

TWENTY-FOURTH DAY

MONDAY, FEBRUARY 28, 2005

PROCEEDINGS

The Senate met at 1:30 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, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Van de Putte.

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

The Reverend Dr. Jerry F. House, Sr., First United Methodist Church, Crockett, offered the invocation as follows:

Dear God, we thank You for our dreams and the will to realize them, for interest in our work and the ability to do it, for the trusts committed to each of us and the desire to keep faith with those who believe in us and vote us into office. We know we live in a world in which the kind of peace You intended is constantly being interrupted with acts of terrorism, senseless acts of abuse by parents, acts of violence in the midst of our drug culture, the list is endless, the interruptions to Your peace are many and varied. Give us Your vision today, Your vision of peace for all of life. The kind of vision that has been shown in the lives of Your prophets who taught us through their living that full barns are meaningless until you begin to empty them, money lacks real purpose until you share it, love is not love until you give it away, time is valueless until it's spent on something other than self, a gift is not a gift until it's given away, life, real life is not life until you lose it. Make us worthy of Your vision for our lives and work. Make us worthy of the rich inheritance of our common life, the laws that protect us, the families that care for us, the community which supports us, the schools that teach us, and the churches and synagogues which inspire us. Teach us, we pray, how to live and work together regardless of our party affiliation, that we may better use our talents and the bounty of the good Earth for the building of a better state, nation, and world. In Your name we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Thursday, February 24, 2005, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVE OF ABSENCE

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

CO-AUTHOR OF SENATE BILL 236

On motion of Senator Van de Putte, Senator Staples will be shown as Co-author of **SB 236**.

CO-AUTHOR OF SENATE BILL 483

On motion of Senator Staples, Senator Ellis will be shown as Co-author of **SB 483**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
February 28, 2005

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 160, Relating to motor vehicles equipped with recording devices.

HCR 20, Congratulating J. Lindsey Bradley, Jr., on his receipt of the 2004 Earl M. Collier Award for Distinguished Health Care Administration.

HCR 47, Concurrent resolution honoring the life of civil rights leader James Leonard Farmer, Jr.

HCR 62, In memory of Dr. Edmund Whetstone Robb, Jr., of Marshall.

HCR 67, In memory of Dr. Carlos Ramon Saca of Edinburg.

HCR 79, Recognizing February 28, 2005, as West Day at the State Capitol.

HCR 80, Congratulating the Crawford High School Pirates football team on their championship season.

HCR 81, Congratulating the Crawford High School cheerleading squad on their championship season.

HCR 82, Congratulating the Crawford High School Band on their contribution to the community.

HCR 83, Recognizing National Eating Disorders Awareness Week, February 27 through March 5, 2005.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Seliger was recognized and presented Dr. Thomas E. Smith of Muleshoe as the Physician of the Day.

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

LETTERS FROM THE LIEUTENANT GOVERNOR

The following letters were received from the Lieutenant Governor:

David Dewhurst
Lieutenant Governor of Texas
President of the Senate

February 21, 2005

The Honorable Kip Averitt
Capitol Extension
Room E1.608
Austin, Texas 78701

Dear Senator Averitt:

Pursuant to Senate Rule 11.03 of the Senate Rules of the 79th Texas Legislature, I am appointing you to membership on the Subcommittee on Emerging Technologies & Economic Development.

Thank you for your continued service to Texas.

Sincerely,

/s/David Dewhurst
Lieutenant Governor

February 21, 2005

The Honorable Craig Estes
Capitol Building
Room 3E.8
Austin, Texas 78701

Dear Senator Estes:

Pursuant to Senate Rule 11.03 of the Senate Rules of the 79th Texas Legislature, I am appointing you to membership on the Subcommittee on Emerging Technologies & Economic Development.

Thank you for your continued service to Texas.

Sincerely,

/s/David Dewhurst
Lieutenant Governor

GUESTS PRESENTED

Senator Lucio, joined by Senator Zaffirini, was recognized and introduced to the Senate members of the League of United Latin American Citizens, the American Civil Liberties Union, and the National Association for the Advancement of Colored People.

The Senate welcomed its guests.

SENATE RESOLUTION 256

Senator Deuell offered the following resolution:

WHEREAS, A group of proud Texans is visiting Austin on February 28, 2005, to celebrate the many fine attributes of Rockwall County; and

WHEREAS, Before its establishment in 1873, Rockwall County formed a part of Nacogdoches, Henderson, and Kaufman Counties; the area takes its name from an extensive, largely subterranean rock formation discovered in the mid-19th century by farmers digging a well; and

WHEREAS, Recently celebrating its 150th anniversary, the county seat, also named Rockwall, was founded along with Heath on the National Road of the Republic of Texas, a major route used by settlers that ran from the Dallas area to the Red River; today, the City of Rockwall's Historic Preservation Advisory Board, the "Old Town" Rockwall Neighborhood Association, and the Rockwall County Historical Foundation direct their efforts toward preserving the notable history of the region for future generations; and

WHEREAS, Nearly 51,000 Texans make their home in Rockwall County's 148 square miles, where they can enjoy the pleasures of rural and small-town life while living just a short drive away from the big-city amenities of the Dallas-Fort Worth Metroplex; in addition to Rockwall and Heath, other communities in the county include Fate, McLendon-Chisholm, Mobile City, Royse City, and Rowlett; and

WHEREAS, Contributing to the quality of life in Rockwall County are strong schools and an array of cultural organizations, including musical and theatrical groups; bordered on the west by Lake Ray Hubbard, the county offers exceptional sailing, fishing, and boating for outdoor enthusiasts as well as numerous parks and abundant other recreational opportunities; and

WHEREAS, The smallest of the Lone Star State's 254 counties, Rockwall County is nonetheless home to people who demonstrate Texas-sized heart and spirit; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby recognize February 28, 2005, as Rockwall County Day at the State Capitol and extend to all those residents of the county here today warmest wishes for a memorable visit.

SR 256 was read and was adopted without objection.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate Ken Jones, Mayor of Rockwall; David Hill, Mayor of Fate; Dennis Watson, City Manager of Heath;

Bill Broderick, Fate Alderman; and Terry Raulston, Rockwall City Councilmember; accompanied by a delegation of citizens from Rockwall County.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate members of the Texas Dental Hygienists' Association.

The Senate welcomed its guests.

SENATE RESOLUTION 269

Senator Ellis offered the following resolution:

WHEREAS, Students and alumni of Prairie View A&M University, a leading nationally recognized historically black university, take justifiable pride in their alma mater, which is now preparing to celebrate its 130th anniversary in 2006; and

WHEREAS, Prairie View A&M University, one of the two oldest public institutions of higher learning in the Lone Star State, was founded in 1876 under the Texas Constitution and the Morrill Land Grant College Acts of 1862 and 1890; founded with the purpose of educating African-American students, the university has long been recognized as a valuable asset to the State of Texas and our nation; and

WHEREAS, Over the years, the university has established itself as an outstanding institution of higher learning for those in pursuit of knowledge, regardless of their race, color, creed, religious beliefs, or national origin; it is well known that the university has produced a remarkable number of our state's most respected professionals and leaders, including nurses, engineers, educators, and military officers; and

WHEREAS, Prairie View A&M University's staff and faculty have committed themselves to meeting the educational needs of the community by fostering a harmonious balance between preparation for professional specialization and the liberal arts and sciences curriculum, thereby ensuring that the university remain an indispensable institution in our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby congratulate Prairie View A&M University on its upcoming 130th anniversary and extend sincere best wishes for continued success and growth in the years ahead; and, be it further

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

SR 269 was read and was adopted without objection.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate Dr. George Wright, President, Prairie View A&M University; Frank Jackson, Mayor, City of Prairie View; Cleophus Sharp; and Nigel Redmond; accompanied by a delegation of Prairie View A&M University alumni.

The Senate welcomed its guests.

SENATE RESOLUTION 262

Senator Ellis, on behalf of Senator West, offered the following resolution:

WHEREAS, The Texas Senate is pleased to recognize Monday, February 28, 2005, as Prairie View A&M University Alumni Day at the Capitol; and

WHEREAS, Prairie View A&M University, a leading national historically black university, for more than a century has provided students with an outstanding college education, and its list of notable alumni is a testament to the institution's dedication to molding strong character, promoting higher values, and striving for academic excellence; and

WHEREAS, Staying true to the slogan "Prairie View Produces Productive People," the university has educated a host of distinguished professionals, including medical doctors such as Harmon Kelley, Gerard Mosby, Terry Major-Kincade, Keith Crawford, Freddie Davis-Douglass, and Janice Kelly; engineers such as Nathelyne Kennedy, Clifford Ward, Charles Gooden, Roy G. Perry, Edward Jones, and Dr. Oree Dyes; educators such as Franklin Wesley, Dr. Sidney McPhee, Kevin Bullock, Dr. George Brown, and Dr. Shirley Neeley; nurses such as Dr. Bettye Davis-Lewis, Lillian Bernard, Odelia Peters, Dr. Laurie Mitchell, Lois Moore, and Ruth Kennedy; and lawyers such as Lonnie Davis, Horace St. Julian, and Louis Bedford, Jr.; and

WHEREAS, Also graduates of Prairie View A&M University are such distinguished national and state legislators as Congressman Emmanuel Cleaver II, State Representative Senfronia Thompson, former Congressman Craig Washington, and former State Representative Reby Cary; and such community leaders as Tamra Wiley Lewis, Dr. Mattie Scott Londow, Calvin Bluiett, Don Clark, Talmadge Sharp, Sr., and Mayor Frank Jackson; and such business leaders as Dr. Samuel Metters, Donald Sowell, Dr. Al T. Burrs, Sr., Charles Swindell, Bill Calhoun, Jamie House, and Kase Lawal; and

WHEREAS, Prairie View A&M University has played a significant role in the development of this state through the education of countless Texans, and it will undoubtedly nurture generations of new leaders who will continue the tradition of civic engagement, community support, and public service embraced by its alumni today; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby honor Prairie View A&M University for its many contributions to our state and pay tribute to its alumni on their exceptional accomplishments; and, be it further

RESOLVED, That a copy of this Resolution be prepared as a memento of Prairie View A&M University Alumni Day at the Capitol.

WEST
ELLIS

SR 262 was read and was adopted without objection.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate Rear Admiral Osie V. Combs, Jr., and Vice Admiral David L. Brewer III, accompanied by members of the Reserve Officer Training Corps program at Prairie View A&M University.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Eltife was recognized and introduced to the Senate students from Caldwell Elementary Arts Academy in Tyler, accompanied by their principal, assistant principal, and sponsors.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 47

The President laid before the Senate the following resolution:

WHEREAS, James Leonard Farmer, Jr., a native Texan, played a fundamental role in shaping and leading the modern civil rights movement in the United States; and

WHEREAS, Born in Marshall on January 12, 1920, Mr. Farmer lived in Austin from 1925 to 1930 while his father was serving as a professor and as registrar at Samuel Huston College; after graduating from Wiley College at the age of 18, he initially followed in the footsteps of his theologian father, earning a bachelor of divinity degree from Howard University in 1941; while studying at Howard, he developed a great appreciation for the work of Mahatma Gandhi; and

WHEREAS, James Farmer moved to Chicago in 1941 to join the Fellowship of Reconciliation as a secretary of race relations; the following year, he became the principal founder of a new civil rights organization, the Congress of Racial Equality (CORE); during his involvement with CORE, Mr. Farmer helped to pioneer the civil rights protest tactics that gained national attention in the 1950s and 1960s—nonviolent direct action, civil disobedience, and noncooperation with segregation; and

WHEREAS, After serving as program director for the NAACP from 1959 to 1961, Mr. Farmer returned to CORE to become its national director; shortly thereafter he organized the first Freedom Ride, a protest action that ultimately led to the outlawing of segregated seating in interstate travel; and

WHEREAS, While overseeing the formation of more than 150 new CORE chapters, Mr. Farmer also played a key role in organizing the 1963 March on Washington; at the same time, he led CORE in courageous efforts to register African American voters in southern states, a campaign that climaxed in Mississippi with the Freedom Summer project of 1964; and

WHEREAS, One of the preeminent leaders of the civil rights movement, James Farmer saw his labor and sacrifices, together with the efforts of thousands of other brave men and women, bear fruit in the Civil Rights Act of 1964 and the Voting Rights Act of 1965; moreover, he used his access to Vice President and then President Lyndon Johnson to successfully promote the concept of affirmative action; and

WHEREAS, Mr. Farmer left CORE in 1966; from 1969 to 1970, he served in the administration of President Richard Nixon as an assistant secretary in the Department of Health, Education and Welfare; during his tenure at HEW he advocated the use of federal funds to strengthen historically black colleges and universities; and

WHEREAS, In his continuing quest to heal racial divisions within the country, Mr. Farmer cofounded in 1975 the Fund for an Open Society, an organization to promote interracial housing; the author of two books, including an autobiography, he served as a Distinguished Professor of History and American Studies at Mary Washington College, now the University of Mary Washington, from 1985 to 1998; among the numerous awards conferred on him during his lifetime were 26 honorary degrees and, in 1998, the Presidential Medal of Freedom; and

WHEREAS, James Farmer died on July 9, 1999; in recognition of his towering role in the civil rights movement, Governor Rick Perry, Austin Mayor Will Wynn, and San Antonio Mayor Edward D. Garza declared January 12, 2005, as a special day to honor James Farmer; and

WHEREAS, Throughout his life, this notable American remained committed to the principle of nonviolence and to the ideal of a fully inclusive, integrated society, and in his unwavering devotion to that shining vision, he was instrumental in advancing the cause of social and economic justice for all the citizens of this land; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas hereby pay tribute to the life of James Leonard Farmer, Jr., for his immeasurable contributions to the continuing expansion of human freedom.

BARRIENTOS

HCR 47 was read.

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

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

Absent-excused: Van de Putte.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate Detine Bowers, Johnathon Clark, and Austin City Councilmember Betty Dunkerley.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 79

The President laid before the Senate the following resolution:

WHEREAS, On February 28th, 2005, dignitaries and citizens from the city of West, Texas are coming to the State Capitol in Austin to share their Czech heritage, hospitality, and world-famous kolaches; and

WHEREAS, Established at its present site in 1881 and officially becoming West nine years later, this small but vibrant community—named after Thomas West, a farmer, postmaster, and businessman—retains many of the same charms which drew people to the area more than 100 years ago; and

WHEREAS, Among those drawn to this rich farmland were immigrants from Czechoslovakia, who came to the area, farmed the land, opened businesses, shared their European culture, and planted roots which are now indelibly woven into the identity of West; and

WHEREAS, The people of West embrace this heritage, making it known and officially designated as the Czech Heritage Capital of the State of Texas, and offering the yearly Labor Day weekend tradition of Westfest, a celebration of Old World foods, music, arts and crafts, and many other activities; and

WHEREAS, Among the many charms of West which make it a must for countless travelers, perhaps the most favorite and famous of these are the delicious fruit and meat kolaches, brought to the State Capitol on this day by the Catholic Daughters in West; now therefore be it

RESOLVED, That the 79th Legislature of the State of Texas hereby declare Monday, February 28th, 2005, as West Day at the Capitol and express its deepest gratitude to the people of West, who have come to the Capitol to share the things we all love most about West—its rich history, its hospitality, and its food; and be it further

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

AVERITT

HCR 79 was read.

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

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

Absent-excused: Van de Putte.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

SENATE RESOLUTION 237

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Texas Teen Court participants and to welcome them to the State Capitol on February 28, 2005; and

WHEREAS, Teen courts are run by teenagers for teenagers to provide continuing education and training for the participants, to foster civic engagement in young people, and to reduce juvenile crime; and

WHEREAS, Teen Court programs provide community restitution for teens with Class C misdemeanors such as traffic or other minor offenses; teenage volunteers run the courts, acting as bailiffs, attorneys, clerks, and jurors; most volunteers are students who hope to study law or are extremely interested in the legislative process; and

WHEREAS, The Teen Court participants are visiting the Supreme Court, the Secretary of State's office, and the State Capitol to learn about the legislative process; these dedicated volunteers perform a valuable service to our communities and to our state and are truly worthy of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby welcome Teen Court participants to the Capitol and honor them for their contributions to the State of Texas; and, be it further

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

SHAPIRO
WEST

SR 237 was read and was adopted without objection.

GUESTS PRESENTED

Senator Shapiro was recognized and introduced to the Senate Boyd Davis, Alex Holley, and Robert Cunningham representing the Irving Teen Court and David Lee and William Gu representing the Plano Teen Court, accompanied by other representatives of Texas Teen Court.

The Senate welcomed its guests.

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 28, HCR 65, HCR 72.**

GUESTS PRESENTED

Senator Shapiro, joined by Senator Estes, was recognized and introduced to the Senate a delegation of citizens from the City of McKinney representing Citizenship McKinney Day at the Capitol.

The Senate welcomed its guests.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:24 p.m. agreed to adjourn, in memory of Maribel Estrada and Mark Alan Wilson of Tyler, Trevor D. Aston of Austin, and Kathlene Hendrix, upon completion of the introduction of bills and resolutions on first reading, until 1:30 p.m. tomorrow.

(Senator Averitt in Chair)

SENATE BILLS ON FIRST READING

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

SB 506 by Shapleigh

Relating to the sale of life insurance to military personnel.

To Committee on State Affairs.

SB 507 by Wentworth

Relating to alternative dispute resolution of certain contract claims against the state.

To Committee on State Affairs.

SB 508 by Wentworth

Relating to the confidentiality of certain communications involving an ombudsman's office established by an employer.

To Committee on Business and Commerce.

SB 509 by Armbrister

Relating to the repeal of the restriction on the amount of money in the water infrastructure fund that may be used for certain purposes in a fiscal year.

To Committee on Natural Resources.

SB 510 by Lucio

Relating to the first instructional day of a school year for public school students.

To Committee on Education.

SB 511 by Deuell

Relating to public testimony at regular meetings of the governing board of a general academic teaching institution.

To Subcommittee on Higher Education.

SB 512 by Deuell

Relating to the criminal penalty for the unlawful delivery of a dangerous drug on a school bus or in a drug-free zone.

To Committee on Criminal Justice.

SB 513 by Deuell

Relating to the prosecution of the offense of credit card or debit card abuse.
To Committee on Criminal Justice.

SB 514 by Deuell

Relating to the conversion of the Verandah Fresh Water Supply District of Hunt County to a municipal utility district; providing authority to impose a tax and issue bonds; granting the power of eminent domain.
To Committee on Intergovernmental Relations.

SB 515 by Deuell

Relating to the creation of the Sunrise Municipal Utility District of Hunt County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.
To Committee on Intergovernmental Relations.

SB 516 by Deuell

Relating to the creation of the Union Valley Ranch Municipal Utility District of Hunt County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.
To Committee on Intergovernmental Relations.

SB 517 by Armbrister

Relating to studies or projects concerning coastal erosion that may be undertaken by the General Land Office in conjunction with qualified project partners.
To Subcommittee on Agriculture and Coastal Resources.

SB 518 by Ellis

Relating to the licensing and regulation of Canadian pharmacies for the dispensing of prescription drugs in this state.
To Committee on Health and Human Services.

SB 519 by Armbrister

Relating to compliance histories for and incentives to reward compliance performance by entities regulated by the Texas Commission on Environmental Quality.
To Committee on Natural Resources.

SB 520 by Madla

Relating to liability of physician assistants who provide certain emergency care.
To Committee on State Affairs.

SB 521 by Madla, Eltife

Relating to exemptions from the law governing emergency medical services for certain transfer vehicles and staff and to the minimum qualifications for obtaining an emergency medical services provider license.
To Committee on Health and Human Services.

SB 522 by Armbrister

Relating to the Texas Emergency Services Retirement System; providing an administrative penalty.
To Committee on State Affairs.

SB 523 by Deuell

Relating to the regional emergency medical dispatch resource center pilot program.
To Committee on Health and Human Services.

SB 524 by Eltife

Relating to the creation of a county court at law in Cass County.
To Committee on Jurisprudence.

SB 525 by Hinojosa

Relating to requiring the corroboration of certain testimony to support a criminal conviction.
To Committee on Criminal Justice.

SB 526 by Hinojosa

Relating to a county's authority to impose a records archive fee.
To Committee on Intergovernmental Relations.

SB 527 by Hinojosa

Relating to authorizing a sports recreation and wellness facility fee at The University of Texas-Pan American.
To Subcommittee on Higher Education.

SB 528 by Hinojosa

Relating to the installment payment of tuition and fees charged by a public junior college for a summer term.
To Subcommittee on Higher Education.

SB 529 by Hinojosa

Relating to the tuition charged for certain courses repeated by students attending public junior colleges.
To Subcommittee on Higher Education.

SB 530 by West

Relating to a fixed tuition rate provided by general academic teaching institutions to certain students for satisfactory academic progress and performance.
To Committee on Education.

SB 531 by West

Relating to the tuition charged for certain courses repeated by students attending public junior colleges.
To Subcommittee on Higher Education.

SB 532 by Shapiro

Relating to tuition for a student registered in a public junior college.
To Committee on Education.

SB 533 by Fraser

Relating to the state's goal for renewable energy.
To Committee on Business and Commerce.

SB 534 by Lindsay, Hinojosa

Relating to the authority of county attorneys in certain counties to enforce certain provisions relating to real property.
To Committee on Jurisprudence.

SB 535 by Whitmire

Relating to termination or suspension without pay of certain public school district employees.
To Committee on Education.

SB 536 by Van de Putte

Relating to reimbursement under certain health benefit plans for services provided by licensed podiatrists.

To Committee on State Affairs.

SB 537 by Deuell

Relating to the registration of antique boats with the Parks and Wildlife Department.

To Committee on Natural Resources.

SB 538 by Deuell

Relating to evidence establishing ownership of a vessel for a certificate of title issued by the Parks and Wildlife Department.

To Committee on Natural Resources.

SB 539 by Seliger

Relating to the prosecution of the offense of credit card or debit card abuse.

To Committee on Criminal Justice.

SB 540 by Seliger

Relating to the computation of wealth per student in certain school districts.

To Committee on Education.

SB 541 by Seliger

Relating to the confidentiality of photographs of certain residential property held by an appraisal district.

To Committee on Intergovernmental Relations.

SB 542 by West

Relating to the authority of the attorney general to bring suit on behalf of individuals injured by unlawful practices in restraint of trade.

To Committee on Business and Commerce.

SB 543 by Shapleigh

Relating to the authority of a member, agency, or committee of the legislature to receive on request one copy of public information from a governmental body without charge.

To Committee on State Affairs.

SB 544 by Shapleigh

Relating to the creation of a commission to study capital punishment in Texas.

To Committee on Criminal Justice.

SB 545 by Madla

Relating to the creation of the Type 2 Diabetes Screening Program Advisory Council and the establishment of a Type 2 diabetes screening program for school children.

To Committee on Education.

SB 546 by Madla

Relating to permits for the commercial composting of grease trap waste.

To Committee on Natural Resources.

SB 547 by Madla

Relating to voter eligibility and registration in El Paso County Water Improvement District No. 1.

To Committee on Intergovernmental Relations.

SB 548 by Ellis

Relating to the manner in which the Board of Pardons and Paroles performs duties related to clemency in capital cases.

To Committee on Criminal Justice.

SB 549 by Ellis

Relating to the disclosure of information relating to the investment of the permanent university fund and other funds under the management and control of the board of regents of The University of Texas System.

To Committee on Education.

SB 550 by Duncan

Relating to the compensation of security personnel of certain courts.

To Committee on Jurisprudence.

SB 551 by Duncan

Relating to certain exemptions from the requirement to be licensed to perform electrical work.

To Committee on Business and Commerce.

SB 552 by Duncan

Relating to the creation of magistrates in Nolan County.

To Committee on Jurisprudence.

SB 553 by Duncan, Ellis

Relating to the appointment of certain judicial offices and a nonpartisan election for the retention or rejection of a person appointed to those offices.

To Committee on Jurisprudence.

SB 554 by Duncan

Relating to the liability of an ERISA-regulated employee benefit plan under certain state law.

To Committee on State Affairs.

SB 555 by Janek

Relating to requirements for certain medical treatment consent forms.

To Committee on State Affairs.

SB 556 by Brimer

Relating to the collection of certain fines, penalties, expenses, and interest by certain municipalities.

To Committee on Intergovernmental Relations.

SB 557 by Brimer

Relating to the collection of the tax on gasoline and diesel fuel and to the use of the certain revenue from the tax.

To Committee on Finance.

SB 558 by Brimer

Relating to the application of the sales tax to services for repairing and remodeling certain commercial properties.

To Committee on Finance.

SB 559 by Brimer

Relating to the limitation on appraised value of certain property under the Texas Economic Development Act and to the continuation of that Act.

To Subcommittee on Emerging Technologies and Economic Development.

SB 560 by Carona

Relating to court orders for discovery in a criminal case.

To Committee on Criminal Justice.

SB 561 by Carona

Relating to the procedure for determining the incompetency of a defendant to stand trial.

To Committee on Jurisprudence.

SB 562 by Janek

Relating to the creation of health savings accounts for certain state employees and retirees and their dependents.

To Committee on State Affairs.

SB 563 by Janek

Relating to the prevention of Medicaid fraud; providing penalties.

To Committee on Health and Human Services.

SB 564 by Barrientos

Relating to the establishment of a program for the disposition of electronic equipment in a manner that protects the water and other natural resources of the state; providing a criminal penalty.

To Committee on Natural Resources.

SB 565 by Deuell

Relating to the posting of a list of employees in certain child-care facilities and family homes.

To Committee on Health and Human Services.

SB 566 by Deuell

Relating to a Medicaid buy-in program for employed persons with disabilities.

To Committee on Health and Human Services.

SB 567 by Deuell

Relating to requiring a taxing unit to include in the public notice of a hearing on the adoption of an ad valorem tax rate certain information relating to the taxing unit's budget and appraisal roll.

To Committee on Finance.

SB 593 by Carona

Relating to the governor's study of emerging technology and economic development.

To Subcommittee on Emerging Technologies and Economic Development.

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

On motion of Senator Carona and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Subcommittee on Emerging Technologies and Economic Development might consider **SB 593** today.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 244 by Deuell and Staples, In memory of James M. "Jim" Allison of Woodville.

SR 249 by Lindsay, In memory of Samuel Dean Gardner of Houston.

SR 265 by Barrientos, In memory of James Ray Palmer of Burnet and Austin.

SR 270 by Ellis, In memory of Grady Burke of Houston.

Welcome and Congratulatory Resolutions

SR 246 by Eltife, Congratulating Elmer G. Ellis for his induction into the Tyler Business Hall of Fame of Junior Achievement of the Greater Tyler Area.

SR 247 by Lindsay, Commending John Edward Agnor IV for achieving the rank of Eagle Scout.

SR 248 by Lindsay, Commending Michael John Levine for achieving the rank of Eagle Scout.

SR 252 by Ellis, Congratulating Roger Wood for receiving the 2005 Keeping the Blues Alive Award in Literature from the Blues Foundation.

SR 257 by Duncan, Recognizing Altrusa International, Incorporated, of Lubbock, District Nine, for honoring its 60th Woman of the Year.

SR 259 by Carona and Shapiro, Congratulating Rade Milovanovic and The University of Texas at Dallas chess team for winning the Pan American Intercollegiate Team Chess Championship.

SR 260 by Carona and Shapiro, Welcoming members of the government honors program of The University of Texas at Dallas to the State Capitol on March 3, 2005.

SR 266 by Barrientos, Recognizing Thomas John Malone on the occasion of his retirement.

SR 272 by Ellis, Congratulating J. Michael Solar for receiving the 2005 Pasadena Independent School District Distinguished Alumnus Award.

HCR 60 (Duncan), Honoring Gail Platt of Lubbock for her 20 years of service to the Texas Community College Teachers Association.

HCR 80 (Averitt), Congratulating the Crawford High School Pirates football team on their championship season.

HCR 81 (Averitt), Congratulating the Crawford High School cheerleading squad on their championship season.

HCR 82 (Averitt), Congratulating the Crawford High School Band on their contribution to the community.

HCR 83 (Nelson), Recognizing National Eating Disorders Awareness Week, February 27 through March 5, 2005.

Official Designation Resolution

SR 267 by Zaffirini, Recognizing February 28, 2005, as McMullen County Day at the State Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 2:36 p.m. adjourned, in memory of Maribel Estrada and Mark Alan Wilson of Tyler, Trevor D. Aston of Austin, and Kathlene Hendrix, until 1:30 p.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

February 28, 2005

JURISPRUDENCE — **SB 168**

EDUCATION — **CSSB 111, CSSB 124, SB 256**

INTERGOVERNMENTAL RELATIONS — **CSSB 174, CSSB 177**

HEALTH AND HUMAN SERVICES — **CSSB 6**

