

# TWENTY-SIXTH DAY

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WEDNESDAY, MARCH 2, 2005

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## PROCEEDINGS

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The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend David Diller, Emory United Methodist Church, Emory, offered the invocation as follows:

Lord, enable each of us throughout this legislative session to put aside all selfishness and personal ambition, that we may be taken up as instruments in Your hands to work for the welfare of the least and the most. 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-AUTHORS OF SENATE BILL 59**

On motion of Senator Averitt, Senators Harris and Lindsay will be shown as Co-authors of **SB 59**.

### **CO-AUTHOR OF SENATE BILL 170**

On motion of Senator Harris, Senator Eltife will be shown as Co-author of **SB 170**.

### **CO-AUTHOR OF SENATE BILL 244**

On motion of Senator Wentworth, Senator Lindsay will be shown as Co-author of **SB 244**.

### **CO-AUTHOR OF SENATE BILL 540**

On motion of Senator Seliger, Senator Averitt will be shown as Co-author of **SB 540**.

**CO-AUTHOR OF SENATE BILL 603**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 603**.

**SENATE RESOLUTION 268**

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Celebrate Texas for its many contributions to our state and its sponsorship of this year's Texas Independence Day festivities; and

WHEREAS, Celebrate Texas was created six years ago by the late Jay L. Johnson, Jr., a longtime Austin civic and business leader; Jay's great love and vision for celebrating Texas Independence Day continues today through the work of Celebrate Texas and Jay's widow, Marsha Johnson; and

WHEREAS, Jay created the slogan "Together We're Texas" for Texas Independence Day celebrations, emphasizing that the holiday belongs to all Texans and that the celebrations should reflect the many cultures that make up the history of our great state; and

WHEREAS, Events hosted by Celebrate Texas this year include the State Cemetery Memorial Service, the Capitol Celebration, the Texas Independence Day Parade, the annual 5K Run, the annual State Champion Bar-B-Q Cook-off, and the Jay L. Johnson Memorial Golf Tournament; and

WHEREAS, Participants in the Celebrate Texas Capitol Celebration are The Happy Czech Singers from La Grange, the Buffalo Soldiers of the Ninth Cavalry at Camp Mabry, Miss Ashli Parish of the Holy Cross Catholic Church Youth Choir, the Lone Star Kids and K. R. Wood and the Fathers of Texas Band from Electra, Texas, Roy Lozano's Ballet Folklorico Group, and the Texas School for the Deaf Signing Choir; and

WHEREAS, Celebrate Texas deserves recognition for bringing Texans together in celebration of Texas Independence Day and for promoting patriotism and pride in our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the members of Celebrate Texas on their hard work and superior planning and express appreciation to them for organizing these Texas Independence Day activities; and, be it further

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

**SR 268** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate Harvey Ford, President, Celebrate Texas; Marsha Johnson, Vice-president; Ed Wilkins and Roger Moore, board members; and Trixie Wilkins, daughter of Ed Wilkins.

The Senate welcomed its guests.

**SENATE RESOLUTION 261**

Senator Carona offered the following resolution:

WHEREAS, On March 2, 2005, proud residents, business people, and friends of the Richardson community are meeting at the State Capitol for Richardson's Telecom Corridor Legislative Day; and

WHEREAS, Located just north of Dallas in both Collin and Dallas Counties, Richardson is home to more than 97,000 people and a high concentration of technology and telecommunications firms, including Texas Instruments' newest \$3 billion semiconductor chip manufacturing plant; and

WHEREAS, The collaboration between business and government that characterizes the region is due in large part to the committed efforts of the Richardson Chamber of Commerce and its affiliated organization, the Metroplex Technology Business Council; and

WHEREAS, Richardson's high quality of life makes it an ideal home to modern business; in addition to some of the state's best schools and colleges, the city also boasts more than 1,000 acres of park space, and the nationally known Wildflower Arts and Music Festival and Cottonwood Arts Festival are apt reflections of the area's rich cultural opportunities; and

WHEREAS, Richardson is also home to The University of Texas at Dallas, a dynamic research institution on the cutting edge of science, technology, and medicine; the site of the new \$85 million Natural Science and Engineering Research Building, the university is known for its outstanding school of engineering and computer science as well as for its exceptional faculty and staff, including two Nobel laureates; and

WHEREAS, The Richardson Chamber of Commerce and the area's technology leadership have made Richardson's Telecom Corridor area one of the showpieces of modern Texas, and they can take great pride in their many accomplishments as they look forward to the challenges and opportunities that lie ahead; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby recognize March 2, 2005, as Richardson's Telecom Corridor Legislative Day and extend a warm welcome to the area's business and civic leaders visiting the State Capitol.

CARONA  
SHAPIRO

**SR 261** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Carona, joined by Senator Shapiro, was recognized and introduced to the Senate a delegation of citizens from Richardson.

The Senate welcomed its guests.

**SENATE RESOLUTION 288**

Senator Gallegos offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize March 2, 2005, as East End Day at the Capitol; and

WHEREAS, The City of Houston originated in what is now the East End, at the intersection of Brays and Buffalo Bayous; the area was settled by John Harris in 1826 and is known today as "Old Harrisburg"; and

WHEREAS, The East End is the proud home of the Port of Houston, the nation's foremost port for foreign commerce and the fifth largest port in the world; and

WHEREAS, Compared with other large central business districts in the United States, the East End is ranked 28th in employment, above the central business districts of San Antonio, Fort Worth, Miami, and Salt Lake City; and

WHEREAS, A top priority of the East End is to encourage economic vitality within the area; the Houston East End Chamber of Commerce and the Greater East End Management District recently entered into a partnership with the University of Houston's School of Architecture to develop a community-based strategic vision plan for the area; the plan will provide guidance and funding solutions to enhance the ongoing revitalization of this "Heart of Houston"; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby express its appreciation to the Houston East End Chamber of Commerce for its many contributions to the East End of Houston and extend best wishes to all attending East End Day at the Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Houston East End Chamber of Commerce as a memento of this special day.

**SR 288** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Gallegos was recognized and introduced to the Senate Diane Lipton, President, Houston East End Chamber of Commerce; Gilda Ramirez, Chair, Houston East End Chamber of Commerce Board of Directors; Cliff Dieterle, Vice-chair, Houston East End Chamber of Commerce Board of Directors; Roy Zermeno, SBC Communications, Incorporated; and Mary Margaret Hansen, Executive Director, Greater East End District; accompanied by a delegation representing East End Day at the Capitol.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 264**

Senator Barrientos offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to declare Wednesday, March 2, 2005, Hadassah Legislative Day at the Capitol; and

WHEREAS, Founded in 1912 by Henrietta Szold, Hadassah, the Women's Zionist Organization of America, is the largest Jewish and largest women's membership organization in the United States; and

WHEREAS, Hadassah hospitals Mount Scopus and Ein Karem and Hadassah clinics throughout Israel provide state-of-the-art health care to all who enter their doors, regardless of race or religion, and serve as models of peaceful coexistence in the Middle East; and

WHEREAS, Hadassah's many contributions to the cause of health care in the United States have included health education programs on breast cancer, osteoporosis, and stem cell research; and

WHEREAS, Hadassah began its nationwide efforts in this country by selling \$200 million in United States World War II bonds; it is vigorously engaged in civic activities such as voter registration drives, Jewish education and communal concerns, and grassroots advocacy on United States-Israel relations; and

WHEREAS, Hadassah provides assistance to those most in need through volunteer work in literacy programs and domestic violence shelters; the organization is known for humanitarian relief, which recently included aid to the victims of the tsunami disaster in Asia; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the members of Hadassah, Greater Southwest Region, for their many contributions to our state and extend to them best wishes for a successful Hadassah Legislative Day; and, be it further

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

BARRIENTOS  
SHAPIRO

**SR 264** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate representatives of Hadassah, Greater Southwest Region: Marlene Rosenthal, President; Cecile Zelinsky, Texas Coordinator; Dr. Ruth Stern, Past President; Barbara Moses, President, Dallas Nurses' Council; and Laurie Werner, President-elect; accompanied by a delegation of members of Hadassah.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 283**

Senator Deuell offered the following resolution:

WHEREAS, On March 2, 2005, many proud Northeast Texas residents are visiting Austin in celebration of Rains County Day at the State Capitol; and

WHEREAS, Rains County was created in the late 1800s from Hopkins, Hunt, and Wood Counties; the county and its seat, Emory, were named in honor of Emory Rains, an early pioneer who served in the Congress of the Republic of Texas; and

WHEREAS, Rains County is one of the smallest counties in the state but is the 20th-fastest-growing county in the country; and

WHEREAS, Situated between Lake Tawakoni and Lake Fork Reservoir, this lovely area is blessed with an abundant water supply and fertile soil characteristic of the Blackland Prairie region; the county initially prospered as a thriving agricultural and ranching center and today enjoys a diverse economy that includes oil production, manufacturing, and tourism; and

WHEREAS, Emory, which was originally known as Springville, is now the largest town in Rains County with just over 1,000 people; it is home to the Rains County Fair Grounds, the site of the annual Eagle Fest celebration held in January, when the county's lakes are the winter home of many American bald eagles and other rare birds; and

WHEREAS, The city of Point was incorporated in 1966 and is recognized as the birthplace of the National Farmers Union, an organization that has grown to include more than 300,000 members; and

WHEREAS, The county's youngest municipality, East Tawakoni was incorporated in 1967 and has experienced significant growth in recent years; this resort area offers residents the benefits of a relaxed rural community while providing easy access to Dallas; and

WHEREAS, Proof positive that good things do come in small packages, Rains County has indeed played a vital role in the development of the Lone Star State, and it is a pleasure to join with our fellow Texans in saluting the county and its fine citizens; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby recognize March 2, 2005, as Rains County Day at the State Capitol and extend to the Rains County residents who are visiting here today sincere best wishes for an informative and memorable stay in the Capitol City.

**SR 283** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Deuell was recognized and introduced to the Senate a delegation of citizens from Rains County.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate representatives of the United States Hispanic Contractors Association.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Estes was recognized and introduced to the Senate members of the Texas Federation of Women's Clubs.

The Senate welcomed its guests.

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

Senator Carona was recognized and presented Dr. John R. Richmond of Dallas as the Physician of the Day.

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

#### **GUESTS PRESENTED**

Senator Ellis was recognized and introduced to the Senate members of the North American Diversity Council of Marathon Oil Corporation.

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.

**RECESS**

On motion of Senator Whitmire, the Senate at 10:42 a.m. recessed until 11:15 a.m. today.

**AFTER RECESS**

The Senate met at 11:56 a.m. and was called to order by the President.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
March 2, 2005

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 84**, Designating September 2005 as Leukemia and Lymphoma Awareness Month.

**HCR 87**, Designating March 2, 2005, as Mount Pleasant/Titus County Day at the State Capitol.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**GUESTS PRESENTED**

Senator Carona was recognized and introduced to the Senate members of The University of Texas at Dallas Chess Team.

The Senate welcomed its guests.

**GUESTS PRESENTED**

Senator Lindsay, joined by Senator Janek, was recognized and introduced to the Senate Suzan Deison, President, Galleria Chamber of Commerce; Brett Binkley, Government Affairs Chair, Galleria Chamber of Commerce; Elsie Huang, President, The Asian Chamber of Commerce; Jeannie Bollinger, President, Houston West Chamber of Commerce; and Sheila Astley, President, Houston Intown Chamber of Commerce.

The Senate welcomed its guests.

**RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate:

**HCR 47, HCR 60, HCR 79, HCR 80, HCR 81, HCR 82, HCR 83.**

**SENATE RESOLUTION 254**

Senator Armbrister offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome the members of the Independent Electrical Contractors of Texas to the State Capitol and to give thanks to this prominent organization for its many contributions to the citizens and businesses of Texas; and

WHEREAS, A voluntary association of electrical contractors, their employees, and electrical industry support companies, the Independent Electrical Contractors of Texas has been a symbol of quality in the Texas electrical industry for over forty years; the association strives to ensure the success of all contractors in the state through communication, guidance, training, and leadership; and

WHEREAS, The association is proud of its efforts to support the education and training of apprentices, journeymen, and master electricians, and it enthusiastically promotes apprenticeship, the longtime practice of on-the-job education; and

WHEREAS, The organization coordinates the efforts of local chapters so that a unified agenda can be presented when it addresses issues affecting the entire industry; the association also promotes the betterment of all Texas businesses in the electrical industry; and

WHEREAS, The leadership and support of the Independent Electrical Contractors of Texas played a vital role during the 78th Legislative Session in the passage of the Texas Electrical Safety and Licensing Act, further strengthening its longtime commitment to the health and safety of those working in a dangerous profession, as well as helping to safeguard the life, health, and property of Texans; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby salute the Independent Electrical Contractors of Texas and declare March 2, 2005, Independent Electrical Contractors Day at the Capitol; and, be it further

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

**SR 254** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Armbrister was recognized and introduced to the Senate members of the Independent Electrical Contractors of Texas.

The Senate welcomed its guests.



**HOUSE CONCURRENT RESOLUTION 84**

The President laid before the Senate the following resolution:

WHEREAS, Leukemia and Lymphoma Awareness Month, sponsored by the Leukemia & Lymphoma Society, is a nationwide effort to increase understanding about these diseases and to support educational and research programs aimed at finding a cure; and

WHEREAS, Blood-related cancers currently affect more than 700,000 Americans, and an estimated 110,000 new cases are diagnosed each year; in 2005, leukemia, lymphoma, and myeloma will result in more than 60,000 deaths in the United States; and

WHEREAS, The Leukemia & Lymphoma Society is the world's largest voluntary health organization; the society seeks to find a cure for leukemia, lymphoma, Hodgkin's disease, and myeloma, and improve the quality of life of patients and their families; and

WHEREAS, It is fitting that Texans join with citizens throughout the country to express their support for eradicating these diseases and increasing public awareness about blood-related cancers; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas hereby designate September 2005 as Leukemia and Lymphoma Awareness Month and that all citizens be encouraged to support educational and research activities in the search for a cure.

JANEK

**HCR 84** 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.

**GUESTS PRESENTED**

Senator Janek was recognized and introduced to the Senate representatives of the Texas Gulf Coast Chapter of The Leukemia & Lymphoma Society: John Strange, board member; Lisa Byrne, leukemia survivor; Gracie Guajardo, Patient Services Manager; and Larcombe Teichgraeber, Office Manager; representing Leukemia and Lymphoma Awareness Month.

The Senate welcomed its guests.

**CONCLUSION OF MORNING CALL**

The President at 12:09 p.m. announced the conclusion of morning call.

**SENATE RULE 2.02 SUSPENDED  
(Restrictions on Admission)**

On motion of Senator Nelson and by unanimous consent, Senate Rule 2.02 was suspended to grant floor privileges to a member of her staff during the deliberation of **CSSB 6**.

**COMMITTEE SUBSTITUTE  
SENATE BILL 6 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 6** at this time on its second reading (Submitted by Governor as an emergency matter):

**CSSB 6**, Relating to protective services; providing penalties.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend the committee printing of **CSSB 6** as follows:

(1) In ARTICLE 1, SECTION 1.10 (page 3, line 54), strike the words "in each county," between "agencies" and ", ".

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Nelson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend the committee printing of **CSSB 6** to insert the following new language:

In ARTICLE 1, SECTION 1.53 (page 25, line 30), between the words "department" and "to", insert "or the Department of State Health Services".

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Gallegos offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 6** as follows:

1) In Section 1.16 of the bill, in amended Section 261.307, Family Code, subsection (a) (Senate committee printing page 6, line 29), between "shall" and "provide", by inserting "make every reasonable effort to"

2) In Section 1.16 of the bill, in amended Section 261.307, Family Code (Senate committee printing page 6, lines 30-53), by striking Subsection (a)(1) and substituting the following:

(1) a [~~brief and easily understood~~] summary that [of]:

(A) is brief and easily understood;

(B) is written in a language that the person understands, or if the person is illiterate, is read to the person in a language that the person understands; and

(C) contains the following information:

(i) [~~(+)~~] the department's procedures for conducting an investigation of alleged child abuse or neglect, including:

(a) [~~(A)~~] a description of the circumstances under which the department would request to remove the child from the home through the judicial system; and

(b) [~~(B)~~] an explanation that the law requires the department to refer all reports of alleged child abuse or neglect to a law enforcement agency for a separate determination of whether a criminal violation occurred;

(ii) [~~(2)~~] the person's right to file a complaint with the department or to request a review of the findings made by the department in the investigation;

(iii) [~~(3)~~] the person's right to review all records of the investigation unless the review would jeopardize an ongoing criminal investigation or the child's safety;

(iv) [~~(4)~~] the person's right to seek legal counsel;

(v) [~~(5)~~] references to the statutory and regulatory provisions governing child abuse and neglect and how the person may obtain copies of those provisions; and

(vi) [~~(6)~~] the process the person may use to acquire access to the child if the child is removed from the home;

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

Senator Gallegos offered the following amendment to the bill:

#### **Floor Amendment No. 4**

Amend **CSSB 6** on page 5, line 15 between "applicable," and "file" by striking "shall" and inserting "may".

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator Janek offered the following amendment to the bill:

#### **Floor Amendment No. 5**

Amend **CSSB 6** by striking SECTION 1.43 of the bill (committee printing page \_\_, lines \_\_ - \_\_), and substituting the following:

SECTION 1.43. (a) Subchapter C, Chapter 264, Family Code, is amended by adding Section 264.2041 to read as follows:

Sec. 264.2041. CULTURAL AWARENESS. The department shall:

(1) develop and deliver cultural competency training to all service delivery staff;

(2) increase targeted recruitment efforts for foster and adoptive families who can meet the needs of children and youth who are waiting for permanent homes;

(3) target recruitment efforts to ensure diversity among department staff;  
and

(4) develop collaborative partnerships with community groups, agencies, faith-based organizations, and other community organizations to provide culturally competent services to children and families of every race and ethnicity.

(b) The Health and Human Services Commission and the Department of Family and Protective Services shall analyze data regarding child removals and other enforcement actions taken by the department during state fiscal years 2004 and 2005. Based on the analysis, the commission and the department shall determine whether enforcement actions were disproportionately initiated against any racial or ethnic group, in any area of the state, taking into account other relevant factors, including poverty, single-parent families, young-parent families, and any additional factor determined by other research to be statistically correlated with child abuse or child neglect.

(c) The rate of enforcement actions shall be deemed disproportionate for a given racial or ethnic group if it is significantly different from the rate of enforcement actions against the population as a whole, taking into account other relevant factors.

(d) Not later than January 1, 2006, the Health and Human Services Commission shall report the results of the analysis to the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each house and senate standing committee having jurisdiction over child protective services.

(e) If the results of the analysis indicate that enforcement actions are initiated disproportionately against any racial or ethnic group, in any area of the state, taking into account other relevant factors, the Health and Human Services Commission and Department of Family and Protective Services shall:

(1) evaluate the policies and procedures the department uses in deciding to take enforcement actions to determine why racial or ethnic disparities exist;

(2) develop and implement a remediation plan to prevent racial or ethnic disparities not justified by other external factors from affecting the decision to initiate enforcement actions; and

(3) not later than July 1, 2006, submit a report to the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each house and senate standing committee having jurisdiction over child protective services that explains:

(A) the evaluation of policies and procedures; and

(B) the remediation plan.

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

Senator Van de Putte offered the following amendment to the bill:

### **Floor Amendment No. 6**

Amend **CSSB 6** (committee printing) as follows:

(1) In Article 1 of the bill, in Section 40.010(b), Human Resources Code, as added in SECTION 1.67(a) of the bill (page 33, line 28), strike "14" and substitute "15".

(2) In Article 1 of the bill, at the end of Section 40.010(b)(3)(D), Human Resources Code, as added in SECTION 1.67(a) of the bill (page 33, line 42), strike "and".

(3) In Article 1 of the bill, at the end of Section 40.010(b)(3)(E), Human Resources Code, as added in SECTION 1.67(a) of the bill (page 33, line 44), strike the underlined period and substitute the following:

; and

(F) one member who was formerly a child in foster care.

(4) In Article 1 of the bill, at the end of SECTION 1.117(d) of the bill (page 51, line 41), insert "One member of the task force must be a person who was formerly a child in foster care."

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6.

Senator Van de Putte offered the following amendment to the bill:

### **Floor Amendment No. 7**

Amend **CSSB 6**, in ARTICLE 1 of the bill, by striking SECTION 1.07 of that article (committee printing page 2, lines 22 through 39) and renumbering the sections in that article appropriately.

The amendment was read.

On motion of Senator Nelson, Floor Amendment No. 7 to **CSSB 6** was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, Whitmire, Williams.

Nays: Armbrister, Averitt, Barrientos, Ellis, Gallegos, Hinojosa, Shapleigh, Van de Putte, West, Zaffirini.

Senator Van de Putte offered the following amendment to the bill:

### **Floor Amendment No. 8**

Amend **CSSB 6** by adding the following appropriately numbered SECTION to ARTICLE 1 of the bill:

SECTION 1.\_\_\_\_. STUDY OF CHILD PROTECTIVE SERVICES AND ADULT PROTECTIVE SERVICES CERTIFICATION FOR PEACE OFFICERS.

(a) In this section, "peace officer" means a person elected, employed, or appointed as a peace officer under Article 2.12, Code of Criminal Procedure, or other law.

(b) The Commission on Law Enforcement Officer Standards and Education shall study the feasibility of issuing certificates of professional achievement or proficiency to peace officers who receive specialized training for law enforcement assignments related to child protective services or adult protective services. The commission must consider:

(1) the need for specialized training of peace officers who work with issues related to child protective services or adult protective services;

(2) the feasibility of creating and administering the proposed certification;

(3) potential incentives, including financial incentives, that may encourage peace officers to obtain the certification; and

(4) the development of required training for the certification that will address the legal, social, and operational issues that peace officers are likely to encounter when working with children or aging persons.

(c) In conducting the study, the Commission on Law Enforcement Officer Standards and Education shall seek the participation of:

- (1) state agency employees and peace officers who currently work with issues related to child protective services and adult protective services;
- (2) community advocates for children and aging persons; and
- (3) other interested persons.

(d) Not later than September 1, 2006, the Commission on Law Enforcement Officer Standards and Education shall submit to the legislature a report regarding the results of the study conducted under this section.

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8.

Senator Van de Putte offered the following amendment to the bill:

#### **Floor Amendment No. 9**

Amend **CSSB 6**, in ARTICLE 1 of the bill, in SECTION 1.93 of that article, in added Section 42.056(e), Human Resources Code (committee printing page 42, lines 29 through 32), by striking Subsection (e) and substituting the following:

(e) The department shall provide the results of a background or criminal history check conducted under this section regarding a prospective employee to a director, owner, or operator of a residential child-care facility within 24 hours. If the residential child-care facility does not receive the results of the background or criminal history within that time, the facility may obtain that information for the facility's employee, subcontractor, or volunteer directly from the Department of Public Safety. If the information obtained verifies that the person does not have a criminal record, the facility may allow the person to have unsupervised client contact until the department has performed the department's own criminal history check and notified the facility.

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 9.

Senator Janek offered the following amendment to the bill:

#### **Floor Amendment No. 10**

Amend **CSSB 6**, in SECTION 1.94(a), in added Section 42.057, Human Resources Code, by striking Subsection (b) and substituting the following:

(b) The executive commissioner by rule shall adopt a model employee drug testing policy for use by a residential child-care facility. The policy must be designed to ensure the safety of resident children through appropriate drug testing of employees while protecting the rights of employees. The model policy must require:

- (1) pre-employment drug testing;
- (2) random, unannounced drug testing of each employee who has direct contact with a child in the care of the facility;

(3) drug testing of an employee against whom there is an allegation of drug abuse; and

(4) drug testing of an employee whom the department is investigating for the abuse or neglect of a child in the care of the facility, if the allegation of abuse or neglect includes information that provides good cause to suspect drug abuse.

**(Senator Shapiro in Chair)**

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 10.

Senator Van de Putte offered the following amendment to the bill:

**Floor Amendment No. 11**

Amend **CSSB 6**, in SECTION 1.94 of the substitute, in added Section 42.057(b), Human Resources Code (page 42, lines 58-59 committee printing), by striking "at least one scheduled drug test each year" and substituting "an initial drug test".

The amendment was read.

Senator Van de Putte withdrew Floor Amendment No. 11.

Senator Van de Putte offered the following amendment to the bill:

**Floor Amendment No. 12**

Amend **CSSB 6** as follows:

(1) In Section 1.33 of the bill, in the heading to amended Section 264.106, Family Code (Senate committee printing, page 13, lines 13-14), between "CARE" and "SERVICES" insert "AND CASE MANAGEMENT".

(2) In Section 1.33 of the bill, in amended Section 264.106(a)(1), Family Code (Senate committee printing, page 13, lines 28-30), strike ", but not including duties related to court proceedings involving the processing of an adoption of the child".

(3) In Section 1.33 of the bill, in amended Section 264.106(b)(1), Family Code (Senate committee printing, page 13, line 44), between "care" and "services" insert "and case management".

(4) In Section 1.33 of the bill, in amended Section 264.106(b)(2), Family Code (Senate committee printing, page 13, line 48), strike "the" and substitute "substitute care and case management".

The amendment was read.

Senator Van de Putte withdrew Floor Amendment No. 12.

Senator Lindsay offered the following amendment to the bill:

**Floor Amendment No. 13**

Amend **CSSB 6** as follows:

(1) Add the following to be SECTION 1.35 and renumber the remaining SECTIONS as appropriate:

## SECTION 1.35. PRIVATIZATION OF CHILD PROTECTIVE SERVICES.

(a) The Health and Human Services Commission shall conduct a study to identify functions of the child protective services division of the Department of Family and Protective Services that are not currently performed by a private person or performed by an entity under a contract with the department on a widespread basis, would result in improving the welfare of children receiving services from the department or in other benefits to the department.

(b) If the commission determines that contracting with a private person or entity to perform certain functions described by Subsection (a) of this section would be beneficial, the commission shall implement privatization of those functions through a pilot program in one county or one region of the state until September 1, 2009.

(C) The commission shall:

(1) ensure that the process for privatizing functions under Subsection (b) of this section and for monitoring that privatization includes rigorous accountability and oversight mechanisms;

(2) ensure that any contract entered into under Subsection (b) of this section contains the provisions required under Section 40.058(b), Human Resources Code, and is subject to the performance monitoring standards under Section 40.058(c), Human Resource Code;

(3) develop adequate contingency plans that allow for emergency takeovers of privatized functions if there is a disruption in the services provided by the contracted person or entity; and

(4) provide opportunities for any interested parties to comment and otherwise have input in all stages of the process for privatizing functions under Subsection (b) of this section.

(d) Not later than December 31, 2008, the Health and Human Services Commission shall report the results of any pilot program implemented under Subsection (b) of this section to the lieutenant governor, the speaker of the house of representatives, and the clerks of the standing committees of the senate and house of representatives with primary jurisdiction over the department. The report must include:

(1) an analysis comparing costs and benefits of using a private entity to provide child protective services versus the state providing those services;

(2) a description of the problems the commission experienced during the pilot programs and a description of any potential problems the commission anticipates with implementing the pilot programs statewide; and

(3) recommendations on whether the pilot programs should be expanded statewide.

LINDSAY  
VAN DE PUTTE

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 13 except as follows:

Nays: Duncan.



Senator Shapleigh offered the following amendment to the bill:

### Floor Amendment No. 14

Amend **CSSB 6** as follows:

(1) In SECTION 3.26 of the bill, strike added Section 111.021, Government Code (committee printing page 80, lines 57-59), and substitute the following:

Sec. 111.021. DIRECTOR OF OFFICE; STAFF. The administrative director, after consulting with the board, may hire a director to perform the administrative duties of the office. The administrative director may hire staff as necessary for the office.

(2) In SECTION 3.26 of the bill, immediately following added Section 111.049, Government Code (committee printing page 83, between lines 31 and 32), insert the following:

Sec. 111.050. USE OF OFFICE FUNDS. (a) The office may not spend for the office's administrative costs more than 22 percent of the funds received each fiscal year to implement this chapter.

(b) The portion of the funds received by the office to implement this chapter that are not spent for the office's administrative costs must be distributed as directed by grants or contracts in accordance with the plan established under Section 111.048.

(3) Strike SECTION 3.28 of the bill (committee printing page 85, lines 9-15) and substitute the following:

SECTION 3.28. Section 118.013, Local Government Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) A county clerk who collects a fee under this section shall deposit 50 cents of the total amount of that fee to be sent to the comptroller as provided by Subchapter B, Chapter 133, for deposit in the guardianship resource account established under Section 111.046, Government Code.

(f) A county clerk who collects a fee under this section shall deposit 50 cents of the total amount of that fee in a separate guardianship services account in the general fund of the county to be used only for guardianship programs, as defined by Section 601, Texas Probate Code, or for the provision of guardianship services.

The amendment was read.

Senator Armbrister offered the following amendment to Floor Amendment No. 14:

### Floor Amendment No. 15

Amend Floor Amendment No. 14 by Shapleigh to **CSSB 6** (committee printing) as follows:

(1) Strike Item (3) of the amendment.

(2) Add the following appropriately numbered Items to the amendment and renumber subsequent Items of the amendment accordingly:

( ) In Article 3 of the bill, strike Section 111.046(b), Government Code, as added by Section 3.26 of the bill (page 82, lines 43-49), and substitute the following:

(b) The administrative director shall deposit in the guardianship resource account all funds collected for the office or appropriated to the Office of Court Administration for purposes of the office as provided by:

(1) this chapter; and

(2) Chapter X, Texas Probate Code.

( ) In Article 3 of the bill, strike Sections 3.27 and 3.28 of the bill (page 84, line 50, through page 85, line 15) and renumber subsequent sections of the bill accordingly.

The amendment to Floor Amendment No. 14 to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 15.

Question recurring on the adoption of Floor Amendment No. 14 to **CSSB 6**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 14 as amended.

Senator Deuell offered the following amendment to the bill:

### **Floor Amendment No. 16**

Amend **CSSB 6** (committee printing) in Article 2 of the bill by striking SECTION 2.16 of the bill (page 61, lines 7-67), substituting the following appropriately numbered SECTION, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 2.\_\_. Section 48.208, Human Resources Code, is amended by amending Subsection (e) and adding Subsections (c-1), (c-2), (c-3), and (d-1) to read as follows:

(c-1) Notwithstanding Subsection (c)(4), the petition may include an assessment of the elderly or disabled person's health or psychological status as described by Subsection (c-2) or (c-3) in lieu of a medical report described by Subsection (c)(4) if the department determines after making a good faith effort that a physician from whom the department may obtain the medical report is unavailable. The department shall ensure that the person who performs an assessment of the elderly or disabled person's health or psychological status has training and experience in performing the applicable assessment.

(c-2) An assessment of the elderly or disabled person's health may be completed by a physician assistant or advanced practice nurse and must state:

(1) that the person is reported to be suffering from abuse, neglect, or exploitation, which may present a threat to life or physical safety;

(2) whether the person has provided the person's medical history to the physician assistant or advanced practice nurse, as applicable; and

(3) the professional opinion of the physician assistant or advanced practice nurse, as applicable, that under the circumstances a temporary order of emergency services without the person's consent is necessary.

(c-3) An assessment of the elderly or disabled person's psychological status may be completed by a licensed psychologist or master social worker who has training and expertise in issues related to abuse, neglect, and exploitation, and must state:

(1) that the person is reported to be suffering from abuse, neglect, or exploitation, which may present a threat to life or physical safety; and

(2) the professional opinion of the psychologist or master social worker, as applicable, that under the circumstances a temporary order of emergency services without the person's consent is necessary.

(d-1) If the court enters an order described by Subsection (d) that is based on a petition that did not include a medical report described by Subsection (c)(4), the court shall order that the elderly or disabled person be examined by a physician not later than 72 hours after the provision of protective services begins.

(e) The emergency order expires at the end of 72 hours from the time of the order unless the 72-hour period ends on a Saturday, Sunday, or legal holiday in which event the order is automatically extended to 4 p.m. on the first succeeding business day. An order may be renewed for not more than 30 [44] additional days, except that an order that was based on a petition that did not include a medical report described by Subsection (c)(4) may not be renewed unless a medical report described by Subsection (c)(4) is filed with the request for the renewal. A renewal order that ends on a Saturday, Sunday, or legal holiday is automatically extended to 4 p.m. on the first succeeding business day. The court may modify or terminate the emergency order on petition of the department, the incapacitated person, or any person interested in his welfare.

**(Senator Carona in Chair)**

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 16.

**(President in Chair)**

Senator Van de Putte offered the following amendment to the bill:

**Floor Amendment No. 17**

Amend **CSSB 6** as follows:

(1) Add the following appropriately numbered SECTION:

SECTION \_\_\_\_\_. Section 264.509(b), Family Code, is amended to read as follows:

On request of the presiding officer of a review team, the custodian of the relevant information and records relating to a deceased child shall provide those records to the review team at no cost to the review team.

VAN DE PUTTE  
JANEK

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 17.

Senator Williams offered the following amendment to the bill:

### **Floor Amendment No. 18**

Amend **CSSB 6** as follows:

(1) On page 30, strike section 1.59(b), lines 41-52, and insert the following:

(b) The Health and Human Services Commission shall contract with the state auditor to perform on-site financial audits of selected contractors as needed subject to approval by the Legislative Audit Committee for inclusion in the annual audit plan under Section 321.013, Government Code. The state auditor, with input from the Health and Human Services Commission, shall select the contractors based on the contract's risk assessment rating, allegations of fraud or misuse of state or other contract funds, or other appropriate audit selection criteria. The state auditor shall include findings from the on-site financial audits in the annual report to the governor and other representatives of the state as required by Subsection (a). In addition, the state auditor shall immediately report to the governor and each person listed in Subsection (a) any findings of fraud or other misuse of state or other contract funds.

(2) On page 30, line 57, add "and (b)" after "(a)".

(3) On page 31, lines 3 and 4, strike "The Health and Human Services Commission in coordination with".

(4) On page 31, line 4, strike the "," after "state auditor".

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 18.

Senator Ogden offered the following amendment to the bill:

### **Floor Amendment No. 19**

Amend **CSSB 6** as follows:

On page 3, lines 11-12, strike "criminal offense that poses an immediate risk of physical or sexual abuse of a child that could result in the death of or serious harm to the child" and insert "felony".

On page 3, lines 31-33, strike "criminal offense that poses an immediate risk of physical or sexual abuse of a child that could result in the death or serious harm to the child" and insert "felony".

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 19.

Senator Ogden offered the following amendment to the bill:

### **Floor Amendment No. 20**

Amend **CSSB 6** as follows:

On page 8, lines 55-57, after "harm to the child" strike ", or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given" and insert "requiring emergency medical treatment".

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 20.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 21**

Amend **CSSB 6** as follows:

1. Strike Section 1.75 (page 35, lines 55-59, committee printing) in its entirety;
2. Repeal Subsection (c), 40.0525, Human Resources Code; and
3. Renumber subsequent sections accordingly.

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 21.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 22**

Amend **CSSB 6** as follows:

Add a new SECTION \_\_\_\_ to amend Section 261.315, Texas Family Code, as follows:

(1) In Sec. 261.315(a), after "the department shall" strike "notify the person of the person's right to request the department to".

(2) Strike Sec. 261.315(b) and renumber remaining subsection.

The amendment to **CSSB 6** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 22.

On motion of Senator Nelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 6** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**SENATE RULE 5.14(a) SUSPENDED  
(Intent Calendar)**

On motion of Senator Ogden and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 4:00 p.m. today for the Thursday, March 3, 2005, Intent Calendar.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:28 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 10:00 a.m. tomorrow.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

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

**SB 641** by Van de Putte

Relating to the prosecution and punishment of certain offenses prohibiting animal fighting.

To Committee on Criminal Justice.

**SB 642** by Lucio

Relating to offenses involving use of safety belts or a child passenger safety seat.

To Committee on Transportation and Homeland Security.

**SB 643** by Lucio

Relating to funding for safety or lap belts in public school buses.

To Committee on Finance.

**SB 644** by Wentworth

Relating to the eligibility of persons to participate in the public sale in certain counties of certain real property.

To Committee on Intergovernmental Relations.

**SB 645** by Barrientos

Relating to the authority of certain counties to regulate the use of outdoor lighting.

To Committee on Intergovernmental Relations.

**SB 646** by Barrientos

Relating to the concurrent jurisdiction of campus peace officers commissioned by The University of Texas at Austin and law enforcement agencies of the state and political subdivisions of the state.

To Subcommittee on Higher Education.

**SB 647** by Lucio

Relating to the allocation of certain community development block grant program money for the installation of street lights in colonias.

To Committee on International Relations and Trade.

**SB 648** by Lucio

Relating to the transfer of adult education and literacy programs from the Texas Education Agency to the Texas Workforce Commission.

To Committee on Education.

**SB 649** by Hinojosa

Relating to political contributions and expenditures; providing civil and criminal penalties.

To Committee on State Affairs.

**SB 650** by Harris

Relating to the continuation of the Texas emissions reduction plan, including the funding for the plan.

To Committee on Natural Resources.

**SB 651** by Harris

Relating to the University of North Texas Health Science Center at Fort Worth Missing Persons DNA Database.

To Committee on Criminal Justice.

**SB 652** by Lucio

Relating to the exemption of the residence homesteads of elderly persons from ad valorem taxation and the deferral or abatement of the collection of delinquent taxes on the residence homesteads of elderly and disabled persons.

To Committee on Finance.

**SB 653** by Van de Putte

Relating to point-of-sale health warnings for tobacco products.

To Committee on State Affairs.

**SB 654** by Van de Putte

Relating to swimming pool safety.

To Committee on State Affairs.

**SB 655** by Van de Putte

Relating to the establishment of a prescription drug consumer information and technical assistance program by the Department of State Health Services.

To Committee on Health and Human Services.

**SB 656** by Van de Putte

Relating to reducing the time management burdens imposed on classroom teachers.

To Committee on Education.

**SB 657** by Madla

Relating to the expiration of the other events trust fund established to support local efforts to recruit or retain certain sports events.

To Subcommittee on Emerging Technologies and Economic Development.

**SB 658** by Madla

Relating to the scheduling of certain University Interscholastic League competitions.

To Committee on Education.

**SB 659** by Ellis

Relating to the disclosure of certain information regarding, and the admissibility of testimony by, a witness for the state in a criminal case.

To Committee on Criminal Justice.

**SB 660** by Ellis

Relating to domestic preparedness training programs for certain law enforcement officers.

To Committee on Transportation and Homeland Security.

**SB 661** by Ellis

Relating to the punishment for the offense of aggravated assault.

To Committee on Criminal Justice.

**SB 662** by Ellis

Relating to electronically recording certain interrogations and the admissibility of certain statements made by a juvenile or a criminal defendant.

To Committee on Criminal Justice.

**SB 663** by Ellis

Relating to photograph and live lineup identification procedures in criminal cases.

To Committee on Criminal Justice.

**SB 664** by Ellis

Relating to the unlawful carrying of a handgun on certain premises used for law enforcement.

To Committee on Criminal Justice.

**SB 665** by Barrientos

Relating to work-related exposure to a reportable disease.

To Committee on Criminal Justice.

**SB 666** by Gallegos

Relating to the regulation of service of process; providing criminal and administrative penalties.

To Committee on Jurisprudence.

**SB 667** by Shapleigh

Relating to certain circumstances under which the Texas Commission on Environmental Quality is required or authorized to deny or amend a permit under the Texas Clean Air Act.

To Committee on Natural Resources.

**SB 668** by Seliger

Relating to the authority of the board of directors of the South Randall County Hospital District to invest district funds.

To Committee on Intergovernmental Relations.

**SB 669** by Seliger

Relating to the terms of court of the 47th Judicial District.

To Committee on Jurisprudence.

**SB 670** by Seliger

Relating to the appointment of judges to the City of Amarillo municipal court.

To Committee on Intergovernmental Relations.

**SB 671** by Seliger

Relating to the creation of an additional county court at law in Randall County.

To Committee on Jurisprudence.

**SB 672** by Seliger

Relating to the Randall County Juvenile Board.

To Committee on Jurisprudence.

**SB 673** by Seliger

Relating to the jurisdiction of the County Court at Law of Randall County.

To Committee on Jurisprudence.



**SB 674** by West

Relating to limiting the use of customers' social security numbers by persons; providing a civil penalty.

To Committee on Business and Commerce.

**SB 675** by West

Relating to agreements that waive the right to demand a jury trial.

To Committee on Jurisprudence.

**SB 676** by West

Relating to identifying which public institutions of higher education in this state are comprehensive research universities of the first class.

To Subcommittee on Higher Education.

**SB 677** by West

Relating to rates for certain insurance within certain rating territories.

To Committee on Business and Commerce.

**SB 678** by Van de Putte

Relating to the designation of part of Interstate Highway 35 as the Purple Heart Trail.

To Committee on Transportation and Homeland Security.

**SB 679** by Duncan

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

To Committee on Jurisprudence.

**SB 680** by Duncan

Relating to the requirements for post-conviction DNA testing.

To Committee on Criminal Justice.

**SB 681** by Jackson

Relating to the offense of failing to certify compliance of an underground storage tank before accepting delivery of the regulated substance to be stored in the tank.

To Committee on Natural Resources.

**SB 682** by Jackson

Relating to the development of an animal identification program; providing a criminal penalty.

To Subcommittee on Agriculture and Coastal Resources.

**SB 683** by Lucio

Relating to migrant labor housing facilities.

To Committee on Intergovernmental Relations.

**SB 684** by Lucio

Relating to authorizing certain counties and municipalities to regulate land development; providing a penalty.

To Committee on International Relations and Trade.

**SB 685** by Carona

Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

To Committee on Criminal Justice.

**SB 686** by Carona

Relating to the regulation of air conditioning and refrigeration technicians.

To Committee on Business and Commerce.

**SB 687** by Carona

Relating to the use of title insurance to insure certain interests in personal property.

To Committee on Business and Commerce.

**SB 688** by Carona

Relating to the prosecution of the offenses of sexual assault and aggravated sexual assault.

To Committee on Criminal Justice.

**SB 689** by Zaffirini

Relating to a feasibility study regarding the creation of a federal criminal history record clearinghouse at the Department of Public Safety.

To Committee on Criminal Justice.

**SB 690** by Zaffirini

Relating to the required posting by a governmental body of a meeting of the governmental body that is continued to the following regular business day.

To Committee on State Affairs.

**SB 691** by Madla

Relating to the creation and functions of an arthritis control and prevention program.

To Committee on Health and Human Services.

**SB 692** by Madla

Relating to the fee a county tax assessor-collector may charge for assessing and collecting ad valorem taxes for certain river authorities.

To Committee on Intergovernmental Relations.

**SB 693** by Ogden

Relating to vacancies on municipal utility district boards.

To Committee on Intergovernmental Relations.

**SB 694** by Ogden

Relating to requiring notice to the prosecuting attorney before a parole panel determines whether to release an inmate on medically recommended intensive supervision.

To Committee on Criminal Justice.

**SB 695** by Ogden

Relating to the forfeiture of good conduct time from inmates who file frivolous applications for writ of habeas corpus.

To Committee on Criminal Justice.

**SB 696** by Ogden

Relating to testing and examination fee requirements for persons completing certain driver education courses.

To Committee on Transportation and Homeland Security.

**SB 697** by Estes

Relating to the validation of the boundaries of certain school districts.

To Committee on Education.

**SB 698** by Van de Putte

Relating to restrictions on balance billing by certain health care providers; providing an administrative penalty.

To Committee on State Affairs.

**SB 699** by Hinojosa

Relating to the relationship between the amount of an administrative penalty imposed by the Texas Commission on Environmental Quality and the economic benefit of the violation to the alleged violator.

To Committee on Natural Resources.

**SB 700** by Hinojosa

Relating to the issuance of revenue bonds for Texas A&M University–Corpus Christi.

To Committee on Finance.

**SB 701** by Deuell

Relating to the issuance of revenue bonds for Texas A&M University–Commerce.

To Committee on Finance.

**SB 702** by Deuell

Relating to authorizing certain uses for student center complex fees charged to students enrolled in component institutions of The Texas A&M University System.

To Subcommittee on Higher Education.

**SB 703** by West

Relating to authorizing the issuance of revenue bonds for the University of North Texas, the University of North Texas System Center at Dallas, and the Universities Center at Dallas.

To Committee on Finance.

**SB 704** by West

Relating to authorizing the issuance of revenue bonds for The University of Texas Southwestern Medical Center at Dallas.

To Committee on Finance.

**SB 705** by West

Relating to authorizing the issuance of revenue bonds for The Texas A&M University System Health Science Center Baylor College of Dentistry.

To Committee on Finance.

**SB 706** by Barrientos

Relating to the conditions of employment for emergency medical services personnel employed by certain municipalities.

To Committee on Intergovernmental Relations.

**SB 707** by Van de Putte

Relating to the issuance of an electrician license to certain members of the armed forces.

To Committee on Business and Commerce.

**SB 708** by Shapiro

Relating to the funding of highway projects in Texas Department of Transportation districts in which a turnpike project is located.

To Committee on Transportation and Homeland Security.

**SB 709** by Carona

Relating to the amount of a late charge or reinstatement fee under a rental-purchase agreement.

To Committee on Business and Commerce.

**SB 710** by Carona

Relating to establishing a state goal for electric generation capacity using certain emerging generation technologies.

To Committee on Business and Commerce.

**SB 711** by Carona

Relating to metering services provided to certain electricity customers.

To Committee on Business and Commerce.

**SB 712** by Carona

Relating to the legislature's goal for energy efficiency in this state and related energy efficiency programs.

To Committee on Business and Commerce.

**SB 713** by Barrientos

Relating to the prohibition of certain waivers by an employee of an employer who does not subscribe to workers' compensation insurance.

To Committee on State Affairs.

**SB 714** by Barrientos

Relating to prohibiting discrimination against certain employees who sustain an injury in the course and scope of their employment.

To Committee on State Affairs.

**SB 715** by Barrientos

Relating to the prohibition of certain required arbitration agreements and employee waivers.

To Committee on State Affairs.

**SB 716** by Gallegos

Relating to payroll deductions for certain employees who are peace officers.

To Committee on Intergovernmental Relations.

**SB 717** by Eltife

Relating to the definition of all-terrain vehicle in the motor vehicle registration law.  
To Committee on Transportation and Homeland Security.

**SB 718** by Eltife

Relating to boundaries of emergency services districts.  
To Committee on Intergovernmental Relations.

**SB 719** by Deuell

Relating to the operation of mail order prescription plans for certain public employees and retirees.  
To Committee on State Affairs.

**SB 720** by Deuell

Relating to required patient counseling regarding mail order prescription plans for certain public employees and retirees.  
To Committee on State Affairs.

**SB 721** by Lucio

Relating to establishing a health science center and medical school in the Rio Grande Valley.  
To Subcommittee on Higher Education.

**SB 722** by Lucio, Armbrister, Barrientos, Brimer, Carona, Deuell, Ellis, Eltife, Estes, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Madla, Seliger, Shapleigh, Van de Putte, West, Whitmire, Zaffirini

Relating to the creation of the TexasNextStep grant program to pay tuition and required fees and textbook costs of certain students enrolled in two-year public institutions of higher education in this state.  
To Subcommittee on Higher Education.

**SB 723** by Lucio

Relating to a study of affordable housing needs and potential revenue sources for affordable housing.  
To Committee on Intergovernmental Relations.

**SB 724** by Lucio

Relating to the appraisal for ad valorem taxation of certain property used to provide low-income housing.  
To Committee on Intergovernmental Relations.

**SB 725** by Deuell

Relating to the additional exit conference required following inspection, survey, or investigation of certain facilities.  
To Committee on Health and Human Services.

**SB 726** by Deuell

Relating to the authority of a dental hygienist to prescribe and administer fluoride varnish.  
To Committee on Health and Human Services.

**SB 727** by Wentworth

Relating to the public information law.

To Committee on State Affairs.

**SB 728** by Wentworth

Relating to the liability of certain operators that contract with a metropolitan rapid transit authority.

To Committee on State Affairs.

**SB 729** by Wentworth

Relating to a weighted caseload study of the district courts.

To Committee on Jurisprudence.

**SB 730** by West, Armbrister, Averitt, Barrientos, Carona, Deuell, Ellis, Eltife, Estes, Fraser, Gallegos, Hinojosa, Jackson, Janek, Lindsay, Lucio, Seliger, Shapiro, Shapleigh, Van de Putte, Whitmire, Williams, Zaffirini

Relating to the establishment of a law school in the city of Dallas by the University of North Texas System.

To Subcommittee on Higher Education.

**SB 731** by Williams

Relating to initial training and continuing education requirements for a constable.

To Committee on Criminal Justice.

**SB 732** by Williams

Relating to the administration of polygraph examinations to certain applicants for positions in the Department of Public Safety.

To Committee on Criminal Justice.

**SB 733** by Williams

Relating to the certification of the amount of excess money in the compensation to victims of crime fund.

To Committee on Finance.

**SB 734** by Williams

Relating to municipal regulation of the discharge of firearms and certain other weapons.

To Committee on Intergovernmental Relations.

**SB 735** by Williams, Janek, Staples

Relating to delay in the deregulation of certain electric utilities outside of ERCOT.

To Committee on Business and Commerce.

**SB 736** by Brimer

Relating to county authority to adopt fire codes in unincorporated areas.

To Committee on Intergovernmental Relations.

**SB 737** by Brimer

Relating to the prosecution of offenses involving the operating or loading of an overweight vehicle in violation of certain laws.

To Committee on Transportation and Homeland Security.

**SB 738** by Lucio

Relating to emergency order authority of the Texas Commission on Environmental Quality.

To Committee on Natural Resources.

**SB 739** by Lucio

Relating to the payment of certain administrative penalties assessed by the Texas Commission on Environmental Quality under an installment payment schedule.

To Committee on Natural Resources.

**SB 740** by Janek

Relating to the authority of certain political subdivisions to erect or maintain shore protection structures and the location of the line of vegetation in relation to those structures.

To Subcommittee on Agriculture and Coastal Resources.

**SCR 6** by Fraser

Urging the United States Congress to establish a domestic energy policy to ensure an adequate supply of natural gas and the appropriate infrastructure, to promote greater energy efficiency, and to open promising new areas for environmentally responsible natural gas production.

To Committee on Business and Commerce.

**SCR 7** by Duncan

Urging the Supreme Court of Texas and the Court of Criminal Appeals of Texas, as necessary, to develop rules relating to the random assignment to courts of appeals of cases pending or on appeal from counties with overlapping appellate jurisdictions and relating to determining the court of appeals precedent applicable in such randomly assigned cases.

To Committee on Jurisprudence.

**SJR 18** by Ellis

Proposing a constitutional amendment authorizing casino gaming and requiring creation of a Texas Gaming Commission to regulate gaming and casino-based development projects in this state.

To Committee on State Affairs.

**SJR 19** by Janek

Proposing a constitutional amendment to allow state or local peace officers, firefighters, and emergency service personnel to serve in the legislature.

To Committee on State Affairs.

**SJR 20** by West

Proposing a constitutional amendment authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision.

To Committee on Criminal Justice.

**SR 255** by Armbrister

Memorializing Congress to express its commitment to the public and economic health and development of Texas by passing the Clear Skies Act of 2005.

To Committee on Natural Resources.

### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

#### **Memorial Resolutions**

**SR 286** by Whitmire, In memory of Walter Curtis Webb, Sr., of Houston.

**SR 291** by Lucio, In memory of Augusto Cesar Mascorro, Sr., of Brownsville.

#### **Congratulatory Resolutions**

**SR 287** by West, Commending Shirley Walker for her accomplishments in the field of social work.

**SR 290** by Lucio, Recognizing Communities In Schools-Cameron County, Incorporated, on the occasion of its 10th anniversary.

### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 3:42 p.m. adjourned 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 2, 2005

GOVERNMENT ORGANIZATION — **CSSB 213**

TRANSPORTATION AND HOMELAND SECURITY — **SB 89, SB 186**

STATE AFFAIRS — **SB 450** (Amended)