

# FOURTEENTH DAY

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MONDAY, FEBRUARY 10, 2003

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## PROCEEDINGS

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The Senate met at 2:00 p.m. pursuant to adjournment and was called to order by the President.

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

Absent-excused: Brimer, Lucio, Wentworth.

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

Rabbi Brian Strauss, Congregation Beth Yeshurun, Houston, offered the invocation as follows:

Almighty God and universal Father over all of mankind, we are grateful to You for the ability to gather today with our fellow elected officials who strive for the betterment of our state and the lives of all those who call Texas home. We beseech You, eternal God, to guide us in our sacred task of protecting and preserving the fundamental human liberties of all our citizens. Help us, O God, in this quest by allowing us to seek the wisdom and counsel of those who came before us.

O God, we recall the thoughts of President Abraham Lincoln who stated during his Gettysburg Address words that ring just as true today in our post September 11 world as they did then: "We here highly resolve that these dead shall not have died in vain, that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the Earth."

Our Lord, our God, we also recall a verse from the book of Leviticus that reminds us that our country was founded on biblical precepts: "Proclaim liberty throughout the land, for all of its inhabitants."

Almighty God, source of all knowledge and wisdom, let us also remember the words of Your prophet Micah who stated: "It has been told to you, O mortal, what is good and what the Lord requires of you: only to act justly, to love mercy, and to walk humbly with your God."

O holy One, blessed be He, hearing these and other inspiring, time-tested words give us the confidence and motivation we need to make sure that through our work, this great state will continue to be an influence for good throughout the world, uniting all people in peace and freedom, helping them to fulfill the vision of Your prophet Amos: "Let justice roll on like a mighty river, righteousness like a never-ending stream."

And to this, let us all say Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Thursday, February 6, 2003, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

#### **LEAVES OF ABSENCE**

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

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

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

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

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

#### **CO-AUTHOR OF SENATE BILL 96**

On motion of Senator Barrientos, Senator Shapleigh will be shown as Co-author of **SB 96**.

#### **CO-AUTHOR OF SENATE BILL 104**

On motion of Senator Nelson, Senator Lindsay will be shown as Co-author of **SB 104**.

#### **CO-AUTHOR OF SENATE BILL 156**

On motion of Senator Nelson, Senator Janek will be shown as Co-author of **SB 156**.

#### **CO-AUTHORS OF SENATE BILL 310**

On motion of Senator Fraser, Senators Carona, Lindsay, Staples, and Zaffirini will be shown as Co-authors of **SB 310**.

#### **CO-AUTHORS OF SENATE BILL 311**

On motion of Senator Shapleigh, Senators Barrientos and Van de Putte will be shown as Co-authors of **SB 311**.

**GUESTS PRESENTED**

Senator Janek was recognized and introduced to the Senate Rabbi Brian Strauss, his wife, Lisa, and their son, Joshua.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate a group of students from the School of Government and Law at the Yvonne A. Ewell Townview Magnet Center in Dallas, accompanied by their teacher and advisor, Sevro Perez.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Carona was recognized and introduced to the Senate a delegation of members of the Texas Association of Mortgage Brokers.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a group of students from Bexar County.

The Senate welcomed its guests.

**GUEST PRESENTED**

Senator Janek was recognized and introduced to the Senate the Mayor of Bellaire, Mary Ann Goode.

The Senate welcomed Mayor Goode.

**GUEST PRESENTED**

The President introduced to the Senate Debra Davison of Bellaire.

The Senate welcomed Ms. Davison.

**GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate a delegation from the Texas Dental Hygienists' Association.

The Senate welcomed its guests.

**SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Thursday, February 6, 2003, by Senator Lindsay.

Senator Lindsay moved confirmation of the nominees reported Thursday, February 6, 2003, by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

### NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brimer, Lucio, Wentworth.

Chair, Texas Agricultural Finance Authority Board of Directors: Jane Anne Stinnett, Lubbock County.

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

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

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

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

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

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

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

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

### SENATE CONCURRENT RESOLUTION 9

The President laid before the Senate the following resolution:

WHEREAS, The Legislature of the State of Texas is pleased to recognize Lou Edna Musquiz on her selection as the Skills USA-VICA National Advisor of the Year for 2002-2003; and

WHEREAS, This prestigious award honors educators in technical, skilled, or service occupations who have achieved prominence at the local, state, or national level; Lou Edna received the award at the National Skills USA-VICA Championships in Kansas City, Missouri, in June of 2002; and

WHEREAS, Lou Edna has built a solid reputation as a teacher of cosmetology at Del Rio High School, where she has taught for 26 years; she has served as the Skills USA advisor to students, imparting to them her enthusiasm for this important career path; and

WHEREAS, Through her membership and leadership in the Texas Industrial Vocational Association, Lou Edna has served as an advocate for career and technology education for more than 20 years; honored on numerous occasions for promoting vocational occupations, she has been named the 2001 District Teacher of the Year, the Iota Lambda Sigma District Teacher of the Year, and the Texas Skills USA Advisor of the Year; and

WHEREAS, Known for her dedication and her caring attitude, Lou Edna has made a difference in the lives of countless young people; now, therefore, be it

RESOLVED, That the 78th Legislature of the State of Texas hereby commend Lou Edna Musquiz and congratulate her on earning the Skills USA-VICA Advisor of the Year award; and, be it further

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

MADLA

The resolution was again read.

The resolution was previously adopted on Thursday, February 6, 2003.

#### **GUESTS PRESENTED**

Senator Madla was recognized and introduced to the Senate Lou Edna Musquiz, her husband, Robert, and her daughter, Ebdawna.

The Senate welcomed its guests.

#### **PHYSICIAN OF THE DAY**

Senator Staples was recognized and presented Dr. Douglas Curran of Athens as the Physician of the Day.

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

#### **SENATE RESOLUTION 47**

Senator Staples offered the following resolution:

WHEREAS, Members of Texas SkillsUSA-VICA, an organization for students engaged in trade and industrial education, are visiting the State Capitol on February 10, 2003; and

WHEREAS, With roots in Texas dating back to 1948, Texas SkillsUSA-VICA currently serves nearly 15,500 student and professional members through more than 1,000 chapters in public, trade, and technical schools; a collaborative effort of

educators, representatives of the private sector, and government, the organization integrates classroom and workplace training in order to provide a sound foundation for future success; and

WHEREAS, Texas SkillsUSA-VICA seeks to increase students' understanding of relevant technologies, develop their leadership and interpersonal skills, encourage problem-solving ability and critical thinking, and instill solid work habits; the program further strives to foster a sense of civic responsibility and to enhance students' knowledge of government and the legislative process; and

WHEREAS, Members of Texas SkillsUSA-VICA have an opportunity to test their abilities in local, state, and national competitions; challenging students to excel beyond the classroom, the annual national SkillsUSA Championships feature 73 occupational and leadership skill events; and

WHEREAS, Every other year, Texas members have the additional opportunity to meet in a mock legislative session, during which delegates debate and vote on their own legislative proposals; and

WHEREAS, Texas SkillsUSA-VICA is playing a crucial role in developing the full range of knowledge and abilities that young Texans will need in order to realize a bright and fulfilling future, and it is a pleasure to acknowledge the contributions this organization is making to the Lone Star State; now, therefore, be it

RESOLVED, That the Senate of the 78th Texas Legislature hereby recognize February 10, 2003, as Texas SkillsUSA-VICA Day at the State Capitol and honor all those involved with this exceptional program for their admirable efforts and hard work.

The resolution was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Staples was recognized and introduced to the Senate a group of students from Texas SkillsUSA-VICA.

The Senate welcomed its guests.

### **SENATE RESOLUTION 125**

Senator Shapleigh offered the following resolution:

WHEREAS, The Texas Senate takes pleasure in welcoming distinguished visitors from El Paso on February 10, 2003, who are here to celebrate El Paso Day in Austin; and

WHEREAS, During almost 400 years of history, El Paso Del Norte in the Franklin Mountains has reflected the influence of its original indigenous inhabitants, the Spanish missions with their accompanying priests and converts, and the newer Anglo settlements and is also a 21st century city that is bilingual, bicultural, and binational; and

WHEREAS, El Paso and its sister city, Ciudad Juarez, Mexico, have been linked for over three centuries and now form the largest international border community in the world; El Paso has friendly people, a skilled workforce, and a distinct and beautiful culture that attracts industries, businesses, and tourists; and

WHEREAS, The University of Texas at El Paso is located in the foothills of the southernmost end of the Rocky Mountains; and

WHEREAS, The city was ranked as the fourth-best overall Southern market for the past 10 years by *Southern Business & Development* magazine because of its location on the border and its public/private economic development partnerships; also, several successful businesses began their operations in El Paso, including Old El Paso Foods, Continental Airlines, and the Hilton Hotel chain, and popular legend has it that El Paso resident Francisco "Pancho" Morales created the margarita; and

WHEREAS, El Paso has been repeatedly ranked as the third-safest city in the United States with a population of half a million or more; and

WHEREAS, Texas Tech University Health Sciences Center at El Paso is celebrating its 30th anniversary this year; it has played a vital role in El Paso's health care history, providing 10 specialty residencies in border-intensive venues such as infectious diseases, diabetes, migrant health, and community-oriented primary care; and

WHEREAS, El Paso is the center of myriad cultural attractions, such as the Chamizal National Memorial, the El Paso Museum of Art, the El Paso Museum of History, the El Paso Centennial Museum, the El Paso Historic Mission Trail, and the Ysleta del Sur Pueblo Indian Tribe and Reservation, home of one of three recognized Native American tribes in Texas; and

WHEREAS, The city also boasts many natural attractions, including Hueco Tanks Historical Park, the Wyler Aerial Tramway, and the Mission Trail, where Texans can visit the Ysleta Mission, Socorro Mission, and the San Elizario Chapel; and

WHEREAS, Basketball Hall of Fame member Don Haskins is an El Paso resident and former longtime basketball coach at The University of Texas at El Paso; he moved to El Paso in 1961 and was already established as a notable coach among his peers; he led the Miners to seven Western Athletic Conference championships and 14 National Collegiate Athletic Association tournament appearances, including one in 1966 when his team won the title game by a score of 72-65, the first team to do so with a starting squad of all African American players; and

WHEREAS, Another outstanding citizen of El Paso is Rosa Guerrero; after retiring from teaching, she formed the Rosa Guerrero Folklorico in 1979, and she continues to run the group today while also supporting bilingual education and initiatives to help high school dropouts; and

WHEREAS, One of the most famous writers in the country today is an El Paso resident, Cormac McCarthy, an author whose works include *Suttree*, *Blood Meridian*, and his border trilogy, *All the Pretty Horses*, *The Crossing*, and *Cities of the Plains*; and

WHEREAS, An acclaimed artist who was born in El Paso is Tom Lea; after displaying a natural aptitude for painting and drawing as a child, Lea received formal training at the Art Institute of Chicago from 1924 to 1926 and as apprentice and assistant to Chicago muralist John Norton from 1927 to 1932; in 1930, Mr. Lea traveled to Italy to study techniques of Renaissance wall painting; as an artist, Mr. Lea was commissioned by *Life* magazine in 1946 to paint a series of canvasses depicting Western cattle, which *Life* presented to the Dallas Museum of Fine Arts; in 1953, The University of Texas Press published *Tom Lea: a Portfolio of Six Paintings* with an

introduction by J. Frank Dobie; Mr. Lea's first large exhibition was mounted in 1961 at the Fort Worth Art Center, and he has also had exhibitions at the El Paso Museum of Art and the Institute of Texan Cultures in San Antonio; and

WHEREAS, Another celebrated artist who is an El Paso citizen is Jose Cisneros, famed for his depictions of early life in Durango, Mexico, and for collaborations with other artists; he won The University of Texas Paisano Fellowship in 1969, and his works are collected all over the world; he was proclaimed a Living Legend in 1997, and Governor and Mrs. George Bush honored him with a reception and dinner in 1998 in the Governor's Mansion; and

WHEREAS, Ernesto Pedregon Martinez, the Texas state artist for two-dimensional works for 1997-1998, hails from South El Paso; a self-taught artist, Mr. Martinez paints the everyday struggles of the Mexican people; a muralist, he has created military, religious, and patriotic murals for hospitals, churches, and schools; Mr. Martinez was designated Artist of the Year by the League of United Latin American Citizens in 1975; and

WHEREAS, Natives of this westernmost Texas city have achieved acclaim in many areas of endeavor, including entertainment, journalism, and law; among those who have risen to prominence are United States Supreme Court Justice Sandra Day O'Connor, entertainer Debbie Reynolds, newsman Sam Donaldson, *Star Trek* creator Gene Roddenberry, ventriloquist Ronn Lucas, Texas rock and roll pioneer Bobby Fuller, and singer Florencia Bisenta de Casillas Martinez Cardona (better known as Vikki Carr); Ciudad Juarez is the hometown of internationally known recording artist Juan Gabriel; and

WHEREAS, The colorful traditions and rich culture of El Paso ensure its prominence in the tales of Texas, and its citizens can indeed take great pride in the extraordinary city they call home; now, therefore, be it

RESOLVED, That the Senate of the 78th Texas Legislature hereby welcome the visiting delegation from El Paso to the State Capitol for El Paso Day on February 10, 2003; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the delegation as an expression of highest regard by the Texas Senate.

The resolution was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Shapleigh was recognized and introduced to the Senate a delegation from El Paso: Mayor Ray Caballero, County Judge Dolores Briones, County Commissioner Betti Flores, City Representatives John Cook and Larry Medina, and a group of citizens.

The Senate welcomed its guests.

### **GUEST PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Sara Bixenman, Senior Girl Scout from Pleasanton, serving today as an Honorary Senate Page.

The Senate welcomed Sara.



**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 23**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Congratulatory Resolutions**

**SR 105** by Brimer, Commending Jeff Wentworth of Fort Worth for his service to his community.

**SR 106** by Brimer, Commending Mary Rebekah Krsnak of Fort Worth for earning a Milken Family Foundation National Educator Award.

**SR 124** by West, Commending Chase Henderson of DeSoto for achieving the rank of Eagle Scout.

**SR 131** by Lindsay, Commending Brian Kollister of Houston for achieving the rank of Eagle Scout.

**SR 132** by Barrientos, Commending students from Buenos Aires, Argentina, participating in the Fundacion Universitaria del Rio de la Plata program at The University of Texas at Austin.

**Official Designation Resolution**

**SR 123** by Barrientos, Recognizing February 11, 2003, as Orange and Maroon Legislative Day.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 2:31 p.m. adjourned until 11:00 a.m. tomorrow.

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**APPENDIX**

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**SENT TO GOVERNOR**

February 10, 2003

**SCR 2**

