

EIGHTY-THIRD DAY

MONDAY, MAY 30, 2005

PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

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

The Reverend Dan Gentry Kent, University Christian Church, Fort Worth, offered the invocation as follows:

Father, we pause now to thank You for all of Your blessings. We thank You for this new day and its opportunities. We thank You for this Memorial Day and all that it represents. Bless those who remember today and those who travel. We thank You for the work done by this session. Bless what is done today. May it be a fitting and appropriate conclusion to our task. We conclude in the words of an old Hebrew prayer:

From the cowardice that shrinks from new truths,
From the laziness that is content with half-truths, and
From the arrogance that thinks it knows all the truth,
O God of Truth, deliver us. Amen.

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

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
May 30, 2005

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 ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 872 (131 Yeas, 7 Nays, 2 Present, not voting)

HB 1068 (non-record vote)

HB 2129 (non-record vote)

HB 2309 (non-record vote)

HB 2423 (non-record vote)

HB 2702 (120 Yeas, 9 Nays, 2 Present, not voting)

SB 14 (non-record vote)

SB 52 (non-record vote)

SB 408 (non-record vote)

SB 409 (non-record vote)

SB 805 (non-record vote)

SB 809 (non-record vote)

SB 872 (138 Yeas, 2 Nays, 2 Present, not voting)

SB 1188 (non-record vote)

SB 1227 (105 Yeas, 41 Nays, 1 Present, not voting)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 183 (134 Yeas, 8 Nays, 2 Present, not voting)

HB 925 (non-record vote)

HB 2481 (non-record vote)

HB 3001 (142 Yeas, 0 Nays, 1 Present, not voting)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 1103

Senator Harris offered the following resolution:

WHEREAS, One of the most beloved Senate employees is also one of the most outstanding, and Detta Haffelder is truly a worthy recipient of the legislative Betty King Public Service Award; and

WHEREAS, Administrative Director for Senator John Carona, Detta is known for her abiding loyalty to her senator and to her co-workers and for her dedication to helping the citizens of Senatorial District 16; and

WHEREAS, Detta's tact and charm while dealing with seemingly impossible requests from Senator Carona's constituents recall the tact and charm of her cherished friend and mentor, Betty King; and

WHEREAS, Detta began her legislative career in the House of Representatives in June of 1966 but came to the Senate from the office of Representative Libby Linebarger in August of 1994 to work for another one of her favorite bosses, Senator Bill Sims; Detta joined the staff of Senator John Carona in August of 1997 and feels herself truly blessed to have such a wonderful and understanding boss; and

WHEREAS, Ever cheerful, Detta has a kind word for one and all; a lively companion and trusted friend, Detta has endeared herself to all who are privileged to know her; and

WHEREAS, Few people love the Senate and its traditions more than Detta Haffelder, and she is truly an exemplary role model for all young people entering public service; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend Detta Haffelder for her superb Senate service and congratulate her on being named the 2005 legislative recipient of the Betty King Public Service Award; and, be it further

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

SR 1103 was read.

SENATE RESOLUTION 1102

Senator Harris offered the following resolution:

WHEREAS, The employees of the Engrossing and Enrolling Room are little known outside their department but they have consistently distinguished themselves by their knowledge, their professionalism, their dedication to public service, and, above all, their loyalty to the Senate; and

WHEREAS, In a richly deserved recognition of this outstanding work on behalf of the Texas Senate, the staff of the department has been named this session's administrative recipient of the Betty King Public Service Award; and

WHEREAS, It would be hard to single out one individual in the department, for each one excels in that individual's own area; but E and E's chief asset has always been its extraordinary teamwork; "All for one and one for all" is not only the motto of the three musketeers but also of E and E; and

WHEREAS, Whether lawyer, proofreader, bill clerk, editor, writer, docutech operator, or typist, all take pride in their work and in their department; all willingly help out one another, and marathon proofing sessions are the end of session norm; and

WHEREAS, The department has many longtime employees, and their shared history has further strengthened their friendships and high regard for one another and their commitment to work together for the best product; and

WHEREAS, Despite the long, grueling hours the department works during a session, spirits remain high and laughter is often heard throughout the department; and

WHEREAS, Often handed seemingly impossible workloads with daunting time constraints, E and E, in true Betty King style, always rises to the challenge, exceeds expectations, and achieves excellence; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the entire staff of the Engrossing and Enrolling Department for their superlative service to the Texas Senate and congratulate them on being named the 2005 administrative recipient of the Betty King Public Service Award; and, be it further

RESOLVED, That a copy of this Resolution be prepared for E and E as an expression of sincere gratitude for a job well done from the Texas Senate.

SR 1102 was read.

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

On motion of Senator Harris, **SR 1103** and **SR 1102** were adopted without objection.

SENATE RESOLUTION 1003

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize John Henry Brown on the occasion of his retirement from the Texas Senate; and

WHEREAS, John began his culinary career as a cook in the United States Army; he worked for over 42 years at the legendary Night Hawk Restaurant in Austin, then moved to another legend when he joined the staff of Lieutenant Governor Bob Bullock as cook; and

WHEREAS, Throughout his career, John has been noted for his quick wit and easygoing nature, and he quickly established himself as both a team player and natural leader in the lieutenant governor's kitchen; and

WHEREAS, A civic-minded citizen, John is a member of the Capitol City Lions Club and has supported activities sponsored by Huston-Tillotson University for many years; and

WHEREAS, He is a lifelong member of the Grant Chapel African Methodist Episcopal Church, where he is a member of the Trustee Board and the Greeters Ministry; he has volunteered many hours cooking breakfasts for church members and has catered many special events at the church; and

WHEREAS, An invaluable member of the Texas Senate staff, John is admired and respected by his colleagues, and his presence in the lieutenant governor's kitchen will be greatly missed; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend John Henry Brown for his many contributions to our state 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 him as an expression of esteem from the Texas Senate.

SR 1003 was again read.

The resolution was previously adopted on Tuesday, May 24, 2005.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate John Henry Brown; his wife, Nehoma Brown; his daughter, Linda Brown; and friends, Bernice Mays and Mary Lyn Bragner.

The Senate welcomed its guests.

SENATE RESOLUTION 957

Senator Lucio offered the following resolution:

SR 957, In memory of the life of Filemon B. Vela of South Texas.

The resolution was again read.

Senator Lucio was recognized and introduced to the Senate family members of Filemon B. Vela: his widow, Blanca Vela, and his granddaughter, Alexandra Vela Cooke.

The Senate welcomed its guests and extended its sympathy.

The resolution was previously adopted on Friday, May 20, 2005.

In honor of the memory of Filemon B. Vela, the text of **SR 957** is printed at the end of today's *Senate Journal*.

SENATE RESOLUTION 1105

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in joining citizens across America in observing our national holiday, Memorial Day, on Monday, May 30, 2005; and

WHEREAS, Memorial Day was originally called Decoration Day and was first observed on May 30, 1868, when flowers were placed on the graves of Union and Confederate soldiers; in 1968, Congress designated the last Monday in May as Memorial Day; and

WHEREAS, On Memorial Day, we pay homage to those who lost their lives fighting for our nation, for it is due to their courage and sacrifice that today our nation is free and prosperous; and

WHEREAS, This special day is an opportunity for Americans everywhere to express their heartfelt gratitude to the United States veterans, both living and dead, for the valor and dedication they have shown on behalf of our beloved country; today, there are over 1.5 million veterans living in Texas and deserving of our praise; and

WHEREAS, Those who died for their country in World War I, World War II, the Korean Conflict, the Vietnam War, the Gulf War, Operation Iraqi Freedom, and other conflicts have left behind legacies of courage and devotion for generations of American citizens, as well as memories that will be treasured forever in the hearts and minds of all who knew them; and

WHEREAS, It is a grateful nation today that reflects upon our American heritage and recognizes the extreme sacrifices made by all who serve in the armed forces; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby express appreciation to all the brave men and women who have served our great country and honor the memory of those who died on its behalf; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of all who sacrificed their lives to protect our nation.

SR 1105 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate family members of Henry Ybarra III: his widow, Lillian Ybarra; his brother, Anthony Ybarra; and his children, Alyssa, Gabrielle, and Henry Ybarra.

The Senate welcomed its guests.

RECESS

On motion of Senator Whitmire, the Senate at 12:24 p.m. recessed until 1:45 p.m. today.

AFTER RECESS

The Senate met at 3:12 p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 30, 2005

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 230, Instructing the enrolling clerk of the house to make corrections in H.B. No. 3152.

HCR 234, Instructing the enrolling clerk of the house to make corrections to H.B. No. 2157.

HCR 237, Honoring Jose Montemayor for his outstanding public service on the occasion of his retirement as Texas insurance commissioner.

HCR 239, Instructing the enrolling clerk of the house to make corrections in H.B. No. 1126.

HCR 241, Instructing the enrolling clerk of the house to make corrections to H.B. No. 1068.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 1033

Senator Zaffirini offered the following resolution:

SR 1033, In memory of John C. Nabors of Dallas.

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The resolution was read.

Senator Zaffirini was recognized and introduced to the Senate family members of John Nabors: his widow, Kathleen Mary Nabors; his daughter, Sarah Nabors; and family friend, Amie Ranaghan.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Zaffirini, **SR 1033** was adopted by a rising vote of the Senate.

In honor of the memory of John C. Nabors of Dallas, the text of the resolution is printed at the end of today's *Senate Journal*.

SENATE RESOLUTION 966

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Joseph Cardinal Ratzinger on his election as Pope of the Roman Catholic Church; and

WHEREAS, Cardinal Ratzinger chose Benedict XVI as his title, recalling Pope Benedict XV, who led the Church through World War I, and Saint Benedict of Norcia, whose life evoked the Christian roots of Europe; and

WHEREAS, Ordained into the priesthood in 1951, Pope Benedict XVI was particularly influenced by the teachings of Saint Augustine; he served as a professor at several universities throughout Germany, including the University of Bonn and the University of Münster, and in 1966 he assumed a chair in dogmatic theology at the University of Tübingen; and

WHEREAS, In 1977, he was named a cardinal by Pope Paul VI, and four years later he was named by Pope John Paul II to be prefect of the Congregation for the Doctrine of the Faith; he became vice-dean of the College of Cardinals in 1998 and dean in 2002; and

WHEREAS, Pope Benedict XVI, during his first general audience in Saint Peter's Square in Rome, has expressed his intention to place his ministry in the service of reconciliation and harmony between peoples; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby wish Pope Benedict XVI a time of peace and goodwill during his papacy; and, be it further

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

SR 966 was again read.

On motion of Senator Armbrister 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 Friday, May 20, 2005.

RECESS

On motion of Senator Whitmire, the Senate at 3:26 p.m. recessed until 4:00 p.m. today.

AFTER RECESS

The Senate met at 3:52 p.m. and was called to order by the President.

SENATE RESOLUTION 1104**(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 30, 2005, and attended by 17 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—Roy Lawrence;
- (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 Regular 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 Regular 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 to employ secretarial and other office staff and for intrastate travel expenses for staff employees a payroll of \$34,000 per month. Any unexpended portion of this amount 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 1104 was read and was adopted without objection.

ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM SEVENTY-NINTH LEGISLATURE

The President announced that the time had arrived for the election of President Pro Tempore Ad Interim of the 79th Legislature.

Senator Lucio placed in nomination the name of Senator Frank Madla of San Antonio for the office of President Pro Tempore Ad Interim of the 79th Legislature as follows:

Mr. President, Members, it is indeed an honor and a pleasure to nominate my long-time friend and "session neighbor," the Honorable Frank Madla, as President Pro Tempore. Senator Madla is not only my fellow colleague, but he and his lovely wife, Helen, are my personal friends, who live a few doors down from me in the same complex during the legislative session.

Senator Frank Madla has served his constituency and all of Texas for 31 years in the Texas Legislature. Twenty of those years he spent as a Member of the House, and he is now in his 11th year as a Senator. Working side by side with him on numerous issues through the years has strengthened our bond of friendship, even when we stood on opposite sides of the fence. As Chairman of the Intergovernmental Relations Committee, Senator Madla has proven his leadership and dedication to every Senator. Each of us files bills every session that directly impact our individual communities and local governments, and we have the good fortune that most of these types of bills are referred to his committee, which he leads with proficiency, professionalism, and fairness.

Through the years as a Texas legislator, Senator Madla has championed important issues that have improved the quality of our lives. This session, Senator Madla has devoted the past 10 years to establish an additional four-year institution of higher education on the South Side of San Antonio. If all holds well, it looks like his efforts may bear fruition this year. Truly, this has been an historical session in the Legislature for Senator Madla. This session, he also passed a law affecting a fast-growing business in Texas, the wine industry. Senate Bill 877 will finally allow direct-to-consumer shipment of wine for both Texas-based wineries and out-of-state wineries. This is also a result of hard work and perseverance for the benefit of the Texas business community and the consumer.

We are both fathers and both grandpas. He is the father of a wonderful son and daughter, Frank III and Marci, and grandfather to a delightful young lady, Aleena. And he is blessed with a wonderful, caring wife, Helen Madla. Her undying love and support knows no boundaries, no limitations. She mothers us all with her caring, cheerful smile, her sweet disposition, and, luckily for us, her home-baked cakes.

Through the years, Senator Madla and I have shared successes, downfalls, challenges, sorrows, and dreams. From our many years of serving together and from our frequent discussions, it became apparent that Senator Madla conducts his private and public business with the highest

integrity and sensitivity. He cares about family. He cares about those he serves. He cares about this great state. And he cares about his country. He proves this love through his service and by how he treats his fellow human beings: with utmost respect and consideration. And Senator Madla cares about his district, especially the schoolchildren. Senator Madla's untiring efforts to help rural and remote school districts, particularly those in West Texas, are an inspiration to me and to all of us who share his passion for education. Last year, when Lieutenant Governor Dewhurst appointed him on the excellence for education committee, he really took that to heart. Senator Madla visited the most remote and smallest school districts to tour their campuses, meet with students, parents, superintendents, and school board members, because he believes there should be a strong voice for rural schools as well as for urban schools. Senator Madla has worked to make sure that all of us understand about the needs of children in rural areas. He has said so many, many times, "Every child deserves a quality education no matter where they live."

Senator Madla inspires me daily because of his compassion and heart. As his friend and fellow Senator, I have been one of the beneficiaries of the qualities he displays and regularly tries to improve upon. Throughout the trials and challenges in his life, Senator Madla has turned to God with humility and faith. And when one observes the fruits of his labor and how he has prevailed over difficulties, one can see how truly blessed he is.

Mr. President, Members, it gives me great pleasure to nominate Senator Frank Madla, President Pro Tempore Ad Interim of the 79th Legislature.

Senators Harris, Wentworth, Van de Putte, Ellis, Nelson, Barrientos, Zaffirini, Gallegos, Hinojosa, Estes, Duncan, Brimer, Shapleigh, Staples, and Whitmire seconded the nomination.

The President declared that the Honorable Frank Madla had been duly elected President Pro Tempore Ad Interim of the 79th Legislature by acclamation.

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

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

OATH OF OFFICE ADMINISTERED

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

I, Frank Madla, 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.

ADDRESS BY PRESIDENT PRO TEMPORE AD INTERIM

President Pro Tempore Ad Interim Madla addressed the Senate as follows:

Thank you very much. Let me first thank Governor Dewhurst for swearing me in. And thank all of you for your kind words. It is indeed a privilege to serve with each of you.

It is an honor to serve in the Texas Senate, and I am grateful to the citizens of Senate District 19 for allowing me to represent them.

Many individuals have made it possible for me to be standing before you today. I thank my parents, who invested their lives, money, and shared their love and guidance so that my sister, brother, and I would not have to struggle the way they did.

There were three rules we were expected to follow: Get up when Dad got up. That wasn't too bad if you enjoy getting up at 5:00 a.m. Never lie. And when you give your word, never, never, break that commitment unless released by the individual or individuals you gave your word to. I try to always remember their advice.

My wife, Helen, of 28 years, she is my greatest supporter, my dearest, most fun companion on and off the campaign trail. She has stayed by my side through the most difficult times.

My two children, Frank III and Marci, who went without a dad many times because of my involvement in politics. All of my family, including the newest love in my life, my granddaughter, Aleena.

I have been asked many times why I ran for public office in the first place. Actually, it was my students who first dared me to run for office. I was teaching at Saint Philip's College. We were in a lively debate about the most important ingredient in a campaign. I said it was money; they said it was organization. They challenged me, saying, "Run for State Representative. You provide the money, and we'll provide the organization." I lost that race.

Of those who inspired me to get into this profession, there were two individuals who gave much of their time in helping me to get elected in the first place. Both have passed away now. One was a Democrat, the other a Republican. These two individuals taught me to work with Democrats and Republicans.

I want to thank my legislative staff who are also mine and my wife's family. They have made my stay here easier. Carla has been with me for 28 years; Sherry, my Chief of Staff, has been with me for 25 years. We've been through a lot together, grown older, not old, together. Our children have grown up and now have children of their own. We're all grandparents now.

The Intergovernmental Relations Committee staff did an outstanding job this session, as always. We had the most bills of any committee: 448 bills were referred to the Intergovernmental Relations Committee, and we passed out 348 of them. Senator Brimer is actually responsible for their job performance; he scared them.

The combined years of service for all of my staff is 105 years. That's a lot of loyalty, and I am truly blessed to have them and the many others over the years.

I was taught long ago that the secret of success was to create a good first impression. They do that for me. They make those who come into my office feel they are important, because they are. All of my success as a legislator, I owe to them.

They won't let me say any more than this, so I'm just going to ask that they stand up and be recognized. Thank all of you for your hard work and your dedication, for taking care of me, and caring about the constituents who call on us.

Each of you is special, and I respect and value your friendship. I'll mention a few who have taught me so much. I keep reminding myself that the recipe for a good speech is: "Have a good introduction and a good ending and keep them as close together as possible."

I was first elected to the House of Representatives in 1973. Price Daniel, Jr., was Speaker of the House, Bill Hobby was Lieutenant Governor, and Dolph Briscoe was Governor.

I have been fortunate to have served with many wonderful people, people with colorful personalities, sometimes hot tempers, but, without exception, people with warm hearts and good intentions.

I had the privilege of serving with the late Frank Tejeda in the House. Later, he was elected to the Senate and, eventually, to Congress. Frank and I were so close that when I got a headache, Frank took two Tylenol. He grew up in South San Antonio. He made sure that I was adopted as a South-sider. He was an effective public official, a good friend, a good man, and he is sorely missed. The State of Texas still benefits from the good things he was able to accomplish.

Senator Lucio and I have served in the Legislature together for almost 20 years and became even closer since 1993 when I was first elected to the Texas Senate.

We sat next to each other at the William B. Clements building where the Senate met while the Capitol was being renovated. As you know, both Eddie and I have difficulty hearing. We spent the entire session saying, "Huh." Senator Whitmire sat behind us and carried on the most humorous conversations. Senator Whitmire, I'm still trying to figure out who you were talking to.

Senator Lucio and I have been on one hunting and one fishing trip. Neither was successful. Maybe it's because Senator Lucio showed up with a cell phone and grapefruits. I showed up with my camera and no film. I've never seen anyone bait their hook with a grapefruit.

It didn't take me long to know that I wanted to be on Senator Harris' side. He has been a close advisor, a great friend. Over the past few years, my life has had some deep valleys. Senator Harris stuck with me through the valleys. Senator Harris, thank you for always being there and for your friendship.

Senator Barrientos, you and I have been on opposite sides of the political spectrum many times. But I have the utmost respect for your willingness to speak up for issues that aren't always popular. Every legislative body needs a Gonzalo Barrientos. The Texas Senate is fortunate to have you as a Member.

My three-year-old granddaughter saw Senator Brimer and said, "Look, Po-Po, Mr. Incredible," from one of her cartoon shows. And, as Vice-chair of Intergovernmental Relations, I sort of think that about him myself. I could not have asked for a more dependable Co-chair in Intergovernmental Relations. The Senate is fortunate to have you. He's down-to-earth, reasonable, and caring. What you see is what you get with him. And, as with Senator Harris, he's not as mean as he looks.

The one most indelible mental image I have over the past 32 years in the Legislature is of Senator Wentworth when we were serving together in the House. I looked over one late evening, the Speaker had the air conditioning way down low, and it was freezing. There sat Jeff with his suit coat pulled over his head.

I respect Senator Wentworth. I respect his independence. I respect that he tries to vote to represent his constituents. Jeff and I have become close friends. But I still don't understand why you won't let our wives go shopping together.

Senator Duncan and Senator Staples, who have helped me in representing the rural and remote areas of West Texas, it's important to understand the needs and to be a voice for those who don't always speak up, I appreciate what these two Members have taught me about rural and remote areas of Texas.

I have served with Senator Ellis since 1993 and, like Gonzalo, he works hard to be a voice for the voiceless. I admire his ability to use humor in such a way that, even if you think you're getting the best of him, he can make people laugh at you.

I also admire Senator Armbrister for his leadership in this Senate. I have watched him over many years, and he continues to amaze me. He is well-informed, articulate, and brilliant. He has taught me a lot about water issues. Senator Armbrister, I thank you for being my friend, my advisor, and my teacher.

Senators Shapiro, Zaffirini, Van de Putte, and Nelson, I thank you for all you bring to the Senate and for all you have done and try to do to make this a better state for families, for children. Whoever said women were the weaker sex didn't serve in the Texas Senate with you.

Senator Ogden, thank you for all the work you did this year in Senate Finance. You are a great chair for that committee, and you have handled well tough issues in a difficult session. I know you have worked hard to try to be fair to communities across the state.

I also want to say how much I admire and appreciate Patsy and all of our central staff. You are not only the engine of the Senate, you are also the wheels. We could not function without you, and you do it with efficiency

and tireless grace. Thank you, all of you, for what you do and for your courtesies and kindness. Also, Carleton, our Department of Public Safety officers, and all of the support and administrative staff all over this Capitol that make our jobs easier.

Governor Dewhurst, when I first met you in 1993, I was impressed with your openness, your genuine concern for this state. As Lieutenant Governor, you had faith in me when I was experiencing some of the most difficult times in my life. I am always grateful for the trust you extended to me.

You are fair, hard-working, and sensitive to the feelings of 31 Senators. Governor Dewhurst, you are a tall Texan in more ways than one.

It is a privilege to serve with all of you. Our work here isn't about who is right or who is wrong but, together, of doing what is the best for all Texans.

As we leave and go in different directions, I will keep you in my prayers. God bless each of you.

VIDEO RELEASE POLICY WAIVED

On motion of Senator Lucio 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 President Pro Tempore Madla for a videotape of today's session.

GUEST PRESENTED

The President announced the presence of Governor Rick Perry.

The Senate welcomed its guest.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 30, 2005

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 229, Designating the day after sine die adjournment of the regular session as Texas Smile Day.

HCR 235, Instructing the enrolling clerk of the house to make corrections in House Bill No. 3376.

HCR 236, Instructing the enrolling clerk of the house to make corrections to H.B. No. 1763.

HCR 240, Instructing the enrolling clerk of the house of representatives to make corrections in House Bill 908.

SCR 42, Instructing the enrolling clerk of the senate to make technical corrections to Senate Bill No. 568.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 233

The President laid before the Senate the following resolution:

WHEREAS, **HB 2110** has been adopted by the house of representatives and the senate; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 79th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct House Bill No. 2110 in the SECTION of the bill that adds Section 30.05(h), Penal Code, by striking "has the meaning assigned by Section 46.15" and substituting the following:

"means another state with which the attorney general of this state, with the approval of the governor of this state, negotiated an agreement after determining that the other state:

(1) has firearm proficiency requirements for peace officers; and

(2) fully recognizes the right of peace officers commissioned in this state to carry weapons in the other state".

ELTIFE

HCR 233 was read.

On motion of Senator Eltife 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.

(Senator Brimer in Chair)

HOUSE CONCURRENT RESOLUTION 241

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, **HB 1068** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 79th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct House Bill No. 1068 by striking, in SECTION 11 of the bill, in amended Section 411.148, Government Code, in Subsection (f), "and the Texas Youth Commission, as appropriate."

HINOJOSA

HCR 241 was read.

On motion of Senator Hinojosa 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.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate his deputy chief of staff, Stephen Rosales, who is retiring at the end of the session.

The Senate welcomed its guest.

HOUSE CONCURRENT RESOLUTION 234

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, **HB 2157** has been adopted by the house of representatives and the senate; and

WHEREAS, H.B. No. 2157 contains a technical error that should be corrected; now, therefore, be it

RESOLVED by the 79th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct H.B. No. 2157, in added Subsection (g), Section 21A.301, Insurance Code, in the last sentence of that subsection, by striking "Subsection (j)" and substituting "Subsection (i)".

HARRIS

HCR 234 was read.

On motion of Senator Harris 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.

SENATE RESOLUTION 1081

On motion of Senator Estes and by unanimous consent, Senate Rule 8.02 was suspended to take up for consideration **SR 1081** at this time.

WHEREAS, The Brazos River Authority was created by the Texas Legislature in Chapter 221, Water Code; and

WHEREAS, The leaseholders and residents of the Possum Kingdom Community have invested heavily in improvements to those parcels of land and development of the Possum Kingdom Community in general; and

WHEREAS, The unencumbered, underdeveloped land surrounding Possum Kingdom Lake adds value to the area property today and preserves the natural beauty of Possum Kingdom Lake for future generations; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby direct the Brazos River Authority to work with the leaseholders and residents of Possum Kingdom Lake Community on the future direction of the area; and, be it further

RESOLVED, That the Brazos River Authority not engage in divestiture of real property before the 80th Legislative Session and that legislators have an opportunity for input into this complex and important activity; and, be it further

RESOLVED, That an official copy of this resolution be forwarded to the chair of the Brazos River Authority as an expression of the sentiment of the Texas Senate.

SR 1081 was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution.

HOUSE CONCURRENT RESOLUTION 236

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, **HB 1763** has been adopted by the house of representatives and the senate; and

WHEREAS, The bill contains technical and typographical errors that should be corrected; now, therefore, be it

RESOLVED by the 79th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following corrections:

(1) In the SECTION of the bill that amends Section 36.1071, Water Code, in amended Subsection (d), strike "as provided by Section 16.0122".

(2) In the SECTION of the bill that amends Section 36.1071, Water Code, in amended Subsection (f), strike "beneficial use a district" and substitute "beneficial use. The district".

(3) In the SECTION of the bill that amends Section 36.1072, Water Code, in amended Subsection (c)(1), strike "may suspend the approval" and substitute "may require revisions to the approved groundwater conservation district management plan".

(4) In the SECTION of the bill that amends Section 36.108, Water Code, in amended Subsection (c), strike "or their designee" and substitute "or the presiding officer's designee".

(5) In the SECTION of the bill that amends Section 36.108, Water Code, in added Subsection (d), strike "Not later than five years after the effective date of this subsection and every five years thereafter, During the joint planning process," and substitute "Not later than September 1, 2010, and every five years thereafter,".

(6) In the SECTION of the bill that amends Section 36.108, Water Code, in added Subsection (d-1), between "adopted by" and "two-thirds", insert "a".

(7) In the SECTION of the bill that amends Section 36.108, Water Code, in added Subsection (n), strike "submit it to the development board" and substitute "submit the conditions to the development board".

ARMBRISTER

HCR 236 was read.

On motion of Senator Armbrister 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.

HOUSE CONCURRENT RESOLUTION 240

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, **HB 908** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 79th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct House Bill No. 908 as follows:

(1) Strike the recital to SECTION 1 of the bill and substitute "Section 2155.062(d), Government Code, is amended to read as follows:".

(2) In Section 2155.062, Government Code, as amended by SECTION 1 of the bill, strike Subsection (a).

ESTES

HCR 240 was read.

On motion of Senator Estes 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.

HOUSE CONCURRENT RESOLUTION 230

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, **HB 3152** has been adopted by the house of representatives and the senate; and

WHEREAS, H.B. No. 3152 contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 79th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct H.B. No. 3152 as follows:

(1) In amended Subsection (g), Article 1.051, Code of Criminal Procedure, immediately before the colon, strike "proceedings" and substitute "the proceedings".

(2) In amended Subsection (g), Article 1.051, Code of Criminal Procedure, in the third complete sentence of the blocked text, between "counsel" and "if", insert "appointed for me free of charge".

ELLIS

HCR 230 was read.

On motion of Senator Ellis 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.

HOUSE CONCURRENT RESOLUTION 239

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, **HB 1126** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 79th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct House Bill No. 1126 as follows:

Strike SECTION 8 of the bill and substitute the following:

SECTION 8. The change in law made by this Act to Chapters 104 and 191, Health and Safety Code, applies only to the furnishing of data under Chapters 104 and 191, Health and Safety Code, or a rule adopted under those chapters that is originally required to be furnished on or after the effective date of this Act. The furnishing of data originally required to be furnished before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

MADLA

HCR 239 was read.

On motion of Senator Madla 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.

HOUSE CONCURRENT RESOLUTION 235

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, **HB 3376** has been adopted by the house of representatives, has been enrolled by the enrolling clerk of the house of representatives, and is being prepared to be sent to the senate; and

WHEREAS, House Bill No. 3376 contains a technical error that should be corrected; now, therefore, be it

RESOLVED, That the signature of the speaker of the house of representatives be declared null and void and that the speaker be authorized to remove the speaker's signature from enrolled House Bill No. 3376; and, be it further

RESOLVED, That the enrolling clerk of the house of representatives be hereby instructed to correct House Bill No. 3376 by inserting in amended Section 35.02, Penal Code, in Subsection (c), between "Subsection (a)" and "~~[this section]~~", "(b)".

LUCIO

HCR 235 was read.

On motion of Senator Lucio 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.

HOUSE CONCURRENT RESOLUTION 238

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, **HB 2201** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical and typographical errors that should be corrected; now, therefore, be it

RESOLVED by the 79th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following corrections:

(1) In SECTION 6 of the bill, amended Section 5.001(6)(C), Water Code (conference committee report, page 9, line 7), between "FutureGen" and "profile", insert "project".

(2) In SECTION 6 of the bill, amended Section 5.001(6)(D), Water Code (conference committee report, page 9, line 11), between "FutureGen" and "profile", insert "project".

(3) In SECTION 6 of the bill, amended Section 5.001(6)(E), Water Code (conference committee report, page 9, line 15), between "FutureGen" and "profile", insert "project".

(4) In SECTION 6 of the bill, amended Section 5.001(6)(F), Water Code (conference committee report, page 9, line 20), between "FutureGen" and "profile", insert "project".

(5) In SECTION 13(2) of the bill (conference committee report, page 13, line 18), strike "Section 5.558" and substitute "under Sections 5.558 and 27.022".

ESTES

HCR 238 was read.

On motion of Senator Estes 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.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 30, 2005

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 245, Instructing the enrolling clerk of the house to make corrections to H.B. No. 2702.

HCR 246, Instructing the enrolling clerk of the house to make corrections to H.B. No. 1172.

HCR 248, Instructing the enrolling clerk of the house to make corrections to H.B. No. 2481.

HCR 250, Instructing the enrolling clerk of the senate to make corrections to S.B. No. 1863.

SCR 43, Instructing the enrolling clerk of the senate to make corrections in S.B. No. 39 relating to forensic evidence training for students enrolled in certain medical or nursing degree programs.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

(President in Chair)

HOUSE CONCURRENT RESOLUTION 245

The President laid before the Senate the following resolution:

WHEREAS, **HB 2702** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED, by the 79th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct House Bill No. 2702 as follows:

- (1) On page 4, line 2, strike "228" and substitute "223".
- (2) On page 4, line 3, strike "with regard to a toll project".
- (3) On page 4, line 7, strike "228" and substitute "223".
- (4) On page 4, line 8, strike "for toll projects".
- (5) On page 16, lines 2-3, strike "entity designated by an agency of the United States" and substitute "appropriate public agency or private entity with or".
- (6) On page 26, line 27, strike "of a" (first instance) and substitute "on a".
- (7) On page 27, line 1, strike "a new location of" and substitute "such".
- (8) On page 31, line 23, strike "222.104(c)" and substitute "222.104(d)(1)".
- (9) On page 32, line 9, strike "(c)" and substitute "(d)(1)".
- (10) On page 37, line 20, between "(e)" and "if", insert "or prequalified under Subsection (e-1)".
- (11) On page 49, strike lines 4-24 and substitute:
Sec. 227.004. ENVIRONMENTAL DOCUMENTATION. (a) The department shall include in a draft or final environmental impact statement prepared as part of the environmental review of a Trans-Texas Corridor project information detailing:
 - (1) the reasons for the immediate and future needs of the project;
 - (2) the reasonableness of and necessity for the project; and
 - (3) after a segment of the project has advanced:
 - (A) the reasons for the immediate and future needs for each mode of transportation in that segment of the project; and
 - (B) the reasonableness and necessity for each mode of transportation in that segment of the project.

(b) After receiving approval from the federal government, the department shall:

 - (1) post the final environmental impact statement on the department's Internet website, along with information concerning where a copy of the environmental impact statement may be reviewed or obtained; and

(2) provide notice to each state senator and representative who represents all or part of the area in which a segment of the project is located, and the commissioners court of each county in which a segment of the project is located, that the environmental impact statement is available on the department's Internet website.

(12) On page 53B, line 14, between "conservation district" and the comma, insert "or a subsidence district".

(13) On page 58, line 3, strike "or" and substitute "for".

(14) On page 63, line 22, between "under" and "a" insert this chapter, and a payment received by the department under".

(15) On page 64, line 14, strike "turnpike" and substitute "toll".

(16) On page 149, lines 26 and 27, strike "and 361.140-361.142" and substitute ", 361.140 and 361.141".

STAPLES

HCR 245 was read.

On motion of Senator Staples 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.

HOUSE CONCURRENT RESOLUTION 248

The President laid before the Senate the following resolution:

WHEREAS, **HB 2481** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, the bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED by the 79th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct House Bill No. 2481, in the section of the bill adding Section 382.0173(c)(2)(C), Health and Safety Code, between "the" and "unit", by inserting "fossil fuel fired".

HARRIS

HCR 248 was read.

On motion of Senator Harris 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.

MOTION IN WRITING

Senator Whitmire offered the following Motion In Writing:

Mr. President:

I move that the President be authorized to appoint two committees of five (5) Members each to notify the Governor and 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 Governor: Senators Madla, Eltife, Seliger, Zaffirini, and Wentworth and the following Committee to Notify the House of Representatives: Senators Brimer, Van de Putte, Harris, Jackson, and Barrientos.

MOTION TO ADJOURN SINE DIE

On motion of Senator Whitmire, the Senate of the 79th Legislature, Regular Session, at 6:53 p.m. agreed to adjourn sine die, in memory of the life of Filemon B. Vela of South Texas and in memory of John C. Nabors of Dallas, subject to the completion of administrative duties.

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:

SB 23, SB 30, SB 40, SB 42, SB 44, SB 45, SB 51, SB 91, SB 111, SB 122, SB 132, SB 151, SB 155, SB 166, SB 183, SB 269, SB 296, SB 327, SB 331, SB 343, SB 356, SB 369, SB 451, SB 522, SB 532, SB 573, SB 610, SB 623, SB 630, SB 658, SB 716, SB 732, SB 747, SB 781, SB 826, SB 827, SB 837, SB 851, SB 890, SB 921, SB 993, SB 995, SB 1037, SB 1044, SB 1050, SB 1074, SB 1112, SB 1130, SB 1146, SB 1149, SB 1170, SB 1175, SB 1192, SB 1195, SB 1246, SB 1255, SB 1264, SB 1283, SB 1340, SB 1433, SB 1452, SB 1481, SB 1525, SB 1528, SB 1551, SB 1570, SB 1579, SB 1626, SB 1652, SB 1691, SB 1707, SB 1740, SB 1751, SB 1772, SB 1798, SB 1807, SB 1820, SB 1821, SB 1823, SB 1836, SB 1871, SB 1872, SB 1873, SB 1881, SB 1887, SB 1891, SB 1 (signed subject to Sec. 49-a, Art. III, Texas Constitution), **SB 6, SB 9, SB 11, SB 14, SB 34, SB 52, SB 60, SB 265, SB 330, SB 408, SB 409, SB 410, SB 411, SB 444, SB 526, SB 567, SB 712, SB 757, SB 771, SB 805, SB 809, SB 872, SB 874, SB 882, SB 982, SB 988, SB 1038, SB 1055, SB 1103, SB 1131, SB 1142, SB 1173, SB 1176, SB 1188, SB 1189, SB 1227, SB 1273, SB 1290, SB 1297, SB 1413, SB 1604, SB 1605, SB 1641, SB 1668, SB 1670, SB 1710, SB 1830, SB 1831, SB 1892, SB 39, SB 568, SB 1704, SB 1863, SCR 42, SCR 43, HB 43, HB 62, HB 126, HB 129, HB 135, HB 157, HB 251, HB 270, HB 308, HB 370, HB 381, HB 407, HB 418, HB 473, HB 474, HB 480, HB 484, HB 505, HB 506, HB 511, HB 573, HB 578, HB 582, HB 617, HB 629, HB 637, HB 638, HB 647, HB 659, HB 669, HB 681, HB 699, HB 703, HB 706, HB 776, HB 825, HB 860, HB 867, HB 868, HB 900, HB 915, HB 967, HB 970, HB 989, HB 994, HB 1030, HB 1054, HB 1055, HB 1063, HB 1071, HB 1102, HB 1111, HB 1132, HB 1161, HB 1173, HB 1209, HB 1234, HB 1248, HB 1268, HB 1287, HB 1404, HB 1413, HB 1414, HB 1426, HB 1438, HB 1462, HB 1472, HB 1475, HB 1509, HB 1535, HB 1547, HB 1572, HB 1596, HB 1614, HB 1631, HB 1632, HB 1647, HB 1648, HB 1659, HB 1664, HB 1673, HB 1681, HB 1744, HB 1765, HB 1789, HB 1812, HB 1831, HB 1891, HB 1896, HB 1919, HB 1925, HB 1945, HB 1981, HB 1984, HB 1987, HB 1999, HB 2036, HB 2064, HB 2065, HB 2068, HB 2069, HB 2071, HB 2077, HB 2100, HB 2101, HB 2109, HB 2134, HB 2140, HB 2158, HB 2194, HB 2195, HB 2197, HB 2199, HB 2228, HB 2235, HB 2243, HB 2254, HB 2273, HB 2280, HB 2294, HB 2296, HB 2300, HB 2301, HB 2333, HB 2348, HB 2384, HB 2388,**

HB 2414, HB 2422, HB 2437, HB 2440, HB 2441, HB 2454, HB 2458, HB 2470, HB 2471, HB 2476, HB 2495, HB 2507, HB 2509, HB 2526, HB 2581, HB 2590, HB 2594, HB 2613, HB 2614, HB 2618, HB 2626, HB 2650, HB 2677, HB 2695, HB 2696, HB 2755, HB 2765, HB 2791, HB 2826, HB 2837, HB 2866, HB 2879, HB 2926, HB 2931, HB 2942, HB 2956, HB 2957, HB 2988, HB 2999, HB 3016, HB 3029, HB 3036, HB 3045, HB 3047, HB 3048, HB 3101, HB 3140, HB 3144, HB 3149, HB 3169, HB 3200, HB 3250, HB 3269, HB 3297, HB 3300, HB 3302, HB 3357, HB 3376, HB 3384, HB 3409, HB 3425, HB 3428, HB 3441, HB 3460, HB 3461, HB 3468, HB 3476, HB 3478, HB 3479, HB 3490, HB 3497, HB 3498, HB 3502, HB 3513, HB 3515, HB 3519, HB 3520, HB 3524, HB 3530, HB 3535, HB 3537, HB 3541, HB 3548, HB 3549, HB 3550, HB 3554, HB 3557, HB 3560, HB 3568, HB 3570, HB 3576, HCR 35, HCR 105, HCR 108, HCR 138, HCR 153, HB 34, HB 39, HB 51, HB 75, HB 133, HB 148, HB 160, HB 178, HB 201, HB 269, HB 312, HB 363, HB 365, HB 383, HB 412, HB 495, HB 541, HB 602, HB 616, HB 646, HB 731, HB 754, HB 765, HB 790, HB 809, HB 823, HB 831, HB 858, HB 914, HB 972, HB 984, HB 1053, HB 1079, HB 1106, HB 1140, HB 1162, HB 1181, HB 1208, HB 1215, HB 1238, HB 1244, HB 1252, HB 1253, HB 1323, HB 1353, HB 1379, HB 1470, HB 1484, HB 1502, HB 1516, HB 1567, HB 1571, HB 1580, HB 1584, HB 1588, HB 1589, HB 1601, HB 1611, HB 1622, HB 1636, HB 1687, HB 1733, HB 1771, HB 1775, HB 1799, HB 1813, HB 1823, HB 1851, HB 1928, HB 1934, HB 1939, HB 1977, HB 1996, HB 2059, HB 2139, HB 2218, HB 2266, HB 2337, HB 2339, HB 2376, HB 2382, HB 2408, HB 2428, HB 2466, HB 2473, HB 2518, HB 2569, HB 2574, HB 2579, HB 2593, HB 2627, HB 2640, HB 2653, HB 2661, HB 2680, HB 2716, HB 2753, HB 2769, HB 2806, HB 2810, HB 2823, HB 2839, HB 2856, HB 2941, HB 2958, HB 2966, HB 3093, HB 3221, HB 3235, HB 3426, HB 3434, HB 3469, HB 3528, HB 3531, HCR 49, HCR 88, HCR 98, HCR 117, HCR 154, HCR 166, HCR 172, HCR 193, HCR 204, HCR 207, HCR 214, HCR 216, HCR 222, HCR 225, HJR 54, HB 107, HB 120, HB 164, HB 192, HB 225, HB 261, HB 401, HB 467, HB 603, HB 607, HB 677, HB 747, HB 840, HB 853, HB 916, HB 934, HB 975, HB 988, HB 1012, HB 1077, HB 1092, HB 1114, HB 1274, HB 1294, HB 1317, HB 1366, HB 1399, HB 1483, HB 1544, HB 1546, HB 1575, HB 1582, HB 1583, HB 1606, HB 1644, HB 1672, HB 1701, HB 1718, HB 1737, HB 1740, HB 1751, HB 1767, HB 1826, HB 1829, HB 1867, HB 1940, HB 1959, HB 1986, HB 2026, HB 2104, HB 2180, HB 2257, HB 2267, HB 2303, HB 2344, HB 2381, HB 2430, HB 2463, HB 2630, HB 2639, HB 2667, HB 2694, HB 2759, HB 2767, HB 2772, HB 2815, HB 2819, HB 2883, HB 2894, HB 2965, HB 3024, HB 3112, HB 3162, HB 3262, HCR 30, HCR 194, HCR 215, HB 10, HB 55, HB 167, HB 183, HB 260, HB 265, HB 266, HB 283, HB 468, HB 580, HB 585, HB 664, HB 698, HB 836, HB 843, HB 873, HB 880, HB 905, HB 955, HB 969, HB 1207, HB 1225, HB 1357, HB 1358, HB 1610, HB 1634, HB 1690, HB 1772, HB 1773, HB 1800, HB 1820, HB 1830, HB 1835, HB 1855, HB 2027, HB 2048, HB 2161, HB 2421, HB 2438, HB 2465, HB 2510, HB 2525, HB 2604, HB 2668, HB 2678, HB 2793, HB 2808, HB 2876, HB 2928, HB 3333, HB 3485, HB 3518, HB 3526, HB 3539, HB 3563, HCR 157, HCR 158, HCR 189, HCR 190, HCR 201, HCR 213, HCR 217, HCR 218, HCR 224, HCR 232, HJR 80, HB 7, HB 182, HB 872, HB 1048, HB 2120,

HB 2129, HB 2217, HB 2221, HB 2309, HB 908, HB 925, HB 1068, HB 1116, HB 1126, HB 1172, HB 1763, HB 2110, HB 2157, HB 2201, HB 2423, HB 2481, HB 2491, HB 2572, HB 2702, HB 3001, HB 3152, HB 3376, HCR 187, HCR 188, HCR 205, HCR 223, HCR 226, HCR 230, HCR 231, HCR 233, HCR 234, HCR 235, HCR 236, HCR 237, HCR 238, HCR 239, HCR 240, HCR 241, HCR 245, HCR 248.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 1092 by Van de Putte, In memory of Mary Jo Massara of San Antonio.
SR 1097 by Nelson, In memory of Steven C. Tucker of Grapevine.
SR 1101 by Lucio, In memory of Marcia Jean Parrish Shedden.
SR 1110 by Janek, In memory of Lois Ruth Buckner of Corpus Christi.
SR 1111 by Ellis, In memory of Ed Wendt of Houston.
HCR 205 (Deuell), In memory of Stanley and Jake Avery of Sulphur Springs.
HCR 226 (Deuell), In memory of Billy T. Burney of Sulphur Springs.
HCR 231 (Seliger), In memory of the Honorable Pat McKinney Baskin of Midland.

Congratulatory Resolutions

SR 1106 by Staples, Recognizing Jack H. Holland on the occasion of his retirement.
SR 1107 by Staples, Commending Eric Crawford for his service in Iraq.
SR 1108 by Whitmire, Commending Heath Lawson of Houston for achieving the rank of Eagle Scout.
SR 1109 by Fraser, Recognizing Joe E. Ramirez, Jr., for his service to his country.
HCR 223 (Deuell), Honoring the sesquicentennial of Sulphur Springs.
HCR 237 (Madla), Honoring Jose Montemayor for his outstanding public service on the occasion of his retirement as Texas insurance commissioner.

Official Designation Resolutions

HCR 187 (Fraser), Designating the Hill Country as the Official Lavender Growing Region of Texas.
HCR 188 (Fraser), Designating the Blanco Lavender Festival as the Official Lavender Festival of Texas.

ADJOURNMENT SINE DIE

The President announced that the hour for final adjournment of the Regular Session of the 79th Legislature had arrived and, in accordance with a previously adopted motion, declared the Regular Session of the 79th Legislature adjourned sine die, in memory of the life of Filemon B. Vela of South Texas and in memory of John C. Nabors of Dallas, at 1:55 p.m. Wednesday, June 1, 2005.

APPENDIX

SIGNED BY GOVERNOR

May 20, 2005

SB 99, SB 220, SB 272, SB 286, SB 350, SB 454, SB 489, SB 552, SB 599, SB 728, SB 879, SB 1000, SB 1199, SB 1211, SB 1224, SB 1253, SB 1309, SB 1428, SB 1436, SB 1464, SB 1593, SB 1621, SCR 25

May 24, 2005

SB 602, SB 1302, SB 1754, SCR 33

May 28, 2005

SB 1331

SENT TO GOVERNOR

May 30, 2005

SB 150, SB 293, SB 419, SB 427, SB 495, SB 563, SB 565, SB 569, SB 578, SB 624, SB 810, SB 907, SB 990, SB 1063, SB 1107, SB 1113, SB 1122, SB 1133, SB 1137, SB 1139, SB 1147, SB 1151, SB 1202, SB 1204, SB 1205, SB 1206, SB 1226, SB 1271, SB 1275, SB 1282, SB 1339, SB 1353, SB 1370, SB 1377, SB 1395, SB 1421, SB 1426, SB 1450, SB 1458, SB 1498, SB 1507, SB 1533, SB 1589, SB 1591, SB 1592, SB 1663, SB 1673, SB 1686, SB 1692, SB 1730, SB 1769, SB 1809, SB 1811, SB 1826, SB 1828, SB 1844, SB 1846, SB 1850, SB 1853, SB 1866, SB 1867, SB 1870, SB 1875, SB 1883, SB 1889, SB 1894

SENT TO COMPTROLLER

May 31, 2005

SB 1

SENT TO GOVERNOR

May 31, 2005

SB 6

June 1, 2005

SB 9, SB 11, SB 14, SB 23, SB 30, SB 34, SB 39, SB 40, SB 42, SB 44, SB 45, SB 51, SB 52, SB 60, SB 91, SB 111, SB 122, SB 132, SB 151, SB 155, SB 166, SB 183, SB 265, SB 269, SB 296, SB 327, SB 330, SB 331, SB 343, SB 356, SB 369, SB 408, SB 409, SB 410, SB 411, SB 444, SB 451, SB 522, SB 526, SB 532, SB 567, SB 568, SB 573, SB 610, SB 623, SB 630, SB 658, SB 712, SB 716, SB 732, SB 747, SB 757, SB 771, SB 781, SB 805, SB 809, SB 826, SB 827, SB 837, SB 851, SB 872, SB 874, SB 882, SB 890, SB 921, SB 982, SB 988, SB 993, SB 995, SB 1037, SB 1038, SB 1044, SB 1050, SB 1055, SB 1074,

SB 1103, SB 1112, SB 1130, SB 1131, SB 1142, SB 1146, SB 1149, SB 1170, SB 1173, SB 1175, SB 1176, SB 1188, SB 1189, SB 1192, SB 1195, SB 1227, SB 1246, SB 1255, SB 1264, SB 1273, SB 1283, SB 1290, SB 1297, SB 1340, SB 1413, SB 1433, SB 1452, SB 1481, SB 1525, SB 1528, SB 1551, SB 1570, SB 1579, SB 1604, SB 1605, SB 1626, SB 1641, SB 1652, SB 1668, SB 1670, SB 1691, SB 1704, SB 1707, SB 1710, SB 1740, SB 1751, SB 1772, SB 1798, SB 1807, SB 1820, SB 1821, SB 1823, SB 1830, SB 1831, SB 1836, SB 1863, SB 1871, SB 1872, SB 1873, SB 1881, SB 1887, SB 1891, SB 1892, SCR 42, SCR 43

SIGNED BY GOVERNOR

June 1, 2005

SB 276

SENT TO GOVERNOR

June 3, 2005

SB 1

SIGNED BY GOVERNOR

June 6, 2005

SB 6, SB 419

June 9, 2005

SB 23, SB 271, SB 890, SB 1875

June 15, 2005

SB 66

June 16, 2005

SB 995

June 17, 2005

SB 44, SB 46, SB 48, SB 50, SB 51, SB 53, SB 56, SB 96, SB 114, SB 132, SB 143, SB 144, SB 149, SB 164, SB 188, SB 189, SB 200, SB 212, SB 213, SB 224, SB 254, SB 255, SB 256, SB 261, SB 263, SB 264, SB 265, SB 270, SB 293, SB 302, SB 310, SB 316, SB 318, SB 325, SB 335, SB 338, SB 347, SB 363, SB 381, SB 382, SB 387, SB 396, SB 415, SB 425, SB 427, SB 429, SB 436, SB 439, SB 442, SB 443, SB 450, SB 452, SB 465, SB 468, SB 471, SB 480, SB 483, SB 485, SB 493, SB 500, SB 502, SB 11, SB 30, SB 39, SB 40, SB 42, SB 45, SB 52, SB 60, SB 91, SB 155, SB 166, SB 183, SB 269, SB 296, SB 343, SB 356, SB 369, SB 408, SB 411, SB 423, SB 444, SB 451, SB 495, SB 522, SB 526, SB 532, SB 563, SB 567, SB 568, SB 573, SB 610, SB 630, SB 658, SB 716, SB 732, SB 742, SB 747, SB 760, SB 776, SB 781, SB 784, SB 792, SB 804, SB 805, SB 809, SB 810, SB 812, SB 826, SB 827, SB 828, SB 829, SB 837, SB 851, SB 863, SB 866, SB 867, SB 872, SB 874, SB 882, SB 883, SB 884, SB 885, SB 886, SB 887, SB 889, SB 891, SB 898, SB 907, SB 910, SB 912, SB 920, SB 921, SB 945, SB 951, SB 955, SB 967, SB 982, SB 984,

SB 986, SB 988, SB 990, SB 993, SB 1002, SB 1017, SB 1032, SB 1037, SB 1038, SB 1044, SB 1045, SB 1050, SB 1055, SB 1063, SB 1074, SB 1090, SB 1103, SB 1106, SB 1107, SB 1131, SB 1137, SB 1146, SB 1149, SB 1170, SB 1192, SB 1205, SB 1283, SB 1377, SB 1426, SB 1452, SB 1528, SB 1551, SB 1626, SB 1663, SB 1670, SB 1798, SB 1820, SB 1826, SB 1830, SB 1831, SB 1846, SB 1863, SB 1872, SB 1873, SB 1881, SB 14, SB 34, SB 111, SB 122, SB 150, SB 291, SB 308, SB 327, SB 330, SB 409, SB 428, SB 509, SB 511, SB 517, SB 521, SB 554, SB 555, SB 565, SB 569, SB 579, SB 593, SB 611, SB 619, SB 621, SB 623, SB 624, SB 626, SB 637, SB 651, SB 665, SB 668, SB 672, SB 678, SB 679, SB 690, SB 691, SB 702, SB 712, SB 727, SB 729, SB 736, SB 737, SB 739, SB 1105, SB 1108, SB 1112, SB 1113, SB 1122, SB 1130, SB 1133, SB 1139, SB 1142, SB 1147, SB 1151, SB 1173, SB 1175, SB 1176, SB 1186, SB 1188, SB 1193, SB 1202, SB 1206, SB 1214, SB 1226, SB 1238, SB 1247, SB 1257, SB 1258, SB 1264, SB 1271, SB 1275, SB 1281, SB 1282, SB 1284, SB 1290, SB 1297, SB 1311, SB 1330, SB 1339, SB 1340, SB 1345, SB 1351, SB 1353, SB 1354, SB 1370, SB 1378, SB 1395, SB 1408, SB 1413, SB 1421, SB 1425, SB 1434, SB 1435, SB 1437, SB 1447, SB 1448, SB 1450, SB 1455, SB 1458, SB 1461, SB 1465, SB 1469, SB 1473, SB 1479, SB 1480, SB 1481, SB 1485, SB 1491, SB 1507, SB 1524, SB 1525, SB 1564, SB 1569, SB 1570, SB 1579, SB 1587, SB 1589, SB 1591, SB 1592, SB 1604, SB 1641, SB 1652, SB 1668, SB 1673, SB 1686, SB 1692, SB 1693, SB 1707, SB 1710, SB 1713, SB 1730, SB 1740, SB 1751, SB 1769, SB 1772, SB 1786, SB 1787, SB 1791, SB 1792, SB 1795, SB 1799, SB 1800, SB 1801, SB 1802, SB 1803, SB 1804, SB 1805, SB 1806, SB 1807, SB 1808, SB 1809, SB 1810, SB 1811, SB 1813, SB 1823, SB 1828, SB 1836, SB 1840, SB 1844, SB 1847, SB 1848, SB 1850, SB 1851, SB 1853, SB 1855, SB 1864, SB 1865, SB 1866, SB 1870, SB 1871, SB 1882, SB 1883, SB 1884, SB 1887, SB 1888, SB 1889, SB 1891, SB 1892

VETOED BY GOVERNOR

June 17, 2005

SB 433, SB 757, SB 833, SB 1195, SB 1203, SB 1246, SB 1433, SB 1440, SB 1555, SB 1821, SB 1867

SIGNED BY GOVERNOR

June 18, 2005

SB 1 (Line item veto), SB 9, SB 121, SB 151, SB 171, SB 241, SB 314, SB 331, SB 399, SB 410, SB 578, SB 709, SB 771, SB 815, SB 839, SB 998, SB 1018, SB 1026, SB 1189, SB 1204, SB 1227, SB 1255, SB 1273, SB 1424, SB 1498, SB 1518, SB 1533, SB 1605, SB 1691, SB 1704, SB 1894, SCR 2, SCR 6, SCR 9, SCR 12, SCR 16, SCR 17, SCR 18, SCR 19, SCR 21, SCR 22, SCR 27, SCR 30, SCR 36, SCR 39, SCR 40, SCR 42, SCR 43

FILED WITHOUT SIGNATURE OF GOVERNORJune 18, 2005**SB 18****VETOED BY GOVERNOR**June 18, 2005**SB 1** (Line item veto)**VETO PROCLAMATIONS**

The following Veto Proclamations by the Governor were filed with the Secretary of the Senate:

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 433 as passed by the Seventy-Ninth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 433 would give private citizens broad powers of a public authority with little public accountability. The airport districts allowed in this bill would have the power to condemn public and private property, the ability to sell bonds without the approval of the Attorney General, exempt them from municipal zoning laws, and place no requirements for competitive bidding.

Under current law, cities have sufficient statutory authority to build and operate airports and have no need for special airport districts. Counties interested in operating an airport have the ability to apply to the Texas Department of Transportation for the formation of a Regional Mobility Authority. Knowing the importance of general aviation to our state, I will direct the Texas Transportation Commission to study statewide general aviation issues and develop legislative recommendations for the 80th legislature.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 757 as passed by the Seventy-Ninth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 757 is fundamentally the same as House Bill No. 1839 from the Seventy-Eighth Legislative Session which I vetoed. The bill would reduce local control by mandating the use of private third-party providers in gathering information about pawnbroker transactions. The bill also would limit the type and extent of pawn transaction information available to local law enforcement.

For example, the bill would require pawn transaction information to be submitted electronically if the pawnbroker generates computerized tickets. According to information collected by the Office of Consumer Credit Commissioner, approximately 90 percent of the pawn shops in Texas produce computerized tickets; therefore all of the pawn transaction information would be submitted electronically. Under the bill, local law enforcement would receive restricted transaction information, while a third-party provider would receive all transaction information. In order to continue receiving all transaction data, as they now do, law enforcement would have to purchase the information from a third-party provider.

With this veto message, I hope to discourage legislators from further attempts to reduce law enforcement's access to pawn transaction information.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 833 as passed by the

Seventy-Ninth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 833 would require that Travis County, should it create a reinvestment zone as part of developing a new commuter rail project, devote a portion of the tax increment finances created within the zone for building affordable housing. I respect the intent of this legislation. My administration strongly supports affordable housing and efforts to expand housing opportunities for working Texans.

However, local governments use tax increment financing to promote economic growth and redevelopment in designated areas. The success of these zones depends on local government officials and citizens setting priorities for the zone, as well as strong local management to see that the zone's intended purposes are met. These zones are intended to finance and implement complex economic development strategies to benefit an entire community, and certainly few projects will be as complex as those associated with a new commuter rail project in Travis County. For this reason, I oppose setting in state law the priorities of a reinvestment zone in Travis County.

Moreover, as the Texas economy continues to grow, our communities are meeting the challenges of expanding their transportation infrastructure. That is why I am opposed to diverting limited funding for critical transportation projects to any other purpose. While the reinvestment zone envisioned in Senate Bill No. 833 would not directly fund rail construction in Travis County, the zone is an integral part of making the rail line successful and promoting the economic vitality of the adjacent area. I am confident that officials and concerned citizens in Travis County will make wise decisions as to how best to use tax increment financing associated with any new commuter rail project, and meet the needs of all of the county's residents.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1195 as passed by the Seventy-Ninth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 1195 would require law enforcement officers, in certain traffic stop situations, to get a signed or video or audio taped consent before searching a vehicle.

A limited number of jurisdictions in Texas already require their officers to get a signed or recorded consent before searching a vehicle, and there is nothing in current law that prohibits other entities from adopting policies that require their officers to receive written consent prior to conducting searches.

I believe we already have sufficient protections in our Constitution and case law that protect Texans against unreasonable searches. Furthermore, there is insufficient information available at this time to determine whether signed or taped consent requirements place too onerous a burden on law enforcement or provide additional protections to the public. I would expect members of the legislature to review this issue during the interim and to bring back their findings to the 80th legislative session.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1203 as passed by the

Seventy-Ninth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 1203 would authorize property owners to designate an agent to receive tax refunds on their behalf, but would fail to protect property owners from unreasonable charges, which often amount to as much as 50 percent of the refund owed the taxpayer.

This bill furthermore would direct appraisal districts and taxing entities to send tax refunds to third-party agents rather than directly to the taxpayers. As such, this bill is tantamount to establishing a fee-collection system for third-party agents. While these collection firms claim to provide a public service, it should be incumbent upon appraisal districts and taxing entities to provide sufficient information to property owners on how to obtain a refund at no cost, and to make it easier for property owners to obtain those refunds.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1246 as passed by the Seventy-Ninth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 1246 would require certain counties and cities that do not currently allow mixed drink sales in restaurants to hold elections to legalize such sales. This is a major departure from the state's long-time policy of allowing local residents to decide for themselves if they want a liquor election by filing a petition calling for one, rather than having the legislature dictate that an election be held.

Under our traditional system, residents have the option of petitioning for an election if they want one or to refrain from petitioning if they are satisfied with their local wet or dry status. This bill requires every city or county which meets certain population criteria and which currently does not allow

restaurants to sell mixed beverages to hold an election for the legalization of mixed drink sales in restaurants without a petition. This would deprive residents of areas affected by the bill of one of the two protections enjoyed by all other counties to ensure that their wishes for their neighborhood are respected.

This bill would also affect counties which are not currently large enough to be covered by the bill, but which pass the bill's population limits in the future, since it requires an election as soon as the city or county passes the population threshold.

Our current system allows local residents to decide if they want a liquor election. The dual process of petition and election is the best way to ensure that Texans can continue to be in charge of the destiny of their neighborhoods. We should not take this important tool of local control away from them.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1433 as passed by the Seventy-Ninth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 1433 would mandate Emergency Service Districts serving populations of 30,000 or more to provide the same civil service system to their firefighters that cities provide municipal firefighters. Civil service system benefits – including longevity and classification pay – would increase the cost to these districts, and voters would have no ability to vote on the civil service system provided by this bill. Because emergency service districts are more limited in their ability to raise revenue than cities, the districts would face difficulty meeting the increased costs associated with a civil service system.

Furthermore, the bill would require districts that drop below the 30,000 population threshold to continue the civil service system, even though they would have a lower tax base to fund the system. The appeal and grievance procedures required by the bill may result in legal and administrative costs beyond the district's capability to manage, thus negatively impacting their operation, and that is a concern expressed by emergency service districts about this bill.

It is my intent to work with Emergency Service Districts so that in the 80th legislative session we can provide employment protections for our firefighters while also resolving how to address entities whose populations may drop below the 30,000 threshold.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1440 as passed by the Seventy-Ninth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 1440 would allow a municipality to use sales tax dollars to pay for bonds and other financing mechanisms related to tax increment reinvestment zones, designated enterprise or empowerment zones, and other economic development entities. No local vote would be required to approve this change.

I am vetoing Senate Bill No. 1440 because these alternative economic development financing options are designed to be self-supporting, where the development pays for itself through increased property tax revenue from property improvements. Sales tax dollars should not be used to subsidize this development without the consent of the citizens.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1555 as passed by the Seventy-Ninth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 1555 would allow the Greater East End Management District in Houston to impose assessments on multi-unit residential property consisting of more than 13 units. Currently, the district is prohibited from imposing assessments or taxes on any residential property. The general law governing management districts prohibits districts from imposing impact fees, assessments or taxes on single-family detached residential property, duplexes, triplexes or quadraplexes. The language in this bill would allow for the first time for the management district to assess property taxes on single family homes. Imposing property taxes and assessments on single-family residential property is contrary to the general law governing municipal management districts.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1821 as passed by the Seventy-Ninth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 1821 is being vetoed at the request of the author.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Rick Perry, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 1867 as passed by the Seventy-Ninth Texas Legislature, Regular Session, because of the following objections:

Senate Bill No. 1867 would create the NASA Area Management District. A confirmation election would not be required to create the district. The district would have the power to levy assessments, issue bonds, and impose ad valorem, maintenance, and sales taxes without voter approval. The district would also have the power to impose an assessment on single-family residential property. This bill would also allow an appointed board to impose property taxes and assessments on single-family residential property without voter approval, which is contrary to the general law governing municipal management districts.

Because the management district would encompass the exact same territory as the city, it effectively would represent double taxation for city residents without even the ability to vote on it.

Finally, this bill represents a major departure from standard management districts.

Since the Legislature by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17th day of June, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Senate Bill No. 1, the General Appropriations Act, having been duly certified by the Comptroller of Public Accounts pursuant to Article III, Section 49a of the Texas Constitution, has been presented to me for action. The bill would appropriate an estimated \$139.4 billion from all fund sources, including \$65.6 billion from the General Revenue Fund for the fiscal biennium beginning September 1, 2005. General revenue spending would increase by \$5.9 billion or 9.8% compared to the current biennium.

As I discussed in my State of the State address in January, Texans have a right to an unambiguous and understandable state budget that shows how tax dollars are spent. Senate Bill No. 1 continues the recent practice of combining numerous programs into enormous line items of appropriation that allow too much discretion in the use of public dollars. This practice restricts the ability of a governor to exercise the constitutional authority to line item veto. For instance, hidden in the Parks and Wildlife Department's budget is \$1,000,000 to construct bird watching facilities. Over \$18 billion is appropriated to higher education in lump sums that would require the governor to veto an entire university to reject any provincial, outdated or ill-advised spending item.

I am vetoing the appropriations to the Texas Education Agency because the legislature did not make the best use of resources available for public education. By not passing House Bill No. 2 the legislature failed to make meaningful reforms in education policy, improve student performance, increase accountability, provide better teacher compensation, and did not appropriately fund textbooks and classroom technology. The legislature left an estimated \$2 billion on the table that could have been used for these purposes.

My line item vetoes total \$23.4 billion in general revenue and \$35.3 billion in all funding sources. Totals excluding the Texas Education Agency are \$576.6 million in general revenue and \$1.7 billion in all funds.

I hereby object to and veto the following items from Senate Bill No. 1 and include a statement of my objections to each of those items.

Article I – General Government

Commission on the Arts	2006	2007
C.1.2. Information Resources	\$314,252	\$217,151

This veto deletes an appropriation for information resources. The agency should maintain its computer technology within current funding.

5. Unexpended Balances within the Biennium. ~~Any unexpended balances in appropriations made to Strategy A.1.2, Arts Education Grants, remaining as of August 31, 2006, are hereby appropriated to the Commission on the Arts for the fiscal year beginning September 1, 2006, for the same purpose.~~

This veto deletes the ability to carry grant fund balances from year to year. The agency should award and make grants in the year funds are appropriated.

Trusteed Programs within the Office of the Governor	2006	2007
A.1.1 Agency Grant Assistance	\$6,879,264	UB

This veto deletes the Governor's Emergency and Deficiency Grants, 94 percent of which were transferred by rider to another agency to fund ongoing operations substantially limiting the purpose of an appropriation to handle one-time short falls or unanticipated expenses.

24. Contingency Appropriation for Senate Bill 1096. ~~Contingent upon the enactment of Senate Bill 1096, or similar legislation by the Seventy ninth Legislature, Regular Session, 2005, all amounts transferred from the Employment and Training Investment Holding Fund to the General Revenue Dedicated Texas Enterprise Fund Account No. 5107, not to exceed \$130,000,000, are hereby appropriated out of the General Revenue Dedicated Texas Enterprise Fund Account No. 5107 to the Trusteed Programs Within the Office of the Governor Strategy A.1.8, Texas Enterprise Fund for the purposes of economic development initiatives in accordance with Government Code § 481.078.~~

This veto deletes a contingent rider for a bill that did not pass. Article IX Section 14.17 repeals this rider.

27. Contingency Appropriation for Senate Bill 1100. ~~Contingent upon the enactment of Senate Bill 1100, or similar legislation, related to the promotion of tourism relating to the musical heritage of this state, it is the intent of the Legislature that \$10 million in federal Transportation Enhancement Program funds administered by the Texas Department of Transportation be made available during the biennium for whichever entity is designated as the official Texas museum of music history by the Trusteed Programs Within the Office of the Governor, provided that such entity meets federal grants requirements of the federal Transportation Enhancement Program as defined by the federal regulation of the U.S. Department of Transportation, Federal Highway Administration, under Title 23 of the United States Code. The Texas Department of~~

~~Transportation will review the Texas museum of music history project to determine if the project meets the federal Transportation Enhancement Program guidelines in Title 23 of the United States Code. It is the intent of the Legislature that funds appropriated above would cover allowed costs of administering the Texas museum of music history project approved for federal Transportation Enhancement Program funds.~~

~~In addition, the Texas Department of Transportation may redirect obligated funds previously obligated for the Texas museum of music history under the Transportation Enhancement Program to other available projects should the project fail to receive federal approval or federal Transportation Enhancement Program funds are not available due to changes in federal laws, rules, regulations, or appropriations.~~

This veto deletes a contingent rider for a bill that did not pass.

Article II – Health and Human Services

Department of Aging and Disability Services

51. Contingent Appropriations for Nursing Facilities and Hospice Payments.

~~Appropriations made above from nursing facility quality assurance fee (QAF) revenues are contingent upon the enactment of authorizing legislation and federal approval of necessary waiver requests and state plan amendments required to comply with federal regulations under 42 C.F.R. Section 433.68(e). It is the intent of the Legislature that appropriations from this source be used to enhance the quality of care provided to nursing home residents, improve payment rates to providers and finance the transition to a more effective reimbursement methodology. Appropriations made above include the amounts necessary to fund the following specific purposes: 1) the Medicaid rate increase required to reimburse providers for the QAF associated with Medicaid units of service (\$132,346,268 GR Dedicated, Estimated and \$207,700,669 in Federal Funds); 2) increased costs resulting from increased resident acuity (\$14,733,470 GR Dedicated, Estimated and \$23,310,378 in Federal Funds); 3) restoration of rates to FY 2003 levels (\$30,764,589 GR Dedicated, Estimated and 48,280,878 in Federal Funds); 4) provider rate payments (\$166,100,000 GR Dedicated, Estimated and \$260,671,752 in Federal Funds); and 5) costs associated with a rate reimbursement methodology for Nursing Facilities based upon a Resource Utilization Groups Resident Classification System RUGS III (\$3,300,000 GR Dedicated, Estimated and \$3,300,000 in Federal Funds).~~

This veto deletes a contingent appropriation for a new requirement that did not pass. Additionally, the proposed quality assurance fee would have unfairly penalized nursing facilities that do not have Medicaid clients by imposing a tax on those facilities for which the residents would receive absolutely no benefit. Future increases in nursing home appropriations should be funded with general revenue.

Department of Assistive and Rehabilitative Services

31. Contingency for House Bill 2. ~~Contingent upon enactment of House Bill 2 or similar legislation relating to public education and public school finance matters, by the Seventy ninth Legislature, Regular Session, \$1,657,877 in fiscal year 2006 and \$3,267,736 in fiscal year 2007 shall be set aside from the special education allotment out of funds appropriated to the Texas Education Agency, and transferred to the Department of Assistive and Rehabilitative Services via interagency contract for the~~

~~purpose of providing transition services to students with disabilities through the Vocational Rehabilitation program. These funds shall be classified as Interagency Contracts Transfer from Foundation School Fund No. 193. The matching Vocational Rehabilitation Federal Funds are estimated to be \$6,125,524 in fiscal year 2006 and \$12,073,631 in fiscal year 2007.~~

~~Funds shall be transferred by October 1 of each fiscal year. In addition to the TEA special education funds, it is the intent of the legislature that VR federal funds be used to fund this program in the amount of \$1,657,877 in fiscal year 2006 and \$3,267,736 in fiscal year 2007.~~

~~Prior to expenditure of other funds received through interagency contract with the Texas Education Agency DARS shall report in writing to the Legislative Budget Board and the Governor the amount of state and federal funds the agency will allocate to transition services in Strategies B.1.3 and B.3.1 in each fiscal year of the biennium. The report shall include the number of students with disabilities expected to be served, services to be provided with the funds, and any other details of the transition services requested by the Legislative Budget Board or the Governor.~~

~~Contingent upon enactment of House Bill 2 or similar legislation, DARS is required to enter into a Memorandum of Understanding (MOU) with the Texas Education Agency for the purpose of providing transition services to students with disabilities through the Vocational Rehabilitation program. The MOU may include provisions the agencies deem necessary. DARS shall provide a signed copy of the MOU to the Legislative Budget Board and the Governor, no later than September 1, 2005 and September 1, 2006.~~

~~DARS shall submit quarterly reports to the Legislative Budget Board and the Governor that provide information about the number of students with disabilities served in Strategies B.1.3 and B.3.1 and details of funded services. The format of the reports and details of information included shall be specified by the Legislative Budget Board.~~

~~Performance measure targets will be adjusted upon enactment of House Bill 2 for Strategy B.1.3 (Number of Consumers Served) and Strategy B.3.1 (Number of Consumers Served) to reflect the contingency appropriation.~~

This veto deletes a contingent rider for a bill that did not pass.

<u>Health and Human Services Commission</u>	<u>2006</u>	<u>2007</u>
B.2.3. Medicare Federal Give Back	\$154,004,346	\$290,251,488

This veto deletes both years of the appropriation to fund the state's contribution to the new Medicare Part D benefit for recipients eligible for Medicaid and Medicare services (i.e., dual eligibles). I strongly support the federal assumption of prescription drug costs for dual eligibles. Texas will be a full partner in the success of implementing and ensuring a smooth transition of dual eligible individuals to the new Part D benefit in January 2006. This appropriation is based on a preliminary estimate which may not accurately reflect the final methodology used by the federal government.

I continue to object to the Center for Medicare and Medicaid Services' interpretation of the state payment formula (i.e., clawback) and believe it penalizes states like Texas that have taken innovative steps to provide Medicaid drug benefits, control drug cost increases, and manage overall program costs trends. I am also concerned about new state administrative costs associated with the Medicare benefit and believe the federal government must clarify the federal-state roles and responsibilities in providing eligibility determination. Therefore, it is my intention to seek further changes at the federal level as soon as possible to ensure that the calculation of the clawback amount appropriately recognizes the aggressive efforts by Texas to reduce the rate of growth on prescription drug spending.

Article III – Education

<u>Texas Education Agency</u>	2006	2007
All items of appropriation	\$17,061,030,543	\$16,705,509,503
Contingency appropriation, Rider 94	(+145,000,000)	

This veto eliminates all appropriations for the Texas Education Agency including contingency appropriation rider 94. Textbook funding provided by HB 10 is not changed by this action.

<u>Higher Education Coordinating Board</u>	2006	2007
B.1.10. Strategy: OAG Lawyers Loan Repayment	\$486,556	\$75,000

This veto is intended to reduce tuition costs for law students at Texas public law schools. The Office of the Attorney General Lawyers Loan Repayment program requires law students in Texas public law schools to pay an additional one percent tuition charge in order to fund the repayment of loans for attorneys in the Office of the Attorney General. There is no limitation that the funds from the Texas public law students be used only for students educated in Texas public law schools. This results in Texas public law students potentially paying for the education loans of students from private and out of state institutions. This statutory financial aid program should be eliminated, and the tuition set aside ended in order to lower the cost of earning a legal degree for all public law school students and to recognize that lawyers in the Office of the Attorney General received a seventeen and a half percent pay raise for the coming biennium.

~~41. OAG Lawyer's Loan Repayment Program. The funds provided to the OAG Lawyer's Loan Repayment Program are appropriated in accordance with Education Code §§61.9721-61.9732 for providing education loan repayments for attorneys who agree to work for the Office of Attorney General for one year. All balances in the General Revenue Fund that are dedicated tuition set asides under this program as of August 31, 2005, estimated to be \$411,556, and all receipts received during the biennium are hereby appropriated to the Coordinating Board for the biennium ending August 31, 2007 for the same purpose. Any balances on hand at the end of fiscal year 2006 may be carried over to the fiscal year 2007 and any such funds are appropriated for fiscal year 2007 for the same purpose.~~

This veto deletes a rider for the financial aid program, the funding for which was vetoed.

Article IV – JudiciaryOffice of Court Administration, Texas Judicial Council

16. Contingency Appropriation for Senate Bill 368. ~~Contingent on passage of Senate Bill 368 or similar legislation by the Seventy ninth Legislature relating to compensation of state judges, and the Comptroller of Public Accounts issuing a finding of fact certifying additional revenue collections from fees, fines, and court costs during the 2006-07 biennium in Judicial Fund No. 573 that exceed the Comptroller of Public Accounts Biennial Revenue Estimate for these items by at least \$103,550 in fiscal year 2006 and \$24,848 in fiscal year 2007, the Office of Court Administration is appropriated \$103,550 in fiscal year 2006 and \$24,848 in fiscal year 2007 out of the Judicial Fund No. 573 in Strategy A.1.2, Information Technology, for the purpose of implementing live broadcasts of Supreme Court proceedings over the Internet. Any unexpended balances in these funds as of August 31, 2006 are hereby appropriated to the Office of Court Administration for the fiscal year beginning September 1, 2006 for the same purposes.~~

This veto deletes a contingent rider for a judicial salary increase which did not pass in any legislation.

Article V – Public Safety and Criminal JusticeTexas Department of Criminal Justice

	2006	2007
C.I.10 Contracted Temporary Capacity	\$19,850,729	\$43,814,542

This veto deletes the FY 2006 appropriation for contracted temporary capacity at the Texas Department of Criminal Justice (TDCJ). The agency received \$15.9 million in emergency appropriations in House Bill 10, but will not spend all of this funding in 2005. In addition, the appropriation for this purpose in FY 2007 is more than twice the appropriation for 2006. The projected need for contracted beds, combined with the lapsed funding over the next biennium does not support this increase. Since TDCJ has rider authority to move funds between fiscal years if necessary, the agency can use the 2007 appropriation to fund this strategy for the entire biennium. The federal funds included in this strategy would remain available to TDCJ per Article IX, Sec. 8.02.

82. Contingency Appropriation for House Bill 1093. ~~Contingent upon the enactment of House Bill 1093 by the Seventy ninth Legislature, Regular Session, or similar legislation relating to the eligibility of certain inmates of the Texas Department of Criminal Justice for medically recommended intensive supervision, the Texas Department of Criminal Justice's appropriations in Strategy C.1.8, Managed Healthcare, are hereby reduced by \$765,717 for fiscal year 2006 and \$838,017 for fiscal year 2007 from General Revenue Funds.~~

This veto deletes a contingent rider for a bill that did not pass.

Texas Military Facilities Commission

	2006	2007
All items of appropriation	\$7,002,367	\$17,846,113

This veto eliminates funding for the Texas Military Facilities Commission. The primary function of this agency is to acquire property and manage facilities for the Texas National Guard. At this time of transition, during the federal base realignment and closure process, it has become clear that the uniformed personnel of the Texas

National Guard require and deserve the direct control of their facilities' management. This veto is intended to give the Texas National Guard a more direct way to maintain personnel readiness through facilities management.

The duties and functions of this agency will be transferred to another entity by Executive Order.

Article VI – Natural Resources

Railroad Commission

15. Contingency Appropriation: Oil Field Cleanup Account and General Revenue Fee Allocations. ~~Notwithstanding other provisions contained in this Act, contingent upon the passage of legislation by the Seventy Ninth Legislature modifying the allocation of fee revenues from oil and gas operators deposited to the credit of the General Revenue Fund and the Oil Field Cleanup Account No. 145, appropriations to the Railroad Commission are hereby modified as follows:~~

~~(1) Appropriations out of the General Revenue Fund are hereby increased by \$3,429,891 in fiscal year 2006 and by \$2,808,050 in fiscal year 2007 in new fee revenues generated from the passage of legislation by the Seventy Ninth Legislature, 2005, increasing revenues to the General Revenue Fund from fee increases assessed to oil field operators and in new fee revenues contingent upon the Railroad Commission increasing fees assessed for the Pipeline Safety, Rail Safety, and Surface Mining programs. This appropriation shall be transferred to the appropriate strategies listed above.~~

~~(2) Appropriations out of the Oil Field Cleanup Account No. 145 are hereby increased by \$352,907 in fiscal year 2006 and by \$329,672 in fiscal year 2007. This appropriation shall be transferred to the appropriate strategies listed above.~~

~~(3) Appropriations out of Earned Federal Funds are hereby increased by \$6,681 in fiscal year 2006 and by \$6,241 in fiscal year 2007. This appropriation shall be transferred to the appropriate strategies listed above.~~

~~(4) Appropriations out of the Alternative Fuels Research and Education Account No. 101 are hereby increased by \$151,255 in fiscal year 2006 and by \$148,379 in fiscal year 2007. This appropriation shall be transferred to the appropriate strategies listed above.~~

~~(5) Appropriations out of Federal Funds are hereby increased by \$57,453 in fiscal year 2006 and by \$44,242 in fiscal year 2007. This appropriation shall be transferred to the appropriate strategies listed above.~~

~~(6) Appropriations out of Appropriated Receipts are hereby increased by \$15,584 in fiscal year 2006 and by \$12,000 in fiscal year 2007. This appropriation shall be transferred to the appropriate strategies listed above.~~

~~(7) Appropriations out of Interagency Contracts are hereby increased by \$2,268 in fiscal year 2006 and by \$1,747 in fiscal year 2007. This appropriation shall be transferred to the appropriate strategies listed above.~~

~~(8) The "Number of Full Time Equivalent (FTE)" indicated herein for the Railroad Commission is hereby increased by 9.5 in each fiscal year of the 2006-07 biennium; and~~

~~(9) The Railroad Commission's Capital Budget authority is hereby increased for the following items and in the following amounts:~~

	2006	2007
(a) Oil and Gas Technology Migration	\$747,823	\$747,823
(b) Information Technology Infrastructure Upgrade	\$1,243,235	\$503,831
(c) Replacement Vehicles	\$222,285	\$222,285

~~These appropriations are contingent upon new revenues being created due to the passage of legislation and deposited to the credit of the General Revenue Fund in an amount at least equal to \$3,206,179 in fiscal year 2006 and at least equal to \$2,615,392 in fiscal year 2007; deposited to the credit of the Oil Field Cleanup Account No. 145 in an amount at least equal to \$352,907 in fiscal year 2006 and at least equal to \$329,672 in fiscal year 2007; and deposited to the credit of the Alternative Fuels Research and Education Account No. 101 in an amount at least equal to \$31,174 in each fiscal year of the 2006-07 biennium. The General Revenue appropriations are further contingent upon the Railroad Commission increasing by rule fees sufficient to cover the following increases: for the Pipeline Safety Program, an increase of \$74,764 in fiscal year 2006 and \$74,513 in fiscal year 2007; for the Rail Safety Program, \$85,271 in fiscal year 2006 and \$63,332 in fiscal year 2007; and for the Surface Mining Program, \$58,677 in fiscal year 2006 and \$54,813 in fiscal year 2007. In addition, it is the intent of the Legislature that such revenues cover "Other direct and indirect costs" related to the 9.5 additional FTEs authorized above and appropriated elsewhere in this Act. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Comptroller of Public Accounts shall reduce the appropriation authority provided above to be within the amount of revenue expected to be available.~~

This veto deletes a contingent rider for a bill that did not pass.

Article VIII – Regulatory

Texas Workers' Compensation Commission

	2006	2007
E.1.1 Central Administration	\$3,786,690	\$3,807,374
E.1.4. Other Support Services	\$1,165,847	\$1,251,164

This veto deletes appropriations for administrative services to the Texas Workers' Compensation Commission. The transfer of the functions of the Workers' Compensation Commission to a division within the Texas Department of Insurance is expected to result in significant savings, particularly in the administration of the agency. This veto deletes biennial funding for E.1.1 and 2007 funding for E.1.4. to reflect those savings.

Article IX – General Provisions

Sec. 14.37. Contingency Appropriation for Senate Bill 165. ~~Contingent upon the enactment of Senate Bill 165, or similar legislation relating to the regulation of private process servers, by the Seventy-ninth Legislature, Regular Session, the Department of Licensing and Regulation shall be appropriated in Strategy A.1.1, License, Register, and Certify, the amount of \$210,079 in fiscal year 2006 and \$198,079 in fiscal year 2007, and Strategy B.1.3, Resolve Complaints, the amounts of \$112,325 in fiscal year 2006 and \$105,125 in fiscal year 2007 out of General Revenue for the purpose of~~

~~implementing that Act. Such appropriations are also contingent on the Department of Licensing and Regulation assessing fees sufficient to generate, during the 2006-07 biennium, \$692,048 in excess of: (1) \$14,592,000 (Object Codes 3146, 3147 and 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for 2006 and 2007, and (2) the \$1,954,401 required to be raised in rider 11, Contingent Revenue, above in the Department of Licensing and Regulation's bill pattern. Also, the "Number of Full time Equivalent Positions (FTE)" figure indicated above includes 3.5 FTEs in each fiscal year contingent upon the Department of Licensing and Regulation meeting the above revenue target. The Department of Licensing and Regulation, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of board minutes and other information supporting the estimated revenues to be generated for the 2006-07 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes.~~

This veto deletes a contingent rider for a new program that did not pass.

Sec. 14.38. Contingency Appropriation for a Judicial Salary Increase.

- ~~(a) Contingent on passage of Senate Bill 368 or similar legislation by the Seventy ninth Legislature relating to compensation of state judges, and the Comptroller of Public Accounts issuing a finding of fact certifying additional revenue collections from fees, fines, and court costs during the 2006-07 biennium that exceed the Comptroller of Public Accounts Biennial Revenue Estimate for these items by at least \$22,596,639 in fiscal year 2006 and \$23,665,289 in fiscal year 2007, the Comptroller of Public Accounts is hereby appropriated an amount estimated to be to \$39,542,928 out of the Judicial Fund No. 573 and \$6,719,000 out of the General Revenue Fund to fund a salary increase described in Subsection (b) of this section and related benefits costs for state judges and other court personnel linked to the salary of state judges in the Government Code, and to fund the creation of new district courts as described in Subsection (k) of this section.~~
- ~~(b) As used in this section, "salary increase" shall mean an increase in annual salary for state judges to begin on September 1, 2005 and September 1, 2006, or on another date, contingent on passage of Senate Bill 368 or similar legislation by the Seventy ninth Legislature relating to compensation of state judges.~~
- ~~(c) Any increase in employee benefits costs associated with the salary increase as described above shall be paid only out of the appropriations made above in Subsection (a), including \$6,679,000 out of the General Revenue Fund for the purposes of funding the increased costs to the Judicial Retirement System Plan I.~~

- (d) ~~Provisions requiring salaries and benefits to be proportional to the source of funds shall apply to all sums allocated under this section, except as otherwise provided. Each court or agency shall pay the increase in compensation from funds held in the state treasury and from local funds in the same proportion as the employee's regular compensation.~~
- (e) ~~The Comptroller of Public Accounts shall promulgate rules and regulations as necessary to administer this section. Funds appropriated in this section shall be allocated to each court or agency, and to the appropriate employee benefit appropriation items, in accordance with such rules and regulations and may be used only for the purpose of providing a salary increase and paying associated employee benefit costs.~~
- (f) ~~This section does not authorize an increase of exempt salary rates above the rates provided in Senate Bill 368 or similar legislation by the Seventy ninth Legislature relating to compensation of state judges.~~
- (g) ~~Contingent on passage of Senate Bill 368 or similar legislation by the Seventy ninth Legislature relating to compensation of state judges, the Comptroller shall increase appropriations out of the Judicial Fund No. 573 and decrease appropriations out of the General Revenue Fund by \$3,054,000 in fiscal year 2006 and by \$3,665,000 for Strategy D.1.1, District Judges, out of funds appropriated elsewhere in this Act to the Judiciary Section, Comptroller's Department.~~
- (h) ~~Contingent on passage of Senate Bill 368 or similar legislation by the Seventy ninth Legislature relating to compensation of state judges that redirects payments for salary supplements for local administrative judges from Government Code § 659.0125 to Government Code § 659.012(d), the description for Strategy A.1.4, Local Administrative Judge Supplement in the bill pattern for the Judiciary Section, Comptroller's Department is replaced with the following description: Per Government Code § 659.012(d).~~
- (i) ~~Included in amounts appropriated above in Subsection (a) is \$20,000 out of the General Revenue Fund for each fiscal year for the purposes of funding \$5,000 salary supplements to additional judges eligible for such supplements under Government Code § 659.012(d).~~
- (j) ~~Contingent on passage of Senate Bill 368 or similar legislation by the Seventy ninth Legislature relating to compensation of state judges that increases the state salary supplement paid to certain constitutional county judges under Government Code, 26.006(a) the name and description for Strategy C.1.1, Constitutional County Judge General Revenue Supplement in the bill pattern for the Judiciary Section, Comptroller's Department is replaced with the following name and description: Constitutional County Judge General Revenue and Judicial Fund No. 573 Supplement: Salary supplement per Gov. Code 26.006. Estimated.~~
- (k) ~~Contingent on passage of Senate Bill 368 or similar legislation by the Seventy ninth Legislature relating to compensation of state judges and contingent on passage of Senate Bill 1189 or similar legislation by the~~

~~Seventy-ninth Legislature, Regular Session, included in amounts appropriated above in Section (a) is an amount estimated to be \$475,125 in fiscal year 2006 and estimated to be \$932,775 in fiscal year 2007 out of the Judicial Fund No. 573 to the Judiciary Section, Comptroller's Department for additional district courts created effective on or after September 1, 2005. Also contingent on passage of Senate Bill 1189 or similar legislation the "Number of Full Time Equivalent Positions (FTE)" for the Judiciary Section, Comptroller's Department is hereby increased by 5.0 FTEs in fiscal year 2006 and 12.0 FTEs in fiscal year 2007 for the new district courts (estimated to be 12.0 FTEs).~~

This veto deletes a contingent rider for a judicial salary increase which did not pass.

~~Sec. 14.42. Contingency for Senate Bill 696. Contingent on the enactment of Senate Bill 696 by the Seventy ninth Legislature, Regular Session, or similar legislation relating to the testing and examination fee requirements for certain provisional license holders, the Department of Public Safety is appropriated an amount not to exceed \$131,836 in fiscal year 2006 and \$125,722 in fiscal year 2007 in Strategy B.1.1, Driver License and Records, from the General Revenue Fund. In no event shall the amount appropriated by this provision exceed the amount of additional revenue generated pursuant to Senate Bill 696.~~

This veto deletes a contingent rider for a new program that did not pass.

~~Sec. 14.44 Contingency Appropriation for Senate Bill 785: Regulation of Quarries. In addition to amounts appropriated elsewhere in this Act and contingent upon passage of Senate Bill 785, or similar legislation requiring quarries to obtain permits from the Texas Commission on Environmental Quality (TCEQ), there is hereby appropriated to the TCEQ out of the Clean Air Account No. 151 an amount not to exceed \$250,000 in fiscal year 2006 and \$220,471 in fiscal year 2007 in fee revenues from quarry permit fees. These funds shall be used to administer the quarry permitting program established through the legislation.~~

This veto deletes a contingent rider for a new program that did not pass.

~~Sec. 14.46. Contingency Appropriation for Senate Bill 1143. Contingent upon the enactment of Senate Bill 1143, or similar legislation relating to a loan secured by personal property with limited recourse against the borrower, by the Seventy ninth Legislature, Regular Session, the Office of Consumer Credit Commissioner shall be appropriated in Strategy B.1.1, Examination and Enforcement, the amounts of \$180,500 in fiscal year 2006 and \$170,500 in fiscal year 2007 and in Strategy B.2.1, Licensing Investigation, the amounts of \$27,000 in fiscal year 2006 and \$27,000 in fiscal year 2007 out of General Revenue in the Office of Consumer Credit Commissioner's bill pattern for the purpose of regulating limited recourse secured loan lenders. Such appropriations are also contingent on the Office of Consumer Credit Commissioner assessing fees sufficient to generate, during the 2006-07 biennium, \$483,812 in excess of: (1) \$6,792,000 (Object Codes 3172, 3174, and 3175), contained in the Comptroller of Public Accounts' Biennial Revenue Estimate for fiscal years 2006 and 2007, and (2) the \$454,462 required to be raised in Rider 5, Contingent Revenue, above in the Office of Consumer Credit Commissioner's bill~~

~~pattern. The Office of Consumer Credit Commissioner, upon completion of necessary actions to assess or increase such additional fees, shall furnish copies of board minutes and other information supporting the estimated revenues to be generated for the 2006-07 biennium under the revised fee structure to the Comptroller of Public Accounts. If the Comptroller finds the information sufficient to support the projection of increased revenues, a finding of fact to that effect shall be issued and the contingent appropriation shall be made available for the intended purposes. In no event shall the amount expended by this provision exceed the amount of additional revenue generated pursuant to Senate Bill 1143.~~

This veto deletes a contingent rider for a bill that did not pass.

~~Sec. 14.47. Contingency for Senate Bill 1239. Contingent on the passage of Senate Bill 1239 or similar legislation relating to a risk assessment program for Type 2 diabetes and the creation of the Type 2 Diabetes Risk Assessment Program Advisory Committee, by the Seventy-ninth Legislature, Regular Session, the appropriation made above for the University of Texas at Pan American in Strategy C.2.6, Texas/Mexico Border Health, is transferred to the Department of State Health Services in Strategy A.3.1, Cardiovascular Disease, Diabetes and Injury Prevention, in the amount of \$290,938 in General Revenue in each fiscal year of the 2006-07 biennium for the purpose of implementing the provisions of the legislation.~~

This veto deletes a contingent rider for a new program that did not pass.

~~Sec. 14.50. Contingency Appropriation for Senate Bill 1581. Contingent upon enactment of Senate Bill 1581, or similar legislation relating to the creation of a state pharmacy assistance program by the Seventy-ninth Legislature, Regular Session, and contingent upon receiving the necessary designation for a state pharmacy assistance program for individuals receiving community mental health services, the Department of State Health Services' appropriation is reduced by \$15,971,248 for the biennium in General Revenue. Contingent upon enactment of Senate Bill 1581 and contingent upon receiving the necessary designation for a state pharmacy assistance program for individuals receiving Primary Health Care services, the Department of State Health Services' appropriation is reduced by \$192,356 for the biennium in General Revenue. Contingent upon enactment of Senate Bill 1581 and the designation of a state pharmacy assistance program, the Health and Human Services Commission is appropriated \$4,300,000 for the biennium in General Revenue to implement the provisions of the legislation. The Comptroller of Public of Accounts shall not implement the reductions or increases to appropriations authorized under this provision until the Health and Human Services Commission certifies to the Legislative Budget Board, Governor, and the Comptroller of Public Accounts that such designation is secured.~~

This veto deletes a contingent rider for a new program that did not pass.

~~Sec. 14.51. Contingency Appropriation for Senate Bill 1667: Transfer of Radioactive Waste Regulation. Contingent upon passage of Senate Bill 1667, or similar legislation relating to the transfer of radioactive waste regulation from the Department of State Health Services to the Texas Commission on Environmental Quality (TCEQ), or similar legislation by the Seventy-ninth Legislature, Regular~~

~~Session, all powers, duties, obligations, rights, contracts, records, property, equipment, personnel, and funds appropriated to the Department of State Health Services (DSHS) for the regulation of the commercial storage and processing and the disposal of radioactive waste, except those related to the regulation of oil and gas naturally occurring radioactive material (NORM) waste, are hereby transferred to the TCEQ, including \$447,608 out of the General Revenue Fund in each fiscal year of the biennium and 8 Full Time Equivalents (FTE). The TCEQ shall use this appropriation to regulate radioactive waste pursuant to Health and Safety Code, Chapter 401.~~

~~In addition, there is hereby appropriated to the TCEQ fee revenues deposited to the credit of the General Revenue Account No. 0001, Object Code 3589, pursuant to the passage of legislation, \$1,181,156 in fiscal year 2006 and \$1,064,656 in fiscal year 2007. The "Number of Full Time Equivalents (FTE)" figure for the TCEQ indicated herein is hereby increased by 8 for each fiscal year of the biennium beginning September 1, 2005.~~

~~The Legislative Budget Board is hereby authorized to resolve any disputes concerning the transfer of appropriations and FTEs from the DSHS to the TCEQ.~~

This veto deletes a contingent rider for a bill that did not pass.

~~Sec. 14.56. Debt Collections. Contingent upon the enactment of House Bill 2233, or similar legislation by the Seventy-ninth Legislature, Regular Session, and to the extent that an agency contracts with one or more persons to collect delinquent or past due obligations in accordance with Section 2107.003, Government Code, as amended, all sums necessary to pay any contract costs to the person or persons under contract and any court costs collected to the court entitled to the court costs are hereby appropriated to the agency from the collection proceeds. The balance of the proceeds shall be transferred to the General Revenue Fund or to any dedicated or special funds or accounts to which the collection proceeds may belong and are not appropriated for use by the agency.~~

This veto deletes a contingent rider for a bill that did not pass.

~~Sec. 14.61. Contingency for House Bill 2329. Contingent upon enactment of House Bill 2329 or similar legislation relating to authorization for issuance of tuition revenue bonds, there is hereby appropriated \$108,000,000 in general revenue for the 2006-07 biennium for the purpose of paying debt service on the bonds authorized in the legislation. The debt service appropriations shall be transferred to affected institutions of higher education based on a plan developed by the Higher Education Coordinating Board and approved by the Legislative Budget Board.~~

This veto deletes a contingent rider for the Tuition Revenue Bond bill which did not pass.

I have signed Senate Bill No. 1 together with this proclamation stating my objections to individual items of appropriation therein. In accordance with Article IV, Section 14 of the Texas Constitution, individual items of appropriation objected to shall be of no force or effect. The remaining portions of the bill shall be effective according to their terms. Since the Legislature by its adjournment has prevented the return of this bill, I

am filing this bill and these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 18th day of June, 2005.

/s/Rick Perry
Governor of Texas

(seal)

ATTESTED BY:

/s/Roger Williams
Secretary of State

In Memory
of
Filemon B. Vela
Senate Resolution 957

WHEREAS, The Senate of the State of Texas joins the citizens of South Texas in mourning the loss of Senior United States District Judge Filemon B. Vela, who died April 13, 2004, at the age of 68; and

WHEREAS, Filemon Vela was born in Harlingen on May 1, 1935, to Roberto and Maria Luisa Vela; he graduated from Harlingen High School and attended Texas Southmost College and The University of Texas before earning a law degree from Saint Mary's University School of Law in 1962 and beginning a distinguished 40-year career in law and politics; and

WHEREAS, He practiced law in Harlingen and Brownsville from 1962 to 1974 and served on the Brownsville City Commission from 1971 to 1973; he was a state district judge from 1975 to 1980, when he was appointed to the United States District Court for the Southern District of Texas, where he served for two decades; in 2000, he accepted senior status on the bench and traveled throughout the region to relieve the district court system; and

WHEREAS, He was a tireless advocate during the civil rights movement and a lifelong champion for education; he worked to increase voter registration, and he often visited schools to encourage children to continue their education; he was a frequent visitor to the Filemon B. Vela Middle School, which was dedicated to him when it opened in 1992; and

WHEREAS, A man of integrity, strength, and generosity, Judge Vela was renowned as a fair and impartial jurist, and he was admired and respected throughout Texas for his wisdom, warmth, and compassion for others; and

WHEREAS, He was a devoted husband, father, and grandfather, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby extend sincere condolences to the bereaved family of the Honorable Filemon B. Vela: his wife of 42 years, former Brownsville mayor Blanca Sanchez Vela; his sons, Filemon, Jr., and his wife, Rose, and Rafael Eduardo and his wife, Matiana; his daughter, Sylvia Adriana; his sister, Maria Luisa; his brothers, Carlos, Moises, Patricio, Antonio, and Roberto; and his grandchildren, Alexandra, Kristian, and Carolina; 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 the Honorable Filemon B. Vela.

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In Memory
of
John C. Nabors
Senate Resolution 1033

WHEREAS, The Senate of the State of Texas honors and commemorates the life of noted Dallas attorney John C. Nabors, who died June 14, 2004, at the age of 59; and

WHEREAS, John C. Nabors was born in 1944 in Arnett, Texas; he earned a bachelor's degree from The University of Texas at Austin in 1965 and graduated with honors two years later from The University of Texas School of Law; he was an associate editor of the *Texas Law Review* and a member of the Chancellors and the Order of the Coif honor societies; and

WHEREAS, He began practicing law in Houston and was later recruited by the law firm Gardere Wynne Sewell in Dallas, where he practiced oil and gas, real estate and business law and was a senior partner and a trial team leader; he earned the reputation as one of Texas' top trial lawyers; he was named a Texas Super Lawyer by *Law & Politics Magazine* in 2003 and 2004, and *The American Lawyer* magazine featured him in an article in 2002; and

WHEREAS, In addition to his exemplary legal career, John Nabors was an avid outdoorsman who loved spending time on his cattle ranch in Hamilton; he was a pilot, fisherman, hiker, mountain climber and marathon runner, and he set a *Guinness Book* record by winning the longest canoe race in the world; and

WHEREAS, John Nabors lived his life to the fullest and was a devoted husband, father and grandfather, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby pay tribute to the life of John C. Nabors and extend sincere condolences to his bereaved family: his wife, Kathleen Mary Nabors; his daughters and son-in-law, Kathleen Felton Nabors, Sarah Reid Nabors, and Carol and Kevin Spiars; his son, John David Nabors; and his three grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of 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 John Nabors.

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