

THIRTY-FIRST DAY

THURSDAY, MARCH 10, 2005

PROCEEDINGS

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

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 Presiding Officer announced that a quorum of the Senate was present.

The Reverend John Hare, First Presbyterian Church, Gainesville, offered the invocation as follows:

Almighty God, God of the ages, God of mercy and love, we bow before You this morning in both awe and humility. We are awed by Your power and Your holiness, and we are humbled because You have commissioned us to serve in partnership with You. Loving God, in Your wisdom You have challenged us to do justice, to love kindness, and to walk humbly with You. And so, O God, I ask this morning that Your spirit be with these, Your servants, whom You have called to serve the people of Texas. I ask that all they do be an acceptable offering in Your sight. Speak Your words of wisdom to them. Remind them of Your call to care for those who are powerless and alone. Remind them that it is Your voice that offers wisdom and grace. Almighty God, bless all that is done here today. Bless these who have answered Your call to be Your servants. God bless Texas. In Your holy name we offer our prayer. 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 23

On motion of Senator Zaffirini, Senator Madla will be shown as Co-author of **SB 23**.

CO-AUTHOR OF SENATE BILL 603

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

March 10, 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 639, Relating to complaints against certain peace officers, fire fighters, detention officers, and county jailers.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 354

Senator Van de Putte offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to pay tribute to H-E-B, a Texas company, on the occasion of its Centennial Celebration in 2005; and

WHEREAS, The great story of H-E-B began in 1905 in Kerrville, where the company was founded by Florence Butt, and built into one of the world's most successful retailers by her son, Howard E. Butt, and his son, Charles Butt; and

WHEREAS, Now beginning its second century in operation, H-E-B continues to be an innovative retailer, always setting new standards for convenient service, low prices, quality own brand products, and fresh food; and

WHEREAS, H-E-B employs more than 56,000 dedicated, responsible partners who earn customer and community trust and respect through their individual and collective actions every day; and

WHEREAS, H-E-B is a role model for ethics in business and corporate citizenship; since its humble beginnings in Kerrville, H-E-B has long practiced the idea that a grocer's role in a community goes well beyond supplying food; in this spirit, the company contributes five percent of its pretax earnings to public and charitable programs and is one of the few companies in Texas and the United States to give at such a level; and

WHEREAS, H-E-B is a vital partner to the more than 150 Texas communities it serves, contributing significant resources toward education, diversity, health and wellness, the environment, the arts and hunger relief and prevention; and

WHEREAS, H-E-B's commitment to food banks is unparalleled, and Texans everywhere are grateful for the company's ongoing efforts to battle hunger and support hunger relief programs in the State of Texas; and

WHEREAS, Adopting environmental conservation and efficiency is integrated into every aspect of H-E-B's business, from its trucking fleets to its corporate headquarters at the historic arsenal in San Antonio; in 1997, H-E-B was the first retail company recognized with the Texas Governors' Award for Environmental Excellence; and

WHEREAS, H-E-B is highly respected for its leadership role as a retailer that promotes Texas produce and products; and

WHEREAS, H-E-B contributes to the ongoing economic development of the state by providing beneficial sales tax revenue, competitive employee wages and benefits, and a superior shopping experience; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby congratulate H-E-B on the occasion of its Centennial Celebration and recognize its 100 years of faithful service to the citizens of Texas; and, be it further

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

VAN DE PUTTE
MADLA
WENTWORTH
ZAFFIRINI

SR 354 was read and was adopted without objection.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate H-E-B representatives: Suzanne Wade, President, H-E-B Food and Drug Retail Division, and Abel Martinez, Senior Counsel, accompanied by a delegation of H-E-B partners.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Deuell was recognized and presented Dr. C. Tim Lambert of Garland as the Physician of the Day.

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

SENATE RESOLUTION 335

Senator Hinojosa offered the following resolution:

WHEREAS, In 1972, the Corpus Christi Chamber of Commerce responded to a community need for more leaders by establishing the Leadership Corpus Christi program; and

WHEREAS, Now in its thirty-third year, Leadership Corpus Christi serves to educate potential and existing business and community leaders through exposure to diverse realities, personalities, and challenges to the community; and

WHEREAS, The third oldest leadership development program in the country, Leadership Corpus Christi develops and enhances visionary leadership skills through in-depth training using a model of community trusteeship; and

WHEREAS, Each Leadership Corpus Christi class makes significant contributions to the community, as alumni actively engage in various community volunteer programs; and

WHEREAS, The organization's chairman is John Valls, and the Steering Committee members are Daniel Dain, Sharon Kollaja, Lillian Riojas, Willie Rivera, Butch Pool, Robert McCarthy, Diane LaRue, Tom Niskala, and Wayne Bennet; and

WHEREAS, This fine organization has had a positive and lasting impact on the Corpus Christi community and has chosen to visit the Capitol with its 33rd class on March 10, 2005; it is indeed appropriate that Leadership Corpus Christi receive special legislative recognition for its many accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby recognize the members and alumni of Leadership Corpus Christi and extend to them sincere best wishes for continued success; and, be it further

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

SR 335 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a delegation representing Leadership Corpus Christi.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Staples was recognized and introduced to the Senate students from Hardin-Jefferson High School in Sour Lake, accompanied by their teachers.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

March 10, 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 70, Honoring the 100th anniversary of the first H-E-B store in Kerrville.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 358

Senator Deuell offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Matt Wilson, a highly talented pianist and vocalist, who is currently on tour with the smash hit musical *Movin Out*; and

WHEREAS, Matt was born in 1973, and is a 1996 graduate of The University of Texas at Austin; like many other Texas performers, he began his career by singing in the church where his father was pastor; and

WHEREAS, He was employed by Walt Disney World, where he performed to packed houses five nights a week for two years; by the time he was performing for Walt Disney World, he had already spent more than 10 years playing and singing professionally; and

WHEREAS, From 1998 to 2003, Matt toured from the Pacific Northwest to the East Coast and opened for such bands as the Little River Band and Hall and Oates; he and his band also performed at the Olympic Games in Australia in 2000; and

WHEREAS, He formed Matt Wilson Entertainment in 2002, and he has completed two compact disc recordings, *Loose Gravel* and *Tambourine Girl*; Matt has experienced working with such notables as producer Crystal Taliefero and Grammy award-winning producer Spencer Starnes; and

WHEREAS, After several rounds of nationwide open-call auditions, Matt landed the role as pianist and vocalist for the two-time Tony Award winning Broadway musical *Movin Out*, which has been touring since January of 2004; while on tour with *Movin Out*, he will be working on his third compact disc; and

WHEREAS, Matt has firmly established his credentials as an outstanding performing artist, and he deserves legislative recognition for his exceptional talent and accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend Matt Wilson for his notable achievements and extend to him best wishes for continued success; and, be it further

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

SR 358 was read and was adopted without objection.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate Matt Wilson, pianist and vocalist, accompanied by his parents and family members.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The Presiding Officer 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.

GUESTS PRESENTED

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

The Senate welcomed its guests.

SENATE RESOLUTION 359

Senator Wentworth offered the following resolution:

SR 359, In memory of Tony Leigh Hernandez.

The resolution was read.

Senator Wentworth was recognized and introduced to the Senate family members of Tony Hernandez: his mother, Janette Trout, and his aunt, Cathy Wingert.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Wentworth, **SR 359** was adopted by a rising vote of the Senate.

In honor of the memory of Tony Leigh Hernandez, the text of the resolution is printed at the end of today's *Senate Journal*.

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:57 a.m. announced the conclusion of morning call.

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on International Relations and Trade might meet today.

**SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)**

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 10:59 a.m. agreed to adjourn, in memory of United States Marine Lance Corporal Tony Leigh Hernandez, upon completion of the introduction of bills and resolutions on first reading, until 1:30 p.m. Monday, March 14, 2005.

(Senator Zaffirini 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 419 by Nelson

Relating to the continuation and functions of the Texas State Board of Medical Examiners, Texas State Board of Physician Assistant Examiners, and Texas State Board of Acupuncture Examiners and the regulation of health care professions regulated by those state agencies; providing administrative penalties.

To Committee on Government Organization.

SB 420 by Carona

Relating to the continuation and functions of the Texas Guaranteed Student Loan Corporation.

To Committee on Government Organization.

SB 741 by Ellis

Relating to the decertification of a capital case.

To Committee on Criminal Justice.

SB 742 by Duncan

Relating to disqualification for eligibility for workers' compensation benefits of certain professional athletes.

To Committee on State Affairs.

SB 743 by Fraser

Relating to independent organizations in ERCOT and their regulation and certification by the Public Utility Commission of Texas; providing an administrative penalty.

To Committee on Business and Commerce.

SB 744 by Fraser

Relating to the ad valorem tax status of a license to occupy a dwelling unit in a tax-exempt retirement community.

To Committee on Finance.

SB 745 by Fraser

Relating to the imposition of emergency service fees and surcharges on certain wireless telecommunications connections.

To Committee on Business and Commerce.

SB 746 by Fraser

Relating to the regulation of corporations; providing a penalty.

To Committee on Business and Commerce.

SB 747 by Carona, Lindsay, Wentworth, Zaffirini

Relating to establishing a demonstration project for women's health care services.

To Committee on Health and Human Services.

SB 748 by Lindsay

Relating to the use of funds received under a contract with a municipality by a conservation and reclamation district.

To Committee on Intergovernmental Relations.

SB 749 by Van de Putte

Relating to the regulation of certain pharmacy benefit managers; providing administrative and criminal penalties.

To Committee on State Affairs.

SB 750 by Van de Putte

Relating to the operation of the child protective services and foster care systems.

To Committee on Health and Human Services.

SB 751 by Van de Putte

Relating to service and disability retirement benefits and death benefits for rescue specialists.

To Committee on State Affairs.

SB 752 by Barrientos

Relating to term limitations for members of boards of certain metropolitan rapid transit authorities.

To Committee on Intergovernmental Relations.

SB 753 by Hinojosa

Relating to the liability of a social host for providing alcohol to a minor.

To Committee on State Affairs.

SB 754 by Ellis

Relating to the adoption of a privacy policy by a person who requires the disclosure of an individual's social security number.

To Committee on Business and Commerce.

SB 755 by Shapleigh

Relating to the administration of the state infrastructure bank.

To Committee on Transportation and Homeland Security.

SB 756 by Ogden, Whitmire

Relating to the requirement that the Board of Pardons and Paroles notify county law enforcement before considering the release of an inmate to that county.

To Committee on Criminal Justice.

SB 757 by Armbrister

Relating to property in the custody of a pawnbroker; providing criminal penalties.

To Committee on Business and Commerce.

SB 758 by Armbrister

Relating to an exception to the prohibition against commingling used oil with solid waste if the commingling is incident to the dismantling of scrap, used, or obsolete metals.

To Committee on Natural Resources.

SB 759 by Armbrister

Relating to energy aggregation by political subdivisions.
To Committee on Business and Commerce.

SB 760 by Armbrister

Relating to the classification of open-space land into categories for purposes of appraising the land for ad valorem tax purposes.
To Committee on Intergovernmental Relations.

SB 761 by Armbrister

Relating to cost allocations in power regions.
To Committee on Business and Commerce.

SB 762 by Armbrister

Relating to certain unprofessional conduct by a health care provider; providing an administrative penalty.
To Committee on State Affairs.

SB 763 by Armbrister

Relating to an annual adjustment of franchise fees paid to a municipality by certain providers of electricity.
To Committee on Business and Commerce.

SB 764 by Armbrister

Relating to regulation of electric generation capacity in the electric power market.
To Committee on Business and Commerce.

SB 765 by Armbrister

Relating to the regulation of water and sewer utility services.
To Committee on Natural Resources.

SB 766 by Wentworth

Relating to allowing a lodge or other local organization affiliated with a grand lodge or similar charitable or benevolent institution or order incorporated under state law to hold a charitable raffle.
To Committee on State Affairs.

SB 767 by Wentworth

Relating to the appraisal for ad valorem tax purposes of land included in a habitat preserve and subject to a conservation easement.
To Committee on Natural Resources.

SB 768 by Wentworth

Relating to the authority of counties to regulate the use of outdoor lighting; providing a penalty.
To Committee on Intergovernmental Relations.

SB 769 by West

Relating to allowing a person who successfully completes a term of deferred adjudication community supervision to be eligible for a pardon.
To Committee on Criminal Justice.

SB 770 by West

Relating to limiting use of money in the Texas Enterprise Fund to recipients that provide health benefit plans.

To Subcommittee on Emerging Technologies and Economic Development.

SB 771 by West

Relating to the criteria for designation of a reinvestment zone for purposes of tax increment financing and to the powers of a municipality that has created a reinvestment zone.

To Committee on Intergovernmental Relations.

SB 772 by West

Relating to the use of certain rating practices in certain lines of insurance.

To Committee on Business and Commerce.

SB 773 by West

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 774 by Van de Putte

Relating to permitting certain military personnel entitled to receive tuition and fee exemptions to transfer the exemption to a child.

To Committee on Veteran Affairs and Military Installations.

SB 775 by Van de Putte

Relating to tuition assistance for members of state military forces.

To Committee on Veteran Affairs and Military Installations.

SB 776 by Van de Putte

Relating to persons eligible to administer or take a high school equivalency examination.

To Committee on Veteran Affairs and Military Installations.

SB 777 by Van de Putte

Relating to the powers and duties of the boards of trustees and superintendents of independent school districts.

To Committee on Education.

SB 778 by Fraser

Relating to repair of motor vehicles under an auto insurance policy.

To Committee on Business and Commerce.

SB 781 by Fraser

Relating to the prosecution of certain acts that constitute the unauthorized business of insurance.

To Committee on Business and Commerce.

SB 782 by Fraser

Relating to abolition of certain fraud reporting requirements regarding motor vehicle insurance.

To Committee on Business and Commerce.

SB 783 by Seliger

Relating to a landowner's liability for injuries incurred during certain recreational activities.

To Committee on State Affairs.

SB 784 by Shapleigh

Relating to the acceptance by the Texas Commission on Environmental Quality of certain emissions reductions in exchange for other emissions reductions.

To Committee on Natural Resources.

SB 785 by Fraser

Relating to the regulations of quarries; providing a civil penalty.

To Committee on Natural Resources.

SB 786 by Ellis

Relating to the creation of a panel of experts to review the process of issuing permits under the Texas Clean Air Act.

To Committee on Natural Resources.

SB 787 by Williams

Relating to the eligibility of certain organizations to join a risk pool established by a political subdivision for the purpose of providing uniform group benefits.

To Committee on State Affairs.

SB 788 by Williams

Relating to eligibility for certain unemployment compensation benefits.

To Committee on Business and Commerce.

SB 789 by Williams

Relating to the liability of a person who has obtained improper unemployment compensation benefits.

To Committee on Business and Commerce.

SB 790 by Williams

Relating to the determination of benefit wage credits for purposes of unemployment compensation.

To Committee on Business and Commerce.

SB 791 by Williams

Relating to initial claims under the unemployment compensation system.

To Committee on Business and Commerce.

SB 792 by Staples

Relating to the duties of the county attorney in Montgomery County.

To Committee on Intergovernmental Relations.

SB 793 by Estes

Relating to authorizing the issuance of revenue bonds for utility infrastructure and campus renovations at Midwestern State University.

To Committee on Finance.

SB 794 by Estes

Relating to authorizing the issuance of revenue bonds for the University of North Texas.

To Committee on Finance.

SB 795 by Estes

Relating to authorizing the issuance of revenue bonds for Texas Woman's University.

To Committee on Finance.

SB 796 by Lucio

Relating to the combative sports program.

To Committee on Business and Commerce.

SB 797 by Lucio

Relating to the financing of instructional facilities and the payment of existing debt of school districts.

To Committee on Education.

SB 798 by Lucio

Relating to creation of an inflation adjustment to salaries for classroom teachers and certain other professional staff employed by school districts.

To Committee on Education.

SB 799 by Lucio

Relating to the eligibility of certain retired classroom teachers for loans under the professional educators home loan program.

To Committee on Education.

SB 800 by Lucio

Relating to elections and terms of office for trustees of an independent school district.

To Committee on Education.

SB 801 by Lucio

Relating to a fee to support the wellness, recreational, and fitness complex at The University of Texas at Brownsville.

To Subcommittee on Higher Education.

SB 802 by Barrientos, Armbrister, Averitt, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Seliger, Shapleigh, Van de Putte, West, Whitmire, Williams, Zaffirini

Relating to the designation of a portion of State Highway 130 in Williamson and Travis Counties as the Willie Nelson Turnpike.

To Committee on Transportation and Homeland Security.

SB 803 by Averitt

Relating to a deceptive trade practice of taking advantage of a disaster or abnormal disruption of the market.

To Committee on State Affairs.

SB 804 by Averitt

Relating to the liability of license deputies for sales money held in trust for the Parks and Wildlife Department.

To Committee on Natural Resources.

SB 805 by Averitt

Relating to certain small and large employer health cooperatives.

To Committee on State Affairs.

SB 806 by Averitt

Relating to the qualifications of appointed members of the State Soil and Water Conservation Board.

To Committee on Natural Resources.

SB 807 by Averitt

Relating to interest rate ceilings on certain commercial loans.

To Committee on Business and Commerce.

SB 808 by Averitt

Relating to the condemnation of certain property for railroad purposes.

To Committee on Transportation and Homeland Security.

SB 809 by Averitt

Relating to the Texas Health Insurance Risk Pool.

To Committee on State Affairs.

SB 810 by Averitt

Relating to the regulation of the sale and inspection of real estate.

To Committee on Business and Commerce.

SB 811 by Deuell

Relating to services referred to podiatrists under the Medicaid program.

To Committee on Health and Human Services.

SB 812 by Deuell

Relating to the powers of a community center.

To Committee on Health and Human Services.

SB 813 by Lucio

Relating to the employment of certified counselors by school districts.

To Committee on Education.

SB 814 by Lucio

Relating to a dental services pilot program in border-region counties.

To Committee on Health and Human Services.

SB 815 by Lucio

Relating to the long-range plan for the South Texas Health Care System and the provision of tuberculosis and other health care services in the Lower Rio Grande Valley.

To Committee on Health and Human Services.

SB 816 by Deuell

Relating to the offense of harassment by persons in certain correctional facilities and to creating the offense of harassment of public servant.

To Committee on Criminal Justice.

SB 817 by West

Relating to financial transaction awareness plans to be adopted by public institutions of higher education.

To Subcommittee on Higher Education.

SB 818 by West

Relating to a requirement that an ad valorem tax abatement agreement provide for the recapture of lost ad valorem tax revenue if the property owner fails to provide a health benefit plan to the owner's employees and their dependents.

To Subcommittee on Emerging Technologies and Economic Development.

SB 819 by West

Relating to providing supplemental financial assistance to certain grandparents.

To Committee on Health and Human Services.

SB 820 by West

Relating to the eligibility of certain grandparents for foster care payments.

To Committee on Health and Human Services.

SB 821 by Lindsay

Relating to an administrative cost for the enforcement of the collection of tolls in certain counties.

To Committee on Transportation and Homeland Security.

SB 822 by Hinojosa

Relating to the termination of employment of certain public school district employees.

To Committee on Education.

SB 823 by Shapleigh

Relating to restrictions on the use of foreign workers in the performance of certain government service contracts that relate to health and human services.

To Committee on Government Organization.

SB 824 by Shapleigh

Relating to state assistance for instructional facilities in school districts with enrollment growth due to closure and realignment of military bases.

To Committee on Education.

SB 825 by Shapleigh

Relating to the TexasOnline Authority's use of TexasOnline revenue.

To Committee on Government Organization.

SB 826 by Van de Putte

Relating to mental health services for women with postpartum depression.
To Committee on Health and Human Services.

SB 827 by Zaffirini

Relating to a system for tracking the progress of state-funded projects that benefit colonias and the submission of a related report to the legislature.
To Committee on International Relations and Trade.

SB 828 by Janek

Relating to the eligibility of certain property owners to file a late notice of protest with an appraisal review board.
To Committee on Intergovernmental Relations.

SB 829 by Wentworth

Relating to the authority of counties to establish petty cash funds.
To Committee on Intergovernmental Relations.

SB 830 by Wentworth

Relating to the declaration of a mistrial in the punishment phase of a criminal proceeding.
To Committee on Jurisprudence.

SB 831 by Shapiro, Armbrister, Brimer, Carona, Deuell, Harris, Hinojosa, Janek, Lindsay, Lucio, Madla, Wentworth

Relating to the creation of programs and funding for emerging technology industries.
To Subcommittee on Emerging Technologies and Economic Development.

SB 833 by Barrientos

Relating to the required use of tax increment financing to provide affordable housing in certain reinvestment zones.
To Committee on Intergovernmental Relations.

SB 834 by Eltife

Relating to the applicability of certain weapons laws to certain prosecutors licensed to carry a concealed handgun.
To Committee on Criminal Justice.

SB 835 by Barrientos

Relating to the creation of an additional judicial district in Travis County.
To Committee on Jurisprudence.

SB 836 by Duncan

Relating to the state's goal for electric generation capacity by renewable energy technologies and the rate treatment of utility expenditures for interconnecting generating capacity by certain renewable technologies.
To Committee on Business and Commerce.

SB 837 by Wentworth

Relating to the insanity defense.
To Committee on Jurisprudence.

SB 838 by Wentworth

Relating to the reporting and collection of certain information regarding persons found not guilty of an offense by reason of insanity.

To Committee on Jurisprudence.

SB 839 by Wentworth

Relating to the authority of the Cow Creek Groundwater Conservation District to require permits for certain wells.

To Committee on Natural Resources.

SB 840 by Wentworth

Relating to park and recreation districts.

To Committee on Natural Resources.

SB 841 by Lindsay

Relating to the creation and authority of the Greater 1960 Improvement District; providing authority to levy an assessment, impose taxes and issue bonds.

To Committee on Intergovernmental Relations.

SB 842 by Lindsay

Relating to the use of school district real property by a nonprofit organization.

To Committee on Education.

SB 843 by Lindsay

Relating to the distribution of flyers at a public school by a nonprofit organization.

To Committee on Education.

SB 844 by Lindsay

Relating to the content of public school campus improvement plans.

To Committee on Education.

SB 845 by Janek

Relating to the hearing of a child protection case by an associate judge.

To Committee on Jurisprudence.

SB 846 by Janek

Relating to distribution of recordings on consignment.

To Committee on Business and Commerce.

SB 847 by Janek

Relating to an order by a court that a judgment debtor turn over certain property for the satisfaction of the judgment.

To Committee on Jurisprudence.

SB 848 by Shapiro, Eltife, Seliger

Relating to the approval of certain permit applications by local governments.

To Committee on Intergovernmental Relations.

SB 849 by Brimer

Relating to the authority of a regional mobility authority to impose a local tax on the sale of gasoline and diesel fuel.

To Committee on Finance.

SB 850 by Shapleigh

Relating to an exemption from the required payment of a motor vehicle registration renewal fee for certain military personnel.

To Committee on Transportation and Homeland Security.

SB 851 by Shapleigh

Relating to a financial literacy pilot program in public schools.

To Committee on Education.

SB 852 by Shapleigh

Relating to the treatment of persuasive telephone polls as political advertising; providing a civil penalty.

To Committee on State Affairs.

SB 853 by Gallegos

Relating to customer protection for customers of mobile service providers.

To Committee on Business and Commerce.

SB 854 by Lucio

Relating to the jurisdiction of certain home-rule municipalities on a barrier island in the Gulf of Mexico.

To Committee on Intergovernmental Relations.

SB 855 by Van de Putte

Relating to the issuance of revenue bonds for The University of Texas at San Antonio.

To Committee on Finance.

SB 856 by Van de Putte

Relating to authorizing the issuance of revenue bonds for The University of Texas Health Science Center at San Antonio and the South Texas Research Tower.

To Committee on Finance.

SB 857 by Van de Putte

Relating to authorizing the issuance of revenue bonds for The University of Texas Health Science Center at San Antonio and the Center for Academic Medicine and Clinical Research.

To Committee on Finance.

SB 858 by Van de Putte

Relating to authorizing the issuance of revenue bonds for The University of Texas Health Science Center at San Antonio and the Faculty Office Building.

To Committee on Finance.

SB 859 by Ellis

Relating to a motor vehicle passing a bicyclist; providing penalties.

To Committee on Transportation and Homeland Security.

SB 860 by Ellis

Relating to wine and beer retailer's permits.

To Committee on Business and Commerce.

SB 861 by Ellis

Relating to the level of municipal participation in contracts with developers for public improvements.

To Committee on Intergovernmental Relations.

SB 862 by Van de Putte

Relating to allowing the Veterans' Land Board to appoint an advisory committee to assist in determining eligibility to participate in certain programs.

To Committee on Veteran Affairs and Military Installations.

SB 863 by Van de Putte

Relating to the administration of promotional examinations to certain firefighters and police officers who are members of the armed forces on active duty.

To Committee on Intergovernmental Relations.

SB 864 by Deuell

Relating to the liability of certain local governments for fire, emergency, or law enforcement services provided to another local government.

To Committee on State Affairs.

SB 865 by Lucio

Relating to the functions of the Texas Department of Housing and Community Affairs.

To Committee on Government Organization.

SB 866 by Staples

Relating to the operation of authorized emergency vehicles conducting a police escort.

To Committee on Transportation and Homeland Security.

SB 867 by Staples

Relating to the application of the motor vehicle sales tax emissions reduction surcharge on certain recreational vehicles.

To Committee on Transportation and Homeland Security.

SB 868 by Carona

Relating to the operation and regulation of certain consolidated insurance programs.

To Committee on State Affairs.

SB 869 by Ellis

Relating to the collection and dissemination of certain information for a federal firearm background check.

To Committee on Criminal Justice.

SB 870 by Shapleigh

Relating to student representation on the board of regents of each state university or state university system.

To Subcommittee on Higher Education.

SB 871 by Nelson

Relating to the Medicaid managed care delivery system.

To Committee on Finance.

SB 872 by Nelson

Relating to a study regarding the impact of niche hospitals on other general hospitals and to certain disclosure requirements regarding niche hospitals.

To Committee on Health and Human Services.

SB 873 by Nelson

Relating to a medical information telephone hotline pilot program under the medical assistance program.

To Committee on Health and Human Services.

SB 874 by Nelson

Relating to quality-of-care monitoring visits to long-term care facilities.

To Committee on Health and Human Services.

SB 875 by Wentworth

Relating to the reimbursement by certain defendants for the cost of confinement in county jail.

To Committee on Criminal Justice.

SB 876 by Lindsay

Relating to financial reporting requirements of a nonprofit corporation.

To Committee on Business and Commerce.

SB 877 by Madla

Relating to the transportation and delivery of wine in this state.

To Committee on Intergovernmental Relations.

SB 878 by Lindsay

Relating to a municipal utility district's use of money received under a contract with a municipality.

To Committee on Natural Resources.

SB 879 by Gallegos

Relating to the regulation of firefighters and fire departments by the Texas Commission on Fire Protection.

To Committee on Intergovernmental Relations.

SB 880 by Duncan

Relating to granting to the Upton County Water District the powers and duties of a groundwater conservation district.

To Committee on Natural Resources.

SB 881 by Shapleigh

Relating to the qualifications, powers, and duties of a special ranger and a special Texas Ranger.

To Committee on Criminal Justice.

SB 882 by Lucio

Relating to the name, functions, and duties of the Texas Council on Autism and Pervasive Developmental Disorders.

To Committee on Health and Human Services.

SB 883 by Williams

Relating to the creation of the East Montgomery County Municipal Utility District No. 8; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 884 by Williams

Relating to the creation of the East Montgomery County Municipal Utility District No. 9; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 885 by Williams

Relating to the creation of the East Montgomery County Municipal Utility District No. 10; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 886 by Williams

Relating to the creation of the East Montgomery County Municipal Utility District No. 11; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 887 by Williams

Relating to the creation of the East Montgomery County Municipal Utility District No. 12; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 888 by Williams

Relating to the powers, duties, privileges, and immunities of a peace officer.

To Committee on Criminal Justice.

SB 889 by Williams

Relating to the creation of the East Montgomery County Municipal Utility District No. 13; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 890 by Williams

Relating to the amount of recovery in a civil action.

To Committee on State Affairs.

SB 891 by Williams

Relating to the creation of the East Montgomery County Municipal Utility District No. 14; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 892 by Carona

Relating to the operation of property owners' associations; providing an administrative penalty.

To Committee on Intergovernmental Relations.

SB 893 by Carona

Relating to the prosecution of the offense of indecency with a child.

To Committee on Criminal Justice.

SB 894 by Carona

Relating to certain procedures for filing documents and service of process.

To Committee on Jurisprudence.

SB 895 by Carona

Relating to the processing of certain election ballots voted early.

To Committee on State Affairs.

SB 896 by Carona

Relating to the powers and duties of and the appointment of certain election officers.

To Committee on State Affairs.

SB 897 by Staples

Relating to the creation of the Montgomery County Municipal Utility District No. 100; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 898 by Carona

Relating to tax liability for property omitted from an appraisal roll.

To Committee on Intergovernmental Relations.

SB 899 by Carona

Relating to funding for crime control and prevention districts; imposing a tax and providing a penalty.

To Committee on Finance.

SB 900 by Eltife

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

To Committee on Finance.

SCR 8 by Seliger

Designating the chuck wagon as the official vehicle of Texas.

To Committee on Intergovernmental Relations.

SJR 21 by Averitt

Proposing a constitutional amendment authorizing the legislature to define rates of interest for commercial loans.

To Committee on Business and Commerce.

SJR 22 by Shapleigh

Proposing a constitutional amendment authorizing a student member of the board of regents of a state institution of higher education or state university system to serve a term that differs from the terms served by the other members of the board.

To Subcommittee on Higher Education.

SJR 23 by Brimer

Proposing a constitutional amendment limiting the constitutional dedication of revenue from a tax on motor fuels to taxes imposed by this state.

To Committee on Finance.

SJR 24 by Brimer

Proposing a constitutional amendment requiring revenue collected from the use of a tolled transportation project in this state to be used only for transportation projects in the Texas Department of Transportation district in which the revenue was collected.

To Committee on Finance.

SJR 25 by Lindsay

Proposing a constitutional amendment prohibiting the state from reducing the proportion of the costs paid by the state for a function imposed by the state on political subdivisions; from requiring political subdivisions to perform a new function or to perform an existing function in a more costly way unless the state pays for the new or additional costs; and from otherwise adopting a law that requires the expenditure of money by a political subdivision for any purpose unless state funding for the purpose is provided.

To Committee on Finance.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 357 by Wentworth, Congratulating John Heard of San Antonio for his selection as a Distinguished Finalist for 2005 in the Prudential Spirit of Community Awards program.

SR 360 by West, Recognizing FAIM Economic and Development Corporation for its contributions to the Dallas/Fort Worth community.

SR 362 by Lucio, Recognizing the H-E-B stores of South Texas on the occasion of the 100th birthday of H. E. Butt Grocery Company.

HCR 70 (Fraser), Honoring the 100th anniversary of the first H-E-B store in Kerrville.

Official Designation Resolution

SR 298 by Brimer, Proclaiming March 10, 2005, Mansfield Day at the State Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 11:19 a.m. adjourned, in memory of United States Marine Lance Corporal Tony Leigh Hernandez, until 1:30 p.m. Monday, March 14, 2005.

APPENDIX

COMMITTEE REPORTS

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

March 10, 2005

HEALTH AND HUMAN SERVICES — **CSSB 46, CSSB 47, SB 609, SB 610** (Amended), **CSSB 311**

BUSINESS AND COMMERCE — **CSSB 269, CSSB 446**

INTERGOVERNMENTAL RELATIONS — **SB 118, CSSB 350, SB 692, CSSB 466**

In Memory
of
Tony Leigh Hernandez
Senate Resolution 359

WHEREAS, The family and friends of U.S. Marine Lance Corporal Tony Leigh Hernandez suffered an immeasurable loss with the death of this valiant soldier on January 25, 2005, at the age of 22; and

WHEREAS, Deployed in Iraq since July 2004, where he served as a helicopter crew chief, Lance Corporal Hernandez died in the crash of his aircraft near Ar Rutbah, Iraq; and

WHEREAS, This brave young Texan was born on November 25, 1982, and was a 2001 graduate of Smithson Valley High School, where he was active in the Navy ROTC; fulfilling a dream of serving his country, he joined the U.S. Marine Corps in 2002; and

WHEREAS, Our state and nation are fortunate to have men and women whose love for their country inspires them to take up military service, yet the tragic death of this exemplary young man is a sobering reminder of the cost of war; Lance Corporal Hernandez embodied the highest ideals of the U.S. Armed Forces, and those who knew and loved him well will forever carry him close in their hearts; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby pay special tribute to the life of Lance Corporal Tony Leigh Hernandez and extend profound sympathy to the members of his family: to his wife, Jacquie Hernandez; to his mother, Janette Trout; to his father and stepmother, LeRoy and Evelyn Hernandez; to his sister, Tracy Mendez, and her husband, Lucky; to his brothers, Christopher Hernandez, and his wife, Amy, and Charlie Hernandez and Staci Stephenson; to his grandparents, Darold and Alvena Wingert; to his step-grandparents, Jackie and Wilburn Simon; to his stepsister, Melissa Everett, and her husband, Jimmy; to his stepbrothers, Robert and Austin Mittelstadt; to his mother-in-law, Cindy King; and to the other family members and many friends of this beloved young man; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas Senate adjourns this day, it do so in memory of Lance Corporal Tony Leigh Hernandez.

WENTWORTH