

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Tuesday, January 9, 2007)

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Eightieth Legislature met in the Senate Chamber of the State Capitol on Tuesday, the ninth day of January, 2007, at 12:15 p.m.

The Honorable David Dewhurst, Lieutenant Governor and President of the Senate, called the Senate to order.

The Reverend Charles L. Jackson, Pleasant Grove Missionary Baptist Church, Houston, offered the invocation as follows:

There's a scripture in the 40th chapter of Isaiah that reads like this: Hast thou not known? Hast thou not heard, that the everlasting God, the Lord, the Creator of the ends of the Earth, fainteth not, neither is weary? There is no searching of His understanding. He giveth power to the faint; and them that have no might He increaseth strength. Even the youths shall faint and be weary, and the young men shall utterly fall; but they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint.

Our God, thank You for this opening day and for this Governor. We pray Thy strength be upon all of us. In Your awesome name. Amen.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the Senate was provided by Alena Newberry and Jan Castleberry.

ROLL CALL OF SENATORS

The President directed the Secretary of the Senate to call the roll of the Members of the Senate.

The roll was called and the following Senators answered to their names: Brimer, Carona, Duncan, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Lucio, Seliger, Van de Putte, West, Williams, Zaffirini.

MESSAGE FROM THE SECRETARY OF STATE

The following message from the Secretary of State was read and was filed with the Secretary of the Senate:

THE STATE OF TEXAS
Secretary of State

I, ROGER WILLIAMS, Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office the attached is a true and correct list, in alphabetical order, of the members of the Senate of the 80th Legislature, 2007, whose election on November 7, 2006, has been duly and legally certified to this office.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, Texas this 8th day of January, 2007.

(Seal)

/s/Roger Williams
Secretary of State

ROLL CALL OF SENATORS-ELECT

The President directed the Secretary of the Senate to call the roll of the Senators-elect as certified by the Secretary of State.

The roll was called and the following Senators-elect answered to their names:

The Honorable Kip Averitt, representing the Twenty-second Senatorial District composed of: Bosque, Coryell, Ellis, Falls, Hill, Hood, Johnson, McLennan, Navarro, and Somervell counties.

The Honorable Bob Deuell, representing the Second Senatorial District composed of: Part of Dallas, Delta, Fannin, Hopkins, Hunt, Kaufman, Rains, Rockwall, part of Smith, and Van Zandt counties.

The Honorable Rodney Ellis, representing the Thirteenth Senatorial District composed of: Part of Fort Bend and part of Harris counties.

The Honorable Kevin P. Eltife, representing the First Senatorial District composed of: Bowie, Camp, Cass, Franklin, Gregg, Harrison, Lamar, Marion, Morris, Panola, Red River, Rusk, part of Smith, Titus, Upshur, and Wood counties.

The Honorable Glen Hegar, Jr., representing the Eighteenth Senatorial District composed of: Aransas, Austin, Bastrop, Caldwell, Calhoun, Colorado, DeWitt, Fayette, part of Fort Bend, Goliad, Gonzales, Jackson, Lavaca, Matagorda, Refugio, Victoria, Waller, Washington, and Wharton counties.

The Honorable Kyle Janek, representing the Seventeenth Senatorial District composed of: Part of Brazoria, part of Fort Bend, part of Galveston, part of Harris, and part of Jefferson counties.

The Honorable Jane Nelson, representing the Twelfth Senatorial District composed of: Part of Denton and part of Tarrant counties.

The Honorable Robert Nichols, representing the Third Senatorial District composed of: Anderson, Angelina, Cherokee, Hardin, Henderson, Jasper, part of Montgomery, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, part of Smith, and Tyler counties.

The Honorable Steve Ogden, representing the Fifth Senatorial District composed of: Brazos, Burleson, Freestone, Grimes, Houston, Lee, Leon, Limestone, Madison, Milam, Robertson, Trinity, Walker, and Williamson counties.

The Honorable Dan Patrick, representing the Seventh Senatorial District composed of: Part of Harris County.

The Honorable Florence Shapiro, representing the Eighth Senatorial District composed of: Part of Collin and part of Dallas counties.

The Honorable Eliot Shapleigh, representing the Twenty-ninth Senatorial District composed of: Part of El Paso County.

The Honorable Carlos I. Uresti, representing the Nineteenth Senatorial District composed of: Bandera, part of Bexar, Brewster, Crockett, part of Culberson, Edwards, part of El Paso, Hudspeth, Jeff Davis, Kinney, Loving, Maverick, Medina, Pecos, Presidio, Real, Reeves, Sutton, Terrell, Uvalde, Val Verde, Ward, and Winkler counties.

The Honorable Kirk Watson, representing the Fourteenth Senatorial District composed of: Part of Travis County.

The Honorable Jeff Wentworth, representing the Twenty-fifth Senatorial District composed of: Part of Bexar, Comal, Guadalupe, Hays, Kendall, and part of Travis counties.

The Honorable John Whitmire, representing the Fifteenth Senatorial District composed of: Part of Harris County.

OATH OF OFFICE ADMINISTERED TO SENATORS-ELECT

The President directed the Senators-elect to proceed to the Bar of the Senate.

Chief Justice Wallace B. Jefferson administered the Constitutional Oath of Office to the Senators-elect as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of Senator 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.

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

SENATE RESOLUTION 1 (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 in the offices of the senate attended by 31 members of the senate, the caucus made the recommendations for the operation of the senate contained in this resolution.

SECTION 2. SENATE OFFICERS. (a) Senate officers for the 80th Legislature are:

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

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

SECTION 3. PARLIAMENTARIAN. The parliamentarian, Karina Davis, is named by the lieutenant governor and serves at the will of the lieutenant governor. The parliamentarian is a senate officer.

SECTION 4. EMPLOYEES. (a) The lieutenant governor may employ staff for the office of the lieutenant governor at salaries set by the lieutenant governor.

(b) Each senator may employ staff for the senator's office at salaries set by the senator.

(c) The chairman of each committee may employ staff of the chair's selection as needed by the committee. A committee employee shall be compensated in amounts similar to the compensation paid to persons in similar senate positions.

(d) The secretary of the senate may employ other staff necessary for the operation of the senate at salaries approved by the administration committee.

(e) The lieutenant governor, the secretary of the senate, and each senator may use the assistance of any assistant sergeant-at-arms or other available senate employee for any and all services needed in and about the senate.

(f) In this resolution, "senate employee" includes an employee of the lieutenant governor, the secretary of the senate, a senator, a senate committee, and any other person compensated from funds appropriated for the operation of the senate.

SECTION 5. DUTIES OF ADMINISTRATION COMMITTEE. (a) 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.

(b) The committee shall establish appropriate and necessary controls over contracts, inventory, and property management.

(c) The committee may delegate any of its responsibilities to the committee chair or to the secretary of the senate to be performed under the general supervision of the committee.

(d) Policies adopted by the administration committee must be consistent with the provisions of this resolution. To the extent of a conflict between a policy and this resolution, this resolution prevails.

(e) Policies adopted by the administration committee are subject to the will of the senate, and a majority of the senate may reject or modify any policy adopted by the committee.

SECTION 6. EMPLOYMENT AND PERSONNEL POLICIES. (a) The administration committee may adopt and enforce personnel and employment policies governing senate employees.

(b) The administration committee may not adopt a policy that limits the salary of an employee of the lieutenant governor, a senator, or a senate committee, except that the administration committee may require approval by that committee of any senate committee employee salary that is proposed to exceed \$5,000 a month.

SECTION 7. 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 8. OUTSIDE EMPLOYMENT. An employee of the senate may not be employed by and receive compensation from any other person during the term of senate employment without the permission of the employee's senate employer.

SECTION 9. WORK HOURS. An employee shall report to work at the time, and work for the number of hours, set by the employee's senate employer.

SECTION 10. LIMIT ON MONTHLY STAFF SALARY AND TRAVEL EXPENSES. (a) The total amount of staff salaries and intrastate staff travel expenses for each senator may not exceed \$37,000 per month, for session only.

(b) This monthly amount accrues on the first day of the month and may not be expended prior to the month in which it accrues, but any unexpended portion for a month may be carried forward from one month to the next and expended until the end of the fiscal year.

SECTION 11. SENATORS' EXPENSE REIMBURSEMENT AND PER DIEM. The secretary of the senate shall provide for the reimbursement of the expenses of each senator and the payment of each senator's per diem in accordance with law, this resolution, and the rules of the Texas Ethics Commission.

SECTION 12. OTHER SENATE EXPENSES. (a) The lieutenant governor, the secretary of the senate, and each senator may incur expenses for carrying out official duties, including expenses for items such as subscriptions, stationery, postage, and telecommunications.

(b) Expenses under this section shall be paid from the contingent expense fund of the senate.

SECTION 13. PAYMENT OF SALARIES AND EXPENSES. (a) Salaries and expenses authorized by this resolution shall be paid from the contingent expense fund as provided by this section.

(b) Vouchers for payment of any expense, including salaries and travel expenses, must be signed by the chair of the administration committee and the secretary of the senate.

(c) The administration committee shall adopt policies regarding the presentation of timely, properly completed, and signed vouchers.

SECTION 14. DESIGNATION FOR ATTENDANCE AT MEETINGS AND FUNCTIONS. (a) The administration committee shall designate a senator or any employee to attend an official meeting of a national governmental organization during a session of the 80th Legislature. The person designated is entitled to reimbursement for actual and necessary expenses.

(b) The lieutenant governor may designate a senator 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 adopted by the administration committee.

SECTION 15. ELECTRONIC RECORDING BY MEMBER PROHIBITED. No member of the senate may electronically record a private conversation held within the brass rail on the senate floor during a legislative session without the knowledge and consent of all participants to the conversation.

SECTION 16. JOURNAL. The secretary of the senate shall provide for the printing of not more than 500 copies of the daily journal. Of that number:

- (1) 175 shall be furnished to the house of representatives;
- (2) 60 shall be furnished to the Legislative Reference Library; and
- (3) the remainder shall be apportioned among the senators and the lieutenant governor.

SR 1 was read and was adopted without objection.

OATH OF OFFICE ADMINISTERED TO OFFICERS OF THE SENATE

The President directed the officers of the Senate to proceed to the Bar of the Senate where he administered the Constitutional Oath of Office as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of _____ 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.

ELECTION OF PRESIDENT PRO TEMPORE EIGHTIETH LEGISLATURE, REGULAR SESSION

The President announced that the time had arrived for the election of President Pro Tempore of the 80th Legislature, Regular Session.

Senator Whitmire placed in nomination the name of Senator Mario V. Gallegos, Jr., of Houston for the office of President Pro Tempore of the 80th Legislature, Regular Session.

On motion of Senator Shapleigh and by unanimous consent, the nominating speech by Senator Whitmire and the remarks made to second the nomination were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Whitmire: Thank you Mr. President. Members and guests, it is the tradition of the State Senate to nominate one of our colleagues as President Pro Tempore, have one during the Regular Session, then we do it during the interim. This person fulfills a very responsible position. When the Governor and the Lieutenant Governor are out of state, this person actually becomes the Governor for our great state. It's a great honor for those of us who have had this privilege. It's a great occasion for your family and your district, but as I point out, most importantly, it is a position of huge responsibility. Every Member in this Senate is unique. We have a very diverse body, but we have 31 unique individuals, and I will suggest to you, they seem, to me, to become a little more unique every election cycle. But today I have a real privilege. It's a fun occasion for me to make the nomination today for what I think is recognized on this Senate floor as my best friend, Senator Mario Gallegos of Houston. Now when you become a best friend of someone on this Senate floor, we're all family and friends, but we also tend to kind of pair off and become a little closer to one another in special times. The responsibility is, they come to you and say, will you talk to Mario about his legislation or about his plans. I've had that privilege to being recognized as Mario's best friend since he arrived in the Senate. I cherish that relationship. I could easily just tell you briefly how important he is by saying Senator Nelson and I welcome him as the newest Member of the most powerful corner in the Senate. But that wouldn't do him justice. Mario, we are proud that you are sitting with us in this powerful corner. I could speak the rest of the day about my feelings and what this man means to the State of Texas, but others want to speak, so I will try to be very concise. When I think of Mario Gallegos, I think of his family. He is so proud of his grandbabies. He keeps his grandbabies on his computer module. If you walk by his desk to talk business, you've got to engage with him about the status of his children and grandbabies. He comes from a very proud Hispanic family in Houston, Harris County. Also, when you think of Mario, and he will remind you often in a debate that he's a proud firefighter, retired firefighter. And I give him a hard time. From sources, I've learned that he probably is the first Houston firefighter to retire without ever having to fight a fire. And he's going to respond to that because he's corrected me. But he was in dispatch, he was out at the med center, he fulfilled very vital roles later in his career, and I accuse him of not ever having to fight a fire, but is actually on the city pension. He's a distinguished House Member from Houston, Harris County. He was in the Texas House when the opportunity to go to the Senate arose, and I know for a fact, some very powerful people in his community advised him not to run. He had not been there long enough, or he didn't curtail, or wasn't part of a machine. They decided they were going to control that Senate seat, and that's really when I met Mario Gallegos. He visited with his family and his supporters, and he said, that seat doesn't belong to anyone but the Senate district, and I'm going to run. And after a tough campaign, he's a Senator, a good Senator. Let me tell you something else, recently he went back to U of H. Back when he came into the fire department, you needed a high school degree. His father had been a very successful and noted firefighter. Ultimately, his father was the fire chief of Brownsville, Texas, one of the first Hispanic firefighters in Houston. So Mario wanted to follow in the footsteps of his father, so he didn't go to college, but, believe it or not, this gentleman, while he's helping raise children, babies, serving in the Senate, went back, and just recently

graduated from U of H with a degree. I see I left off one of the noted accomplishments that he would want me to point out. He claims that he was the first Hispanic at Milby High School to be able to dunk a basketball, and he's got photos to support it. Let me just share with y'all, it's only, kind of, from the waist up, and the rim's there, so I don't know if he's standing on a ladder, like I've accused him of doing. But he claims he actually dunked a basketball, and I take him for his word. There are many firsts I could name for Mario Gallegos. First Houston Hispanic State Senator, and I don't know if all of us appreciate that accomplishment and that designation like the people of his district do. I represented the Hispanic district in Houston in the '80s and '90s. I think I did a good job. In fact, I know I did a good job. But there's nothing like having a Hispanic being elected from his community or her community, speak the language, understand the culture, live in the community. It was a great celebration in Mario's district when he became the first Hispanic State Senator from Harris County. I could go on and on and talk about his accomplishments and why I'm proud of him, but let me close with the most noted accomplishment, the one that we are all, you and I, guests and Members, are going to celebrate today. I've been here long enough to see the human side of State Reps and State Senators. We're not perfect, as no human is. Mario's got some issues, but he is the first State Senator that I have been familiar with that recognized his problem, sought help, went public, and is being successful with his sobriety. Now let me just tell you something, I could talk about him being the first Hispanic State Senator, family man, I could go on and on with his accomplishments. But let me just tell you how important it is that Mario on his own sought help and is being a successful individual as we talk today. As I said, I've been here long enough to witness other individuals in the Senate and in state government have to have very terrific interventions. Temple Dickson, a colleague of ours who recently passed, was an alcoholic who had gotten help through an intervention. And we all know of Bob Bullock's experiences. I witnessed, in the back hall, in the Lieutenant Governor's committee room one day, an intervention by Temple Dickson and Bob Bullock on an individual. And if I ever write a book, it'll certainly get a play because I have never seen anything more significant and tougher in my entire life than Temple Dickson and Bob Bullock getting after someone who needed help. It's tough, but it's an amazing experience. I only mention that to point out the significance of Mario recognizing last April that he had a problem. We didn't have to do an intervention. He came forward and said, I'm entering a rehab facility, pray for me, look out for my district while I'm gone. Ladies and gentlemen, I have run the streets with this individual. He was a serious player. He had a problem, as many of our neighbors and citizens have. Mario, today we are publicly acknowledging you, you have got that monkey off your back. And I use that language because that's what Temple Dickson called it, back 15 years ago. He went in this room and says, I understand you got a monkey on your back. Mario had probably two monkeys on his back last April. He went in for treatment, has come out, I still run the streets with him, he does not drink. It is a major accomplishment, Mario. It is one that we ought to be proud of and recognize as a public official. You showed the rest of the community how to deal with a very serious problem. And of all the things I could say about you today, that's the one that I love you the most for, and I'm proud of you for. And we know that it's a day-to-day venture that is not over. I will close by saying, I know

Mario's up for election in two years. I know how politics works. Some people would jump on you when you're down. Let the word go out, to House Members, local officials, you name them: You mess with Mario Gallegos while he's in recovery and while he's doing well in representing his district, you mess with Mario, you're messing with me and most of the Members of this Senate. Mario, we are so proud and I am so confident that this state will be in great hands with you as our President Pro Tem. You take care of yourself, and we're proud to call you one of us, and like I said, don't mess with Mario. OK?

Senator Ellis: Thank you Mr. President. Members, I rise to second the motion of Senator Gallegos. There's not much to be said after the Dean has spoken. I think, Dean, you did a good job of pointing out that in the public arena, Mario Gallegos has done a great job of dealing with demons that come in all our lives. And, Mario, I want to tell you how proud I am of you. I, too, have run the streets with Senator Whitmire. I had to stop or it would drive me to drinking. So you have done an outstanding job. Now, Mario Gallegos, unlike some people who just walk over here from the House, he ran over here from the House after a very tough, as John Whitmire pointed out, and heated campaign. Mario was behind going into the runoff, but he was victorious in the end, to win that Senate seat. It probably made sense for Senator Gallegos to take an interest in public life because it has been his family's calling. As John mentioned, his father was the first Hispanic fire chief in Brownsville, Texas. Then his father's one of the first Hispanics to join the fire department in Houston. Among other things, he recruited other people to join the fire department as well. There's a school in Houston named after his father, because his father was a legend and remains a legend. Mario's mother also served with distinction on the school board in Houston for many years. It has been his family's lifework to take an interest in public service. Now, John, I did not know that Senator Gallegos was on the fire department staff for 22 years and never put out a fire, but it was good training because he's been here for a decade now starting fires. But they've been good fires. Mario stands up for people who need somebody to stand up for them. Mario says things that a lot of us think and would prefer not to say. Sometimes he takes a little longer than we'd like for him to say them, but they're generally things that need to be said. Mario has a loving family. His wife is here. They have been married now, I think the last anniversary, 33 years, and I know it has not been an easy life to be married to someone with the fire department and, now, someone with all these years in public service, in the election cycle. His kids are here, Melissa, Ali, and Mario, his three grandchildren are here as well. Mario, I'm told that one of the creeds that firefighters often like to quote is: At all times, service above self. My friend, that has embodied what you have done. We wish you well. I think that you were an example for a lot of people because you had an issue, you knew you needed to deal with it, and because of your love for your family and others, your constituents, you dealt with it. I'm proud of you, and I look forward to watching you become the acting Governor of the State of Texas. Thank you.

Senator Lucio: Thank you Mr. President. Members, I, too, rise to second the motion to elect our friend and colleague, Senator Mario Gallegos, as President Pro Tempore of the Senate for this 80th legislative session. I want to apologize to the Dean for walking out a few moments ago, Dean, but I had to go over to the House to watch a certain Member get sworn in, and I'm catching my breath now. But you were so

eloquent, and I certainly appreciate you continuing to talk from your heart in this particular session. We're going to need a lot of heart. We all appreciate Senator Gallegos' hard work and dedication to this body. I certainly agree with Senator Ellis. In particular, I think the word that comes to my mind in describing *mi amigo*, Mario, are commitment and loyalty. I believe this commitment to public service stems from his family's upbringing and his own past experiences. Now, Members, I might have the distinction of, in having known Mario the longest. I met Mario when he was a teenager and his father was the fire chief in Brownsville, Texas, my hometown. Mario, Sr., was beloved in the Rio Grande Valley and was well known for his dedication to his community and his neighbors. In fact, Mario, Sr.'s, fire station was famous for allowing local families and children to hang around the station interacting with the firemen and always providing a hot meal to those in need. I had the honor of delivering part of the eulogy at Mario, Sr.'s, funeral, and the fact that the funeral was so crowded and well attended is a testament to his father's commitment as a public servant. But, Mario, but the Gallegos family's commitment did not stop with his father. Mario's lovely mother, Olga, was not only a wonderful homemaker but a community activist and also a member, later on, of the school board in Houston, Texas. With the family role models like Olga and Mario, Sr., it's not surprising that Mario, Jr., became a dedicated public servant. I want to briefly tell you something that most of you might not know and give you a little insight on our colleague. I have heard that in Little League, when he started playing Little League, Mario was really not a starter on the local team. He was a benchwarmer for quite some time, most of the season, I think. But somebody got hurt and the coach called on Mario, and he was prepared, and when that starter got injured, Mario went up to the plate, and he immediately hit a home run, and that fired the team up. They went on to win, and after that Mario was on the first team every time. Governor Dewhurst, I bet you also might not have known that Mario was on the all-city basketball team in Houston. Now that's not a small accomplishment in a basketball hotbed like Houston. It's not, you know, a community of 5,000. But the story for me that best exemplifies Mario's commitment is that he was accepted to the U.S. Naval Academy in Annapolis. But rather than leave home and take a commission in the Navy, Mario chose to become a local hero and become a fireman like his father. I think that says a lot about his admiration for his dad and wanting to be like his dad. Mario, I applaud your commitment to the public and your loyalty to this body—you're a wonderful friend, also—your commitment to your constituents and your close friends back home. Your mother, Olga, your wife, Theresa, your grandchildren, your children, and your constituents should be rightfully very proud of all your accomplishments and for your recognition as President Pro Tempore of the Texas Senate. I certainly look forward to standing right next to you and calling you Governor Gallegos, at least for one day. Congratulations.

Senator Carona: Thank you Governor. Members, I've known Senator Gallegos since we entered together in 1991 as young, enthusiastic, energetic House freshmen, and he and I have had a very close relationship throughout that time. And I really believe that there are three things when I think about what means the most to me in our relationship and what I've recognized about Senator Gallegos. First is, obviously, his passion for his constituents. How many times have we stood on this floor and

heard Senator Gallegos refer to "my people" as he refers to all of the constituents in his district. This is a gentleman who cares deeply about public service and recognizes that our job is, in fact, to come down here and represent our constituents, and he does that with every breath, at every opportunity that he can take, and that makes me proud of our relationship. Of course, I respect him because he's a firefighter. He's a hero. He's one of the people that has chosen, long before he decided to serve in public office, to serve the public, and he did so in the tradition of his father and in the tradition of so many good firefighters all across our state. And that says a lot about his character and a lot about his integrity and about the love that he has for his community and its people. And the third thing, and perhaps this is the most important, Mario, especially at this time, those of us that know Senator Gallegos, we know that he knows how to laugh. Laughter is an important part of his life, and so many times he's brought joy and laughter to each one of us here in this Senate body, whether it's on this floor or, Mario, in the lounge. But he's always there with a great laugh, and it's been said that laughter is the best medicine. I hope, in fact, that you remember that in the weeks and months to come. We certainly will, as we look forward to your good health and our time together in the future here in this body. So it's for these reasons and many more that I'm proud to second the nomination of my very good friend, Senator Mario Gallegos, for President Pro Tempore of the Texas Senate.

Senator Zaffirini: Thank you Mr. President. Mr. President and Members, it is a wonderful privilege to rise to second the nomination of my dear friend, Senator Mario Gallegos, to be our President Pro Tempore and a future Governor of Texas. Senator, I can think of no one I would prefer, at this point in time, to succeed Governor Royce West during the interim than you during our Regular Session. One of the things I admire most about Mario Gallegos is his fearlessness. A legendary fire chief in New York once said that a firefighter's greatest act of courage is when he or she decides to become a firefighter. Everything else is simply in the line of duty. Mario Gallegos ran as an underdog when he ran for the State House, he was an underdog when he ran for the State Senate, but I remember so vividly when he walked into my office in 1993 and said, I'm going to win; I'm going to serve with you in the Texas Senate. He was quite a bully, as a matter of fact, because he was on the defense. But win he did and serve he did. And after that act of courage, placing himself out front, ready to run, he has been there, time and time again, fearlessly representing the people of Senate District 6. I remember so well, not only the legislation he has passed, which is impressive, but also the legislation he has killed. I know Senator Janek is very vividly remembered of that, Senator Janek, when he killed the asbestos bill because he felt so strongly of it, because of what he had experienced through his father's illness caused by asbestos. That's Mario Gallegos. You can be his friend or you can be on a different side, but he will respect you and work with you and fearlessly work to help you win, or equally fearlessly work to ensure you lose if he disagrees with you. Senator Whitmire talked about the monkeys in Senator Gallegos' life. I talk about the pig in Senator Gallegos' life, because I have a little pig that reminds me of him, and I brought it with me today. This little pig that I keep in my home, by my kitchen, and I remember Senator Gallegos every day when I see it because he wrote on the bottom of it, "Let sleeping pigs lie," signed, Mario Gallegos. Senator Gallegos is a wonderful Senator and a wonderful friend, and I know, Senator Gallegos, that you will work hard

to continue to represent your district no matter what challenges you face in the days ahead, and I know that you are equally proud that our Lieutenant Governor, David Dewhurst, and every Member of this Senate will stand by your side to work with you and to assist you in representing the families of Senate District 6. Congratulations to you, my dear friend. I look forward to your being a wonderful Governor of Texas. May God bless you always and may He be by your side as you continue to excel in representing the people who show their confidence in electing you to represent them. Thank you so much.

Senator Shapleigh: Thank you Mr. President. Mario, we're proud of you, and we're proud to have you as our leader, Senator Pro Tempore of the Texas Senate. Mr. President, you'll recall that morning here on the Senate floor when the news broke that Mario Gallegos was the first to have dunked a basketball at Milby High School, and that picture was being traded around this row right here. Senator Patrick, you played a little basketball yourself. And Mario was under the basket facing the camera, basketball, those real, real, real, short shorts from that era, I'm not going to say exactly when that was. And Mario told us, at least on this row, that that was proof positive that he was the first one to do a 360 degree backward dunk. So that's what, at least, we got on this row. Senator Whitmire, his first fire, Mario's first fire was a 2-11 fire, meaning it was a multiple alarm fire. That was his first experience as a fireman in the City of Houston. And I think, after the last two Regular Sessions, it gave him plenty of practice for the multiple alarm fires called redistricting and school finance. So you had some early, early practice in what you're going to get into on this Senate floor. In 1985, Mario went to Mexico City to lead the team from Texas for the Mexico earthquake in 1985. And that's a symbol of the respect that his department and the State of Texas had for his abilities in leading his department in what was a tremendous city in need at that time. On this floor, Mario has led us on bills like the .08 bill that Mothers Against Drunk Driving were so adamant at passing on this Senate floor so that they could protect the children of the State of Texas and others from drunk driving. Some in this body have had experience with that that has created in their lives real tragedies. Mario took the lead in making that happen. But, Melissa and Ali, I guess I'd tell you the thing I'm proudest about when your granddaddy is on this Senate floor, when it comes time to stand for children, there's not a stronger desk than this desk right here. When it comes time to invest in the children of the State of Texas for public school education or make sure they have children's health insurance or make sure that they do not have predators after them or make sure that we have a child protective system that works in this state, Jane Nelson, you know you can count on a vote from Mario Gallegos and his leadership in making those bills pass. So as I stand here to honor you today, Mario, I want to tell your grandkids we're proud of you, we're proud of the work that you've done here and what you stand for on this Senate floor. We love you.

Senator Van de Putte: Thank you Mr. President. Members, I rise to second the nomination of my good friend, Mario Gallegos, to this position of President Pro Tempore. Mario and I started in the House together in 1991 and that was a very proud day for both our families. It was a tough session that year, and we thought that if we could get through that, that we could get through anything. Dean, I don't know exactly what you're talking about on the wilder side. You see, I went to a conference

with Mario Gallegos. It was an out-of-state education conference. We both took our mothers. Maybe I just didn't walk on those wild sides, but I can tell you what happened at that conference. Here we were, and Mario very knowledgeable, and yet we knew the two ladies that were with us, our mothers, who are with us today, are the educators and on the school board, and I watched Mario stand back and let his mom do the speaking. That's when I knew he was a really smart guy. Mario, I know that you treasure your time as a firefighter, that family tradition that you followed in your father's footsteps. I also know that you led that Houston fire department rescue team in the earthquakes in Mexico City, and it was your knowledge of Spanish and your desire throughout your years at the department to make sure that communication problems were never going to be a barrier in fighting fires and in saving lives. And, so, Members, you may not know that he started those Spanish language classes for firefighters then, except that I know that in one case when he was teaching this class, he talked about *hombres* and *hombras*, instead of *hombres* and *mujeres*. And, so I think that maybe it was one of those times that you hadn't gotten very much sleep, because I can tell you, Senator Nelson, Senator Shapiro, Senator Zaffirini, and myself, we would never call ourselves *hombras*. And, Members, you may not know that as his time as a firefighter, like many firefighters, they found side jobs to supplement to their pay, you may not know that our colleague drove a hearse. You may not know that he joined his firefighter buddies in going to Peace Officer school. That's right, our colleague, licensed to carry. But I know of no other profession that is so pure and so giving, and we know that you fight fires in your personal life as well, and you are victorious. And, so I'd like to end my seconding speech with a poem that I know fits you perfectly and one that you love. It's a firefighters' poem.

He stares in the face of death

Without a second thought

To save that one special life

That he so bravely sought

He has walked as close to

"Hell on Earth"

As any man could do

And he's so proud of the job he did

For the people he never knew

He puts his life on the line

Everytime duty calls

Always doing what needs to be done

Without even a pause

He is a fireman

With overwhelming pride

Never afraid to take a chance

When saving someone's life

Often he says

"It's my job"

But we really know

That he is very special

And always ready to go

So when you hear the sirens wail
Or see the flashing lights
Stand aside and look with pride
He's going to save a life.

We love you, Mario. You're our President Pro Tempore and we're so proud of it.

Senator Hinojosa: Thank you Mr. President. I, too, rise to second the motion for the election of President Pro Tempore to my good friend, Mario Gallegos. I really didn't know Mario well when I first came to the Senate, Mr. President, but, as you well know, we took a vacation together in Albuquerque, New Mexico, and I got to know him much, much better. And I must say that I found out that Mario, his family, has always given themselves to public service. His mom was very involved with politics with the school board. His dad was a fireman. As a matter of fact, Mario got elected to the Texas House for four years where he was "housebroken." Then, of course, he got elected to the Senate, where I got to know him better. But I must say that, Mario, I'm very proud that you were a fireman for 22 years with the Houston Fire Department. Having served in the military, I know that being a fireman is as close as you can get to being at war, always ready to call and answer and risk your life for your neighbors and your community, to put out fires, who are in danger. I have found out that Mario's very passionate, a very compassionate person, who loves his family, who stands by his beliefs, and his reputation is to fight always for working families, not afraid to speak out. And many of you have heard him here on the Senate floor again and again say what many of us wouldn't say, not being afraid to speak out what's on his mind. His reputation, I respect his reputation of integrity. I must tell you, Mario, that I'm very proud. I wish you well, and I'm very proud to nominate you for President Pro Tempore of the Texas Senate. Thank you my friend.

Senator Eltife: Thank you Mr. President. Members, I'll be brief. Senator Gallegos, when faced with adversity, you stand 10 feet tall. You're an inspiration to me, and you're an inspiration to this entire body. I'm extremely honored to call you a friend, and I'm extremely proud to second your nomination. May God bless you and your family.

Senator West: Mr. President. Members, I also rise to second the nomination of my friend, Mario Gallegos, and I, too, will not be long, only to say that, Mario, all of us have recounted the fact that you have a history of service as a public servant, be it in this body, deliberative body, or in the House, or as a firefighter. And I can only imagine whether Whitmire's correct that the only thing you did was to be a dispatcher, or as our friend Eliot recounted, you actually have been involved. I can only imagine you being in either situation and knowing that you had to make a decision in order to help people, whether it be to save their property or their life. In many instances you have brought those experiences and probably some of those memories to this body, as you have been an advocate for children's health care, as you've been an advocate for all issues surrounding health and human services, as you've been an advocate for teachers, and I could go on and on and on. It is that type of experience that, yes, you will need and will bring to the position of President Pro Tempore. And the fact of the matter is, having completed my term as President Pro Tempore, I can only think that, once you get a call and say that the Governor and the Lieutenant Governor are going

to be out of the State of Texas, you may very well be called upon to make a decision that impacts the lives of Texans, many of which generations are yet unborn. And I know that based on my knowledge of you, based on the experiences that you've had throughout your life, that you're able and you're capable and you will make the right decision if called upon to make that decision. My friend, the whole Dallas community congratulates you on being nominated as President Pro Tempore. I congratulate you as your friend. Thank you very much.

Senator Averitt: Thank you Mr. President. Members, I rise to second the nomination of my good friend, Senator Gallegos, this afternoon. It's no wonder at all that Senator Gallegos decided to turn his life to public service. He grew up in a family that was dedicated to public service. And in all Mario's adult life, he's been serving the people of, first, Houston and then his House district and now his Senate district. And through that time, Senator Gallegos has faced some perils that most of us do not have to face. And, yet Senator Gallegos refuses to sit down and not fulfill his mission in life of serving other people. So, Senator Gallegos, we're all so proud of your strength. We look at you as an example of what we can do and how we can improve our determination and our dedication to our own districts. Ladies and gentlemen, it's really a unique privilege to serve in this body. We all have our idiosyncrasies, I suppose. We have our issues with the rules. But let me say this about the way we do business here, I don't know of any other place where a Republican from rural Central Texas can deal with and get to know a Democrat from inner-city Houston because of the way that we do our business. We all spend a lot of time going from desk to desk working our bills and being worked by the other Members of this body on their legislation. And there's no other way that we can get to know each other and know our priorities, and through that process I've had the distinction, privilege, and pleasure of getting to know Mario Gallegos as a dear friend. And how else would I have known that he and I share a common, keen interest in watching Houston Astros baseball? And our friendship is not one of convenience. It's true that Mario can get better tickets than I can, but we have worked together on many issues through this body. It's been a pleasure working with Mario, it's been a joy in my life getting to know him, and you are an inspiration to all of us. Keep fighting, Mario, because we're there with you. Thank you very much.

Senator Nelson: Thank you Mr. President. Members, I also rise to second the nomination of my dear friend, Senator Mario Gallegos. Now this corner's been mentioned, Dean, you mentioned it. Now for those of you who aren't here all the time, I have to tell you that up until this session, Senator Gallegos sat right here, Senator Nichols. And he drove me nuts. Let me tell you, every day, every single day, Senator Gallegos comes in this Chamber, he sat down right there, and he turns around and starts tapping on my computer, tapping on my computer until I pay attention to him. And he would keep doing that, and when I finally turned around and pay attention to him, he points to the screen on his computer. And on the screen of his computer is a collage of all his beautiful grandbabies. And I have to tell you that's what I love most about Senator Gallegos, he cares deeply about his children and about his grandchildren, and that's what we're all about in this body. We care and that's why we do what we do. Now my grandson, Andrew Connor Nelson, is here with us today. Senator Gallegos, you can ask Andrew what he wants to be when he grows up.

Firefighter, that's what he wants to be. He says fireman, I'm trying to be politically correct. But he, and probably most other three-year-old boys, when asked what they want to be when they grow up, they want to be firefighters. And you know why? Because they know that firefighters are real-life heroes. They put their lives at risk every day to help people that they've never met. And, Senator Gallegos, we know that you're a firefighter, but we see those traits in you every day in this Chamber. You're always ready and you're always willing to help people in need. Now, today, Members, some of us took an oath in this Chamber, and if you don't know, there is a firefighters' oath that I was going to read, but I'm not going to. But there is a phrase in there that I want to share with you. I know Senator Gallegos knows this, but the firefighters' oath contains a phrase that says, I promise the wisdom to lead, the compassion to comfort, and the love to serve unselfishly whenever I am called. Senator Gallegos, these words make me think of you. I appreciate you, I appreciate your service, both as a firefighter, as a fireman, and I appreciate your willingness to serve as our President Pro Tempore.

Senator Deuell: Thank you Mr. President. It is an honor to second the nomination. As Senator Nelson pointed out, Senator Gallegos sat right there and he also drove me nuts. I'm not always, I still get nervous when I speak, and I was trying to pass legislation, and, invariably, he would start with the jokes while I'm trying to concentrate. Senator Nichols, beware. I might suggest that you tell him lunch is ready before you start trying to pass bills, because he will distract you, I can assure you. I also sat with, next to Senator Gallegos in Intergovernmental Relations and nothing changed there, as well. But he has helped me to become even more aware of the sacrifices and service of firefighters and the medical dispatching, and we've worked together to pass bills related to firefighters. I've been very proud to do that. And because I'm a physician, I knew the struggles you were going through and could probably, perhaps, see things that some of the other Senators couldn't, and I know the struggles that you will continue to go through. And, Senator, I hope you realize that when I tell you, call me if you need me that I still mean that at any time, 24/7. You were there for Houston 24/7, I will be there for you, and I'm very proud to have you serve as our Senate Pro Tempore.

Senator Brimer: My roots go back to the area that Senator Gallegos represents in the 6th District, Pecan Park, all the way out to Galena Park, on into the town. I was raised there till about the 4th grade. Something that no one's brought up here today is the pride of that area. And if there's any one thing that Senator Gallegos represents, it's the pride, the pride of his family, the pride of his community, and then it leads right on into his pride here in the Senate. One thing that's amazed me, and going into my 10th session, is how we can visit with each other and find common ground. And Senator Gallegos and I have done that. I would have been a Milby Buffalo had I stayed there. I wouldn't have been a stout shooting guard from the Milby Buffaloes. I may have played on the football team, but I understand the pride back in that community. It goes way back. What Senator Gallegos and I also discovered visiting is we believe we have a picture of our fathers together, raising their hands on the Houston City Hall steps in 1942, joining the Navy when the cruiser *Houston* was sunk. The volunteers came from the city to fill that void. And we didn't know that until we really got to visiting and knowing a lot about each other. And I think that's

what these sessions will do as we try to find common ground, common themes, and things that we relate to together. Since I've been in the Senate, it's been quite a change because this was the young quiet guy across the hall from me when we were serving in the House, and he wasn't even there long enough for me to get to know him, he came over to the Senate. Now he's the guy with seniority over little ol' me. Things do change. You don't ever want to, don't ever want to dig any ditches or make any enemies because you're going to have to be working with folks, and things will transpire where you need to build those bonds. But, Senator, I want you to know one thing that I really do recognize in our relationship is that you stand well for your district. You show, you beam with that pride representing Southeast Houston and East Houston like you do, and I respect you for it. I'm proud to second your nomination as President Pro Tempore of the Texas Senate.

Senator Duncan: Thank you Mr. President. Members, I, too, rise to join in this filibuster of your nomination as President Pro Tempore of the Senate. Senator Gallegos, I want to speak to you and your constituents. I have grown to respect you very much over the last few years, having sat next to you in Finance—you really get to know someone when you sit next to them in Finance—and how you fought for your constituents and the issues that were important to the folks that sent you down here, how you fought for the University of Houston, how you paid attention to the details and the important issues that come up in the Senate Finance Committee. But even more so, when we served together on the Jurisprudence Committee, and you were Vice-chairman of that committee, and we traveled around the State of Texas dealing with the difficult issue of redistricting. We were on opposite sides of that issue. And I recall one instance where we went to McAllen, I believe it was, and we were in the Valley—this was a contentious issue—we were in an auditorium, having a hearing, about 300 people were there, and then all of a sudden a group came in from Corpus Christi with a notion of disrupting and cancelling that meeting through their disruption. It was total chaos. There was a man with a drum. You recall, somebody told us to take the drum away from the guy. We said, why don't you go take the drum away? But the DPS didn't know what to do. We were about ready to have to abort that meeting, which would've actually advanced your cause. That would have been in favor of the position that you had on the redistricting bill because chaos would've shown there was not support. But instead of that, you showed your statesmanship. You showed the ability to take leadership. You, and I think you were backed up by the presence of Senator West and the former Special Ops Vietnam, Senator Hinojosa, but you dealt, went out there, and calmly and coolly dealt with those people. You dealt with their issues. We worked a compromise with them, and we were able to continue with that hearing and complete our business. No one studied redistricting harder than you did. No one was more effective in advancing the issues and the positions that your side of that issue had than you did during redistricting. So I respect you very much for that, and I wish you well, and I'm very proud to call you a friend and President Pro Tempore of the Texas Senate.

Senator Ogden: I'd first like to recognize Theresa, thank her for being here and thank you for the support that you've given Mario over the years and the support that he will need as he assumes his new duties as Senate Pro Tempore. Mario, we have a lot in common and much of what has been said today, I think, amplified that. I mean,

one of the things that I was noticing is that you and I were born in the same month of the same year. You and I both had an appointment to the U.S. Naval Academy. You and I both entered the Texas House at the same time, and you beat me over here to the Senate by about two years, but we've served together over here in the Senate. And I have always admired how effective and how hard you fought for what you believed in. In fact, he's got a little mannerism that I notice in floor debate because I have to. But when he is debating, he'll kind of turn his back, and it's like he's cocking a spring. And then he'll wheel on that foot, and here it comes, and you better be ready because it's not a slow pitch. It is a fast pitch. But I was also thinking about your role over in Appropriations, and Senator Duncan was talking about that, and I remember, in particular, you almost single-handedly changing the way we allocated money in the cigarette settlement and how effective, and how hard you fought for M.D. Anderson and The University of Texas Health Science Center in Houston to make sure that they got a better shake in that tobacco settlement than what was originally proposed. I also remember one of the best days that I've had as a Senator was the day that you invited me down to celebrate your graduation at the University of Houston. And we came down there and we celebrated with you, but I remember thinking on that day, as I think today, here is a man that doesn't just talk the talk, he's willing to walk the walk. And I am proud to join in seconding your nomination to be President Pro Tempore of the Senate.

Senator Jackson: Thank you Mr. President. Members, I, too, rise to second the nomination of my colleague from Harris County, Senator Gallegos. He and I share borderlines, boundaries on districts all through southeast Harris County, through, say, the Pasadena area, Sagemont area, south Houston, Deer Park, Baytown, Channelview, La Porte area, the Houston Ship Channel area, and he actually lives very close into my district, and I think it's been said before that he is actually one of my constituents, but I want to, I don't agree with that. I think that he's just outside of my district, but I do ask him from time to time, you know, tell me what's going on back home because I need to, I need to hear what's going on with the community there. Mario's been a great friend since I was elected in the House in, I think, 1989, started serving and he came in and served on a committee with me in '91, and known him ever since. He moved right over to the Senate right after that, but we go to a lot of Chamber of Commerce meetings together, we go to school board meetings, we share a lot of different school districts together, and he's always a person that will, we can get to both sides of the issue when we are in discussion and with, especially, superintendents of schools. As said before, his mother served on the Houston Independent School District for years, which she did. He's always been very proud. He used to invite me to his dad's golf tournaments that he had years ago, and I was always proud to go over and participate with everything that he did with his family. And it's really an honor for me to stand up today to second your nomination. Anyone, Mr. President, that can bring up during debate on this Senate floor and eloquently start talking about wharf rats in the Port of Houston and all that type of thing in debate has got to be good, and I know he'll do a great job as our President Pro Tempore for the Senate. Thank you.

Senator Wentworth: Thank you Mr. President. It's pretty much been said, but I don't think I'll be quite as brief as Elife was, but maybe close. I served with Mario in the House before I came over to the Senate and enjoyed meeting him at that point.

I've got to say, in relation to his service as Vice-chair of the Jurisprudence Committee, which I Chair at this point, having succeeded Senator Duncan in that role, most Texans and, I think, Americans believe that most legislators are lawyers. I think they think that out of 31 Senators, probably two-thirds of us are lawyers, and over in the House, out of 150, probably 100 of them are lawyers. The truth of the matter is, we've only got 11 of the 31 of us who are licensed to practice. If you'll look at the little book that's on everybody's desk today, 10 of us are proud of that. Glenn would rather be identified as a farmer, but he's really licensed to practice law. But there are 11 of us that are licensed to practice law and seven of us on the Jurisprudence Committee. Of those seven, five are lawyers, two are not, and Mario is one of the two nonlawyers, is one of the most faithful attendants at those meetings, asks more questions than nearly any other Member of the Committee, does his work very conscientiously, and for that, I'm very grateful to you. I'm proud to serve with you in the Texas Senate, proud to second your nomination as President Pro Tempore, and look forward to coming to your Governor for a Day ceremony.

The President declared that the Honorable Mario V. Gallegos, Jr., had been duly elected President Pro Tempore of the 80th Legislature by a rising vote of the Senate.

The President appointed the following Committee to Escort Senator Gallegos and his family to the President's Rostrum: Senators Whitmire, Chair; Carona, Ellis, Van de Putte, and Zaffirini.

Senator Gallegos 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 Gallegos as follows:

I, Mario Gallegos, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore 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

President Pro Tempore Gallegos addressed the Senate as follows:

Governor Dewhurst, elected officials and colleagues, family and friends: It is a great and wonderful honor for me to be elected President Pro Tem of the Texas Senate. For a young man who grew up in a modest barrio in Houston, this is truly a humbling experience. Serving in this body is one of the proudest accomplishments of my life. This Senate, of course, has a long and distinguished history of representing the best that Texas has to offer. Senators come to this body from all walks of life, men and women from varying economic means, from differing ethnicities, and from every corner of the state. However all who serve have at least one thing in common: the desire to improve the lives of their fellow Texans. It is a rare

blessing to be able to come to work each day in this magnificent building with the opportunity to improve the future of our great state in such meaningful ways.

The list of people I want to acknowledge could take all day, but I think it is important to touch on a few folks without whom this day would not have come. I am proud that my wife, Theresa, is with me today. This is an amazing woman, Senators. She has been by my side for 33 years, raising a family, and now is embracing a "second motherhood," helping bring up my two terrific grandsons, Jake and Jesse. She is doing a magnificent job, and I can guarantee I would not be standing here today without her love and assistance. And my children, Ali, Melissa, and Mario Elias, are here with me today and have stood by me throughout my career. As each Member of this body knows, family is the backbone of public service, for without the love and support of one's family, dedicating the time and energy required to serve in this body would be nearly impossible. Also with me today are my sisters, Lillian, Olga, Mary Lou, and Cindy. Their companionship and love, in my youth as well as today, has served me well in my professional life and my personal life. I am glad they could be here today to share in this special occasion. I want to thank my mother, Olga, and my late father, Mario, Sr., for their support and assistance throughout my life. My parents strongly encouraged their seven children to give back to the community through public service and volunteerism. They truly share in this honor I am receiving today.

I also want to acknowledge my colleagues for bestowing on me this great distinction. This body gives each of us the chance to work together for a brighter future for Texas. Sometimes we agree to disagree, but we do so agreeably. That is a credit to our Lieutenant Governor, David Dewhurst, who has shown tremendous leadership in getting all 31 Senators to vote in unison on a wide variety of issues critical to all Texans.

I would also be remiss if I did not mention my staff, both present and former, who do so much for me and for my constituents. We all know, Members, that without our staff we would not be able to meet the challenges of passing legislation and providing quality constituent services. They make us look good, and I am deeply appreciative of their service.

Senators, we have a great deal of challenges ahead of us for the next 140 days and well beyond. The political events of the last few months in Texas, in the United States, and around the globe have shown us where fractures are present. Differences of political philosophy, of geography, of ethnicity, of temperament, of economics, we all know these differences exist, but focusing on what makes us different can lead to inertia, to frustration, and to divisiveness. The success of our state and of our nation comes not from concentrating on these differences of background and philosophy but from celebrating our complexities and reaching consensus and moving ahead to advance common interests.

It is for these reasons that I also want to extend a special thanks to my constituents in Senate District 6, where I was born, grew up, went to school, and raised a family. With its rich cultural variety and economic diversity, Senate District 6 is truly a microcosm of the state as a whole: exciting academic challenges such as those offered by the University of Houston, TSU, and U of H-Downtown; economic opportunities fostered by the Port of Houston and the Greater East End Management District; and cultural diversity demonstrated by the million-plus Latinos in Harris County alone.

Opportunity, Members, that is what serving in the State Senate is all about, opportunity to serve, to give back to the community, to learn. We never stop learning, Members, even about our own families. I was more than 30 years old when I learned that my mother had spent part of her youth working for the War Department in the Pentagon.

Not long ago, she told me about her brother, my uncle, being captured during the Korean War and taken as a POW. My mother was told by the Army that he was missing in action and presumed dead. In those days, Houston had three newspapers, and in the back of the *Houston Press* there was an article about how to contact the North Koreans with questions about the war. My mother wrote the Korean government about her brother, and they responded. They reported he was doing fine, living in a POW camp with two other men from Houston. My mother contacted the families of those men, who confirmed the signatures, and the families shared a brief sense of brotherhood during a terrible time. Not long after, the Army again paid a visit to my mother, but brought two FBI agents along, inquiring about the letter from the North Koreans and wondering how she came to get in contact with our enemies. My mother showed them her Pentagon badge and told the agents that she used to write similar letters for other families when she worked in the War Department, and now she was writing a letter about her own family.

That is a true story, Senators, and it reminds me that learning and opportunity are what serving in the Texas Senate is all about. I learn something new in this job every day, about my mother or about this great state. And we help provide opportunities to today's Texans that rarely existed 50 years ago, when a young Hispanic woman from Houston took a job in the Pentagon to serve the public.

I was asked recently if I missed the Houston Fire Department where I served for 22 years. I thought back to the opportunities that I had presented to me, when I was a young man contemplating going to Annapolis or joining the Fire Academy, or when I first ran for the House, or later when I jumped into a tightly-contested race for the Texas Senate in 1994. Each of these occasions was an opportunity, which is what we all want to offer Texans of every age or ethnicity, an opportunity to move ahead in the world and to make the most of their lives.

Senator Ratliff, Obi-Wan to many of us, said it last night, there is no finer body anywhere than the Texas Senate, and being one of these 31 has been the best opportunity of my professional life. So, yes, I miss the

firehouse and the friendships I developed there. But for you freshman Senators here today, I want you to know, you are part of the best game in town.

Members, I look forward to working with each of you this coming session of the Legislature, to bridge our differences and unite for a better tomorrow for all Texans. Thank you, Members, from the bottom of my heart, for this great honor. I am deeply humbled to serve as your President Pro Tem for the 80th Legislature.

God bless Governor Dewhurst; God bless my friends, family, and colleagues; God bless America; and God bless Texas. Thank you.

GUESTS PRESENTED

The President introduced members of his family to the Senate.

The Senate welcomed its guests.

VIDEO RELEASE POLICY WAIVED

On motion of Senator Brimer and by unanimous consent, the Senate policy that governs the release of recordings of the Senate proceedings was waived in order to grant the request of Senator Gallegos for a DVD of today's session.

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 Members each to notify the Governor and the House of Representatives that the Senate is organized and ready to transact business.

WHITMIRE

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

Accordingly, the President appointed the following Committee to Notify the Governor: Senators Fraser, Chair; Duncan, Hegar, Patrick, and Watson, and the following Committee to Notify the House of Representatives: Senators Ogden, Chair; Averitt, Brimer, Uresti, and Van de Putte.

PHYSICIAN OF THE DAY

Senator Nichols 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.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Weston Huff of George West and Laird Hanson-Felter of Austin, serving today as Honorary Senate Pages.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Gallegos was recognized for the introduction of guests.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate Mayor of the City of Alamo, Rudy Villarreal, and The University of Texas at Austin President William Powers, Jr.

The Senate welcomed its guests.

GUEST PRESENTED

Senator West was recognized and introduced to the Senate Craig Watkins, Dallas County District Attorney.

The Senate welcomed its guest.

AT EASE

The President at 1:55 p.m. announced the Senate would stand At Ease until 3:00 p.m. today.

IN LEGISLATIVE SESSION

The President at 3:20 p.m. called the Senate to order as In Legislative Session.

SENATE CONCURRENT RESOLUTION 6

The President laid before the Senate the following resolution:

BE IT RESOLVED by the 80th Legislature, That a joint committee, composed of six members of the senate appointed by the lieutenant governor and six members of the house appointed by the speaker of the house, arrange for the canvass of the votes cast for governor and lieutenant governor at the general election held on November 7, 2006, and that a joint session of the senate and house be held in the hall of the house of representatives at 11:00 a.m., Thursday, January 11, 2007, for the purpose of counting the votes, receiving the report, and hearing the declaration of the results of the canvass; and, be it further

RESOLVED, That the senate and house sit in joint session at 10 a.m. on Tuesday, January 16, 2007, for the inauguration of the governor-elect and lieutenant governor-elect of Texas as determined by the canvass of the votes; and, be it further

RESOLVED, That a joint committee, composed of five members of the senate appointed by the lieutenant governor and five members of the house appointed by the speaker of the house, make arrangements for the joint session and oath-taking ceremony on January 16, 2007; and, be it further

RESOLVED, That the Department of Public Safety of the State of Texas be, and is hereby, instructed to close all vehicle entrances to the Capitol grounds on Tuesday, January 16, 2007, except for those vehicles approved by the inaugural committee as necessary for use in connection with the ceremony and the program following.

JANEK

SCR 6 was read.

On motion of Senator Janek 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.

CANVASS AND INAUGURAL COMMITTEES APPOINTED

In accordance with the provisions of **SCR 6**, the President announced the appointment of the following as a Committee to Canvass the Votes: Senators Janek, Chair; Ellis, Fraser, Hinojosa, Nichols, and Watson, and the following as the Inaugural Committee: Senators Nelson, Chair; Duncan, Shapiro, West, and Zaffirini.

SENATE RESOLUTION 3 (Senate Rules)

Senator Whitmire offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Rules of the Senate of the 79th Legislature are adopted as the Permanent Rules of the 80th Legislature.

SR 3 was read and was adopted by the following vote: Yeas 30, Nays 1.

Nays: Patrick.

REASON FOR VOTE

Senator Janek submitted the following reason for vote on **SR 3**:

The focus on the two-thirds rule misses the point. The point is accountability. Whether it is one third, one half, or one tenth of the Senate killing a bill with no record is irrelevant. On the issues most important to our constituents, we deserve an up or down vote.

JANEK

RESOLUTION OF RECOGNITION

The following resolution was adopted by the Senate:

Congratulatory Resolution

SR 4 by Brimer, Recognizing Everman Independent School District on the occasion of its 100th anniversary.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:45 p.m. adjourned until 11:00 a.m. tomorrow.