

FORTIETH DAY

WEDNESDAY, MARCH 30, 2005

PROCEEDINGS

The Senate met at 11:00 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, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Harris.

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

The Reverend Richard Hall, Our Lady of Guadalupe Catholic Church, Austin, offered the invocation as follows:

God almighty, You know the longings of our hearts and You protect our rights. In Your goodness, watch over those in authority, so that people everywhere may enjoy freedom, security, and peace not only in our nation but in this great State of Texas. Look upon this legislative body and fill them with the spirit of Your wisdom. May they always act in accordance with Your will and their decisions be for the peace and well-being of all people. We ask this in Your name. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

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

CO-AUTHOR OF SENATE BILL 23

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

CO-AUTHOR OF SENATE BILL 244

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

CO-AUTHORS OF SENATE BILL 747

On motion of Senator Carona, Senators Barrientos and Madla will be shown as Co-authors of **SB 747**.

CO-AUTHOR OF SENATE BILL 1428

On motion of Senator Duncan, Senator Seliger will be shown as Co-author of **SB 1428**.

CO-AUTHOR OF SENATE BILL 1495

On motion of Senator Fraser, Senator Jackson will be shown as Co-author of **SB 1495**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
March 30, 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 93, Relating to showing the manner of death on the death certificate of an inmate of the Texas Department of Criminal Justice who is lawfully executed.

HB 352, Relating to the collection of municipal hotel occupancy taxes.

HB 366, Relating to use of safety belts and child passenger safety seat systems.

HB 372, Relating to the required use of towing safety chains on certain vehicles.

HB 373, Relating to the food and fibers research grant program.

HB 538, Relating to the construction or operation of treatment facilities near certain residential and community properties in certain municipalities; providing a penalty.

HB 540, Relating to the designation of the portion of U.S. Highway 290 inside Harris County as the Ronald Reagan Memorial Highway.

HB 544, Relating to the right of certain sexual assault victims to a forensic medical examination.

HB 685, Relating to the requirements that apply to certain armed forces personnel who apply to obtain or renew a concealed handgun license.

HB 789, Relating to communications; providing penalties.

HB 937, Relating to authorizing a nonresident seller to conduct wine samplings.

HB 964, Relating to the filing fee for candidates for justice of certain courts of appeals.

HB 1066, Relating to the issuance of concealed handgun licenses to residents of other states and to reciprocity agreements with other states concerning concealed handgun licenses.

HB 1326, Relating to community supervision and corrections departments and to the immunity of certain judges for administrative acts in connection with those departments.

HB 1361, Relating to the development of an animal identification program; providing a criminal penalty.

HB 1362, Relating to the inspection of livestock at livestock markets.

HB 1363, Relating to certificates of veterinary inspection.

HB 1573, Relating to the definition of the practice of architecture and to certificates of merit for design professionals.

HCR 118, Honoring all who have served in the U.S. Marine Corps since September 11, 2001, and especially the members of Marine Aerial Refueler Transport Squadron 234.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Lucio was recognized and presented Dr. Audrey Jones of Alamo as the Physician of the Day.

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

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate: **HCR 123**.

SENATE RESOLUTION 475

Senator Deuell offered the following resolution:

WHEREAS, On March 30, 2005, many proud residents from Hunt County are visiting Austin to celebrate Hunt County Day at the State Capitol; and

WHEREAS, Formed from Nacogdoches and Fannin Counties in 1846, the county is named for Memucan Hunt, who was a prominent legislator and secretary of the Texas Navy and who became the first Texas minister to Washington; and

WHEREAS, While its rich blackland soil made it a good cotton-producing region, the county has undergone many changes through the years and now has a multifaceted economy that features manufacturing, agribusiness, education, and the tourism industry; Hunt County is home to several *Fortune 500* companies and many residents who commute to the Dallas-Fort Worth Metroplex; and

WHEREAS, Greenville serves as the county seat and has numerous attractions, such as the Audie Murphy/American Cotton Museum, the Peace Garden, and Mathews Prairie Nature Preserve; and

WHEREAS, This geographically diverse region offers ample opportunities for fishing, boating, hunting, and a wide variety of other water and outdoor sports, and the county takes great pride in upholding its unique heritage with traditional events, including the annual Bois d'Arc Bash in Commerce and the Audie Murphy Day Celebration in Greenville; and

WHEREAS, Texas A&M University–Commerce is also located in Hunt County; an institution that is committed to academic excellence, it received high marks in *U.S. News & World Report's* rankings of America's best colleges; and

WHEREAS, Founded in 1924, Paris Junior College (PJC) has three campuses, including the Greenville Center in Hunt County; the PJC Greenville Center has been open since 1994, and its enrollment has grown from 70 students to an all-time record high of 1,000 students this past semester; and

WHEREAS, The people of Hunt County are readily embracing the myriad challenges and opportunities of the future while retaining their colorful history and rich culture; they have made significant contributions to the Lone Star State, and it is most appropriate to pay tribute to them at this time; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby recognize March 30, 2005, as Hunt County Day at the State Capitol and extend to its residents sincere best wishes for the future.

SR 475 was read and was adopted without objection.

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate representatives of Hunt County: Jim Morris, Mayor of Greenville; Sheryl Zelhart, Mayor of Commerce; and County Judge Joe Bobbitt; accompanied by a delegation of citizens from Hunt County.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate a group of career and technology teachers from Deer Park Independent School District.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate students from the United States Government class at Travis High School in Austin and their teacher.

The Senate welcomed its guests.

SENATE RESOLUTION 458

Senator Hinojosa offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing and welcoming to the Capitol the students of the Corpus Christi Independent School District's Athena Program at Baker Middle School; and

WHEREAS, The Athena Program for gifted and talented students offers a rigorous curriculum in such courses as chemistry and integrated physics; and

WHEREAS, This exemplary program provides a well-rounded course of study, offering fine arts and journalism courses in addition to core academic classes; students from this program have performed at Carnegie Hall, won the Daughters of the American Revolution essay contest, and won numerous University Interscholastic League awards; and

WHEREAS, Athena Program students are active in their community and take part in such varied activities as the Corpus Christi Ballet, National Junior Honor Society, and the Corpus Christi Youth Symphony; and

WHEREAS, The gifted and talented students of our state will be society's leaders in the years to come; they are a valuable resource, and programs like the Athena Program are an important part of their educational experience; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the extraordinary students of Corpus Christi Independent School District's Athena Program and extend to them best wishes for the future; and, be it further

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

SR 458 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate a group of students from the Corpus Christi Independent School District's Athena Program.

The Senate welcomed its guests.

SENATE RESOLUTION 490

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas joins citizens across the state in recognizing March of 2005 as Mental Retardation Awareness Month; and

WHEREAS, Approximately 600,000 Texans have mental retardation, and one out of every 10 American families is directly affected by mental retardation; it cuts across the lines of race, education and social and economic background; and

WHEREAS, Persons with mental retardation face numerous challenges in acquiring quality and appropriate health care in their communities; since mental retardation affects each individual differently, families must find a community program and support system that best meets the needs of the individual with mental retardation; and

WHEREAS, People in communities should be educated about the abilities and needs of people with mental retardation, as the condition is often wrongly confused with mental illness; and

WHEREAS, People with mental retardation need to be able to lead the lives they choose and have a good quality of life; public education and awareness are the keys to their ability to attain these basic human rights; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby designate March as Mental Retardation Awareness Month; and, be it further

RESOLVED, That a copy of this Resolution be prepared as a tribute to this event.

SR 490 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Elizabeth and Barrett Briggs, Gary Haas, and representatives celebrating Mental Retardation Awareness Month.

The Senate welcomed its guests.

(Senator Armbrister in Chair)

GUESTS PRESENTED

Senator Deuell was recognized and introduced to the Senate members of the state champion football team from Greenville Christian School in Greenville.

The Senate welcomed its guests.

HOUSE CONCURRENT RESOLUTION 118

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, The members of Marine Aerial Refueler Transport Squadron 234 (VMGR-234), based at NAS Fort Worth, Joint Reserve Base, have rendered exceptional service to their country during their mobilization for Operation Enduring Freedom and Operation Iraqi Freedom as part of the Global War on Terrorism; and

WHEREAS, A detachment of six aircraft and more than half the squadron personnel from VMGR-234 were mobilized in January 2002 to serve overseas in Operation Enduring Freedom; from February through May and from July to November 2002, the VMGR-234 deployed aircraft and personnel to forward operating bases in Bahrain, Afghanistan, Pakistan, and Kyrgyzstan in support of Operation Enduring Freedom and to assist various ground and aviation units in the Middle East; and

WHEREAS, In January 2003, all remaining reserve personnel and aircraft were mobilized for service in Operation Iraqi Freedom, and the entire unit remained mobilized until January 2005; from January through October 2003, the squadron supported combat and nation-building activities in Iraq while attached to the First Marine Expeditionary Force; between the summer of 2002 and January 2005, the Marines of VMGR-234 also supported operations and training in Kosovo and the

eastern Mediterranean, Okinawa, Korea, Southeast Asia, Australia, and the Horn of Africa; most of these deployments were in direct support of the Global War on Terrorism and other U.S. military operations; and

WHEREAS, During the three years of their mobilization, the dedicated Marines of VMGR-234 flew more than 6,700 sorties and logged over 17,500 flight hours, of which almost 14,000 were logged overseas; the squadron carried nearly 41,000 passengers, delivered more than 22 million pounds of cargo, and supplied over 15 million pounds of fuel to fixed-wing aircraft and helicopters through in-air refueling; and

WHEREAS, This gallant squadron received the Presidential Unit Citation for extraordinary heroism in action in Iraq in the spring of 2003; and

WHEREAS, Through their courage, professionalism, and unfaltering commitment to duty, the members of VMGR-234 exemplify the highest standards of the United States Marine Corps, and their fellow citizens owe them an immeasurable debt of gratitude for their steadfast efforts in serving this nation; now, therefore, be it

RESOLVED, That the 79th Legislature of the State of Texas hereby honor all those who have served in the U.S. Marine Corps since September 11, 2001, and especially commend the members of Marine Aerial Refueler Transport Squadron 234 for their valiant and selfless service in Operations Enduring Freedom and Iraqi Freedom.

NELSON

HCR 118 was read.

On motion of Senator Nelson and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate Lieutenant Colonel Raymond Descheneaux, Major Douglas Stumpf, Major William Van Zanten, Sergeant Merwin McIntyre, Jr., and Sergeant Ohraline Minh, accompanied by members of the United States Marine Corps.

The Senate welcomed its guests.

SENATE RESOLUTION 488

Senator Williams offered the following resolution:

WHEREAS, Members of the Texas Motor Transportation Association are visiting Austin on March 30, 2005, as they celebrate Trucking Day at the State Capitol; and

WHEREAS, The trucking industry employs one out of every 11 workers in Texas, or more than 620,000 people; there are approximately 43,000 motor carriers registered with the Motor Carrier Division of the Texas Department of Transportation and in excess of 500,000 commercial vehicles operating daily in the Lone Star State; and

WHEREAS, Trucks transport nearly 60 percent of all the state's manufactured commodities, delivering necessary products to every Texas community, 72 percent of which rely exclusively on these motor carriers for their goods; the trucking industry further benefits the economy by generating over \$17.5 billion in annual salaries and paying almost \$1.7 billion in state and federal highway taxes and fees; and

WHEREAS, Safety has long been a priority of the motor carrier industry, and since 1980, the number of heavy trucks involved in accidents in Texas has decreased 40 percent, despite a 37.5 percent increase in trucking miles traveled; in addition to complying with the nation's environmental regulations, the Texas Motor Transportation Association has a Safety Certification Program for safety professionals, an industry-funded commercial motor vehicle safety initiative designed to promote safety on Texas highways, and a variety of educational programs aimed at both the industry and the motoring public; and

WHEREAS, The Texas Motor Transportation Association, the state association of the trucking industry, has continued to team with the Texas Department of Transportation to produce the first-ever mobile highway safety classroom featuring a state-of-the-art, full-motion commercial truck driver simulator, which is designed to enhance the driving skills of commercial truck drivers and to aid passenger vehicles in operating more safely as they share the road with commercial vehicles; and

WHEREAS, The trucking industry is a vital part of the Lone Star State's economy, and it is indeed appropriate to take this opportunity to recognize the members of the Texas Motor Transportation Association and to commend their contributions to the state's economic well-being and their efforts to make Texas roads safer; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby recognize March 30, 2005, as Trucking Day at the State Capitol and welcome all those associated with this event; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special day.

WILLIAMS
SHAPIRO

SR 488 was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams was recognized and introduced to the Senate members of the Texas Motor Transportation Association.

The Senate welcomed its guests.

(President in Chair)

SENATE RESOLUTION 495

Senator West offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the students of the inaugural class of the Irma Lerma Rangel Young Women's Leadership School and welcome them to the Capitol on March 30, 2005; and

WHEREAS, The Irma Lerma Rangel Young Women's Leadership School was named for the late Honorable Irma Rangel, an attorney and former school teacher and the first Mexican American woman to be elected to the Texas House of Representatives; she was a champion of education throughout her career in public service and took a special interest in the education of women; and

WHEREAS, Dallas's first all-girls public school, the Irma Lerma Rangel Young Women's Leadership School requires potential students to submit grades, test scores, and an essay; the school is for girls in grades seven and eight and the rigorous curriculum includes prehonors classes with a strong emphasis on mathematics, science, and technology; it is affiliated with the Young Women's Leadership School in Harlem and is part of a movement that allows educators to focus on the different ways that boys and girls learn; and

WHEREAS, Irma Rangel was a true Texas pioneer who worked unstintingly to ensure that a quality education was available to all Texans, and it is truly appropriate that this innovative school was named in her honor; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend the students of the Irma Lerma Rangel Young Women's Leadership School for their exceptional achievements and extend to them best wishes for success in all their future endeavors; and, be it further

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

SR 495 was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a group of students and staff members from the Irma Lerma Rangel Young Women's Leadership School.

The Senate welcomed its guests.

(Senator Brimer in Chair)

SENATE RESOLUTION 496

Senator Hinojosa offered the following resolution:

WHEREAS, The Senate of the State of Texas welcomes to Austin the Border Blitz delegation, which is comprised of representatives from McAllen, Mission, Pharr, Edinburg, Hidalgo, and Weslaco; and

WHEREAS, The gateway to Northern Mexico, the Rio Grande Valley is one of Texas' most dynamic regions; rich in cultural diversity, the valley is a flyway between North America and South America and offers some of the best birding in the country; the region boasts the third-fastest-growing metropolitan area in the state and attributes its prosperity to agriculture and labor-intensive industry; the valley is also a popular nature tourism area; and

WHEREAS, McAllen, only three miles from the border, is ideal for reaping the benefits of the anticipated growth in commerce and trade between the United States and Mexico; McAllen is rich in Hispanic flavor, and its laid-back, subtropical setting makes it an ideal winter vacation resort; an area fit for year-round farming, fields of vegetables, sugar cane, and onions are always plentiful, while summer brings cotton

and winter brings grapefruit and oranges; finally, many United States manufacturers combine with Mexican maquiladoras in the Foreign Trade Zone to create a strong manufacturing presence in McAllen; and

WHEREAS, Edinburg is the Hidalgo County seat and has a burgeoning economy; it was the only Texas city in 2000 to be named a winner of the All-America City Award, the oldest and most prestigious prize accorded communities in the United States; it has been the recipient of two previous All-America City Awards in 1968 and in 1995; Edinburg has shown itself to be a community where concerned citizens can come together to accomplish different goals; it is home to the premier institution of higher learning in the Rio Grande Valley, The University of Texas–Pan American; and

WHEREAS, Located on the Mexican border, the City of Pharr boasts a state-of-the-art international bridge, which connects United States Highway 281 to the city of Reynosa, Mexico; Pharr is blessed with a sunny, warm climate; the city is one of the nation's top producers of winter vegetables and citrus fruits; Pharr attributes its prosperity to a diversified economy, which includes natural gas and a number of growing industries and companies, such as trucking companies and hotels; and

WHEREAS, Situated in southwestern Hidalgo County, the lovely town of Mission proudly calls itself "Home of the Grapefruit," a fitting title for this producer of the famed "Texas Ruby Red" variety; a charming town with much civic pride, Mission celebrates the only all-poinsettia show in the United States and is home to the American Poinsettia Society; in addition to its agricultural and tourism industries, 30 industrial plants play a vital role in Mission's economic well-being; and

WHEREAS, Located on the Rio Grande in south central Hidalgo County, the City of Hidalgo is proud of its unique cultural flavor, which comes from its proximity to Mexico's border; like other cities in the valley, Hidalgo is a hub for industry and agriculture; its citizens take pride in their community and their culture; and

WHEREAS, The City of Weslaco, centrally located in the Rio Grande Valley, has all of the amenities that provide for an excellent quality of life and is home to nature tourism; Weslaco boasts four sites on the Great Texas Coastal Birding Trail and features the Mid-Valley Nature Center and the Frontera Audubon Center; the city will be the site of the World Birding Center; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby welcome the members of the Border Blitz delegation and extend best wishes to them; and, be it further

RESOLVED, That a copy of this Resolution be prepared as a memento of their visit to Austin.

HINOJOSA
LUCIO

SR 496 was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio, joined by Senator Hinojosa, was recognized and introduced to the Senate the Border Blitz delegation with representatives from McAllen, Mission, Pharr, Edinburg, Hidalgo, and Weslaco.

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.

(President in Chair)

CONCLUSION OF MORNING CALL

The President at 11:55 a.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 23 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 23** at this time on its second reading:

CSSB 23, Relating to subsidized child-care services and early childhood care and education program coordination.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Nelson, Ogden.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 23 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 23** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Nelson, Ogden, Wentworth.

Absent-excused: Harris.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 23**, because in my judgment no circumstance exists in this case to justify the

extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 23** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Nelson, Ogden.

Absent-excused: Harris.

SENATE BILL 524 ON SECOND READING

On motion of Senator Eltife and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 524** at this time on its second reading:

SB 524, Relating to the creation of a county court at law in Cass County.

The bill was read second time.

Senator Eltife offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 524** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Subsection (b), Section 25.0362, Government Code (page 1, line 36), strike "or".

(2) In SECTION 1 of the bill, in added Subsection (b), Section 25.0362, Government Code (page 1, line 37), strike the period and substitute "; or".

(3) In SECTION 1 of the bill, in added Subsection (b), Section 25.0362, Government Code (page 1, between lines 37 and 38), insert the following:

(5) felony cases involving capital murder.

The amendment to **SB 524** 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 except as follows:

Absent-excused: Harris.

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

SB 524 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Harris.

SENATE BILL 524 ON THIRD READING

Senator Eltife moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 524** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Harris.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 524**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 524** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

COMMITTEE SUBSTITUTE SENATE BILL 368 ON SECOND READING

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 368** at this time on its second reading:

CSSB 368, Relating to the compensation of state judges and to the computation of retirement benefits for state judges and for members of the elected class of the Employees Retirement System of Texas.

The motion prevailed.

Senator Lindsay asked to be recorded as "Present-not voting" on suspension of the regular order of business.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 368** as follows:

1. Amend SECTION 6, Section 814.103, Government Code by striking the words "and Section 814.1031" on page 2, lines 57-58, committee printing.
2. Strike SECTION 7, Section 814.1031, Government Code beginning on page 2, line 66 through page 3, line 18, committee printing.

The amendment to **CSSB 368** 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 except as follows:

Present-not voting: Lindsay.

Absent-excused: Harris.

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

CSSB 368 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Present-not voting: Lindsay.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 368 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 368** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1, Present-not voting 1.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Hinojosa, Jackson, Janek, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Wentworth.

Present-not voting: Lindsay.

Absent-excused: Harris.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 368**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 368** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Lindsay.

Absent-excused: Harris.

SENATE CONCURRENT RESOLUTION 8 ON SECOND READING

Senator Seliger moved to suspend the regular order of business to take up for consideration **SCR 8** at this time on its second reading:

SCR 8, Designating the chuck wagon as the official vehicle of Texas.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

The resolution was read second time and was adopted by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 609 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 609** at this time on its second reading:

SB 609, Relating to the establishment of an advisory panel to conduct a study on the reporting of health care associated infection rates and process measures.

The bill was read second time.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 609** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Section 96.003, Health and Safety Code (page 1, lines 44 and 45).

(2) In SECTION 1 of the bill, on page 1, line 46, strike "96.004" and substitute "96.003".

(3) In SECTION 1 of the bill, strike added Section 96.057, Health and Safety Code (page 2, lines 40 and 41), and substitute the following:

Sec. 96.057. MEETING; REPORT. (a) The advisory panel shall meet at the call of the presiding officer of the panel or at the request of the commissioner.

(b) The advisory panel shall report periodically to the commissioner.

(4) In SECTION 1 of the bill, strike added Section 96.102, Health and Safety Code (page 3, lines 6 through 13), and substitute the following:

Sec. 96.1015. INITIAL REPORT TO THE LEGISLATURE. Not later than November 1, 2006, the commissioner shall file the initial report with the presiding officer of each house of the legislature on the advisory panel's recommendations for collecting and publicly reporting infection rates and process measures. This section expires January 1, 2007.

Sec. 96.102. COLLECTION AND PUBLIC REPORTING OF HEALTH CARE ASSOCIATED INFECTIONS. Not later than April 1, 2007, the department shall begin collecting data on health care associated infection rates and process measures from health care facilities and prepare for the public an annual report of the data collected. The department must follow the recommendations submitted in the advisory panel's initial report to the legislature for the initial year of collection and reporting, but may subsequently adjust the methodologies for collecting and reporting the data as appropriate.

The amendment was read.

On motion of Senator Nelson, Floor Amendment No. 1 to **SB 609** was tabled by the following vote: Yeas 19, Nays 11.

Yeas: Armbrister, Averitt, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Jackson, Janek, Lindsay, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, Williams.

Nays: Barrientos, Ellis, Gallegos, Hinojosa, Lucio, Madla, Shapleigh, Van de Putte, West, Whitmire, Zaffirini.

Absent-excused: Harris.

SB 609 was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Harris.

SENATE BILL 609 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 609** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Harris.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 609**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 609** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 658 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 658** at this time on its second reading:

CSSB 658, Relating to the scheduling of certain University Interscholastic League competitions.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 658 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 658** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Harris.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 658**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 658** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 155 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 155** at this time on its second reading:

CSSB 155, Relating to the quality assurance accreditation process for certain entities that offer health benefit plans.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Harris.

**COMMITTEE SUBSTITUTE
SENATE BILL 155 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 155** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Harris.

Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 155**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 155** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Harris.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Hinojosa announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

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

On motion of Senator Wentworth 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 RECESS AND ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:18 p.m. agreed to recess, upon completion of the introduction of bills and resolutions on first reading, until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

The Senate further agreed to adjourn, in memory of Johnnie L. Cochran, Jr., upon conclusion of the Local and Uncontested Calendar Session, until 10:00 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 1499 by Brimer

Relating to the telecommunications infrastructure fund, including the administration of the fund.

To Committee on Business and Commerce.

SB 1511 by Averitt

Relating to liability for damages caused by a leak from or a malfunction or the improper operation of a liquefied petroleum gas system or related equipment.

To Committee on State Affairs.

SB 1532 by Averitt

Relating to the eligibility of certain educational employees to participate or be enrolled in certain group health benefit programs.

To Committee on State Affairs.

SB 1569 by Williams

Relating to audits of state agency expenditures to recover overpayments and lost discounts.

To Committee on Finance.

SB 1599 by Madla

Relating to requirements for the adoption of local amendments to certain municipal residential construction codes.

To Committee on Business and Commerce.

SB 1646 by Staples

Relating to the management of public school land and the permanent school fund.

To Committee on Finance.

SB 1647 by Staples

Relating to regulatory takings.
To Committee on Natural Resources.

SB 1651 by Staples

Relating to the creation of an office of inspector general at certain state agencies.
To Committee on Government Organization.

SB 1652 by Staples

Relating to the administration of ad valorem taxation.
To Committee on Finance.

SB 1653 by Staples

Relating to the determination of the market value of certain drug supplies for ad valorem property tax purposes.
To Committee on Finance.

SB 1654 by Staples

Relating to notice of hearing on a motion for enforcement.
To Committee on Jurisprudence.

SB 1655 by Staples

Relating to settlement and discovery in property tax appeals.
To Committee on Finance.

SB 1656 by Staples

Relating to the conveyance of certain state-owned real property in Cherokee County to the City of Rusk.
To Committee on Natural Resources.

SB 1657 by Staples

Relating to child support.
To Committee on Jurisprudence.

SB 1658 by Carona

Relating to enabling the use of biofuels in Texas
To Committee on Natural Resources.

SB 1659 by Carona

Relating to municipal authority over certain property that is subject to an agreement.
To Committee on Intergovernmental Relations.

SB 1660 by Carona

Relating to the assumption of road district powers by certain conservation and reclamation districts.
To Committee on Intergovernmental Relations.

SB 1661 by Van de Putte

Relating to the reporting and misclassification of employees and independent contractors; providing administrative penalties.
To Committee on Business and Commerce.

SB 1662 by Van de Putte

Relating to provider of last resort obligations of certain telecommunications utilities.
To Committee on Business and Commerce.

SB 1663 by Eltife

Relating to emergency communication district participation in state travel services contracts.
To Committee on Government Organization.

SB 1664 by Eltife

Relating to the requirements for reporting certain information to the attorney general.
To Committee on Government Organization.

SB 1665 by Eltife

Relating to outdoor burning in certain counties under the Texas Clean Air Act.
To Committee on Natural Resources.

SB 1666 by Duncan

Relating to the creation of a diabetes in youth registry.
To Committee on Health and Human Services.

SB 1667 by Duncan

Relating to transferring certain responsibilities of the Department of State Health Services concerning radioactive materials to the Texas Commission on Environmental Quality; imposing fees and surcharges.
To Committee on Natural Resources.

SB 1668 by Estes

Relating to the affiliate burden of proof applicable to electric utilities.
To Committee on Business and Commerce.

SB 1669 by Estes

Relating to the composition of wine sold or dispensed by a winery located in a dry area.
To Committee on Intergovernmental Relations.

SB 1670 by Staples

Relating to a motor vehicle financial responsibility verification program; providing a penalty.
To Committee on Transportation and Homeland Security.

SB 1671 by Hinojosa

Relating to higher education tuition exemptions for members of certain groups that are underrepresented among the faculty or administration of public junior colleges.
To Subcommittee on Higher Education.

SB 1672 by Ellis

Relating to the approval of voting systems and equipment.
To Committee on State Affairs.

SB 1673 by Barrientos

Relating to the creation of a sheriff's department civil service system in certain counties.

To Committee on Intergovernmental Relations.

SB 1674 by Barrientos

Relating to the authority of the Barton Springs-Edwards Aquifer Conservation District to charge certain fees.

To Committee on Natural Resources.

SB 1675 by Barrientos

Relating to the length of confinement in county jail as a condition of community supervision that may be imposed on certain defendants.

To Committee on Criminal Justice.

SB 1676 by Barrientos

Relating to the denial of certain landfill permits by the Texas Commission on Environmental Quality.

To Committee on Natural Resources.

SB 1677 by Barrientos

Relating to the powers and duties of the board of hospital managers of the Travis County Hospital District and to employee benefits for certain employees of that district.

To Committee on Intergovernmental Relations.

SB 1678 by Barrientos

Relating to the powers of the Lower Colorado River Authority to adopt and implement certain environmental conservation measures.

To Committee on Natural Resources.

SB 1679 by Jackson

Relating to the requirements for packing oysters; providing a penalty.

To Subcommittee on Agriculture and Coastal Resources.

SB 1680 by Jackson

Relating to the repeal of the Agriculture Resources Protection Authority.

To Subcommittee on Agriculture and Coastal Resources.

SB 1681 by Jackson

Relating to the removal and collection of convenience switches from motor vehicles; providing penalties.

To Subcommittee on Emerging Technologies and Economic Development.

SB 1682 by Jackson

Relating to complaints against certain police officers and fire fighters.

To Committee on Intergovernmental Relations.

SB 1683 by Jackson

Relating to the punishment for the offense of burglary of coin-operated or coin collection machines.

To Committee on Criminal Justice.

SB 1684 by Janek

Relating to reimbursement received by The University of Texas Medical Branch at Galveston for uncompensated care.

To Committee on Finance.

SB 1685 by Janek

Relating to the licensing and regulation of wholesale drug distributors; providing penalties.

To Committee on Health and Human Services.

SB 1686 by Estes

Relating to an interagency work group on rural issues.

To Subcommittee on Agriculture and Coastal Resources.

SB 1687 by Barrientos

Relating to eligibility for group benefits coverage for certain government employees and retirees.

To Committee on State Affairs.

SB 1688 by Hinojosa

Relating to the establishment of the Texas Department of Health Professions Licensing and the transfer of the regulation of certain licensed health professions to that department; providing a civil penalty.

To Committee on Health and Human Services.

SB 1689 by Duncan

Relating to third-party civil liability for certain persons entering into building or construction contracts.

To Committee on State Affairs.

SB 1690 by Duncan

Relating to state fiscal matters.

To Committee on Finance.

SB 1691 by Duncan

Relating to certain retired school employees and the powers and duties of the Teacher Retirement System of Texas.

To Committee on State Affairs.

SB 1692 by Duncan

Relating to storage of wine by the holder of a winery permit.

To Committee on Intergovernmental Relations.

SB 1693 by Duncan

Relating to collateral for deposits of public school funds.

To Committee on Finance.

SB 1694 by Duncan

Relating to financing authority for Texas Tech University System for improvements, construction, and acquisitions for academic buildings.

To Committee on Finance.

SB 1695 by Duncan

Relating to the amount of the annual constitutional appropriation to certain agencies and institutions of higher education and to the allocation of those funds to those agencies and institutions.

To Committee on Finance.

SB 1696 by Duncan

Relating to a pilot project to provide additional capacity for higher education undergraduate education.

To Subcommittee on Higher Education.

SB 1697 by Duncan

Relating to the distinction between surplus lines insurance and unauthorized insurance.

To Committee on Business and Commerce.

SB 1698 by Averitt

Relating to fees and penalties for oil and gas operations.

To Committee on Natural Resources.

SB 1699 by Averitt

Relating to the acquisition of real property interests for transportation projects by the Texas Transportation Commission.

To Committee on Transportation and Homeland Security.

SB 1700 by Averitt

Relating to the use of electronic textbooks in public schools.

To Committee on Education.

SB 1701 by Averitt

Relating to tuition and fee rebates for timely completion of degree programs offered by general academic teaching institutions.

To Subcommittee on Higher Education.

SB 1702 by Averitt

Relating to limited liability companies and partnerships.

To Committee on Business and Commerce.

SB 1703 by Shapleigh

Relating to providing children mental health and substance abuse services, including school-based services.

To Committee on Education.

SB 1704 by Ellis

Relating to jury service.

To Committee on Jurisprudence.

SB 1705 by Staples

Relating to the creation of the Montgomery County Municipal Utility District No. 101; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1706 by Staples

Relating to the construction, acquisition, financing, maintenance, management, operation, ownership, and control of transportation facilities and the progress, improvement, policing, and safety of transportation in this state.

To Committee on Transportation and Homeland Security.

SB 1707 by Staples

Relating to the regulation of poultry facilities.

To Subcommittee on Agriculture and Coastal Resources.

SB 1708 by Staples

Relating to assessments levied on producers and used for marketing, education, research, and promotion of Texas beef.

To Subcommittee on Agriculture and Coastal Resources.

SB 1709 by Staples

Relating to the regulation of a poultry operation that does not use a liquid waste handling system.

To Subcommittee on Agriculture and Coastal Resources.

SB 1710 by Staples

Relating to outdoor burning under the Texas Clean Air Act.

To Committee on Natural Resources.

SB 1711 by Staples

Relating to the creation of and funding for the Texas Entrepreneurship Network.

To Subcommittee on Emerging Technologies and Economic Development.

SB 1712 by Staples, Shapleigh

Relating to the administration and use of the Texas rail relocation and improvement fund and the issuance of obligations for financing the relocation, construction, reconstruction, acquisition, improvement, rehabilitation, and expansion of rail facilities.

To Committee on Transportation and Homeland Security.

SB 1713 by Staples

Relating to the creation of a study commission on transportation financing.

To Committee on Transportation and Homeland Security.

SB 1714 by Van de Putte

Relating to the administration of certain employment programs for veterans.

To Committee on Veteran Affairs and Military Installations.

SB 1715 by Van de Putte

Relating to mandatory jail time for certain child support obligors who fail or refuse to pay child support.

To Committee on Jurisprudence.

SB 1716 by Van de Putte

Relating to the sale of instructional materials and other merchandise to students of institutions of higher education.

To Subcommittee on Higher Education.

SB 1717 by Van de Putte

Relating to promotion of students to certain grade levels in public school.
To Committee on Education.

SB 1718 by Van de Putte

Relating to the requirements for a high school diploma.
To Committee on Education.

SB 1719 by Van de Putte

Relating to the administration of medication.
To Committee on Health and Human Services.

SB 1720 by Van de Putte

Relating to drug therapy management by pharmacists.
To Committee on Health and Human Services.

SB 1721 by Gallegos

Relating to increasing the penalty for unauthorized use of a vehicle.
To Committee on Criminal Justice.

SB 1722 by Gallegos

Relating to urban land bank demonstration programs.
To Committee on Intergovernmental Relations.

SB 1723 by Gallegos

Relating to the hours of work of corrections officers employed by the Texas Department of Criminal Justice.
To Committee on Criminal Justice.

SB 1724 by Gallegos

Relating to monitoring and controlling emissions of air contaminants under the Texas Clean Air Act; providing a penalty.
To Committee on Natural Resources.

SB 1725 by Gallegos

Relating to the licensing and regulation of massage therapists; providing a penalty.
To Committee on Health and Human Services.

SB 1726 by Gallegos

Relating to the financing of water and sewer programs in disadvantaged areas in certain counties.
To Committee on Natural Resources.

SB 1727 by Gallegos

Relating to the offense of arson and to the sentencing of that offense; providing criminal penalties.
To Committee on Criminal Justice.

SB 1728 by Janek

Relating to the collection of motor fuels taxes.
To Committee on Finance.

SB 1729 by Estes

Relating to the creation of the Clay County Groundwater Conservation District; providing authority to impose a tax and issue bonds; providing penalties.

To Committee on Natural Resources.

SB 1730 by Janek

Relating to the use of ad valorem taxes for municipal or county venue projects under Chapter 334, Texas Local Government Code.

To Subcommittee on Emerging Technologies and Economic Development.

SB 1731 by Janek

Relating to the composition of the pension board of certain municipalities.

To Committee on Intergovernmental Relations.

SB 1732 by Lucio

Relating to the creation and operation of health services districts.

To Committee on Intergovernmental Relations.

SB 1733 by Shapleigh

Relating to the use of certain human cells and tissue; providing penalties.

To Committee on Health and Human Services.

SB 1734 by Shapleigh

Relating to the readmission of a student to an institution of higher education who leaves the institution to enter military service.

To Committee on Veteran Affairs and Military Installations.

SB 1735 by Shapleigh

Relating to benefits for certain members of the Texas National Guard and armed forces of the United States.

To Committee on Veteran Affairs and Military Installations.

SB 1736 by Shapleigh

Relating to the maximum interest rate charged on debts of certain members of the Texas National Guard and armed forces of the United States.

To Committee on Business and Commerce.

SB 1737 by Lucio

Relating to the Border Health Foundation.

To Committee on International Relations and Trade.

SB 1738 by Duncan

Relating to consumer access to health care information and consumer protection for services provided by or through hospitals and ambulatory surgical centers; providing penalties.

To Committee on State Affairs.

SB 1739 by Carona

Relating to the establishment of an employee welfare benefit plan by certain private educational institutions.

To Committee on State Affairs.

SB 1740 by Staples

Relating to construction activities allowed while an application is pending with the Texas Commission on Environmental Quality.

To Committee on Natural Resources.

SB 1741 by Staples

Relating to an exemption for certain interbasin transfers of water from certain priority requirements.

To Committee on Natural Resources.

SB 1742 by West

Relating to authorizing certain nature centers to charge admission fees.

To Committee on Intergovernmental Relations.

SB 1743 by Shapleigh

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

To Committee on Finance.

SB 1744 by Shapleigh

Relating to the creation of the Texas-Mexico Strategic Investment Commission.

To Committee on International Relations and Trade.

SB 1745 by Shapleigh

Relating to the telecommunications infrastructure fund.

To Committee on Finance.

SB 1746 by Lindsay

Relating to the records of certain vehicle repairs, sales, and purchases; providing penalties.

To Committee on Business and Commerce.

SB 1747 by Fraser

Relating to the interest rate to be paid on utility deposits.

To Committee on Business and Commerce.

SB 1748 by Fraser

Relating to the development and provision of broadband over electric delivery systems and the development of enhanced electric delivery systems.

To Committee on Business and Commerce.

SB 1749 by Janek

Relating to creating a health workforce planning partnership.

To Committee on Health and Human Services.

SB 1750 by Ellis

Relating to grievance and complaint resolution procedures for certain state employees.

To Committee on Government Organization.

SB 1751 by Duncan

Relating to the board of directors of the Lubbock Reese Redevelopment Authority.

To Committee on Intergovernmental Relations.

SB 1752 by Lucio

Relating to the authority of certain municipalities to use short term rental tax and hotel occupancy tax for certain venue projects.

To Subcommittee on Emerging Technologies and Economic Development.

SB 1753 by Lucio

Relating to the validation of a governmental act or proceeding of the Town of South Padre.

To Committee on Intergovernmental Relations.

SB 1754 by Duncan

Relating to the Childress County Hospital District.

To Committee on Intergovernmental Relations.

SB 1755 by Eltife

Relating to costs incurred by certain persons in relation to complaints filed with the Railroad Commission of Texas against gas utilities.

To Committee on Business and Commerce.

SB 1756 by Zaffirini, Deuell, Lindsay, West

Relating to the managed care delivery system known as integrated care management.

To Committee on Finance.

SB 1757 by Averitt

Relating to manufacturer or distributor ownership of certain motor vehicle dealerships.

To Committee on Business and Commerce.

SB 1758 by Gallegos

Relating to a pilot program for the implementation of the redesigned health and human services program eligibility and benefits determination system.

To Committee on Health and Human Services.

SB 1759 by Gallegos

Relating to retirement benefits for law enforcement officers employed and commissioned by certain institutions of higher education.

To Subcommittee on Higher Education.

SB 1760 by Gallegos

Relating to contracts with private entities to operate state hospitals for persons with mental illness.

To Committee on Health and Human Services.

SB 1761 by Gallegos

Relating to the punishment for the offense of theft committed during a natural disaster.

To Committee on Criminal Justice.

SB 1762 by Gallegos

Relating to the establishment and operation of a public building mapping information system by the Texas Building and Procurement Commission.

To Committee on Transportation and Homeland Security.

SB 1763 by Gallegos

Relating to the authority of Harris County to remove personal property from county roads and rights-of-way.

To Committee on Intergovernmental Relations.

SB 1764 by Gallegos

Relating to the creation of the Airline Improvement District; providing authority to impose a tax and issue a bond or similar obligation.

To Subcommittee on Emerging Technologies and Economic Development.

SB 1765 by Harris

Relating to certain programs and permits administered by the Texas Department of Parks and Wildlife.

To Committee on Natural Resources.

SB 1766 by Harris

Relating to transferring certain responsibilities from the Texas Department of Parks and Wildlife to the Texas Department of Agriculture.

To Committee on Natural Resources.

SB 1767 by Harris

Relating to charity care and government-sponsored indigent health care provided at certain for-profit hospitals.

To Committee on Health and Human Services.

SB 1768 by Harris

Relating to the attachment of a judgment lien to homestead property.

To Committee on Jurisprudence.

SB 1769 by Harris

Relating to the duties of certain hospital districts.

To Committee on Intergovernmental Relations.

SB 1770 by Harris

Relating to Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

To Committee on State Affairs.

SB 1771 by Deuell

Relating to the voluntary regulation of persons providing certain ophthalmic goods and services.

To Committee on Health and Human Services.

SB 1772 by Deuell

Relating to the validation and confirmation of the boundaries and acts of Dallas County Water Control and Improvement District No. 6.

To Committee on Intergovernmental Relations.

SB 1773 by Deuell

Relating to immunization requirements for children in regulated child-care facilities.

To Committee on Health and Human Services.

SB 1774 by Deuell

Relating to access to certain obstetrical or gynecological care provided by qualified physicians, including family physicians.

To Committee on State Affairs.

SB 1775 by Lucio

Relating to an offense of using a telephone while operating a motor vehicle in a school crossing zone.

To Committee on Transportation and Homeland Security.

SB 1776 by Lucio

Relating to persons who are authorized to conduct a marriage ceremony.

To Committee on Administration.

SB 1777 by Lucio

Relating to severance payments to superintendents of independent school districts.

To Committee on Education.

SB 1778 by Van de Putte

Relating to reporting requirements by officers of junior college districts.

To Subcommittee on Higher Education.

SB 1779 by Van de Putte

Relating to the sale of beer in original packaging.

To Committee on Business and Commerce.

SB 1780 by Van de Putte

Relating to the issuance of bonds or other obligations by certain junior college districts.

To Subcommittee on Higher Education.

SB 1781 by Van de Putte

Relating to health benefit plan coverage for certain physical injuries that are self-inflicted by a minor.

To Committee on State Affairs.

SB 1782 by Van de Putte

Relating to coverage of anorexia nervosa and bulimia nervosa as serious mental illnesses under certain group health benefit plans.

To Committee on State Affairs.

SB 1783 by Gallegos

Relating to the consequences of a prosecution or conviction of an offense in justice or municipal court and to the disposition of certain records relating to those prosecutions and convictions.

To Committee on Criminal Justice.

SB 1784 by Gallegos

Relating to driving records and to the operation of commercial motor vehicles; creating an offense.

To Committee on Transportation and Homeland Security.

SB 1785 by Gallegos

Relating to the punishment for a corporation or association convicted of an offense involving the criminally negligent inspection, maintenance, or operation of a commercial motor vehicle.

To Committee on Transportation and Homeland Security.

SB 1786 by Gallegos

Relating to the powers and duties of a navigation district or port authority.

To Committee on Intergovernmental Relations.

SB 1787 by Duncan

Relating to the designation and duties of the state historian.

To Committee on Government Organization.

SB 1788 by Duncan

Relating to facility based physicians or providers.

To Committee on State Affairs.

SB 1789 by Barrientos

Relating to the funding of a telephone service for blind and visually impaired persons that provides the text of newspapers using synthetic speech.

To Committee on Business and Commerce.

SB 1792 by Wentworth

Relating to the South Buda Water Control and Improvement District No. 1.

To Committee on Intergovernmental Relations.

SB 1795 by Armbrister

Relating to the creation of the Fort Bend County Municipal Utility District No. 177; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1797 by Armbrister

Relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.

To Committee on Natural Resources.

SB 1798 by Armbrister

Relating to the creation of the North Fort Bend Water Authority; providing authority to impose a tax and issue bonds; granting the power of eminent domain; providing an administrative penalty.

To Committee on Natural Resources.

SB 1799 by Zaffirini

Relating to the powers and duties of the Bee Groundwater Conservation District.

To Committee on Natural Resources.

SB 1800 by Jackson

Relating to the creation of Galveston County Municipal Utility District No. 60; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1801 by Jackson

Relating to the creation of Galveston County Municipal Utility District No. 61; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1802 by Jackson

Relating to the creation of Galveston County Municipal Utility District No. 62; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1803 by Jackson

Relating to the creation of Galveston County Municipal Utility District No. 63; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1804 by Jackson

Relating to the creation of Galveston County Municipal Utility District No. 64; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1805 by Jackson

Relating to the creation and authority of the Galveston County Management District No. 1; providing authority to levy an assessment, impose taxes and issue bonds.

To Committee on Intergovernmental Relations.

SB 1806 by Jackson

Relating to the creation and authority of the West Ranch Management District; providing authority to levy an assessment, impose taxes, issue bonds and providing for limited powers of eminent domain;

To Committee on Intergovernmental Relations.

SB 1807 by Jackson

Relating to road utility district and navigation district powers of Galveston County Municipal Utility District No. 52, including the authority to impose taxes and issue bonds.

To Committee on Intergovernmental Relations.

SB 1808 by Jackson

Relating to the creation of Galveston County Municipal Utility District No. 54; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

SB 1810 by Shapleigh

Relating to the dissolution of the Homestead Municipal Utility District, the provision of water supply services to the residents of the district's service area after dissolution, and the rates charged for water service by the City of El Paso; validating certain actions of the district's board of directors.

To Committee on Natural Resources.

SB 1811 by Shapleigh

Relating to the ability of certain water supply or sewer service corporations to dissolve and transfer assets to a municipality.

To Committee on Natural Resources.

SB 1813 by Ellis

Relating to the creation of the Pearland Municipal Management District No. 1; providing authority to impose a tax and issue a bond or similar obligation.

To Committee on Intergovernmental Relations.

SB 1814 by Ellis

Relating to the creation of the Southampton Neighborhood Services District; providing authority to issue a bond or similar obligation.

To Committee on Intergovernmental Relations.

SCR 16 by Madla, Estes

Recognizing the Texas wine industry.

To Committee on Intergovernmental Relations.

SCR 17 by Madla, Estes

Requesting Texas institutes of higher education to offer education and research opportunities in viticulture and enology.

To Subcommittee on Higher Education.

SCR 18 by Madla, Estes

Memorializing Congress to enact legislation to provide funding to support the protection and growth of the Texas wine industry.

To Committee on Intergovernmental Relations.

SCR 19 by Madla, Estes

Requesting the Texas Wine Marketing Research Institute at Texas Tech University to include in its data collection comparisons of the economic impacts of the states in the wine industry.

To Committee on Intergovernmental Relations.

SCR 21 by Barrientos

Authorizing the naming of the natatorium at the Texas School for the Deaf in Austin for LeRoy Colombo.

To Committee on Health and Human Services.

SCR 23 by Williams, Armbrister, Averitt, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Jackson, Janek, Lindsay, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth

Memorializing Congress to permanently repeal the federal death tax in 2005.

To Committee on Finance.

SCR 24 by West, Armbrister, Barrientos, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Hinojosa, Lindsay, Madla, Nelson, Shapiro, Shapleigh, Van de Putte, Whitmire, Zaffirini

Memorializing Congress to support federal efforts to simplify the Free Application for Federal Student Aid and to support legislation requiring a new formula for distributing federal campus-based funds among institutions.

To Subcommittee on Higher Education.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read first time and referred to the committees indicated:

HB 18 to Committee on Veteran Affairs and Military Installations.

HB 47 to Committee on Criminal Justice.

HB 67 to Committee on Government Organization.

HB 68 to Committee on Criminal Justice.

HB 74 to Committee on Business and Commerce.

HB 76 to Committee on Criminal Justice.

HB 81 to Committee on Jurisprudence.

HB 86 to Committee on Natural Resources.

HB 102 to Committee on Health and Human Services.

HB 160 to Committee on Transportation and Homeland Security.

HB 162 to Committee on Health and Human Services.

HB 204 to Committee on Jurisprudence.

HB 225 to Committee on Criminal Justice.

HB 230 to Committee on Jurisprudence.

HB 231 to Committee on Jurisprudence.

HB 256 to Committee on State Affairs.

HB 259 to Committee on Intergovernmental Relations.

HB 263 to Committee on Intergovernmental Relations.

HB 265 to Committee on Intergovernmental Relations.

HB 266 to Committee on Intergovernmental Relations.

HB 268 to Committee on Criminal Justice.

HB 269 to Committee on Criminal Justice.

HB 282 to Committee on Jurisprudence.

HB 297 to Committee on Government Organization.

HB 304 to Committee on Intergovernmental Relations.

HB 318 to Committee on Criminal Justice.

HB 322 to Committee on Criminal Justice.

HB 350 to Committee on State Affairs.

HB 377 to Committee on State Affairs.

HB 380 to Committee on Natural Resources.

HB 404 to Committee on Health and Human Services.
HB 413 to Committee on Jurisprudence.
HB 423 to Committee on Government Organization.
HB 472 to Committee on Natural Resources.
HB 479 to Subcommittee on Higher Education.
HB 532 to Committee on Business and Commerce.
HB 535 to Committee on State Affairs.
HB 564 to Committee on Jurisprudence.
HB 593 to Committee on Jurisprudence.
HB 595 to Committee on Jurisprudence.
HB 596 to Committee on Intergovernmental Relations.
HB 597 to Committee on Jurisprudence.
HB 633 to Committee on State Affairs.
HB 638 to Committee on Intergovernmental Relations.
HB 639 to Committee on Intergovernmental Relations.
HB 699 to Committee on Criminal Justice.
HB 705 to Committee on Criminal Justice.
HB 708 to Subcommittee on Agriculture and Coastal Resources.
HB 723 to Committee on Jurisprudence.
HB 729 to Committee on Jurisprudence.
HB 735 to Committee on State Affairs.
HB 736 to Committee on State Affairs.
HB 737 to Committee on State Affairs.
HB 738 to Committee on State Affairs.
HB 739 to Committee on State Affairs.
HB 740 to Committee on State Affairs.
HB 741 to Committee on State Affairs.
HB 742 to Committee on State Affairs.
HB 743 to Committee on State Affairs.
HB 744 to Committee on State Affairs.
HB 747 to Committee on Transportation and Homeland Security.
HB 755 to Committee on State Affairs.
HB 760 to Subcommittee on Agriculture and Coastal Resources.
HB 774 to Committee on Natural Resources.
HB 794 to Committee on Health and Human Services.
HB 825 to Committee on Criminal Justice.
HB 839 to Committee on Criminal Justice.
HB 840 to Committee on Criminal Justice.
HB 885 to Committee on Business and Commerce.
HB 901 to Subcommittee on Agriculture and Coastal Resources.
HB 914 to Committee on State Affairs.
HB 932 to Subcommittee on Agriculture and Coastal Resources.
HB 946 to Committee on Administration.
HB 957 to Committee on Natural Resources.
HB 969 to Committee on Criminal Justice.
HB 1044 to Committee on Transportation and Homeland Security.

HB 1077 to Committee on Jurisprudence.
HB 1099 to Subcommittee on Agriculture and Coastal Resources.
HB 1139 to Committee on Natural Resources.
HB 1163 to Committee on State Affairs.
HB 1285 to Committee on State Affairs.
HB 1286 to Committee on Business and Commerce.
HB 1310 to Committee on Jurisprudence.
HB 1394 to Committee on Jurisprudence.
HB 1478 to Committee on Intergovernmental Relations.
HCR 59 to Committee on Business and Commerce.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 491 by Barrientos, In memory of Billy Hearn Reeves of Austin and Hays County.
SR 494 by Barrientos, In memory of Dorothy Blodgett of Austin.
SR 498 by Brimer, In memory of Elmer Carl Baum of Austin.
SR 500 by Van de Putte, In memory of Joe R. Jasso of San Antonio.
SR 501 by Van de Putte, In memory of Ray Rangel of San Antonio.
SR 502 by Van de Putte, In memory of Paula P. Barrera of San Antonio.
SR 505 by Wentworth, In memory of Dorothy Lehr "Dot" Legan of San Antonio.
HCR 67 (Hinojosa), In memory of Dr. Carlos Ramon Saca of Edinburg.
HCR 130 (Williams), In memory of Colleen Tough of The Woodlands.

Congratulatory Resolutions

SR 492 by Barrientos, Recognizing Robert Bernal for his service to his country.
SR 493 by Barrientos, Recognizing Corina Reaume on the occasion of her retirement.
SR 499 by Shapiro, Recognizing Fred Garwacki on the occasion of his retirement as the Chief of Police of Murphy.
SR 503 by Lindsay, Commending Jordan Bae Smith of Houston for achieving the rank of Eagle Scout.
SR 504 by Lindsay, Commending Jeffrey Stempel for achieving the rank of Eagle Scout.
SR 506 by Barrientos, Congratulating Herminia "Minnie" and Cipriano Alonzo Aleman on the occasion of their 50th wedding anniversary.
SR 507 by Carona, Commending Rose and Joe Barraco for their contributions to the restaurant business in the Dallas community.
HCR 42 (Zaffirini), Commending Renato Ramirez for his beneficence in behalf of Texas A&M International University.

HCR 114 (Eltife), Commemorating the dedication of the Camp Fannin Association WWII Memorial on the campus of The University of Texas Health Science Center at Tyler.

RECESS

Pursuant to a previously adopted motion, the Senate at 2:00 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

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

March 30, 2005

CRIMINAL JUSTICE — **SJR 17, SB 599, SB 695, SB 907**

HEALTH AND HUMAN SERVICES — **SB 726, SB 872**

