

# THIRTY-SECOND DAY

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MONDAY, MARCH 14, 2005

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## PROCEEDINGS

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The Senate met at 1:30 p.m. pursuant to adjournment and was called to order by the President.

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

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

The Reverend Dr. A. B. Devers, West End Baptist Church, San Antonio, offered the invocation as follows:

God of our weary years, God of our silent tears, the one who has brought us along the way, today we give You thanks, honor, respect, and reverence. God of all power, intelligence, and righteousness, it is to Thee that we come at the start of this day in the Texas Legislature. In this troubled time in the world in which we live, into Your mighty hands do we commend each person who will participate in the considerations of this body during the time and tenure of this session. May their hearts and minds be guided in matters to consider for the benefit of those whom they represent in their local districts, those who are dependent upon them for voice and vote. May that what is best for the people and the state be the same. Give our representatives the wisdom they need to discern, that the people will not be without a heart or voice of concern. Bless our state, Texas. Bless our Governor and his Cabinet. Bless all of our Senators and Representatives and those who help them get their jobs done. These things we ask for the people's sake in Jesus' name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Thursday, March 10, 2005, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

### **CO-AUTHOR OF SENATE BILL 85**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 85**.

**CO-AUTHOR OF SENATE BILL 87**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 87**.

**CO-AUTHOR OF SENATE BILL 227**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 227**.

**CO-AUTHOR OF SENATE BILL 228**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 228**.

**CO-AUTHOR OF SENATE BILL 231**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 231**.

**CO-AUTHOR OF SENATE BILL 296**

On motion of Senator Madla, Senator Shapleigh will be shown as Co-author of **SB 296**.

**CO-AUTHOR OF SENATE BILL 302**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 302**.

**CO-AUTHOR OF SENATE BILL 303**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 303**.

**CO-AUTHOR OF SENATE BILL 440**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 440**.

**CO-AUTHOR OF SENATE BILL 548**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 548**.

**CO-AUTHOR OF SENATE BILL 663**

On motion of Senator Ellis, Senator Van de Putte will be shown as Co-author of **SB 663**.

**CO-AUTHOR OF SENATE BILL 747**

On motion of Senator Carona, Senator Van de Putte will be shown as Co-author of **SB 747**.

**CO-AUTHOR OF SENATE BILL 831**

On motion of Senator Shapiro, Senator Van de Putte will be shown as Co-author of **SB 831**.

**CO-AUTHORS OF SENATE BILL 870**

On motion of Senator Shapleigh, Senators Barrientos and Wentworth will be shown as Co-authors of **SB 870**.

**CO-AUTHOR OF SENATE BILL 900**

On motion of Senator Eltife, Senator Deuell will be shown as Co-author of **SB 900**.

**CO-AUTHOR OF SENATE BILL 1756**

On motion of Senator Zaffirini, Senator Janek will be shown as Co-author of **SB 1756**.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
March 14, 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 2**, Relating to public education and public school finance matters.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 70**.

**PHYSICIAN OF THE DAY**

Senator Hinojosa was recognized and presented Dr. Wilbur R. Cleaves of Corpus Christi as the Physician of the Day.

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

**SENATE RESOLUTION 361**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join the citizens of Karnes County in recognizing March 14, 2005, as Karnes County Day at the Capitol; and

WHEREAS, Karnes County was created in 1854 and was named for Henry W. Karnes, a leading figure in the Texas Revolution; the area was originally part of a Royal Spanish Land Grant and was home to the first ranch in Texas; and

WHEREAS, Located on the rolling coastal plains between Austin and Corpus Christi, Karnes County boasts a rich and colorful history; Panna Maria is home to the oldest Polish settlement in America, and Helena was once a notorious frontier town; and

WHEREAS, Kenedy, the largest city in the county, is an economic center for the area; other towns include Falls City, Runge and Karnes City, the county seat; and

WHEREAS, Fertile agricultural lands support grain, wild game and cattle production; other major enterprises in the local economy include the oil and gas industry, fiberglass manufacturing and grain milling; and

WHEREAS, Karnes County's Polish, German, Mexican and Czech cultures have intermingled to create a unique environment in which to live and raise a family; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the citizens of Karnes County for their many contributions to our state and welcome them to the State Capitol for Karnes County Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared as a memento of this special day.

**SR 361** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate Karnes County Judge Alger Kendall, County Commissioners Jeffrey Wiatrek and Isidro "Stormy" Rossett, Kenedy Alderman Ken Reiley, and Karnes County Sheriff David Jalufka, accompanied by a delegation of citizens from Karnes County.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Jackson was recognized and introduced to the Senate representatives of Leadership Angleton.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 363**

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the members of the Dr. Emmett J. Conrad Student Advisory Committee on the occasion of their visit to the State Capitol on Monday, March 14, 2005; and

WHEREAS, Sponsored by Senator Royce West, the Student Advisory Committee includes young people from the Dallas, Cedar Hill, Mesquite, Duncanville, Lancaster, DeSoto, and Wilmer-Hutchins school districts; the committee is comprised of junior high school and high school students who are leaders of student council and student class governments; and

WHEREAS, The Student Advisory Committee was established in the spring of 1996 for the purpose of helping students to build leadership skills and to meet with leaders across the state; it was also established with the goal of helping students discover how they can participate in community volunteerism and the means through which they can voice their perspective on legislative issues; and

WHEREAS, Over the last nine years, the Student Advisory Committee has accomplished a great deal in the Dallas community; the students have visited nursing homes throughout the district and have worked hard on behalf of the Children's Hope Foundation, collecting hundreds of clothing items for homeless children; and

WHEREAS, They have participated in toy, blanket, and voter registration drives and have provided testimony at the Senate Interim Committee on Juvenile Justice and Gangs hearings in Dallas; and

WHEREAS, The students have toured the Dallas Life Foundation, a homeless shelter, and the Family Gateway, a shelter that provides emergency and transitional housing for homeless families; they have volunteered at the Bluitt-Flowers Halloween Carnival, have held annual receptions for elected officials, and have donated blankets and pillows to Promise House; and

WHEREAS, In December of 2004, committee members donated 2,750 canned goods to the North Texas Food Bank and 62 clothing items to the Bethlehem Foundation as part of the Student Advisory Committee Canned Goods/Clothing Drive; and

WHEREAS, The Student Advisory Committee is a valuable asset to District 23, and the work of its members is encouraging and fostering volunteerism in the community and setting exemplary standards for people of all ages to follow; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the members of the Dr. Emmett J. Conrad Student Advisory Committee on their dedication and their many accomplishments and extend to them best wishes for the future; and, be it further

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

**SR 363** was read and was adopted without objection.

### **GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate members of the Dr. Emmett J. Conrad Student Advisory Committee: Joe Montoya, Student Life and Leadership Development Specialist, Dallas Independent School District; Dr. Lilian Hoskins, teacher and advisor, A. Maceo Smith High School, Dallas; Sunal Petal, DeSoto West Junior High School; Jeremy Bonner, Wilmer-Hutchins High School; and Miriam Arellano, Yvonne A. Ewell Townview Magnet, School of Business Management, Dallas.

The Senate welcomed its guests.

### **GUESTS PRESENTED**

Senator Van de Putte was recognized and introduced to the Senate members of the Ladies United Transportation Union Auxiliary: Donna English, Linda Ogburn, Ronny Bourland, and Norma Garcia.

The Senate welcomed its guests.

**SENATE RESOLUTION 356**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to join The Texas Foreign Language Association and the American Council on the Teaching of Foreign Languages in recognizing the Year of Languages 2005; and

WHEREAS, Designating 2005 as The Year of Languages provides an opportunity to promote public awareness of the academic, social and economic benefits of studying languages and cultures from around the world; and

WHEREAS, With Texas' rich and diverse cultural heritage, Texans value the different languages spoken by our citizens, and as our state becomes more involved with the economics and cultures of the global community, it is more vital than ever to promote learning languages other than one's native language; and

WHEREAS, The study of languages improves a student's cognitive skills in other disciplines, such as mathematics and the sciences, and results in higher examination scores; proficiency in more than one language increases career opportunities and provides employers with a workforce with the necessary skills for an international marketplace; and

WHEREAS, Learning other languages fosters personal and intellectual growth in people of all ages and builds stronger ties among friends, neighbors, colleagues and employees; awareness of other languages and cultures increases understanding among peoples and strengthens America's security and position in the world; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend The Texas Foreign Language Association and all involved with the promotion of world language studies for their hard work and proclaim 2005 as The Year of Languages in Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for The Texas Foreign Language Association.

ZAFFIRINI  
BARRIENTOS  
SHAPIRO

**SR 356** was read and was adopted without objection.

**GUESTS PRESENTED**

Senator Zaffirini, joined by Senator Barrientos, was recognized and introduced to the Senate The Texas Foreign Language Association President Pamela Young and Past Presidents Dr. Nathan Bond, Dr. Ruben Garza, Carrie Harrington, and Maria Trevino, accompanied by a delegation of members.

The Senate welcomed its guests.

**(Senator Carona in Chair)**

**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.

**SENATE RESOLUTION 389**

Senator Lucio offered the following resolution:

**SR 389**, In memory of Raul A. Besteiro, Jr., of Brownsville.

The resolution was read.

**(President in Chair)**

Senator Lucio was recognized and introduced to the Senate family members of Raul A. Besteiro, Jr.: his widow, Guillermina Besteiro, his son, Raul A. Besteiro III, and his daughters, Cecilia Besteiro, Lucila Martin, and Adriana McKinney, accompanied by other family members.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Carona and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, **SR 389** was adopted by a rising vote of the Senate.

In honor of the memory of Raul A. Besteiro, Jr., of Brownsville, the text of the resolution is printed at the end of today's *Senate Journal*.

**(Senator Wentworth in Chair)**

**AT EASE**

The Presiding Officer at 2:24 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

The President at 3:55 p.m. called the Senate to order as In Legislative Session.

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

On motion of Senator Nelson and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Health and Human Services might consider **SB 423** tomorrow.

**SENATE BILL 333 REREFERRED**

Senator Shapiro submitted a Motion In Writing requesting that **SB 333** be withdrawn from the Committee on Education and rereferred to the Subcommittee on Higher Education.

The Motion In Writing prevailed without objection.

## MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 4:00 p.m. agreed to adjourn, in memory of Raul A. Besteiro, Jr., of Brownsville and Alfred Vincent Alliegro, father of Nancy Alliegro of the Secretary of the Senate's office, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

## SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions, filed on or before March 11, 2005, were introduced, read first time, and referred to the committees indicated:

**SB 901** by Lindsay

Relating to the authority of a water control and improvement district or a municipal utility district to enter into a contract to convey property to another water district or water supply corporation.

To Committee on Natural Resources.

**SB 902** by Whitmire

Relating to procedures for certain persons charged with an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or mandatory supervision.

To Committee on Criminal Justice.

**SB 903** by Whitmire

Relating to certain persons that are special investigators.

To Committee on Criminal Justice.

**SB 904** by Whitmire

Relating to the eligibility for jury-recommended community supervision for certain defendants convicted of state jail felonies.

To Committee on Criminal Justice.

**SB 905** by Whitmire

Relating to the interception of or the collection of other information from certain communications in an investigation of criminal conduct.

To Committee on Criminal Justice.

**SB 906** by Whitmire

Relating to community supervision and corrections departments and to the immunity of certain judges for administrative acts in connection with those departments.

To Committee on Criminal Justice.

**SB 907** by Whitmire

Relating to authority of a peace officer to make an arrest outside of the officer's jurisdiction or to seize property while making the arrest.

To Committee on Criminal Justice.

**SB 908** by Whitmire

Relating to certain medical examination requirements in connection with an allegation of sexual assault of a child.

To Committee on Criminal Justice.



**SB 909** by Whitmire

Relating to the maintenance and contents of certain computerized information systems relating to the criminal justice system.

To Committee on Criminal Justice.

**SB 910** by Whitmire

Relating to the repeal of certain obsolete laws defining and regulating nitrous oxide as a volatile chemical.

To Committee on Criminal Justice.

**SB 911** by Whitmire

Relating to certain criminal defendants paying restitution to the compensation to victims of crime fund.

To Committee on Criminal Justice.

**SB 912** by Shapiro

Relating to the civil commitment of sexually violent predators.

To Committee on Criminal Justice.

**SB 913** by Shapleigh

Relating to a Texas teacher leadership initiative.

To Committee on Education.

**SB 914** by Gallegos

Relating to the authority of certain municipalities to regulate the hours of certain businesses that sell alcoholic beverages.

To Committee on Intergovernmental Relations.

**SB 915** by Gallegos

Relating to the salary paid to certain professional employees of public schools.

To Committee on Education.

**SB 916** by Gallegos

Relating to the manner of providing notice of a petition or order for the expunction or nondisclosure of certain criminal records.

To Committee on Jurisprudence.

**SB 917** by Gallegos

Relating to the regulation of emergency service providers in municipalities or the unincorporated areas of certain counties.

To Committee on Intergovernmental Relations.

**SB 918** by Gallegos

Relating to a license fee exemption for certain certified public accountants.

To Committee on Business and Commerce.

**SB 919** by Duncan

Relating to the grounds and procedures for removal of a member of the board of directors of the Lynn County Hospital District.

To Committee on Intergovernmental Relations.

**SB 920** by Van de Putte

Relating to creating the Texas Treasure Award to honor businesses that have existed in Texas for 50 years or more.

To Subcommittee on Emerging Technologies and Economic Development.

**SB 921** by Duncan

Relating to the designation of a portion of Interstate Highway 27 between Lubbock and Amarillo as the Marshall Formby Memorial Highway.

To Committee on Transportation and Homeland Security.

**SB 922** by Janek

Relating to certain investments by title insurance companies.

To Committee on Business and Commerce.

**SB 923** by Janek

Relating to the definition of a primary job with respect to a project that may be undertaken by a development corporation.

To Subcommittee on Emerging Technologies and Economic Development.

**SB 924** by Barrientos

Relating to the establishment of a petty cash fund in certain counties.

To Committee on Intergovernmental Relations.

**SB 925** by Duncan

Relating to competency to be executed in a capital case.

To Committee on Criminal Justice.

**SB 926** by Ellis

Relating to the regulation of residential property managers and providing for mediation and education regarding residential landlord and tenant disputes; providing penalties.

To Committee on Business and Commerce.

**SB 927** by Ellis

Relating to the annexation of territory in political subdivisions by certain junior college districts.

To Subcommittee on Higher Education.

**SB 928** by Ellis

Relating to the effect of annexation of territory on the terms of members of the governing boards of certain junior college districts.

To Subcommittee on Higher Education.

**SB 929** by Ellis

Relating to the service area of the Houston Community College System District.

To Subcommittee on Higher Education.

**SB 930** by Janek

Relating to the employment of surgical technologists by certain health care facilities.

To Committee on Health and Human Services.

**SB 931** by Hinojosa

Relating to authorizing the issuance of revenue bonds for The University of Texas–Pan American for construction and renovation to accommodate institutional growth.

To Committee on Finance.

**SB 932** by Hinojosa

Relating to the establishment of the maintenance of adequate environmental flows as a goal for regional water planning.

To Committee on Natural Resources.

**SB 933** by Hinojosa

Relating to the justice court technology fund and to requiring the assessment of a technology fee on conviction of certain misdemeanor offenses.

To Committee on Jurisprudence.

**SB 934** by Wentworth, Barrientos, Ellis, Hinojosa, Lucio, Madla, Shapleigh, Van de Putte, Whitmire

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

To Subcommittee on Higher Education.

**SB 935** by West

Relating to the evaluation of applications for certain financial assistance administered by the Texas Department of Housing and Community Affairs.

To Committee on Intergovernmental Relations.

**SB 936** by West

Relating to practices of school districts that concern the admission process to institutions of higher education.

To Subcommittee on Higher Education.

**SB 937** by West

Relating to projects that may be undertaken by certain development corporations in connection with business development or activity.

To Subcommittee on Emerging Technologies and Economic Development.

**SB 938** by West

Relating to the creation of a prison diversion pilot program.

To Committee on Criminal Justice.

**SB 939** by Lucio

Relating to a study regarding school facilities and the feasibility of developing model plans for school facilities.

To Committee on Education.

**SB 940** by Lucio

Relating to the establishment of the Reynaldo G. Garza School of Law at the University of Texas at Brownsville.

To Subcommittee on Higher Education.

**SB 941** by Staples

Relating to authorizing the issuance of revenue bonds for Stephen F. Austin State University.

To Committee on Finance.

**SB 942** by Staples

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

To Committee on Finance.

**SB 943** by Armbrister

Relating to the regulation of the cloning of human beings; providing penalties.

To Committee on Health and Human Services.

**SB 944** by Armbrister

Relating to certain peace officers commissioned by the Texas State Board of Pharmacy.

To Committee on Criminal Justice.

**SB 945** by Armbrister

Relating to the filing of a disclosure statement by a vendor or member of a governing body of a port authority or navigation district; imposing a penalty.

To Committee on Natural Resources.

**SB 946** by Armbrister

Relating to the qualifications for a license as an electrical sign apprentice.

To Committee on Business and Commerce.

**SB 947** by Armbrister

Relating to the release of a solid waste in connection with dredging and placement or storage of dredged material by a political subdivision.

To Committee on Natural Resources.

**SB 948** by Armbrister

Relating to the assessment and regulation of emissions events.

To Committee on Natural Resources.

**SB 949** by Armbrister

Relating to the mediation of certain proceedings conducted by the Railroad Commission of Texas.

To Committee on Natural Resources.

**SB 950** by Estes

Relating to the fee for a permit to operate an overweight motor vehicle.

To Committee on Transportation and Homeland Security.

**SB 951** by Estes

Relating to the operation of certain cemeteries using county resources.

To Committee on Criminal Justice.

**SB 952** by Seliger

Relating to medical support for a child.

To Committee on Jurisprudence.

**SB 953** by Seliger

Relating to an energy-efficient building program.  
To Committee on Business and Commerce.

**SB 954** by Seliger

Relating to the holding of a special election to fill a vacancy in the legislature.  
To Committee on State Affairs.

**SB 955** by Seliger

Relating to awards for certain members of the state military forces serving on active federal military duty.  
To Committee on Veteran Affairs and Military Installations.

**SB 956** by Seliger

Relating to the appointment and jurisdiction of cattle rangers.  
To Committee on Criminal Justice.

**SB 957** by Williams

Relating to the powers and duties of the Texas Department of Licensing and Regulation.  
To Committee on Business and Commerce.

**SB 958** by Duncan

Relating to the installation, copying, or use of computer software for unauthorized purposes; providing a penalty.  
To Committee on Jurisprudence.

**SB 959** by Shapiro

Relating to notice to educators of a public school student's misconduct and to placement of a student who has assaulted a teacher.  
To Committee on Education.

**SB 960** by Shapiro

Relating to hospital and clinic fees collected by certain public medical schools.  
To Committee on Finance.

**SB 961** by Shapiro

Relating to a clearinghouse of energy and water conservation information and programs for school districts.  
To Committee on Education.

**SB 962** by Shapiro

Relating to state assistance for public school facilities.  
To Committee on Education.

**SB 963** by Shapiro

Relating to the establishment of and liability for failing to comply with certain administrative and instructional ratios for public school districts.  
To Committee on Education.

**SB 964** by Lucio

Relating to the authorization, administration, and funding of the program to provide financial assistance for the construction, acquisition, or improvement of water supply and sewer services for economically distressed areas.

To Committee on Natural Resources.

**SB 965** by Lucio

Relating to authorizing the issuance of revenue bonds by The University of Texas System.

To Committee on Finance.

**SB 966** by Lucio

Relating to programs to recruit, train, and license nurses and other health care professionals in this state.

To Subcommittee on Higher Education.

**SB 967** by Fraser

Relating to the creation of the Central Texas Groundwater Conservation District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Natural Resources.

**SB 968** by Carona, Deuell, Estes, Shapiro, West

Relating to allowing the Texas Department of Transportation to make grants to a county or municipality for recreational trails.

To Committee on Transportation and Homeland Security.

**SB 969** by West

Relating to the placement of a student with disabilities in a juvenile justice alternative education program.

To Committee on Education.

**SB 970** by West

Relating to the discipline of public school students who voluntarily surrender prohibited items.

To Committee on Education.

**SB 971** by West

Relating to school district reporting of students placed in disciplinary alternative education programs or expelled from school.

To Committee on Education.

**SB 972** by West

Relating to providing a method for assessing the academic growth of the performance of public school students on certain assessment instruments.

To Committee on Education.

**SB 973** by West

Relating to the right of a parent of a public school student to immediate notice of certain disciplinary action taken against the student.

To Committee on Education.

**SB 974** by West

Relating to training of school district peace officers and security personnel in certain discipline management practices and behavior management techniques.

To Committee on Education.

**SB 975** by West

Relating to accountability under the statewide public school accountability system for a student placed in a disciplinary alternative education program.

To Committee on Education.

**SB 976** by Brimer

Relating to the operation of staff leasing services companies.

To Committee on Business and Commerce.

**SB 977** by Brimer

Relating to the eligibility for unemployment benefits of individuals who are unemployed due to certain labor disputes.

To Committee on Business and Commerce.

**SB 978** by Barrientos

Relating to the collection of certain costs, fees, and fines in criminal cases.

To Committee on Jurisprudence.

**SB 979** by West

Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 78th Legislature to other Acts of that legislature.

To Committee on Administration.

**SB 980** by Janek

Relating to the creation of a judicial district composed of Fort Bend County.

To Committee on Jurisprudence.

**SB 981** by Whitmire

Relating to authorizing the issuance of revenue bonds for Texas Southern University for campus facilities and infrastructure.

To Committee on Finance.

**SB 982** by Van de Putte

Relating to certain practices to improve energy conservation in state buildings.

To Committee on Government Organization.

**SB 983** by Van de Putte

Relating to home health care and hospice services under the state child health plan.

To Committee on Health and Human Services.

**SB 984** by Van de Putte

Relating to a feasibility study regarding the provision of financial incentives to individuals who undergo training for child protective services.

To Committee on Health and Human Services.

**SB 985** by Van de Putte

Relating to requiring hospitals to report the percentage of emergency room patients who are uninsured to the Department of State Health Services.

To Committee on Health and Human Services.

**SB 986** by Duncan

Relating to the election of directors of the Wes-Tex Groundwater Conservation District.

To Committee on Natural Resources.

**SB 987** by Carona

Relating to the authority of certain depository institutions and mortgage brokers to receive compensation for preparing legal documents in connection with residential mortgages.

To Committee on Jurisprudence.

**SB 988** by Carona

Relating to education courses required for a mortgage broker or loan officer license.

To Committee on Business and Commerce.

**SB 989** by Carona

Relating to the regulation of clinical nutritionists and nutrition consultants; providing penalties.

To Committee on Health and Human Services.

**SB 990** by Janek

Relating to a training and examination program on sexual abuse and child molestation for certain persons who work at youth camps.

To Committee on Health and Human Services.

**SB 991** by Wentworth

Relating to the forfeiture of certain contingent beneficiaries' rights under a life insurance policy.

To Committee on State Affairs.

**SB 992** by Ellis

Relating to the forfeiture of certain contraband used in the commission of certain felony intoxication offenses.

To Committee on Criminal Justice.

**SB 993** by Ellis

Relating to the creation of the Harris County Improvement District No. 5; providing authority to impose a tax and issue a bond or similar obligation.

To Committee on Intergovernmental Relations.

**SB 994** by Lucio

Relating to liability of a governmental unit for a claim arising from roadway lighting conditions.

To Committee on State Affairs.



**SB 995** by Averitt

Relating to donees of anatomical gifts.  
To Committee on Health and Human Services.

**SB 996** by Averitt

Relating to the use of personal leave by a public school employee.  
To Committee on Education.

**SB 997** by Madla

Relating to the taxable value of property for school finance purposes of certain school districts.  
To Committee on Finance.

**SB 998** by Madla

Relating to contracts with local workforce development boards.  
To Committee on Business and Commerce.

**SB 999** by Madla

Relating to the small and mid-sized district adjustments under the Foundation School Program for certain school districts.  
To Committee on Education.

**SB 1000** by Madla

Relating to the regulation of the practice of nursing.  
To Committee on Health and Human Services.

**SB 1001** by Madla

Relating to the provision of health care in medically underserved communities.  
To Committee on Health and Human Services.

**SB 1002** by Madla

Relating to creating a TexasOnline project concerning grant assistance provided by state agencies.  
To Committee on Government Organization.

**SB 1003** by Madla

Relating to an additional filing fee for civil cases filed in Bexar County.  
To Committee on Jurisprudence.

**SB 1004** by Shapiro

Relating to the oversight and financing of the Texas School Safety Center.  
To Committee on Education.

**SB 1005** by Carona

Relating to the suspension of sentence and the deferral of final disposition for a defendant younger than 25 in certain misdemeanor traffic cases.  
To Committee on Criminal Justice.

**SB 1006** by Harris

Relating to the period of time during which a person may be supervised in a pretrial intervention program and the fee that may be charged for the program.  
To Committee on Criminal Justice.

**SB 1007** by Harris

Relating to the placement of a defendant in the state boot camp program as a condition of deferred adjudication community supervision.

To Committee on Criminal Justice.

**SB 1008** by Harris

Relating to an automobile club membership offered in connection with a loan.

To Committee on Business and Commerce.

**SB 1009** by Harris

Relating to reporting of expenditures by persons registered as lobbyists.

To Committee on Administration.

**SB 1010** by Harris

Relating to prohibited conflicts of interest of registered lobbyists.

To Committee on Administration.

**SB 1011** by Harris

Relating to restrictions on and reporting of certain expenditures by registered lobbyists.

To Committee on Administration.

**SB 1012** by Harris

Relating to authorizing the issuance of revenue bonds for The University of Texas at Arlington and its engineering facilities.

To Committee on Finance.

**SB 1013** by Harris

Relating to the use of private legal counsel by certain hospital districts.

To Committee on Intergovernmental Relations.

**SB 1014** by Harris

Relating to records on appeal in municipal courts of record.

To Committee on Intergovernmental Relations.

**SB 1015** by Deuell

Relating to minimum standards for day-care centers serving children with special care needs.

To Committee on Health and Human Services.

**SB 1016** by Deuell

Relating to the right of health care facilities, health insurers, and health care providers to object to providing or participating in the provision of certain procedures.

To Committee on State Affairs.

**SB 1017** by Staples

Relating to the creation of the Lower Trinity Groundwater Conservation District; providing authority to issue bonds.

To Committee on Natural Resources.

**SB 1018** by Staples

Relating to the extension, reinstatement, or modification of or addition to residential restrictive covenants.

To Committee on Intergovernmental Relations.

**SB 1019** by Ellis

Relating to the elimination of the statute of limitations for certain sexual offenses committed against children.

To Committee on Criminal Justice.

**SB 1020** by Barrientos

Relating to the exemption from ad valorem taxation of certain property used by a charitable organization operating a listener-supported radio station.

To Committee on Finance.

**SB 1021** by Ellis

Relating to the powers of the Coastal Water Authority; providing the authority to impose a tax; affecting the authority to issue bonds.

To Committee on Business and Commerce.

**SB 1022** by Barrientos

Relating to the creation of the Bee Cave Development District; authorizing the imposition of a tax and the issuance of bonds.

To Committee on Intergovernmental Relations.

**SB 1023** by Jackson

Relating to the number of meetings of the Coastal Coordination Council held annually, rulemaking authority for the council to delegate routine functions to an executive committee, and the change in name of the Texas Natural Resources Conservation Commission to the Texas Council on Environmental Quality.

To Subcommittee on Agriculture and Coastal Resources.

**SB 1024** by Deuell

Relating to prohibiting changes in certain prescription drug orders without the approval of the prescribing health care practitioner.

To Committee on State Affairs.

**SB 1025** by Madla

Relating to the regulation of the practice of optometry and therapeutic optometry.

To Committee on State Affairs.

**SB 1026** by Madla

Relating to hospital and medical care required to be provided by the Maverick County Hospital District.

To Committee on Intergovernmental Relations.

**SB 1027** by Madla

Relating to the authority of the board of directors of the Maverick County Hospital District to employ health care providers.

To Committee on Intergovernmental Relations.

**SB 1028** by Harris

Relating to a nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, including conforming amendments, repeals, and penalties.

To Committee on Administration.

**SB 1029** by Harris

Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

To Committee on Administration.

**SB 1030** by Zaffirini

Relating to the regulation of tax refund anticipation loans; imposing an administrative penalty.

To Committee on Business and Commerce.

**SJR 26** by Wentworth, Barrientos, Ellis, Hinojosa, Lucio, Madla, Shapleigh, Van de Putte, Whitmire

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 27** by Lucio

Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.

To Committee on Natural Resources.

**(Senator Duncan in Chair)****RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 364** by West, In memory of Milton Pettis, Sr., of Dallas.

**SR 365** by Estes, In memory of Clifford Neal Knox.

**SR 386** by Barrientos, In memory of Ted Powers of Austin.

**Welcome and Congratulatory Resolutions**

**SR 366** by Duncan, Recognizing Charles Endress on the occasion of his retirement.

**SR 367** by Eltife, Congratulating J. Lindsey Bradley, Jr., for earning the 2004 Earl M. Collier Award for Distinguished Health Care Administration from the Texas Hospital Association.

**SR 368** by Lindsay, Commending Richard Dane Lewis for achieving the rank of Eagle Scout.

**SR 370** by Jackson, Congratulating Grace DeForde of Friendswood for her selection as a State Honoree for 2005 in the Prudential Spirit of Community Awards program.

**SR 371** by Jackson, Congratulating Nicole Hanson of Houston for her selection as a Distinguished Finalist for 2005 in the Prudential Spirit of Community Awards program.

**SR 372** by Jackson, Congratulating Helen Crowder of La Porte for her selection as a recipient of the 2005 Gus Groos Humanitarian Award by the La Porte-Bayshore Chamber of Commerce.

**SR 373** by Jackson, Recognizing the Bayshore Medical Center of Pasadena for receiving the 2004 and 2005 HealthGrades Distinguished Hospital Award for Overall Clinical Excellence.

**SR 375** by Ellis, Recognizing Sue Walden on the occasion of her 50th birthday.

**SR 376** by Brimer, Recognizing Felix Glen Huse on the occasion of his retirement.

**SR 377** by Ellis, Congratulating La Toya Munirat Adekoya for earning a Girl Scout Gold Award.

**SR 378** by Ellis, Congratulating Seshia Deal for earning a Girl Scout Gold Award.

**SR 379** by Ellis, Congratulating Calyaca Isedore for earning a Girl Scout Gold Award.

**SR 380** by Ellis, Congratulating Bennie Jillon Celeste Kelly for earning a Girl Scout Gold Award.

**SR 382** by Jackson, Congratulating Joanna R. McNeil for earning a Girl Scout Gold Award.

**SR 387** by Barrientos, Welcoming the Feuerwehrkapelle Wolf of Wolf, Germany, to the State Capitol.

**SR 388** by Barrientos, Recognizing Lucretia Dennis Small on the occasion of her retirement.

**SR 390** by Shapiro, Recognizing Morris Shapiro on the occasion of his 80th birthday.

#### **Official Designation Resolution**

**SR 384** by Lucio, Recognizing the week of March 7 through 11, 2005, as Texas School Lunch Week.

#### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 4:14 p.m. adjourned, in memory of Raul A. Besteiro, Jr., of Brownsville and Alfred Vincent Alliegro, father of Nancy Alliegro of the Secretary of the Senate's office, until 11:00 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 14, 2005

**JURISPRUDENCE — SB 103, SB 241, SB 346, SB 347, SB 348, SB 436, SB 438, SB 439, SB 441, SB 451, SB 552**

**TRANSPORTATION AND HOMELAND SECURITY — SB 573, CSSB 170, CSSCR 2**

**JURISPRUDENCE — CSSB 220, CSSB 393, CSSB 550, CSSB 335**

**EDUCATION — CSSB 117, SB 152, CSSB 493**

**NATURAL RESOURCES — CSSB 161, SB 370, SB 372, CSSB 373, SB 471, CSSB 487**

**INTERNATIONAL RELATIONS AND TRADE — CSSB 684, SB 293, SB 569**

**TRANSPORTATION AND HOMELAND SECURITY — CSSB 129, CSSB 317, CSSB 431**

**INTERGOVERNMENTAL RELATIONS — CSSB 541, CSSB 571**

**In Memory**  
**of**  
**Raul A. Besteiro, Jr.**  
**Senate Resolution 389**

WHEREAS, The Senate of the State of Texas joins the citizens of Brownsville in mourning the loss of Raul A. Besteiro, Jr., who died November 14, 2004, at the age of 69; and

WHEREAS, Raul Besteiro, known to his friends as "Mr. B.," earned a bachelor's degree from The University of Texas at Austin and a master's degree from Texas A&I University in Kingsville; and

WHEREAS, From 1997 until his death, Mr. Besteiro served as director and chief executive officer of the Port of Brownsville; formerly, he was a schoolteacher and a principal with the Brownsville Independent School District before serving as the district's superintendent from 1976 to 1989; and

WHEREAS, A highly respected community leader, he played an instrumental role in the passage of the North American Free Trade Agreement legislation and worked diligently to improve the economy of the Rio Grande Valley; and

WHEREAS, Mr. Besteiro's many civic and professional positions included the chairmanship of the board of the International Bank of Commerce for Cameron County and the vice chairmanship of the Brownsville & Rio Grande Railroad; in addition, he was a member of the Institutional Development Board at The University of Texas at Brownsville and of the Rio Grande Valley Partnership; he served as board president of the Historical Brownsville Museum, and he was a member of United Way of South Texas and the American Cancer Society; and

WHEREAS, For his many years of outstanding educational service, the Brownsville Independent School District named the Besteiro Middle School in his honor in 1994; he was named a Distinguished Alumnus by The University of Texas at Brownsville in 2000, and he was inducted into the Legends of Texas Hall of Fame in 2001 for his contributions to the community and state; and

WHEREAS, Raul Besteiro lived his life to the fullest and was a devoted husband, father, and grandfather, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby extend sincere condolences to the bereaved family of Raul A. Besteiro, Jr.: his wife, Guillermina Besteiro; his son, Raul Adrian Besteiro III; his daughters, Mina Fernandez, Pilar Herrera, Lucy Martin, Adriana McKinney, and Cecilia Besteiro; and his six grandchildren; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Raul A. Besteiro, Jr.

LUCIO