

# TWENTY-FIFTH DAY

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TUESDAY, MARCH 1, 2005

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## PROCEEDINGS

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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, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

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

The Reverend Anthony Mendoza, Saint Joseph's Catholic Church, La Pryor, offered the invocation as follows:

Heavenly Father, You are the source of all goodness and light. You are perfect in every way and You have no need of any creature. Yet in Your generous love You brought us into existence and You have even given us a share in Your own nature. May we be grateful for the countless blessings You continually give to us, and may we imitate Your generosity by sharing the gifts we have received with those in need. As You love us at every moment for our own sake, may we always love our brothers and sisters in the human family for their own sake. We ask You today to bless in a special way the men and women of this Legislature, that they may work in a true spirit of justice and charity. May their deliberations and their actions bring about a greater appreciation for Your blessings, especially for the precious gift of every human life. Fill these legislators with Your wisdom, keep them from all harm, and bring them to the great joy of loving others as You love us. We ask this in Your great name. Amen.

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

The motion prevailed without objection.

### **CO-AUTHOR OF SENATE BILL 59**

On motion of Senator Averitt, Senator Zaffirini will be shown as Co-author of **SB 59**.

**CO-AUTHOR OF SENATE BILL 470**

On motion of Senator Averitt, Senator West will be shown as Co-author of **SB 470**.

**CO-AUTHOR OF SENATE BILL 518**

On motion of Senator Ellis, Senator Gallegos will be shown as Co-author of **SB 518**.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

March 1, 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 259**, Relating to the powers of a county, municipality, or local entity with respect to the regulation of traffic on highways under its jurisdiction.

**HB 266**, Relating to the time for processing a county building permit.

**HCR 19**, Designating February 28 to March 1, 2005, as Tyler Days at the State Capitol.

**HCR 21**, Congratulating the Red Raiders football team of Robert E. Lee High School in Tyler on winning the state Class 5A Division I football championship.

**HCR 75**, Congratulating the Kilgore High School football team on winning the 2004 UIL Class 4A Division II State Football Championship.

**HCR 76**, Congratulating Miss Texas USA 2005 Tyler Willis of Brownfield.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**HOUSE CONCURRENT RESOLUTION 21**

The President laid before the Senate the following resolution:

WHEREAS, Tyler's Robert E. Lee High School has captured the state Class 5A Division I football championship for the first time in the school's 46-year history, and this memorable milestone is indeed worthy of special celebration; and

WHEREAS, In a tense contest played out before an estimated crowd of 15,000 in San Antonio's Alamodome, the Red Raiders played the game of their lives with grit, grace, and determination, thwarting Spring Westfield's last-minute attempt to wrest their victory from them; and

WHEREAS, The team that brought statewide gridiron glory to the halls of Robert E. Lee includes Cole Scates, Tony Bush, Tyrone Ross, Lance Heap, Tekerrian Cuba, Jeremy Moore, Preston Hill, Nic Mitchell, Adrian Beard, Josh Hill, Drew White, Quett Nicholson, Crews Fry, Errik Ejike, Jason Stripling, Jonathan Williams, Cordero Mumphrey, Michael Fuller, Andevron Parchman, Justin Hanson, Josh Kegler, Micah Johnson, Walter Simpson, Tyler Vega, Dominique Vanzant, Nathan Tucker, Brad Royall, Peyton Price, Justin Williams, George Faber, Jason Williams, Matt Uzzell, Colby Wray, Josh Bourque, Kaleb Foster, Ricky Sherfield, Jon Giles, Chad Jarrell, Warren DeHaven, Justin Simmons, Tyler Owens, Sam Banks, Blake Larmon, Trevor Reed, Jacoby McKenzie, Jess Roberts, Andrew Baley, Chase Carlton, Ryan McSwane, John Henegar, Darius Porter, Steven Christian, Beau Bambrey, Jordan Clements, Matt Holland, Gabriel Lacy, Artavius Williams, Bobby Osborn, Frankie Gross, Lynn Gibson, Josh Kersh, Brian Culp, Mario Trimble, Ryan Jinwright, Nick McLean, Ryan Davenport, Trevor Harris, Quanterran Moore, Ciron Black, Tyler Fleet, Jonah Murphy, James Wilson, Justin Watts, Jacob Amie, Michael Mason, DeAngelo Jones, Jansen Ruyle, Matt Mullins, Taj Lee, Rodrick Brown, Marcus Jackson, and Tim Hayter; and

WHEREAS, These fine young athletes were trained in the fundamentals of the game by an accomplished coaching staff that includes head coach Mike Owens; assistants Jay Law, Dow Wynn, Randy Huffstickler, Gary Fleet, Jerry Reed, Willie Williams, Darold Turner, and Peyton Mullins; freshmen assistants Elgin Johnson, Mike Pirtle, Randy Clift, David Howard, and Paul Frye; trainers Weldon Thompson, Amanda Jenkins, Herb Pena, Robert Carlile, Chris Cedillo, Haley Vincent, and Zephen Cannon; student managers Chris Procell and John Garrett; and interpreter Dee Roden; and

WHEREAS, Robert E. Lee's Red Raiders are a source of tremendous pride to their fellow Tyler residents, and their outstanding achievement in the 2004 season surely presages further gridiron greatness; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas hereby congratulate the Red Raiders of Robert E. Lee High School on winning the state Class 5A Division I football championship.

ELTIFE

**HCR 21** was read.

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

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

#### **GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate members of the football team of Robert E. Lee High School in Tyler.

The Senate welcomed its guests.

#### **BIRTHDAY GREETINGS EXTENDED**

Senator Armbrister was recognized and, on behalf of the Senate, extended birthday greetings to Senator Eltife.

### PHYSICIAN OF THE DAY

Senator Staples was recognized and presented Dr. Ron McMurry of Jasper as the Physician of the Day.

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

### HOUSE CONCURRENT RESOLUTION 19

The President laid before the Senate the following resolution:

WHEREAS, Many residents of Tyler will be in Austin to celebrate Tyler Days at the State Capitol from February 28 to March 1, 2005, and this festive occasion offers an ideal opportunity to extol the city's many virtues; and

WHEREAS, Nestled among the Piney Woods of East Texas, Tyler's great natural beauty goes hand in hand with the energy and amenities of a bustling modern city, and its residents take justifiable pride in their remarkable hometown; and

WHEREAS, Tyler has through the years benefited greatly from the region's abundant natural resources, and agriculture has long provided a strong foundation for the local economy; cotton was originally the predominant cash crop, but by the turn of the century the area was shipping 100 railroad cars of peaches a day and more strawberries than the rest of the state combined; and

WHEREAS, A devastating peach blight in 1902 soon revealed itself a blessing in disguise, as farmers turned to growing roses that are now Tyler's most famous export; by the 1940s, more than half the nation's rosebushes came from Tyler, and today the city is renowned as the home of the Texas Rose Festival and the Municipal Rose Garden and Museum; and

WHEREAS, In 1930, the area's sandy loam yielded up a different kind of bounty when the East Texas oil field was discovered, and the petroleum industry quickly became a mainstay of the local economy, joined more recently by manufacturing and the timber industry; and

WHEREAS, Tyler is also acknowledged to be the area's preeminent medical and educational center, and the presence of numerous state-of-the-art health care facilities contributes greatly to the well-being of local citizens, while the city's top-flight colleges and university open new vistas of learning and opportunity to thousands of students each year; and

WHEREAS, The city's recreational options are many and varied, and visitors may choose such diverse and appealing destinations as the Caldwell Zoo, the Carnegie History Center, Hudnall Planetarium, and the Tyler Museum of Art, while fishing and boating enthusiasts can pursue their pleasures at Lakes Palestine, Tyler, and Tyler East; and

WHEREAS, Tyler's greatest asset continues to be its dynamic and friendly citizens, and even as they look back with pride and affection on the city's notable past, they eagerly embrace the challenges and opportunities that lie ahead; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas hereby designate February 28 to March 1, 2005, as Tyler Days at the State Capitol and extend to the visiting delegation sincere best wishes for a memorable and enjoyable visit to Austin.

ELTIFE  
DEUELL  
STAPLES

**HCR 19** was read.

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

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

### **GUESTS PRESENTED**

Senator Eltife was recognized and introduced to the Senate Jeff Austin III, President, Tyler Area Chamber of Commerce; David Simmons, Superintendent, Tyler Independent School District; Elmer Ellis, President and Chief Executive Officer, East Texas Medical Center Regional Healthcare System; and Betsy Ellis; accompanied by a delegation of citizens from Tyler.

The Senate welcomed its guests.

### **SENATE RESOLUTION 258**

Senator Duncan offered the following resolution:

WHEREAS, Tyler Willis of Brownfield was crowned Miss Texas USA and named Miss Congeniality in June 2004, and she will undoubtedly represent her fellow citizens with dignity and grace in the Miss USA pageant on April 11, 2005, in Baltimore; and

WHEREAS, Selected from a group of lovely and talented contestants, Ms. Willis was crowned Miss Texas not only for her beauty but also for her commitment to the youth of her community; in 2002, she and her mother, a school counselor, launched a character development program for the children of the Brownfield school district to "develop the leader within"; the program consists of assemblies and classroom instruction in four basic areas: self-esteem, goal-setting, responsibility, and truth/integrity; and

WHEREAS, In addition to working with children, Ms. Willis earned her bachelor's and master's degrees from Texas Tech University; she regularly speaks at special events and volunteers for the Susan G. Komen Breast Cancer Foundation; furthermore, she has also served as spokesperson for Women's Protective Services; and

WHEREAS, A worthy role model for all young Texans, Tyler Willis serves as an outstanding goodwill ambassador for the Lone Star State, and she may look forward to a future bright with promise; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby congratulate Tyler Willis on being named Miss Texas USA and extend to her sincere best wishes for success in the Miss USA 2005 pageant and in all her future endeavors; and, be it further

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

**SR 258** was read and was adopted without objection.

### GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Tyler Willis, Miss Texas USA 2005; her mother, Jo Willis; and her grandmother, Mrs. James Warren.

The Senate welcomed its guests.

### SENATE RESOLUTION 271

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the registered nurses and licensed vocational nurses who are visiting the State Capitol as part of Nurse Day at the Capitol on March 1, 2005; and

WHEREAS, The 140,000 registered nurses and 60,000 licensed vocational nurses caring for Texans every day in hospitals, nursing homes, and home health agencies are critical to the quality of health care provided in our state; and

WHEREAS, There are currently 100,000 vacant positions in the nursing field in our country, and by the year 2020, it is estimated there will be a national shortage of 800,000 registered nurses; with the world population living longer, there are excellent opportunities for nursing students to obtain professional positions in the health-care field; and

WHEREAS, Despite the fact that hospitals and other employers need and would hire significantly more nurses, Texas nursing schools have been forced to turn away thousands of qualified applicants because of a lack of adequate faculty positions; and

WHEREAS, This legislature is faced with the challenge of finding effective ways to address this critical shortage of nurses and of making certain that Texas nursing schools can prepare the number of nurses that Texas needs; and

WHEREAS, Nurses are held in high esteem by the citizens of Texas, and as indicated by national polls, nursing is one of the nation's most trusted professions; and

WHEREAS, The care and support nurses provide their patients is beyond price, and these dedicated professionals are indeed deserving of our respect and admiration; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby proclaim March 1, 2005, Nurse Day at the Capitol and commend all nurses attending this event for their invaluable service; and, be it further

RESOLVED, That a copy of the Resolution be prepared in honor of the nursing profession as an expression of high regard from the Texas Senate.

**SR 271** was read and was adopted without objection.

### GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate Dr. Marcia Hern, Dean, Texas Woman's University College of Nursing; Tiffany Horn, Texas Woman's University student; Dr. Elizabeth Poster, Dean, The University of Texas at Arlington

School of Nursing; Kristina Ibitayo, Ph.D. candidate, The University of Texas at Arlington; and Karen Heusinkveld, Professor Emeritus, The University of Texas at Arlington; accompanied by a delegation of nurses.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate a delegation of Grayson County builders.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate a delegation of citizens representing the Clear Lake Area Chamber of Commerce.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a delegation of Catholic Diocesan Respect Life Directors representing Pro Life Day at the Capitol.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 250**

Senator Williams offered the following resolution:

WHEREAS, The office of Justice of the Peace, first established in 1362 by King Edward of England, and the office of Constable, first established in 1215 by King John of England, were two of the first offices established in the American colonies in 1620; and

WHEREAS, Both offices were created by the Texas Constitution and serve a vital role in the delivery of county government responsibilities to citizens on the local level; and

WHEREAS, The Justices of the Peace are an integral part of the Texas judiciary; they exercise jurisdiction in criminal misdemeanor cases punishable by fine or sanctions and exercise civil jurisdiction in matters in controversy under \$5,000; Justices of the Peace preside over those courts closest to the people, first established as "grass roots" courts in 1836 when Texas became a republic; and

WHEREAS, The Constables serve as officers of the court as bailiffs, execute civil and criminal processes issued by Texas courts, and enforce criminal laws as certified peace officers; Constables were first documented in Texas in 1823 by Stephen F. Austin when Texas was still under Mexican rule; and

WHEREAS, The men and women who accept the responsibilities of the offices of Justice of the Peace and Constable perform the duties of their office with integrity, dedication, and the required knowledge of the law, thereby contributing immeasurably to the justice system, the safety of the citizens of Texas, and the peace and order of our society; and

WHEREAS, The Justices of the Peace and Constables Association of Texas, Incorporated, has represented the interests of more than 4,000 Texas Justices of the Peace, Constables, and members of their staffs for over 60 years; and

WHEREAS, The dedication of a special day to focus attention on the contributions of these public officials will benefit the citizens of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby proclaim March 1, 2005, Justices of the Peace and Constables Day, welcome the visiting members of the Justices of the Peace and Constables Association of Texas, Incorporated, to the State Capitol, and commend the Justices of the Peace and Constables for serving and protecting the citizens of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Justices of the Peace and Constables Association of Texas, Incorporated, as an expression of high regard from the Texas Senate.

**SR 250** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Williams was recognized and introduced to the Senate Justices of the Peace and Constables Association of Texas, Incorporated, President, Judge Cindy Mathews of Andrews County; First Vice-president, Constable Zane Hilger of Tarrant County; Second Vice-president, Judge Connie Mayfield of Navarro County; Third Vice-president, Constable Ron Hickman of Harris County; and Secretary-Treasurer, Judge Kay Phillips of Hale County; accompanied by a delegation of constables and justices of the peace.

The Senate welcomed its guests.

### **REPORT OF COMMITTEE ON NOMINATIONS**

Senator Lindsay submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed:

Members, Public Safety Commission: Ernest Angelo, Jr., Midland County; Carlos H. Cascos, Cameron County; Colleen McHugh, Nueces County.

Members, Commission on Law Enforcement Officer Standards and Education: Romulo Chavez, Harris County; Charles R. Hall, Midland County; Betty Harper Murphy, Gillespie County; Gary M. Swindle, Smith County.

Members, Texas Youth Commission Governing Board: Donald R. Bethel, Dawson County; Gloria "Gogi" Dickson, Bexar County; William Mahomes, Jr., Collin County.

Judge, 234th Judicial District Court, Harris County: Mauricio "Reece" Rondon, Harris County.

Members, Texas Commission on the Arts: Nelson H. Balido, Bexar County; Dorothy E. Farrington Caram, Ed.D., Harris County; William W. Collins, Jr., Tarrant County; Susan Howard-Chrane, Kendall County; Jacoba-Jetske S. "Cobie" Russell, Dallas County; George R. Snead, El Paso County; Mary Hardie Teeple, Travis County.



Members, Commission on State Emergency Communications: John L. deNoyelles, Smith County; Heberto Gutierrez, Bexar County.

Member, Office of Rural Community Affairs Executive Committee: Michael Cooper Waters, Taylor County.

Members, State Bar of Texas Board of Directors: Fred E. Aurbach, D.D.S., Dallas County; Lance R. Byrd, Dallas County; Mickey Randall Redwine, Van Zandt County.

Members, Risk Management Board: Ernest C. Garcia, Travis County; Ronald James Walenta, Dallas County.

### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Lindsay gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

### **NOMINATION RETURNED**

On motion of Senator Lindsay and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

Member, Polygraph Examiners Board: Kelly B. Hendricks, Harris County.

### **GUESTS PRESENTED**

Senator Averitt was recognized and introduced to the Senate Jerry Cash, Director of Economic Development, City of Cleburne; Justin Marchel, Cleburne High School Principal; Bob Force, Cleburne City Councilmember; Lowell "Stretch" Smith, Cleburne Chamber of Commerce Lifetime Achievement Award recipient; and Haleigh Marchel; accompanied by a delegation of citizens from Johnson County.

The Senate welcomed its guests.

### **SENATE RESOLUTION 240**

Senator Estes offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Collin County in proclaiming Tuesday, March 1, 2005, Collin County Legislative Day; and

WHEREAS, Collin County was created from Fannin County in 1846 and was named for pioneer settler Collin McKinney, a signer of the Texas Declaration of Independence; located in Northeast Texas, the county was once the home of the Caddo Indians; and

WHEREAS, Collin County is famous for its rich, black clay soil and is a well-known producer of wheat, hay, sorghum, and cotton; timber, beef cattle, horses, and the dairy industry are the county's major sources of income; and

WHEREAS, Over the years, in spite of industrial development and population growth, the county has managed to preserve its natural habitats and historical sites; today, this attention to the area's amenities is rewarding to citizens and tourists alike;

they can delight in the restored Old Collin County Post Office, a number of historically preserved homes, the McKinney Historical District, and the Heard Natural Science Museum and Wildlife Sanctuary; and

WHEREAS, The county offers first-rate recreational opportunities, such as fishing and water sports at Lake Lavon; in addition, McKinney, the county seat, is home to a trade center, a fashion outlet, museums, the Bolin Wildlife Exhibit, and Wilson Creek Park; and

WHEREAS, The City of Plano is a growing commercial and financial center, as well as the headquarters of a number of manufacturing companies; moreover, it has an award-winning park system, a farmers' market, and a premier 54-hole miniature golf course; the city annually hosts a balloon festival and is known as the "Balloon Capital of Texas"; and

WHEREAS, Collin County is a place of natural beauty and rural charm, as well as an area of fast growing cities and communities, and residents deserve to be proud of their county's many assets; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby express appreciation to the people of Collin County for their many contributions to our state and extend best wishes to them on this special day; and, be it further

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

SHAPIRO  
ESTES

**SR 240** was read and was adopted without objection.

### GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate a delegation of citizens from Collin County.

The Senate welcomed its guests.

### SENATE RESOLUTION 251

Senator Seliger offered the following resolution:

WHEREAS, A delegation of proud Texans has traveled to Austin to celebrate Texas Panhandle Day at the State Capitol on March 1, 2005; and

WHEREAS, Rich in history, this spectacular region of vast scenic plains is known for its traditional ranch lands, high-plains agriculture, large stretches of oil and gas reserves, major industry, and a nationally recognized workforce with an ethic that is beyond reproach; and

WHEREAS, Citizens of the Panhandle have also demonstrated notable patriotism, and the brave sacrifices in combat of Marine Lance Corporal Aaron C. Austin of Sunray, Air Force Captain Eric B. Das of Amarillo, Marine Lance Corporal Seth Huston of Perryton, Army Specialist Taylor J. Burk of Amarillo, and Marine Captain Paul C. Alaniz of Dumas have served to make the Panhandle, the great State of Texas, the United States, and the world safer for democracy; and

WHEREAS, Amarillo has particularly been affected by the loss of several community leaders, namely, Jim Henson, the Reverend Jesse Cortez, and the Reverend Michael DeVaughn, each of whom leaves behind an indelible mark on the community that ensures their contributions will not be forgotten; and

WHEREAS, In addition to exemplary citizens and leaders, the Texas Panhandle also is home to excellent educational institutions whose successes ensure that the area will continue to prosper; West Texas A&M University is one of the premiere universities in West Texas and boasts ever-increasing enrollments, nationally recognized programs and faculty, and outstanding graduates; Amarillo College, which continues to be one of the finest community colleges in the country, and Texas Tech Medical School, Texas Tech Health Science Center, Texas Tech Pharmacy School, Frank Phillips College, and Clarendon College are all outstanding educational institutions in the Texas Panhandle; and

WHEREAS, The Baptist-St. Anthony's Hospital Complex has been ranked as one of the top 150 hospitals in the nation with its world-class facilities and faculty; and

WHEREAS, Outstanding attractions in the area include the Panhandle-Plains Historical Museum, located on the campus of West Texas A&M University in Canyon; the largest history museum in the state, it will be the only museum in the western United States to host the highly sought after "Capturing Western Legends" art exhibit, a collection of the works of Charles M. Russell and Frederic Remington; and

WHEREAS, Stretching through the heart of the Panhandle is Palo Duro Canyon, the second-largest canyon in the country, which boasts spectacular views and reveals, through its exposed strata, a geologic record spanning 250 million years; during the summer, visitors to Palo Duro Canyon can also enjoy the nation's most attended outdoor drama, "Texas Legacies," which captures some of the state's epic heritage; and

WHEREAS, Amarillo, the region's principal city, is a dynamic urban center that affords a wide array of cultural amenities; contributing to Amarillo's economic vitality are a Bell Helicopter tilt-rotor assembly center, where the V-22 Osprey and the US101 presidential helicopters are assembled, as well as the only assembly/disassembly plant for the nation's nuclear weapons arsenal, a facility operated by BWXT Pantex for the U.S. Department of Energy's National Nuclear Security Administration; and

WHEREAS, Amarillo continues to boast a world-class symphony orchestra, ballet, and opera, which will soon be performing at the new Amarillo Globe News Southwest Center for the Performing Arts, a venue that will be second to none in amenities and class; and

WHEREAS, More than 400,000 strong, Panhandle residents prize the myriad opportunities made possible by their modern cities and industry while continuing to cherish their region's enduring and majestic natural beauty; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby recognize March 1, 2005, as Texas Panhandle Day at the State Capitol and extend to all involved warmest best wishes for an enjoyable and memorable visit.

SELIGER  
DUNCAN

**SR 251** was read and was adopted without objection.

### GUESTS PRESENTED

Senator Seliger was recognized and introduced to the Senate Mayor Trent Sisemore of Amarillo, Mayor Pat Steed of Childress, and Mayor Lonny Robbins of Pampa, accompanied by a delegation of citizens from the Panhandle representing Texas Panhandle Day at the State Capitol.

The Senate welcomed its guests.

### 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 253

Senator Armbrister offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Aransas County in proclaiming March 1, 2005, Aransas County Day at the State Capitol; and

WHEREAS, The county was created from Refugio County in 1871 and named after Rio Nuestra Senora de Aranzazu, a name derived from a famous Spanish palace; and

WHEREAS, The county's prime location on the southern Coastal Plains and its diversified economy have ensured its prosperity; agribusiness, tourism, oil and gas production, and fish-packing are the region's major industries; and

WHEREAS, Aransas County is home to the Fulton Mansion, a state historic structure owned and maintained by the Texas Parks and Wildlife Department; the Texas Maritime Museum, the state's official maritime museum; the Rockport Center for the Arts, a world-renowned center promoting all facets of the art industry; and the Rockport Beach Park, Texas' only Blue Wave Beach; and

WHEREAS, The residents of Aransas County are proud of their rich history; Karankawa Indians once made their home in its verdant setting, and Spanish explorer Diego Ortiz Parrilla led an expedition along the area's Gulf Coast in 1766; since that time, countless others have been drawn to the region's abundant supply of natural and cultural resources; and

WHEREAS, The county is host to many celebrations throughout the year, including Oyster Fest, Fiesta en la Playa, the Hummer/Bird Celebration, Seafair, the Fourth of July Fireworks and Art Festival, and the Children's Christmas Tree; and

WHEREAS, Goose Island State Park, Copano Bay State Fishing Pier, and Rockport Beach offer outdoor sports enthusiasts many recreational opportunities; in addition, bird-watchers and nature lovers take great delight in the Aransas National Wildlife Refuge, the principal wintering ground of the endangered whooping crane; and

WHEREAS, Aransas County is a leading participant in our state's dynamic growth, while also maintaining its rich cultural traditions, and its citizens are rightfully proud of their county's contributions to our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby join fellow citizens in saluting this fine Texas county; and, be it further

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

**SR 253** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator Armbrister was recognized and introduced to the Senate Mayor Todd Pearson of Rockport, Mayor Nancy Arispe of Fulton, and Aransas County Judge Glenn Guillory, accompanied by a delegation of citizens from Aransas County.

The Senate welcomed its guests.

### **SENATE RESOLUTION 239**

Senator Shapiro offered the following resolution:

WHEREAS, The City of Irving is conveniently located between Dallas and Fort Worth and is adjacent to the Dallas/Fort Worth International Airport; it has a population of approximately 197,000 and is still growing; and

WHEREAS, Irving is home to more than 2,000 companies, including over 30 Fortune 500 corporations, and to the world headquarters of such Fortune 500 companies as ExxonMobil and Kimberly Clark; it is the location of the national and regional headquarters of such organizations as AAA Texas, Boy Scouts of America, EF Johnson, Flowserve, Mothers Against Drunk Driving, NEC America, Nokia, Microsoft, Verizon, and Zale; and

WHEREAS, Irving is also home to two world-class business and residential communities, Las Colinas and Valley Ranch; and

WHEREAS, The City of Irving supports education and is serviced by three "Recognized" public school districts; it is home to reputable private and charter schools and to institutions of higher education that provide superior educational opportunities; and

WHEREAS, Irving has a highly educated workforce of more than two million people, age 25 or over; they represent over 25 different national origins, reflecting Irving's multinational population; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby recognize March 1, 2005, as Irving Day at the State Capitol and extend best wishes for the future to all associated with this exemplary city; and, be it further

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

SHAPIRO  
HARRIS

**SR 239** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Shapiro, joined by Senator Harris, was recognized and introduced to the Senate representatives of the Irving Chamber of Commerce and a delegation of citizens from Irving.

The Senate welcomed its guests.

**SENATE RESOLUTION 238**

Senator Shapiro offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Texas in recognizing February 28 through March 2, 2005, as Texas Technology Week at the Capitol; and

WHEREAS, Technological advances have driven the Texas economy to new heights, and further development in technology will ensure that Texas remains at the forefront of research and innovation in a global economy; and

WHEREAS, Texas is blessed with many fine organizations dedicated to the advancement of the high technology industry in Texas; among those supporting Texas Technology Week are the Metroplex Technology Business Council, the American Electronics Association, Technet Texas, and the Texas Healthcare and Bioscience Institute; and

WHEREAS, Texas Technology Week includes the Texas Technology Summit, a program on innovation, investment, and productivity, and a reception featuring technological innovation exhibits; attendees will focus on expanding opportunities to advance technological development and technology businesses in the state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend all those who have contributed to making Texas a world leader in the field of high technology and welcome those who are attending Texas Technology Week at the Capitol; and, be it further

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

SHAPIRO  
CARONA

**SR 238** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Shapiro was recognized and introduced to the Senate Sue Dark, Chair, American Electronics Association, Texas Council; Ed Casteel, Chair, Metroplex Technology Business Council Legislative Committee; David Margrave, Chair, Texas Healthcare and Bioscience Institute; and Steve Papermaster, Chair, Technet Texas.

The Senate welcomed its guests.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:49 p.m. agreed to adjourn, in memory of Filomeno Escobar, upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.

**(Senator Nelson in Chair)****SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**SB 416** by Shapleigh

Relating to the continuation and functions of the Texas Midwifery Board.  
To Committee on Government Organization.

**SB 417** by Whitmire

Relating to the continuation and functions of the Texas State Board of Examiners of Marriage and Family Therapists.  
To Committee on Government Organization.

**SB 418** by Shapleigh

Relating to continuation and functions of the State Board for Educator Certification.  
To Committee on Government Organization.

**SB 499** by West

Relating to the designation of the portion of Interstate Highway 20 in Dallas and Tarrant Counties as the President William Jefferson Clinton Highway.  
To Committee on Transportation and Homeland Security.

**SB 568** by Deuell

Relating to personal emergency response system providers; providing penalties.  
To Committee on Health and Human Services.

**SB 569** by Zaffirini, Hinojosa, Lucio, Shapleigh

Relating to meetings between representatives of the Texas Department of Transportation and Mexican states on transportation and truck inspection issues.  
To Committee on International Relations and Trade.

**SB 570** by Staples

Relating to the requirement of a surety bond for a receiver of the General Land Office.  
To Committee on Natural Resources.

**SB 571** by Madla, Deuell, Estes

Relating to the hours of sale and consumption of wine at a winery.  
To Committee on Intergovernmental Relations.

**SB 572** by Barrientos, Averitt

Relating to the development and implementation of personnel policies and procedures for certain state agencies.  
To Committee on State Affairs.

**SB 573** by Brimer

Relating to the award of certain highway maintenance contracts by the Texas Department of Transportation.  
To Committee on Transportation and Homeland Security.

**SB 574** by Armbrister

Relating to requirements for the issuance of land development permits by political subdivisions.

To Committee on Intergovernmental Relations.

**SB 575** by Armbrister

Relating to notice to surface owners of oil and gas exploration and production operations.

To Committee on Natural Resources.

**SB 576** by Armbrister

Relating to certain purchases by the Railroad Commission of Texas.

To Committee on Government Organization.

**SB 577** by Staples

Relating to the membership of the Critical Infrastructure Protection Council.

To Committee on Transportation and Homeland Security.

**SB 578** by Staples

Relating to the authority of certain honorably retired peace officers to carry certain weapons.

To Committee on Criminal Justice.

**SB 579** by Van de Putte

Relating to the eligibility of children of certain military personnel to receive Texas B-On-time loans.

To Committee on Veteran Affairs and Military Installations.

**SB 580** by Van de Putte

Relating to the installment payment of ad valorem taxes by certain veterans.

To Committee on Veteran Affairs and Military Installations.

**SB 581** by Van de Putte

Relating to Texas Building and Procurement Commission requirements for certain purchases by the Veterans' Land Board.

To Committee on Veteran Affairs and Military Installations.

**SB 582** by Van de Putte

Relating to tuition and fee exemptions for certain military personnel and their dependents.

To Subcommittee on Higher Education.

**SB 583** by Wentworth

Relating to the authority of a municipality to establish economic development programs in certain areas.

To Committee on Intergovernmental Relations.

**SB 584** by Fraser

Relating to the appointment in Blanco, Burnet, Llano, and San Saba Counties of associate judges in the district court and of criminal law magistrates in the drug courts.

To Committee on Jurisprudence.



**SB 585** by Fraser

Relating to creation of a judicial district in Blanco, Burnet, Llano, and San Saba Counties, to the election of a local administrative district judge for those counties, to the juvenile board in those counties, and to the district courts in those counties.

To Committee on Jurisprudence.

**SB 586** by Fraser

Relating to business entities and associations.

To Committee on Business and Commerce.

**SB 587** by Jackson

Relating to operation of certain machinery or equipment near high-voltage lines.

To Subcommittee on Agriculture and Coastal Resources.

**SB 588** by Jackson

Relating to notice of intent to obtain a permit from the Texas Commission on Environmental Quality in counties of 3.2 million or more.

To Committee on Natural Resources.

**SB 589** by Jackson

Relating to the authority of a political subdivision to require a building permit for construction and renovation work on county-owned buildings and facilities.

To Committee on Intergovernmental Relations.

**SB 590** by Jackson

Relating to certificates of veterinary inspection.

To Subcommittee on Agriculture and Coastal Resources.

**SB 591** by Jackson

Relating to the inspection of livestock at livestock markets.

To Subcommittee on Agriculture and Coastal Resources.

**SB 592** by Jackson

Relating to the creation of a Texas Gulf Coast Legislative Working Group and a Multistate Gulf Coast Legislative Working Group.

To Subcommittee on Agriculture and Coastal Resources.

**SB 594** by Lindsay

Amending Section 11.085, Water Code, by adding Subsection (w) relating to interbasin transfers of water rights within certain regional water planning areas; and declaring an emergency.

To Committee on Natural Resources.

**SB 595** by Madla

Relating to the taxable property value under the public school finance system of school districts not offering all grade levels.

To Committee on Education.

**SB 596** by Madla

Relating to the sparsity adjustment under the Foundation School Program for certain school districts.

To Committee on Education.

**SB 597** by Madla

Relating to computation of average daily attendance for certain small school districts with declining enrollment.

To Committee on Education.

**SB 598** by Madla

Relating to providing and maintaining an emergency radio infrastructure.

To Committee on Business and Commerce.

**SB 599** by Staples

Relating to the eligibility of a criminal defendant for release from jail after a delay in prosecution.

To Committee on Criminal Justice.

**SB 600** by Brimer

Relating to the regulation of service contract providers and administrators.

To Committee on Business and Commerce.

**SB 601** by Van de Putte

Relating to importing prescription drugs for use in state-funded programs that provide health care services or benefits.

To Committee on State Affairs.

**SB 602** by Ellis

Relating to the development of bicycle tourism trails in this state.

To Subcommittee on Emerging Technologies and Economic Development.

**SB 603** by Ellis

Relating to the right of a foreign national to contact a foreign consular official.

To Committee on Criminal Justice.

**SB 604** by Ellis

Relating to a qualified privilege of a journalist not to testify.

To Committee on Jurisprudence.

**SB 605** by Seliger

Relating to the declination of compensation by a candidate for constable.

To Committee on Intergovernmental Relations.

**SB 606** by Seliger, Van de Putte

Relating to limits on the size of prekindergarten classes in public schools.

To Committee on Education.

**SB 607** by Seliger

Relating to the equalized wealth level under the public school finance system for school districts located in counties with small populations.

To Committee on Education.

**SB 608** by Nelson

Relating to authorizing the issuance of revenue bonds for the University of North Texas Health Science Center at Fort Worth.

To Committee on Finance.

**SB 609** by Nelson

Relating to the establishment of an advisory panel to conduct a study on the reporting of health care associated infection rates and process measures.

To Committee on Health and Human Services.

**SB 610** by Nelson

Relating to the regulation of the practice of dentistry.

To Committee on Health and Human Services.

**SB 611** by Nelson

Relating to the electronic creation, transmission, and use of certain documents related to the prosecution of a criminal offense.

To Committee on Jurisprudence.

**SB 612** by Whitmire

Relating to the prosecution of the offense of interference with public duties.

To Committee on Criminal Justice.

**SB 613** by Whitmire

Relating to authorizing the issuance of revenue bonds for The University of Texas M.D. Anderson Cancer Center facilities and infrastructure.

To Committee on Finance.

**SB 614** by Ellis

Relating to the amount of liability insurance required to be maintained on certain school buses owned by a motor carrier.

To Committee on Business and Commerce.

**SB 615** by Averitt

Relating to the powers of a Special Agent of the Secret Service to effect an arrest, search, or seizure.

To Committee on Criminal Justice.

**SB 616** by Averitt

Relating to the period for which the deadline for filing a rendition statement or property report for ad valorem tax purposes may be extended.

To Committee on Finance.

**SB 619** by Staples

Relating to the enforcement of certain standards for commercial motor vehicles.

To Committee on Transportation and Homeland Security.

**SB 620** by Janek

Relating to the deadline for evaluating and ranking competitive sealed proposals for certain construction services submitted to a navigation district or port authority.

To Committee on Natural Resources.

**SB 621** by Janek

Relating to the territory of certain 9-1-1 emergency communication districts.

To Committee on Intergovernmental Relations.

**SB 622** by Shapiro

Relating to the regulation of certain investigators by the Texas Private Security Board.  
To Committee on Business and Commerce.

**SB 623** by Hinojosa

Relating to the authorized charges for providing a copy of public information requested under the public information law.  
To Committee on State Affairs.

**SB 624** by Hinojosa

Relating to the regulation of bail bond sureties.  
To Committee on Business and Commerce.

**SB 625** by Shapleigh

Relating to enforcement of certain consumer lending laws.  
To Committee on Business and Commerce.

**SB 626** by Zaffirini

Relating to medical assistance in certain alternative community-based care settings.  
To Committee on Health and Human Services.

**SB 627** by Zaffirini

Relating to a pilot program for the transfer of money appropriated for certain institutional care for children to provide community-based services to those children.  
To Committee on Health and Human Services.

**SB 628** by Lucio

Relating to an urban land bank program in certain municipalities.  
To Committee on Intergovernmental Relations.

**SB 629** by Lucio

Relating to the rights of a purchaser under an executory contract for conveyance of real property.  
To Committee on Business and Commerce.

**SB 630** by Van de Putte

Relating to audits of providers in the program.  
To Committee on Health and Human Services.

**SB 631** by Nelson

Relating to the compensation of certain district judges in Denton County.  
To Committee on Jurisprudence.

**SB 632** by Nelson

Relating to dental assistant x-rays.  
To Committee on Health and Human Services.

**SB 633** by Barrientos

Relating to a pilot program to provide health services to state employees in state office complexes.  
To Committee on Government Organization.

**SB 634** by Barrientos

Relating to the compensation of administrators in public institutions of higher education and university systems.

To Subcommittee on Higher Education.

**SB 635** by Barrientos

Relating to authorizing the issuance of revenue bonds for The University of Texas at Austin.

To Committee on Finance.

**SB 636** by Barrientos

Relating to excluding a challenge course used for educational purposes from regulation as an amusement ride.

To Committee on Business and Commerce.

**SB 637** by Lindsay

Relating to the precedence of certain county highway access rules and ordinances over highway access management orders of the Texas Transportation Commission.

To Committee on Transportation and Homeland Security.

**SB 638** by Barrientos

Relating to the award of a grant and reporting requirements under the Texas Enterprise Fund.

To Subcommittee on Emerging Technologies and Economic Development.

**SB 639** by Shapleigh

Relating to the provision of federal earned income tax credit materials and federal income tax preparation assistance information to certain health and human services and Texas Workforce Commission clients.

To Committee on Health and Human Services.

**SB 640** by Van de Putte

Relating to the notification of foreign consular officials on the arrest of foreign nationals and to communications between those consular officials and arrested persons.

To Committee on Criminal Justice.

**SB 832** by Duncan

Relating to the compensation of state judges and to the computation of retirement benefits for members of the elected class of the Employees Retirement System of Texas.

To Committee on State Affairs.

**SCR 5** by Gallegos

Memorializing Congress to repeal the Government Pension Offset provision and the Windfall Elimination Provision of the Social Security Act.

To Committee on State Affairs.

**SJR 15** by Barrientos

Proposing a constitutional amendment authorizing a county to impose a local tax on the sale of gasoline and to transfer the revenue from the tax to another political subdivision of this state.

To Committee on Finance.

**SJR 16** by Duncan, Ellis

Proposing a constitutional amendment providing for appointment to fill vacancies in certain judicial offices and for nonpartisan retention elections for those offices.

To Committee on Jurisprudence.

**SJR 17** by Staples

Proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.

To Committee on Criminal Justice.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 263** by Van de Putte, In memory of Leon Cahan of San Antonio.

**SR 274** by Janek, In memory of Anthony Joseph "Tony" Ippolito of Port Arthur.

**SR 277** by Hinojosa, In memory of Jimmy LaValle Emanuel of Corpus Christi.

**SR 278** by Hinojosa, In memory of James W. "Bill" Van Burkleo, Jr., of the Rio Grande Valley.

**SR 280** by Wentworth, In memory of Herman Saul Wigodsky of San Antonio.

**SR 281** by Wentworth, In memory of Charles Leo Korbell of San Antonio.

**SR 282** by Ogden, In memory of Frank Everson Vandiver.

**HCR 41** (Hinojosa), In memory of Judge Fidencio M. Guerra, Sr.

**Congratulatory Resolutions**

**SR 241** by Shapiro, Recognizing Terry G. Box on the occasion of his 20th anniversary as Sheriff of Collin County.

**SR 273** by Janek, Congratulating William Charles and Mary Adeline Coburn of Old Ocean on the occasion of their 70th wedding anniversary.

**SR 275** by Hinojosa, Congratulating Jacqueline Padron for her selection as a 2005 Texas Youth of the Year Finalist by the Texas Alliance of Boys and Girls Clubs.

**SR 276** by Hinojosa, Congratulating Miriam Barrientos for her selection as a 2005 Texas Youth of the Year Finalist by the Texas Alliance of Boys and Girls Clubs.

**SR 279** by Hinojosa, Commending Crystal Gomes for earning a National Merit Scholarship.

**SR 284** by Barrientos, Commending The University of Texas at Austin for hosting the sixth Explore UT open house.

**SR 285** by Zaffirini, Commending the Society of Martha Washington for bringing recognition to the American War of Independence.

**HCR 75** (Eltife), Congratulating the Kilgore High School football team on winning the 2004 UIL Class 4A Division II State Football Championship.

**HCR 76** (Duncan), Congratulating Miss Texas USA 2005 Tyler Willis of Brownfield.

### **Official Designation Resolutions**

**SR 228** by Estes, Recognizing March 1, 2005, as Parker County Day at the State Capitol.

**SR 245** by Eltife, Recognizing March 1, 2005, as Kilgore Day at the Capitol.

### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 3:04 p.m. adjourned, in memory of Filomeno Escobar, until 10:00 a.m. tomorrow.

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## **APPENDIX**

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### **COMMITTEE REPORTS**

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

March 1, 2005

STATE AFFAIRS — **SB 88, SB 148, SB 182, SB 262, SB 308**

