things from you, because I know you're going to get elected.

In fact, I certainly believe the state would be better off if more statewide offices were held by former Members of this Chamber. Todd, we appreciate your leadership, your efforts for equity—equity, I'll mention it again, in education and as a champion for rural Texas. But I think the most, the thing I'm going to miss about you the most is not seeing you down at Wal-Mart, because we did, we spent many a time on the rows down at Wal-Mart buying things we needed here in office away from home.

My friends, this is a melancholy day for all of us. And I am sad to see us lose so much compassion and knowledge in this body, but I am also happy for each one of you knowing that it is an opportunity to seek new challenges and, hopefully, to spend more time with our loved ones. I've seen a great deal of turnover in this body in the last 15 years. Many Senators have come and gone, but I don't think we have ever lost such a truly remarkable group of Senators at one time. And I'm going to miss each and every one of you. *Buena suerte, vayan con Dios mis compadres. Gracias.*

Senator Nelson: Thank you Mr. President. Members, I rise in support of these resolutions. You know, this body really is a family. I don't know that anyone outside this body can fully appreciate what a tight group we are and how much we share in so many things, how much we share in. I bet you that the Members of this body agree on 90 percent of the issues that come before us. We came together on education, we came together on so many issues, and we share external things as well. We share in graduations here recently, grandchildren, children, and there really is a bond that develops. When I think of our five departing Members, I feel like they're our brothers that are leaving home, and I think about my own children, my oldest is a son, and when he was going away to college, the girls couldn't wait to move his stuff out of his room so they could, you know, have a little more space, and somebody could move into his room. And, you know, in a couple of weeks they were crying because they missed him, and when he came home for Christmas break he got hugs, and they were so happy to have him home. And I think you all are going to find the same thing when you come back, you're not really leaving us, you're just not going to be Members of this body anymore.

Gonzo, you are always such a gentleman, even when we don't agree, you disagree so agreeably. And I so appreciate your passion for issues. You were talking about dropout prevention when I entered into this body, and you, there was so many issues that you were involved with.

Senator Madla, you were a wonderful Member of our committee for years, you cared about medical issues, you were very involved in all the health care issues that we addressed over the years.

Senator Armbrister, your institutional knowledge, I can remember coming into this body and sitting—I don't even remember the committee but every time an issue would come up, you would say, well, I remember back in, and you'd state a year and a certain bill number, and you always remembered the bill numbers—and it always amazed me the institutional knowledge that you carried with you into this body, and we're going to miss that, we're going to miss it deeply.

Senator Staples, I know your shining star was workers' comp reform, but there was so many other issues that you helped us with, and your contributions to this body were so great. I know that you're going to go on and do great, great things as Agriculture Commissioner, and we wish you the best.

And my deskmate, Jon Lindsay, you did bring so much of that county knowledge, and you always helped me through some of those issues that I didn't really have a good grasp for. It was wonderful having you as a Member of the Health Committee as well, your contributions were great, and we're going to miss you. We're going to miss you a lot.

Well, brothers, I wish each of you well, and I thank you truly for your service to this state and the people of your Senate districts. And I can't wait till you come home for Christmas. Thank you Mr. President.

Senator Averitt: Thank you Mr. President. As hard as it is to replace 110 years of institutional knowledge, it's going to be virtually impossible to replace the five strong personalities that we're losing out of the Texas Senate, five men who've contributed to each and every one of our careers and each and every one of our agendas here in the Texas Senate, five men who've worked tirelessly for the betterment of the State of Texas and to preserve the strong traditions of the Texas Senate. So we're going to miss each and every one of you. You're taking a significant part of what we all know here and now with you. But we know that you're going to be with us in the future in different capacities. So we're proud of you, and I wanted to stand up today and say personally and publicly, thank you to each and every one of you for what you've taught me about this process. When I came into the Texas Senate from the House, so much to learn about the different ways that this body worked together and how the Members worked together to solve our most critical and pressing problems. And it's going to be extremely hard to replace what each one of you all have brought to me personally. And, so I did want to stand up and publicly say, thank you. And I think it's entirely appropriate that we take time today to recognize the many years of service and sacrifice that you all have put into this body. And I also know that all of us are looking forward to that day, that special day when Senator Brimer will also be able to be afforded the same recognition. (Laughter) (Clapping) Thank you, though, seriously, thank you all for what you brought to this body and what you've meant to me personally. Thank you very much.

Senator Estes: Thank you Mr. President. Members, wow, 110 years, it blows your mind. That's a big hole to fill, gentlemen. A person told me one time that people don't really care how much you know till they know how much you care. Senators, the five of you care. I just want to recap some of the things I've learned from you.

Senator Barrientos, you're the most tenacious person I believe I've ever met. You fight for what you believe in and you keep fighting and you never give up. Thank you for that example.

Senator Armbrister, I've asked you, probably, a thousand questions on procedure, and I think you, probably, have a photographic memory, and maybe you don't have quite a photographic memory, the rest of it maybe is a little bull thrown in. But it's amazing to me, and I've learned so much from you. Sir, you're an outstanding Chairman of a committee, and I really do hope that when my Senate career's over, if I'm half the Senator that you are, I will consider my career a success.

Senator Madla, you're a true gentleman, I've been privileged to sit beside you and work with you on items that we're both interested in, and my life's better for having known you. Thank you so much for your example of being a fine gentleman.

Senator Lindsay, your quiet demeanor and your unflappable manner when the pressure is on has showed me another way to get things done around here. Thank you so much for your example.

Senator Staples, you've been a friend out there, we've shared many a thing together. We won't name all of them, but sometimes we have a craving for some things we tax. And I just want to tell you how much I appreciate you. I look forward to working with you on agricultural issues should the voters agree with me that you will be an outstanding Agriculture Commissioner.

Gentlemen, like I said, people don't really care how much we know until we know how much we care. You, you've given, the five of you have given me that example. And I just thank you for it and I just say, Godspeed and may the rest of your life be filled with His blessings. Thank you Mr. President.

Senator Duncan: Thank you Mr. President. Members, I don't want to repeat a lot of the things that's been said because I agree with each and every one of them. I do want to note that I think the people of the State of Texas will miss the leadership that each of these five have given to the State of Texas. And I know each and every one of us will really miss these guys come next session whenever we're dealing with their replacements and we're working with new issues and trying to figure out where people are coming from. Everybody that is leaving us today is someone who has set their mark on Texas, and you know where their mark is, and, you know, we all know exactly what to expect out of each and every one of you. I know I expect a lot of great things out of each and every one of you as you leave.

Senator Barrientos, the public employees of the State of Texas will miss you the most. You have been an untiring champion for our state employees. I know you know that and I know they know that, but I've been in the room with you ever since I've been in the Senate, watching you work and advocate for our fine state employees, and they should be forever grateful for all the great things you have done for them.

Senator Armbrister, I started, got to know you when I was general counsel for State Affairs, and you actually ran that committee for a while as Senator Montford was in conference committee or whatever, and since that time you've been a tiring advocate for all the right things. Not only do you know procedure, you always have a tendency to know what the right thing to do is. And I know we all appreciate your friendship and guidance, the humor you bring to issues, as well as when things get hot and tense around here you always have a way to kind of calm things down, and I think we'll miss your calming influence on this body as well as your experience.

Senator Madla, the children of rural West Texas will miss you, a great champion for the issues of those kids who go to school in those small West Texas communities, that have looked to you over the years for not only new programs like the Gifted and Talented but also for equity and for other issues which you've stood so firm. We'll also miss you as a good friend, someone who will tell us where you are and give us advice on how to move forward. I appreciate your friendship and your confidence in me that you've given me throughout the years. And, also, you know, one thing that has mired me, even though you are not coming back after this session, I've never seen anybody work so tirelessly and achieve so much success as somebody whose career is

going to move somewhere else. You've had a great special session and you're to be admired for the strong efforts that you've given and the legacy that you've left in your Senate seat.

Senator Lindsay, we started at the same time. You really have a great calming influence on us. You have brought a lot of expertise with regard to urban, county affairs, which all of us have had to follow. We just know you know it better than anybody, and you've given us a lot of advice in that. I appreciate your strong stand in education, your strong stand in issues affecting the judiciary and in the ability of our counties to carry out functions that the state impose upon, that this state imposes upon them. You gave us great advice and wisdom in that area. Your expertise there will be greatly missed.

"Senator Statewide," we had a lot of good times, when we went to Albuquerque to try to rescue a few of our friends that got lost, fighting a few different issues. But your humor, but also your tenacity on issues to do the right thing with regard to Texas will be greatly missed. But we'll, I think, Senator Shapiro, we were discussing about merging TEA with the Texas Department of Agriculture. I'm not sure if that would work well or not, but bottom line is we're with you on this end, but I'm really happy that you're going to be taking over from a great Ag Commissioner and we're going to get another great Ag Commissioner in Todd Staples. We're really going to be proud of the job you'll do in that very most important industry in the State of Texas. So farewell from this floor, but we look forward to seeing each and every one of you in a different capacity in the future.

Senator Ellis: Thank you Mr. President. I'm sort of like my deskmate here, I guess after 110 years, there's not much left to be said about any of you. But since we're going to be here until about 4:30, I'll say a few things. You know, generally, if it's a funeral we'd all have to get up and say something if you were stretched out in a pine box. It's good that you're leaving, but you're going on to greener pasture instead of going to dust. I'm going to do the reverse order and tell you my reflections on our colleagues that are leaving, starting with the one who's been here the least amount of time.

Senator Staples mentioned back when, we remember, when he was running, it was an open seat, of course, but seven Members of the Senate went up to campaign against him. He's probably forgotten, but I reminded him a number of times that's probably why he won, because seven of us showed up to campaign against you. Todd, my image of you is always going to be that one time when you were a young, feisty, new Member of the Senate, you had the unmitigated gall, little foolishness, sort of like Carona running up to attack West, you were going to come down there and put a whipping on me in the Finance Committee one day because we had a disagreement on a little issue. And you told me later that you didn't really worry, I was much heavier then, as you know, than I am now, you said, you weren't worried because you had a license to carry, you were packing, so to speak. I didn't want to remind you, but the reason we passed that law is because most people in my district don't have a license, but we pack, too. But you've come a long way since then, Senator Staples, and I suspect when you get over to your new position, you're going to have a bright career in Texas politics, and I'm looking forward to working with you. I'm going to help you in any way I can. We're going to do a little traveling together because in that new

position, you know, you have to go out and market the great State of Texas, agriculture products, all around the world. We might have a few interesting trips to take together that may end up press-worthy down the road, but we'll wait till you're elected before we talk about that.

Senator Lindsay, my image of you won't be so much as a County Judge as a Member of the Senate, but I will never forget when I started my private enterprise, my investment banking business, I had to find a way to break into the industry, and I went to you when you were the County Judge and said, look, everybody says you got to get some experience before you can end up being an underwriter, and you were kind enough, a Republican judge of Harris County, to give me and my colleagues the privilege of being co-underwriters to expand those skyboxes at the Astrodome. And I want you to know I will never forget that. In fact, I thought about it when I sold control of that fine firm and put that money in the bank, and now that you're going into private life, I won't be able to give you a donation, but I'll get you an extra resolution, if you want one.

Senator Madla, sitting over here to the right, I think I have been assigned by the Democrats to go and twist your arm more times than most people on the Democratic side of the aisle when hot issues have come up. And I've learned a lot from you, Sir. I think it's just natural for you to have started out your career as a teacher. You're a gentleman and a scholar. You're always such a polite guy, even if you decide you can go with me and something comes up and you don't do it, you've always called me, although you're right in front of me, to tell me, Rodney, I don't believe I'm going to go that way. But it's been a real privilege to get to know you and get to know your family.

Senator Armbrister, a policeman at heart, maybe the fact that you understand so much about the rules, but you started off as a police officer, reminds all of us when we get a little hotheaded, a little cantankerous, that law and order is where you started. I'm looking forward to working for you in your new capacity. We're going to see you around here a lot, maybe walking around this floor, having as much or more influence in that new job that you may get as you've had in this job.

Gonzalo, you have always had the uncanny ability to stand up and say things that most of us were thinking but really didn't want to say. And a lot of times, I must admit, even I wished that you hadn't said some of those things. (Laughter) But you needed to say them. And I think in a lot of ways, we're going to miss that polite, crisp, direct way of always going to the important point that somebody on this floor needed to say. I'm convinced that we're going to miss you a heckuva lot, Gonzalo Barrientos, but I think you've been giving training lessons to the fellow sitting in front of you. So pretty soon he'll be getting that award as Chief Irritant, but an important irritant.

Members, we're turning these five back to their families. Even if Todd is going to still be in the elective office, I suspect he'll have a bit more time for his family in that position than he's had in this family. I hope that your families will get to know you as well as we've gotten to know you and don't decide once you get back that they want you to run for some other office that'll take more time. Thank you all for your service to the people of Texas and friendships that we have developed over the years.

Senator Brimer: Thank you Mr. President. You and I need to take care of a quick business. I've been through Waco and didn't even know it. (Laughter) It goes with that song, uh-oh, I'm back in Waco. (Laughter) The fact is you don't need a Capitol office if you can commute easily. (Laughter) In full admiration I rise and express my thoughts, my appreciation for the quality of these five colleagues that I've been able to work with in my 18 years now in the Legislature. They have served this honorable institution in an exceptional way, the fabulous five. In my tenure at the University of Houston, we had a basketball team that were champions called Phi Slamma Jamma. Remember them, Senator Ellis? They were champions. These five are true champions, too. And the reason is, a lesson that I always was taught by my dad, and that is, leave things better than what you found them. This Chamber is better because of these five colleagues. Their districts are much better because of their service to those districts. And this state is much better because of the tenure and the knowledge and the experience they gave us here. There'll be a large void in this Chamber, make no mistake about it, but it'll bring out the best in the rest when we have to stand to that challenge next session. We're going to miss each of you. Frank, Jon, Todd, Kenny, Gonzo, the only good news is, except for Senator Averitt, we get to move into bigger offices. (Laughter) We're really only turning a page. I know that each of you will continue to honor this state with any service you're called upon to do. And this state will not forget your accomplishments. As your colleagues, we'll continue to follow your successes.

Senator Deuell: Thank you Mr. President. Senator Barrientos, you know, I think, as a physician, I know that a hospital doesn't work unless all of the people, the people who do the cleaning, the people who do the maintenance work, and this state does not work without the various state employees. And I think you, more than anybody, appreciates the state employees, and you've been recognized by them, and I appreciate that and your passion for your service to the State of Texas.

Senator Armbrister, you know, we do serious, serious business here, and I think the one thing that you show is that you take the business serious, you don't take yourself serious, and that's a good trait. And I certainly learned from you and Senator Barrientos about state government, and I appreciate that and look forward to seeing you around.

Senator Madla, when I decided to run for the Senate, I have an aunt, we all have an aunt that's quite a character, and she said, why do you want to do that, they're a bunch of winos. (Laughter) And then you and I made our pictures in the *Wine Spectator*, which my brother promptly gave to my aunt and said, see, I told you so. But I enjoyed working with you on those issues. I spent a lot of time in Virginia, and in Virginia the biggest compliment that they can pay to some person is to say that that person's a gentleman, and you certainly are a gentleman, and we're certainly, certainly going to miss you.

And, Senator Lindsay, dignity comes to mind when I think about you, and I'm going to miss you sitting behind me. I don't know who's going to be sitting behind there next session, but I'm going to miss you and talking with you during the times that we weren't so busy around here.

Senator Staples, you came to me and asked me if I'd endorse you for Agriculture Commissioner, and I said, let me see, you're ahead of me in seniority, I'm for you. (Laughter) But you're going to make a great Ag Commissioner. I've learned a lot from you. We campaigned in 2000 because we share Smith County, and people in East Texas are good folks, and you've represented those good folks well because you're good folks. And I'm glad you're not leaving state government, hopefully working with you for a long time. And thanks to all of you five, well done, good and faithful servants.

Senator Ogden: One of the nice things, I think, about being in the Texas Senate is that we have an opportunity to do this type of thing from time to time. And as my colleagues were up here sharing their remembrances, it began to stimulate a lot of things that I hadn't thought about in a long time, too, and I'd like to share them.

You know, Senator Armbrister, the first time I knew there was a Senator Armbrister was when I was over in the House and we got into a dispute over a pig named Ralph. And I wish that I knew you as well then as I do now, because if I had, I wouldn't have wasted my time. (Laughter) The other thing I noticed about Senator Armbrister when I first came to the Senate, and I will always remember this about him, is that a lot of times we position ourselves around the Senate and where we sit and stuff, and on the most complicated bills we ask for permission, and we are granted permission to bring a staffer here and answer many of the questions. As far as I know, Senator Armbrister has never done that. He'll stand at that desk, have a 500-page bill before the body, and will know every answer to every question, and I have always admired your ability to do that and just assume that because you could do that you were pretty darn smart.

The, Senator Barrientos, I want to ditto what Members have said about you, and I want to add one thing, and that is, because of his experience and his basic wisdom about people, he became kind of a mentor for me. As Chairman of the Transportation and Homeland Security Committee, I guess it's called Infrastructure and Homeland Security, it was the first time I'd ever had a gavel in my hand and he was the Vice-chairman, and I cannot exaggerate how many times he whispered in my ear and gave me some very sage advice about how to do the job as Chairman. And that carried on on Finance, and I want to thank you for that.

When Senator Lindsay first came to the Senate, he was kind of a legend, I thought he was a Texas legend. I mean, here is a guy who had been the County Judge of Harris County, largest county in Texas, and for 20 years. And I knew that because of that and because of the fact that—I guess you were the first Republican that had ever been elected to that job and kept it for 20 years—but you were legendary in my mind, and as you have served in the Texas Senate, I have, I've learned why. And the, one of the things that I've always knew was that with Senator Lindsay here in the Senate, Harris County was going to be well taken care of, and whatever was going on with respect to Harris County, that Senator Lindsay was involved in, it was going to be significant and it was going to be smart.

Senator Staples, we're kind of contemporaries. I think we came into the House about the same time, and you came in, I think, just before me in the Senate, or at about the same time. And we look forward to your election as Agriculture Commissioner. I

have told people many times that your future is as bright as this state. And I look forward to watching you rise in the political circles, and have had many, many good times, enjoyable times working with you in the Senate, so thank you for that.

And, Senator Madla, they've talked about what a gentleman you are, there is another thing that I think about when I think of Frank Madla. In my opinion, nobody's word is better in this body than Frank Madla's, and I think people's word in this body are good. But Frank stands out above the rest of us in that area. I don't know how many times that I would go to Frank and he would say, simply, I gave you my word, don't worry about it. If Frank Madla says a jackrabbit can pull a locomotive, then my recommendation is, you better go out and buy the harness, his word is that good.

And for all five of you that are leaving us, I thank you for the friendship and the courtesy and the wisdom and the advice that you've provided me. But I would like to leave you with one broad thought, this is something I've thought about when we were having lunch together, and that's this, think back about what Texas was like when you first came here. And now you think about what Texas is like as you leave. I submit to you that this, our state, is a lot better today and will be a lot better tomorrow because of what you have done in this body over your long legislative careers. I think the people in the State of Texas owe you a debt of gratitude.

Senator Hinojosa: Thank you Mr. President. You know, one of the things that I like about our good state is we should be a nation by itself in that we have the tropical area of the Rio Grande Valley, we have the piney woods of East Texas, we have the plains up in Amarillo and Lubbock, and the desert of West Texas up in El Paso. When I came here, the first person I met when I got elected back in 1981 was Gonzalo Barrientos. *Gonzalo ya era veterano.* And while I remember Gonzalo was, he was never afraid to speak out, he was never afraid to say what he thought was right and did what's right regardless of the consequences. He was a mentor with a lot of courage, to this day, a lot of respect. One of the first things you did, Gonzalo, you took me to Rabbit's to have a couple of cold beers, to meet his constituents, the working families that he represented. And, Gonzalo, I'm very proud to call you my friend, very proud for what you've done not only for state employees but for the working families of this state.

And, Ken, I first met you when I came to the House, I think you were a police officer. But, really, I appreciated your advice in terms of laws dealing with criminal law, police misconduct, because you were a great asset, also a Member of the Committee on Criminal Jurisprudence. And I really appreciated your patience, the knowledge of the rules. Many times when we faced barriers, you always came up with a way to resolve them in the best interest of the whole Senate, and I really appreciate your contribution, not only to us but to our state.

And, Senator Lindsay, I served with you on Nominations. And the experience as County Judge for Harris County, you're really a true gentleman. Every time I ask you a question, ask for advice, you've always been very patient with me and tell me. That's the first time that I served with the Senate, and, quite frankly, in my first session I was a little bit lost trying to find my way even though I'd served in the House, because the Senate is quite a different institution than the House. And I appreciate your service not only to Harris County, but I appreciate your mentoring while I served in Nominations and you as my Chair. Thank you.

And, Senator Frank Madla, what I recall most about you is when you and a good friend who, he is in heaven, Frank Tejada, a former Marine, you and he organized the west side of San Antonio who had no voice, there was no voice for the people. And you and Frank Tejada worked very closely together, got him elected and then you. And I think you've done a great job representing the west side of San Antonio, you've done a great job of representing the interests of all Texans. And I appreciate your friendship, and I appreciate your leadership not only representing San Antonio but for the whole state.

And, Staples, you know, when I first met you, you were just a young kid in the House. I remember you were up in the front mike during a debate, I went to the back mike and I really cut you up. Every question I would ask you said, yes, Sir, no, Sir, yes, Sir. But now you've grown up and you're doing a great job. We had talked about a lot of issues and sometimes we disagreed but always in a very friendly way. And I must tell you that you have learned how to slide, glide, and duck with the best, and that's why you're now getting elected to statewide public office.

And I, really, when you talk about the diversity of our state, it's the diversity of each Senator. And I appreciate and learned a lot from all the diversified experiences that we've had here and I thank all five of you for your public service to our great state. Thank you.

Senator West: Thank you very much Mr. President. You know, I'm going to start with Gonzalo Barrientos. I can recall my first session back in 1993. There were two Senators that provided me a lot of sage advice, and that was Senator Zaffirini. Senator Zaffirini would always say, Senator West, your voice is too low, you need to make certain that your voice is a little higher. And I said, Senator Zaffirini, you need to make certain that your voice is a little lower. (Laughter) And then there was Gonzalo Barrientos. Gonzalo Barrientos, and I think most would agree with me, has been, basically, the conscience of this body for many years. And oftentimes we talk about Bob Bullock, and I don't know that there's a week that goes by that you don't talk about Bob Bullock in some form or fashion. Gonzo, I really believe that as we move forward, your name will be mentioned just as frequently in this Chamber as Bob Bullock's. Thank you for your service, my friend.

When I look at Judge, Senator Lindsay, I can recall, Jon, as a student at Bates College of Law down at the University of Houston, having a clerkship with the Harris County District Attorney's Office, and you were the County Judge. And I think just like Steve said, you know, I thought of you as a legend. I used to read about you in some of the law books, some good cases, some bad cases, but I used to read about you in the law books, and then having the opportunity to serve with you as a Senator, partner with you on a multitude of issues that impact urban counties, and, generally, just the State of Texas. I consider you a friend, I've gotten to know you, and I wish you Godspeed in the next chapter of your life, because I know that you have given some 20, 30 years to public service, and the great State of Texas is better as a result of your service in this body.

Ken Armbrister, I can recall when I first came to this body you were one of the go-to guys then for Governor Bullock. The former Lieutenant Governors that we've had in this body, you have been the go-to guy for them, as well as the current Presiding Officer. Many of us may have come to you for advice, for issues,

concerning not only parliamentary procedures but substantive issues, as well as requesting you would also send us copies of E-mails about those great jokes that you often find on your, on the Internet—that Brimer sends you, exactly right. But the fact of the matter is that you have, in fact, been one of the leaders of this particular body. And, right, you won't be too far away, we'll see you coming around, probably, on a daily basis starting at January to help us to work through a bunch of issues and keep us going in at least some direction, and I'm going to leave it at that.

When I think about my friend, Frank Madla, Frank, I know your passion for not only your constituents but also the schoolchildren of Texas, and that's the arena that I best know you in because we've worked in that arena. And I know where your heart is as it relates to making certain that young people have the resources necessary, not only in public schools but also institutions of higher education. I know, personally, how hard you fought in order to make certain that higher education is available for students and residents in the southern part of San Antonio. I'm glad to have been a partner with you in that. And I hope that your vision, I shouldn't say I hope, I know that your vision will be realized as we move into the future.

"Statewide," (Laughter) "Statewide," what can we say about you that hasn't already been said? Now I can recall you coming into this body. I can recall the trips that you and Duncan made out to Albuquerque. Duncan needed, and I won't say that, I'll leave that one alone. But the fact is that I can recall you guys coming out here. And I've watched you grow, as all of us have grown. And probably one of the most defining moments in my mind, each and every one of you recognizing that you're not coming back, you could've been lame-duck Senators, but each and every one of you have not. You've been actively involved in this process. As we were looking at the issue of public school finance, there were many meetings late into the night that you were there trying to help mold and find a solution that ultimately brought all of us together under the leadership of Senator Shapiro, and we ended up casting a 31-0 vote, and that's, in part, due to your leadership on a very difficult issue. And it seems as though you just kind of get revved up when those difficult issues confront us, and you're revved up to help find a solution to some of those difficult problems.

What do each and every one of you, in my mind, share: character, integrity, visionary, and I also call each and every one of you a friend. The impact of your individual service of the State of Texas is something that generations yet unborn will be blessed with. I say to you in closing that, what do you guys have in common with Michael Jordan? Each and every one of you are going out on the top of your public service game. Thank you for your service, I look forward to working with you in the future.

Senator Wentworth: Thank you Mr. President. I just want to announce that I have polled the rest of the Senate and with the exception of the Senator from McLennan County, Ken, I just want you to know we hope you stay here for as long as you'd like. And we all would all like to keep our offices. (Laughter)

To begin with, Senator Barrientos. Senator Barrientos and I have had the pleasure of representing Travis County together for, in my case, for the 14 years that I've been here. What a lot of you may not know is that part of his responsibility as the Senator from Travis County, he served as Chairman of CAMPO, which is the Capitol Area Metropolitan Planning Organization. They meet once a month, it's a very large

group, a very diverse group. It would try the patience of any normal human being. The same list of citizens to be heard shows up at every meeting and they all want to testify. And Gonzalo has shown a skill and diplomacy that is rare among public officials, especially somebody who's been around as long as he has been and has had his patience tried as much as it has been. It's been a pleasure to work with you, Gonzalo, I'm especially proud of what you and I have, hopefully, set in progress in terms of what we hope begins in Senator Ogden's district and ends in mine in terms of a commuter rail between here and San Antonio.

Senator Armbrister is the water expert, in my judgment, in this body, had more to do with the Edwards Aquifer and its creation than anybody else. I will tell you I had a genuine pleasure when Governor Bullock named Ken as Chairman of the State Affairs Committee, he named me Vice-chairman. And the fact of the matter is, I presided more over the State Affairs Committee than the Chairman did. But it wasn't because he was absent, it was because every lobbyist who had a bill to appear before the State Affairs Committee, they wanted Senator Armbrister to carry it. So he laid out more bills than any other Member of the Senate before the committee, and I presided over State Affairs and got, I think, nearly all those bills passed. We're going to miss the Web sites that you share with us, Kenny, although we have to delete some of the names from our computers. And, Jane, let me share with you that memory that you talked about where he remembered, you know, 25 years ago, a bill, some of those numbers he made up. (Laughter) I just thought I'd let you know that.

In terms of Senator Madla, he and I have been friends longer than, longer than any of the five, we've been friends for 32 years. Senator Madla is a true gentleman, which we all know and appreciate. What a lot of you not from San Antonio may not know, Senator Madla could easily have gone to the United States Congress several years ago. We had an opening, there was an election, and but for the fact that he just would rather have stayed here in Austin, he could have gone to Washington, but he stayed here in the Texas Senate instead. He's proud of his service, as he should be, but I'm here to tell you he's even prouder of being a grandfather. I've never seen anybody quite so proud of his granddaughter as Frank Madla is. And you should be proud of what's happened in this session with Texas A&M—San Antonio.

Senator Lindsay and I have been friends for, probably, over a quarter of a century. I was a County Commissioner in Bexar County when he was County Judge in Harris County. We had, we started the Conference of Urban Counties together, met around the state, County Commissioners and County Judges. I think a lot of what he brings to the Senate is the result of his being a licensed professional engineer. He has an analytical view of things that is fact-based, common sense, and practical, and we will miss that, Jon. I think we will really miss it, frankly, come January. My prediction is that you and I will be sitting around 10, 15 years from now talking about Conference Committee Reports and who has control of reports in the historic Marriott PGA Golf Resort, and I appreciate the way that ended in Regular Session last year. And I appreciate your courtesy and the way you handled yourself.

Lots has been said about "Senator Statewide," but I'll tell you the one thing that I remember most about him is something nobody on the floor has mentioned yet, and that is, that I personally gave Todd Staples more money as a political candidate than I've given to any political candidate in my life. Most of us remember when he was

running in that election over there in East Texas, it was going to decide which party controlled the majority of this body. And, so the request was made of all of us who are elephants to send him \$25,000. Well \$25,000 out of my campaign account was a ton of money. Now the guy that made the request had several million in his account and said he'd already sent his \$25,000, but he wanted all of us to do the same thing. I had, frankly, to pay mine out in installments, as you may remember, Todd. I couldn't send you a check right then for the full 25. But it was a good investment. I'm glad we did it. It was, I think, the most expensive Senate race in the history of Texas at that time, and I don't think it's been exceeded. I think it probably remains the most expensive race for a seat in the Texas Senate. We appreciate your articulate expression of positions on the floor of the Senate, your incisive analysis of bills. I know you're going to make a great Ag Commissioner, and I want to particularly thank you for the role you played with Florence Shapiro last Wednesday. On Monday, the two factions that were warring over this bill were making progress, and I thought we would probably come out OK. Tuesday, in my judgment, was the low point in this whole session, and I don't think I'd have given you \$2.00 on Tuesday for a successful resolution. But on Wednesday morning, you and Florence sat down and worked out a deal that has made this a successful conclusion, probably the most successful special session that we've had, and for that contribution, I thank you.

Most of all, Mr. President, we're losing five good friends, not only people with institutional memory and not only people who made great contributions to the state in representing their constituents but regardless of party affiliation, five good, close, personal friends, and we will miss all five of you.

Senator Eltife: Thank you Mr. President. I've only been a Member of this body two years although it's starting to feel like an eternity. I keep telling my wife we only meet every two years. But the greatest thing about this body is something the Dean mentioned, that's our diversity. Diversity is what makes this body great. The reason we have an incredible school finance bill that passed out of here 31-0 is because of the diversity in this body, because we come together and we all bring different things to the table. These five gentlemen come from different backgrounds, they represent different constituents, their districts are extremely diverse, but every time these five step on the floor of this Senate, with integrity and character, they put their diversity aside to do what's right for Texans. And that's what happened when House Bill 1 left this body 31-0. Each of these five played a role in that process, and I have learned so much from each of you. And I can tell you this, every time I go to make a decision on this floor when you're gone, I will think about the diversity you represent so that I don't just think about my district and what may be good for me politically, but I'll think about the five of you and the way you cast your votes to do what's right for Texas. Thank you for your service, and thank your family, because they sacrifice a lot more than we do. Thank your families for giving you to the State of Texas for your service. May God bless all five of you, and may God continue to bestow a special blessing on our state. Thank you Mr. President.

Senator Shapiro: Thank you very much Mr. President. As we sit here, and all of us have our recollections of each and every one of the five who will be leaving us after this session, I think the one thing that you all have in common is a sincerity of service. No matter where you come from, no matter what your ideals, no matter what your

principles, you always had that sincerity and belief in what you're doing, and I think that's what brings us to this day. I think many of you have spoken eloquently about HB 1, and when I think about HB 1, I will always think about many of you on the Senate floor for good and bad, mostly good. But I think as I think about the sincerity with which you serve, all five of you, it comes to mind very clearly.

Senator Barrientos, I have never doubted your sincerity, ever. You and I don't agree on a lot of things a lot of the time, but your sincerity shines every time you stand up on the Senate floor. Your desire to make this a better place for all children is very, very obvious to all of us. I had a group of students from Coppell Middle School, they were on this floor, and I was talking to them about three or four days ago, and one child looked over at your desk and saw those shoes, and the first question when I asked for questions was, what are the tennis shoes doing on that desk? At which time I began describing to a group of fourth-graders what was a filibuster. Don't think that was easy because it wasn't. But they walked away, I think, with a much better understanding of how this body works and the right of every Senator to express his or her opinion on an issue and how it relates to a filibuster. One of these days, Senator Barrientos, Senator Hinojosa will pass Will's bill, you had very good and sincere intentions. I think a lot of it even just took your tenacity so that a lot of people would understand the need for it. And whether it's in that full version or whether it's now being done by training some of those coaches in the regard that you wanted them to be trained, I think the fact that the defibrillators will now be used at those campuses across the State of Texas, all those things come from your desire and your sincerity. And I don't know that much more could be said other than a great, great thank you for the many, many years of your service and your sincerity in your service.

Senator Madla, you are one of us. You came in at the same time that Senator West and yourself, Senator Nelson and I, and I'm trying to remember but I think we're it. I said Senator West, oh, Senator Wentworth, my goodness, of course. There were nine, I believe, of us at that time. It was a huge, it was a huge sea change and we have been through a lot in those almost 14 years together. But you have been a constant in that sea change. You have been one of those people that we could always count on for your beliefs and for your sincerity in service, and that hasn't changed in the 14 years that I have known you. We're very grateful to you from many of the times that you have decided that it was conscience and sincerity that led you to decisions that you made on this Senate floor, and for that we're grateful. The two things I will always remember about you is the wine industry and making sure that all of us in the State of Texas had quality wine from Texas vineyards, and that was very important to you, and your deep and abiding sincere desire to make sure that all students, rural Texas students, were always at the top of your mind. And you made sure that we were aware of the plight of those rural, small, small communities, and that will always be indelible in my mind, and I thank you for that. Your service has been most enjoyable with me and with everybody in this Texas Senate, and we will always remember you for your tenacity and for your sincerity of service as well.

Senator Lindsay, I came to this body many years ago with my city council hat on, and many times people would turn to me and ask questions about, you know, what are the municipal community think about certain issues? There was never a time that I didn't turn to you, and, certainly, Senator Wentworth as well, to talk very specifically

about, what did the county think? Where would the county be? And when I think of you I think of toll roads, because you built in your community in Harris County some of the first toll roads that were noncontroversial. I have to tell you, that's not happening in my area right now. They're very controversial in my area. But you came with some ideals and some, and some desires to make not only your area in Harris County a better place but the State of Texas a better place. And we are very grateful for your tenacity and your sincerity in service. You stayed with us and shared with us some of those ideals that I don't think I'll ever forget, and I know now where the counties stand on many of those issues, and it's because of your desire to make the whole state a lot more user friendly, to make sure that we were all involved with that. And for that, I am very grateful and enjoyed your service as well and, certainly, getting to know your wonderful wife, Tony. Thank you for always sharing her with us whenever she had a chance to come here.

Senator Armbrister, I'm not sure I know exactly how to address you right now because this is going to be difficult on a very personal level. You and I actually met because of your brother and his wonderful family that lives in Plano and then, of course, when your fine and wonderful, able son came and spent a short career with us in Plano as one of the football coaches. That was a wonderful opportunity for your family and for my family to actually get to know each other better, and I am eternally grateful for that relationship. I think the fact that we have grandbabies that were next to each other in the nursery in Plano for a couple of days, both born on the same day in Plano, that is a bond that we will always share, and I hope some day maybe we can introduce those two grandchildren to one another. And then seeing your wonderful family, also, today with Erin and the new, and your new grandson, Hayden, and his father, and, of course, Susie, it is a joy to be able to share that as well. But I think on a personal level I have to tell you, you have brought to this legislative body some of the most incredible ideals that I hope all of us will aspire to do, because you have taught us parliamentary procedure. You've taught us a history that I am expecting someone to pick up on. Whether it was the right bill number or the right page or the right ideas, it didn't matter, it was your sincerity, your desire to teach all of us how to be better Senators all the time is what I'll remember the most from you. And I think I'm going to give the mantle of the parliamentary procedure history reward, I think I'd like to pass it on to Senator Wentworth. I think he probably would be the next in line to do a lot of what I've seen Senator Armbrister do. Please don't spit in your spitoon, Mr. Wentworth. It's close enough. But I think, I think that's something that needs to be carried on. That's a tradition and someone needs to pick up the mantle, and I happen to believe it probably will be Senator Wentworth. You have been exemplary in your service to this state, and it is even today that we're still finding little jewels in some of your legislation that none of us even knew you'd embedded in some of those pieces of legislation. So while I give you a lot of credit for your sincerity of service, I also have to remind everybody today, we're still finding little pieces of jewels in some of those bills that he passed that I have my staff come back and say, oh my goodness, you won't believe what was in that bill. You did yeoman's work, and we are all grateful to you and know that you will be around here for a long time, so it's not, it's not a final goodbye, it's just a temporary goodbye, but a grateful one as well.

And to my friend, Todd Staples, this is going to be hard. For those of you who don't know, Todd is actually a human garbage disposal. For those of you that have ever actually sat down to a real dinner with Todd Staples, which I've had the pleasure to do with Janet and with Howard, he will eat just about anything you've left on your plate. Wonder why he always has a stomachache, now you know. He is a gentlemen's gentleman. He is honest, he is sincere, he is hardworking. And, Senator Wentworth, you're absolutely right, without our friend, Todd Staples, we wouldn't be "Kum Ba Yah"-ing as we have been in the Texas Senate over the last few days. I can honestly tell you that your sincerity of service played an enormous role in getting us in where we are in HB 1. And I can't tell you how grateful I am to you for all that you have done to make this body a better place. And for all that you have done to continue to make sure that the Texas tradition of working together and of compromise became the order of the day last Wednesday morning. Your phone call to me at 8:00 in the morning was refreshing. It was the idea that the two of us could sit down, eyeball to eyeball, face to face, and say, what do you need for your side and what do I need for my side? And within an hour and a half we had crafted what now I believe could possibly be one of the most significant pieces of legislation that this Senate, since I've been here, has ever accomplished and it wouldn't have been done without you. I know there's going to be lots of times where I'm going to see you, but it will never be quite the same. I know you'll be before us in Finance, and I know you'll have an opportunity to speak to us on lots of other occasions, but it will never be quite the same as it has been. And for your friendship I say, thank you.

Steve took the words out of my mouth because I was thinking about this from the perspective of all five of you. You always want to leave a place just a little bit better than when you got here. And to each and every one of you, you will be leaving this place a whole lot better than when I got here, and, certainly, since you have been here, you've made it a place of honor and a place of joy, so thank you from the bottom of my heart.

Senator Van de Putte: Thank you Mr. President. Mr. President, Members, there are moments in time where there is an unbelievable need to celebrate. And I think this afternoon we have had this great need to celebrate the accomplishments of five great Texans and their service to our state. In our lunch today, Mr. President, each of these Members told somewhat of their personal story of how they got into this job of politics, but maybe not why. But as I know these men now, I know that it wasn't just the need to be successful or the need to be powerful or the need to be admired, but for you, Senators, the need to be significant. You are great examples, each of you, of servant leadership. And you have taught us not just how to do but how to be. When I think of the incredible skill set that you have with Gonzalo Barrientos, a conscience of the Senate; of Kenny Armbrister, the Mr. Fix-It memory of the Senate; of Senator Frank Madla, the endurance of the Senate as he keeps trying, session after session, until he gets that issue solved and that bill passed; Senator Lindsay's voice of reason of the Senate, in very complex issues; and then my dear friend, Todd Staples, oh, the vision of what this state could be and the energy to make it happen. My friends, we're losing five great men in the body of this Senate who can be called the heart and the soul and the conscience and the endurance and the energy and vision of this body. And although we will have other folks to come and represent their districts, they will

never fill their shoes, because only Gonzalo, Kenny, Frank, Jon, and Todd can represent their districts in that very special way. You know, the Senate abhors a vacuum. And, so all of us will attempt to fill that skill set that you brought here to the Senate and we'll help along those new Senators when they join us in January. We say thank you today to Emma and to Susie, Tony, Helen, and to Janet because without these great ladies, we would not have the service of their great men. In Spanish we don't like to say *adios*, and so I say to you five great Senators, *hasta luego*, because you will continue to serve this state in your very special way, *hasta la vista, hasta luego*. And, in particular, I have to present to Senator Frank Madla from our City of San Antonio, as Frank is that very, very strong man of endurance—Frank, you could not say good-bye to this Senate without accomplishing the thing that you wanted the most—and, so from the people in San Antonio today, here are some Aggies to bring up a very special sign. Senator Madla, if you see this sign, we have asked some of your friends and Members from this body who represent A&M University and who are alums from the City of San Antonio, Frank, the first street in Texas A&M South in San Antonio will be Frank Madla Way. We love you, Frank.

Senator Zaffirini: Thank you Mr. President. Mr. President and Members, all of us are losing five friends, but I happen to also be losing three neighbors: Senator Staples who sits in front of me, Senator Lindsay who sits to my left, and Senator Armbrister with whom I share a suite, and these three neighbors will be particularly missed.

Senator Staples, I know no committee Chair who was more thorough in analyzing every bill before his or her committee. Every time I brought a bill to your committee, you knew exactly what was in that bill, exactly what you thought should not be in that bill, although we disagreed, and you also monitored and tracked every single committee substitute in your committee. You are amazing, in terms of your thoroughness and your persistence, and I will especially miss watching your back. May you find someone else who will do the same for you as you assume your new responsibilities. I will miss you.

And certainly, Senator Lindsay, who has sat to my left, I believe, as long as you've been in the Texas Senate, always ready to make a commitment for or against a bill. There are many times that as we poll the Senate, we get tired of those who say, let me look at the bill, because that Member may not be prepared. Senator Lindsay, I do not ever remember your saying, let me check that bill. You always knew if you were for it and if you were against it. And I certainly appreciate that and I will miss you, too.

"Senator Green Eyes," now you have a street named after you. It should have been named Senator Green Eyes Street. I will not share with the Members the private joke we have about your green eyes, but, certainly, I will always remember you for your tenacity, and I have noticed that several Members have used that very word in describing their relationship with you and what they know about you as a Texas Senator. What I will remember about you was the first time you ran, and how grateful I was that you were representing all those counties all the way to El Paso, which I represented temporarily, El Paso, 615 miles away from Laredo. So when we redistricted again and you assumed responsibility for those counties, I knew that you

would do an excellent job. And you did. I especially congratulate you on the System Center in San Antonio, and I know that you will be persistent and just as tenacious in reaching that threshold.

And, at the same time, we will never forget Senator Armbrister, but he is just moving down the hall. Senator Armbrister, you and I arrived in the Texas Senate together in 1987, the A-Z Caucus. And, Senator Averitt, you may have lost a friend today, but now you and I will be the A-Z Caucus, and we'll have it all covered just between us. Senator Armbrister, we know that we will continue to benefit from your expertise and that you will continue to be our friend. I know, particularly, that you will be grateful for the extra time you will have with your grandchildren. We were so grateful you brought your grandson today, I really tried to kidnap him. I'm sorry you didn't let me keep him, darling baby.

And, Senator Barrientos, whom I knew since you were in the House of Representatives, of the five who are leaving today, you were the only one who was here when I arrived. And always you set an example, not only because of your style of leadership but because of the articulate way in which you addressed every issue, always so eloquent, always reminded me, in particular, of President John F. Kennedy. We will all miss you, Senator, and we know that you will continue to excel.

Today, as we lose these five friends from the Texas Senate, we applaud their efforts, we praise their accomplishments, and we express our respect and appreciation for their great work. And my prayer for all five of you is that the Lord will continue to bless you and inspire you to excel and, especially, to enjoy more time with your family. Thank you for your leadership in the Texas Senate. We appreciate you. We will remember you, and we respect you. Thank you Mr. President.

Senator Shapleigh: Thank you Mr. President. On behalf of Senator Barrientos and his lovely wife, Emma, he has asked that the entire Senate and Senate staff join him in the Lieutenant Governor's Reception Room for a giant party expected to go for two or three days. So thank you.

Senator Barrientos: Mr. President. There once was a Senator from El Paso, Members, who would ask if you would suffer a minor interruption. Never fear, I'm not going to filibuster, but I wanted to leave about three or four thoughts with you, briefly. In 1984, when I was elected to the Senate, my mom sat here next to the rail. She's passed away since. My father, who is now 94, was there, and after I was sworn in, he said, "*Es bien que eres Senador, no más nunca andes creyéndote más bueno que otro.*" It is good that you're a Senator, just remember that you're not better than anyone else. Another thought that I would leave with you is that sometimes I think, and be honest with yourselves, we might think we just own this office, this desk, this chair, that office up there. We have to remind ourselves we don't own the office. We are passing through. The chair, the desk, the offices belong to the people of our great state. Now you know how hard it is to try to please everybody, so sooner or later we all say, you just can't please everybody. The great majority of people in Texas are wonderful, God-fearing, humane individuals. But there are a few who are just mean blank blank people who say ugly, ugly things. The way I handle that is I remember when I went to the first grade in a little town about 30 miles away from here. At that time there were three schools, one for Blacks, one for Mexicans, and one for whites. In the second grade, when the Mexican American children were integrated with the

white kids, I would come home crying after fighting and getting beat up, getting called pepper belly, greaser, taco, and coming home crying, and my grandfather would ask me, "*¿Que paso, m'hijo?*" So I'd tell him and he would say, "*Mi hijo, no los culpes a ellos sino al corral donde se criaron.*" My son, do not blame them, rather blame the corral in which they grew up. And since then, I've been trying to knock down corral fences all over our great state. My colleagues, 10 years in the House and 20 in the Senate, all with whom I've served have become part of my makeup. Save those filibusters, you might need them. By the way, with a little machismo, I challenge you to beat my 20 hours. I think that was the last best. I have here a clearance at my desk: *Texas Politics*—not for the squeamish, I have several pictures of Bill Hobby, Bill Clements, and the former Speaker of the House smoking a peace pipe, come by and help yourselves. Lastly, I am humbled, appreciative of having been allowed to serve, yes, allowed to serve. My constituents, I thank you, you are my bosses. My family, my daughter, Alicia, is here with me. Emma was here earlier, the rest are at work. Thank you for having allowed me to serve. I leave you with the staff, who was going to be here until January, some of them, others will be on their way, with this last thought: to exist is to change, to change is to mature, to mature is to go on creating one's self endlessly. God bless you my colleagues, Mr. President.

Senator Whitmire: Thank you Mr. President. Members, I think, this afternoon, we have had the opportunity to witness why this is the greatest legislative body on Earth. If people that were not paying attention last week could've seen the energy level in our caucus, and in Finance, you know, I had to sit through that, didn't have anything to do with the call on the committee or anything, Florence. But to see this afternoon the respect and love is certainly why this body is so special. Also, in observation, Kip, Gonzalo was getting praise by Rodney and others for saying what the rest of us would like to say but chose not to. Now you're in trouble for doing it this afternoon, so my office is large enough, I'll be glad to share.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 15, 2006

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 CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 149 (140 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 10, SCR 12.**

SENATE RESOLUTION 181

On motion of Senator Shapleigh and by unanimous consent, Senate Rule 8.02 was suspended to take up for consideration **SR 181** at this time.

The President laid before the Senate the following resolution:

WHEREAS, In February, 2003, after decades of tension over scarce natural resources in the Darfur province of western Sudan, African Muslims rose up against the Arab Muslim government in the capital city of Khartoum; in response to the uprising, the government armed local militias, known as "Janjaweed," to campaign primarily against three ethnic groups: the Fur, Massalit, and Zaghawa; and

WHEREAS, For nearly three years, the government-funded Janjaweed militias have systematically terrorized the African residents of Darfur—destroying villages, ransacking food supplies, blocking international assistance, and killing, maiming, and raping villagers; the scope of the crisis is staggering, with an estimated 400,000 innocent civilians brutally murdered, more than 200,000 forced from their homes and fleeing to neighboring Chad, and more than 1,600,000 displaced within Sudan itself; and

WHEREAS, Human rights organizations and governmental representatives from around the world have pronounced the situation in Darfur as nothing less than genocide; in fact, in July, 2004, the United States Congress passed resolutions declaring genocide in Sudan, and in January, 2005, the United Nations Commission of Inquiry decried the indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging, and forced displacement perpetrated by government forces and militias against the Fur, Zaghawa, Massalit, Jebel, Aranga, and other African tribes; moreover, in June, 2004, the Group of Eight issued a statement lamenting the obstruction of humanitarian access and reported gross violations of human rights, many with an ethnic dimension; and

WHEREAS, The United States has long been a beacon of hope for vulnerable and disenfranchised people around the world; as citizens of conscience of this great land, we bear both the responsibility and honor to raise our voices against injustice in behalf of those unable to speak for themselves; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby express its support for the immediate intervention by the United States and the United Nations, as leaders of the international community, to stop the genocide in Darfur and to ensure that humanitarian relief reaches all those in need.

SHAPLEIGH	NELSON
BARRIENTOS	OGDEN
ELLIS	SHAPIRO
ELTIFE	VAN DE PUTTE
LUCIO	WENTWORTH

SR 181 was read and was adopted without objection.

HOUSE CONCURRENT RESOLUTION 51

The President laid before the Senate the following resolution:

WHEREAS, **HB 3**, as enrolled by the 79th Legislature of the State of Texas, 3rd Called Session, incorporates limited liability partnerships and limited partnerships into the franchise tax; and

WHEREAS, House Bill 3 references incorrect lines of the Internal Revenue Service forms used for determining the "total revenue" of a partnership subject to the franchise tax; and

WHEREAS, The incorrect references employ net rental income, rather than gross rental income, in determining the "total revenue" of a partnership subject to the franchise tax, while gross rental income is employed in determining the "total revenue" of a corporation subject to the franchise tax; and

WHEREAS, These incorrect line references would grant an unfair advantage to a partnership over a similarly situated corporation in the calculation of the franchise tax, an advantage that could be tenfold; and

WHEREAS, Proposed technical corrections to House Bill 3 to resolve this discrepancy would ensure equity in the determination of "total revenue" between corporations and partnerships subject to the franchise tax, level the playing field between partnerships and corporations, and circumvent the creation of a new loophole in the reformed franchise tax; and

WHEREAS, These corrections would ensure that the value of guaranteed payments is not counted twice in the determination of "total revenue"; and

WHEREAS, These corrections would also conform House Bill 3 to the Texas Tax Reform Commission's objective regarding the treatment of rental income and guaranteed payments for partnerships and corporations in determining "total revenue"; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas, 3rd Called Session, hereby express its intent for the 80th Legislature of the State of Texas to enact the following corrections to House Bill 3, as enrolled by the 79th Legislature of the State of Texas, 3rd Called Session:

(1) On page 23, line 3, strike "2" and substitute "3a and 5".

(2) On page 23, between lines 4 and 5, insert a new Subparagraph (iv) as follows: "(iv) the amounts entered on line 17, Internal Revenue Service Form 8825; and".

OGDEN

The resolution was read.

On motion of Senator Ogden and by unanimous consent, **HCR 51** was considered immediately and was adopted by a viva voce vote.

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

Absent-excused: Carona.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 15, 2006

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 53, Congratulating the students of Lindale High School for winning their third consecutive UIL State 3A Academic and Speech Championships.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MOTION IN WRITING

Senator Whitmire offered the following Motion In Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five Members to notify the House of Representatives that the Senate has completed its business and is ready to adjourn sine die.

WHITMIRE

The Motion In Writing was read and was adopted without objection.

Accordingly, the President appointed the following Committee to Notify the House of Representatives: Senators Armbrister, Barrientos, Lindsay, Madla, and Staples.

SENATE NOTIFIED

A committee from the House of Representatives appeared at the Bar of the Senate and Representative Al Edwards for the committee notified the President and Members of the Senate that the House had completed its business and was ready to adjourn sine die.

APPRECIATION EXTENDED

On behalf of the Senate, Senator Brimer extended appreciation to the Senate officers and other administrative staff.

MOTION TO ADJOURN SINE DIE

On motion of Senator Whitmire, the Senate of the 79th Legislature, 3rd Called Session, at 5:04 p.m. agreed to adjourn sine die, pending the completion of administrative duties, in memory of Armand Coleman Thompson, Shane Mahaffee, and Carmen Anaya of Pharr and Las Milpas.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

HB 2, HB 5, HCR 26, HCR 42, HCR 44, HB 63 (signed subject to Sec. 49-a, Art. III, Texas Constitution), **HB 149, HB 153** (signed subject to Sec. 49-a, Art. III, Texas Constitution), **HCR 40, HCR 49, HCR 51, HCR 53.**

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 240 by Wentworth, In memory of Guy C. Brannon, Jr.

SR 241 by Wentworth, In memory of Betty Jean Hickman of San Antonio.

SR 242 by Barrientos, In memory of Bruce D. Walcutt of Austin.

SR 254 by Nelson, In memory of Richard P. "Ricky" Strickland.

SR 255 by Van de Putte, In memory of Joe V. Alderete.

SR 258 by Barrientos, In memory of Richard Clark Cilley of Austin.

SR 263 by Hinojosa and Lucio, In memory of Carmen Anaya of Pharr and Las Milpas.

HCR 26 (Zaffirini), Honoring the life of Dr. Margaret G. Cigarroa of Laredo and commemorating the dedication of the Dr. Margaret G. Cigarroa Literacy Center.

HCR 49 (Gallegos), In memory of James Richard LaVois of Houston.

Congratulatory Resolutions

SR 243 by Zaffirini, Recognizing Geoffrey C. Morrison on the occasion of his retirement.

SR 244 by Ellis, Commending Michael P. Williams for his service to JOY Baptist Tabernacle in Houston.

SR 245 by Ellis, Congratulating Gib Walton for being selected as President-elect of the State Bar of Texas.

SR 246 by Estes, Commending Kandi Patton of Salesville for her heroism.

SR 247 by Estes, Commending Dustin Patton of Salesville for his courage.

SR 248 by Janek, Commending the Oil Spill Prevention and Response officers of the General Land Office for their efforts following Hurricane Katrina.

SR 250 by Jackson, Recognizing Elizabeth Hamm of Houston on the occasion of her graduation from the Texas School for the Deaf.

SR 251 by Jackson, Recognizing Chris Castillo of Friendswood on the occasion of his graduation from the Texas School for the Deaf.

SR 252 by Jackson, Congratulating David and Kristen McKeel on the birth of their daughter, Riley Christine McKeel.

SR 253 by Nelson, Commending Dustin Nelon for his intervention and response in a medical emergency.

SR 256 by Van de Putte, Commending Stanley Culotta of San Antonio for his accomplishments.

SR 257 by Gallegos, Recognizing Denver Harbor Senior Citizens, Incorporated, on the occasion of its 25th anniversary.

SR 259 by Hinojosa, Recognizing Patricia Graham on the occasion of her retirement.

SR 260 by Zaffirini, Congratulating the Laredo Bucks for winning the 2006 Central Hockey League President's Cup championship.

SR 261 by Barrientos, Recognizing Nancy Gail Ottmers Hall on the occasion of her retirement.

SR 262 by Lucio, Commending Ignacio Madera, Jr., for his service to the Texas Water Development Board.

HCR 40 (Barrientos), Congratulating Christopher Castillo on his graduation from the Texas School for the Deaf.

HCR 44 (Madla), Commemorating the 150th anniversary of Uvalde County.

HCR 53 (Eltife), Congratulating the students of Lindale High School for winning their third consecutive UIL State 3A Academic and Speech Championships.

ADJOURNMENT SINE DIE

The President announced that the hour for final adjournment of the 79th Legislature, 3rd Called Session, had arrived and, in accordance with a previously adopted motion, declared the 79th Legislature, 3rd Called Session, adjourned sine die, in memory of Armand Coleman Thompson, Shane Mahaffee, and Carmen Anaya of Pharr and Las Milpas, at 12:50 p.m. Tuesday, May 16, 2006.

APPENDIX

SENT TO GOVERNOR

May 15, 2006

SCR 7, SCR 8, SCR 10, SCR 12

SIGNED BY GOVERNOR

May 15, 2006

SCR 1, SCR 4

May 31, 2006

SCR 5, SCR 6, SCR 7, SCR 8, SCR 10, SCR 12

In Memory
of
Armand Coleman Thompson
Senate Resolution 232

WHEREAS, The Senate of the State of Texas honors and commemorates the life of Armand Coleman Thompson, who died November 18, 2005, at the age of 56; and

WHEREAS, Armand Thompson was born January 24, 1949, in Saint Louis, Missouri, and graduated from Soldan High School; he served courageously in the United States Marine Corps during the Vietnam War and rose to the rank of sergeant; he moved to Dallas in 1972 to attend The University of Texas at Arlington and worked at Southwestern Bell Telephone Company while earning his bachelor's degree; and

WHEREAS, Armand's great work ethic earned him much respect and resulted in his being highly recruited by telecommunications companies both in the United States and abroad, and he held engineering positions with Ericsson, Nortel, Fujitsu, Cisco Systems, and Motorola; and

WHEREAS, His interests included traveling, reading, fine dining, and staying informed on the latest technology and current events; he enjoyed his work, but most of all, he loved his family in Texas and Missouri; his daughters were the delight of his life; and

WHEREAS, Armand was well known for his kindness and selflessness; it was while he was on a trip to care for his brother who was battling cancer that he learned that he, too, had the disease; but his thoughts were not of himself but of his brother; and

WHEREAS, Armand was a devoted father, son, brother, and friend, and he leaves behind memories that will be treasured forever by all who knew him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 3rd Called Session, hereby extend sincere condolences to the bereaved family of Armand Coleman Thompson: his father, Theodore Thompson, Sr.; his mother, Anniece Vaughn; his daughters, Alisha Harrison, Adrienne Thompson, and Katrina Thompson Stafford; his brothers, Gary Thompson, Stephen Allen, and Vernon Allen; and his devoted companion of many years, LaJuana Barton; 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 Armand Coleman Thompson.

WEST