

FORTY-SECOND DAY

MONDAY, APRIL 4, 2005

PROCEEDINGS

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 Ron Durham, Columbus Avenue Baptist Church, Waco, offered the invocation as follows:

Our Father in heaven, we bow before You today to acknowledge You as our Lord God. You are our creator. You have made this day of life. We can rejoice and be glad in it. We ask Your blessings on each Member of the Texas Senate. Guide them with Your wisdom as they make decisions that affect the lives of the people of Texas. Father, continue to pour out Your blessings upon this great State of Texas. In our savior's name we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of Thursday, March 31, 2005, be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 24

On motion of Senator Zaffirini, Senator Lindsay will be shown as Co-author of **SB 24**.

CO-AUTHOR OF SENATE BILL 100

On motion of Senator Ellis, Senator Ogden will be shown as Co-author of **SB 100**.

CO-AUTHOR OF SENATE BILL 159

On motion of Senator Eltife, Senator Averitt will be shown as Co-author of **SB 159**.

CO-AUTHOR OF SENATE BILL 445

On motion of Senator Carona, Senator Harris will be shown as Co-author of **SB 445**.

CO-AUTHORS OF SENATE BILL 549

On motion of Senator Ellis, Senators Carona, Deuell, and Van de Putte will be shown as Co-authors of **SB 549**.

CO-AUTHORS OF SENATE BILL 747

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

CO-AUTHOR OF SENATE BILL 869

On motion of Senator Ellis, Senator Hinojosa will be shown as Co-author of **SB 869**.

CO-AUTHOR OF SENATE BILL 943

On motion of Senator Armbrister, Senator Eltife will be shown as Co-author of **SB 943**.

CO-AUTHOR OF SENATE BILL 1016

On motion of Senator Deuell, Senator Eltife will be shown as Co-author of **SB 1016**.

CO-AUTHOR OF SENATE BILL 1381

On motion of Senator Shapiro, Senator Brimer will be shown as Co-author of **SB 1381**.

CO-AUTHOR OF SENATE BILL 1577

On motion of Senator Williams, Senator Brimer will be shown as Co-author of **SB 1577**.

CO-AUTHOR OF SENATE BILL 1696

On motion of Senator Duncan, Senator Madla will be shown as Co-author of **SB 1696**.

SENATE RESOLUTION 536

Senator Averitt offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Ron Durham, who is retiring after 32 years of outstanding service to the Columbus Avenue Baptist Church of Waco; and

WHEREAS, Ron Durham grew up in Waco and graduated from Waco High School in 1959; he attended Baylor University, where he met Vera Elizabeth Parks, who later became his wife; and

WHEREAS, After receiving his master's degree from the Southwestern Baptist Theological Seminary in 1969, Ron Durham served with various congregations before joining the Columbus Avenue Baptist Church in 1973 as associate pastor and minister to college students; and

WHEREAS, Since he became pastor of the church in 1980, the ministry of Columbus Avenue Baptist Church has grown tremendously, and the church's facilities have expanded to meet the needs of its growing congregation and ministry; during his tenure, construction of the Children's Building and the Fellowship Hall has taken place, and the church's sanctuary has undergone major renovations; and

WHEREAS, Pastor Durham's commitment to the Waco community has included numerous civic memberships and service on the Baylor University Board of Trustees and the Truett Theological Seminary Board of Advisors; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend Pastor Ron Durham for his many years of invaluable leadership at Columbus Avenue Baptist Church and his contributions to the Waco community; and, be it further

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

SR 536 was read and was adopted without objection.

GUEST PRESENTED

Senator Averitt was recognized and introduced to the Senate the Reverend Ron Durham of Waco.

The Senate welcomed its guest.

BILL SIGNED

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **SB 88**.

PHYSICIAN OF THE DAY

Senator Barrientos was recognized and presented Dr. David Pampe of Austin as the Physician of the Day.

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

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 4, 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 7, Relating to the continuation and operation of the workers' compensation system of this state and to the abolition of the Texas Workers' Compensation Commission, the establishment of the office of injured employee counsel, and the transfer of the powers and duties of the Texas Workers' Compensation Commission to the Texas Department of Insurance and the office of injured employee counsel; providing administrative violations.

HB 75, Relating to the selection of a jury in criminal and civil cases.

HB 87, Relating to the authority of a municipality to alter speed limits in an urban district within the municipality.

HB 132, Relating to the rate of the county health services sales and use tax.

HB 210, Relating to the regulation of certain telemarketing calls.

HB 330, Relating to exempting health savings accounts from seizure for satisfaction of debts.

HB 364, Relating to an offense of possession of certain devices affecting operation of a traffic-control signal.

HB 369, Relating to the civil and criminal consequences of racing a motor vehicle on a public highway in this state.

HB 388, Relating to the qualifications of bailiffs and grand jury bailiffs for certain courts.

HB 389, Relating to the appointment of grand jury bailiffs in Tarrant County.

HB 473, Relating to examinations for licenses to engage in certain liquefied petroleum gas-related activities.

HB 475, Relating to the exemption of the sale of certain liquefied petroleum gas containers from the liquefied petroleum gas-related activities for which a person is required to obtain a license from the Railroad Commission of Texas.

HB 496, Relating to jurisdiction of the statutory county courts of Erath County.

HB 749, Relating to size and weight limitations for certain vehicles transporting agricultural products and equipment.

HB 775, Relating to the allocation of certain community development block grant program money for the installation of street lights in colonias.

HB 874, Relating to designating a portion of State Highway 123 as the Senator John Traeger Memorial Highway.

HB 961, Relating to the location of a sale of real property under a contract lien.

HB 965, Relating to a prohibition on the regulation of emissions from certain residential water heaters.

HB 1058, Relating to high school diplomas for certain veterans.

HB 1097, Relating to the validation of any act, governmental proceeding, official, bond, or obligation of a navigation district or port authority or a corporation of the district or authority.

HB 1119, Relating to the creation of a county court at law in Cass County.

HB 1190, Relating to trusts.

HB 1236, Relating to an exemption from The Real Estate License Act for persons who conduct foreclosure sales.

HB 1267, Relating to changing the name of the Texas Industrial Fire Training Board to the Texas Industrial Emergency Services Board.

HB 1323, Relating to the prosecution of the offense of credit card or debit card abuse.

HB 1393, Relating to the regulation of certain investigators by the Texas Private Security Board.

HB 1428, Relating to injury leave and related benefits for certain state peace officers injured in the course of performance of duty.

HB 1562, Relating to the authority of a local government to enter into an interlocal contract with a federally recognized Indian tribe.

HB 1705, Relating to the release of hazardous waste in connection with dredging and placement or storage of dredged materials by a port authority or navigation district.

HCR 107, Recognizing Wildfire Awareness Week, April 4 through 8, 2005.

HCR 139, In memory of His Holiness Pope John Paul II.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 525

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize James G. Springfield, who has won the American College of Healthcare Executives 2004 Robert S. Hudgens Memorial Award for Young Healthcare Executive of the Year; and

WHEREAS, This award is presented annually to an exceptional healthcare executive who is less than 40 years old and who is the chief executive officer or chief operating officer of a health service organization; Mr. Springfield was selected by the Hudgens Memorial Award Committee based on his record of outstanding leadership and administrative ability, his motivation and attitude, and his innovation and creativity; and

WHEREAS, James G. Springfield is the president and chief executive officer of Valley Baptist Health System in Harlingen, a position to which he was named in 2003; he joined Valley Baptist Health System in 2001 as its executive vice president and chief operating officer; he had formerly held a variety of positions with the

Houston-based Memorial Hermann Healthcare System; his positions included serving as the chief operating officer for Memorial Hermann Hospital and as director of Medical Staff Development for Memorial Hospital Southwest; and

WHEREAS, Mr. Springfield holds leadership positions with the Texas Hospital Association, the American Hospital Association, the Texas Institute for Health Policy Research, and VHA Southwest; he received a Texas gubernatorial appointment to the Interim Committee on Bi-National Health Plans and to the Texas State Health Services Advisory Board; he was also named Outstanding Alumnus of the University of Houston-Clearlake and Baylor University; and

WHEREAS, He is most proud of his wife, Teri, and his four children, Jordan, Tanner, Cydney, and Ashley; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend James G. Springfield on his many contributions to the field of healthcare management and extend congratulations to him on his selection as the nation's Young Healthcare Executive of the Year; and, be it further

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

SR 525 was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate James G. Springfield and his wife, Teri, accompanied by Linda McKenna, Manny Vela, and Randy McLelland.

The Senate welcomed its guests.

SENATE RESOLUTION 497

Senator Hinojosa offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to congratulate Omar Ochoa on his recent election as student body president of The University of Texas at Austin; and

WHEREAS, Capturing 58 percent of the vote, Omar made history by becoming the first fully Hispanic candidate elected to serve as president; he will assume office at noon on April 5, 2005; and

WHEREAS, Omar campaigned on a platform of making higher education more affordable for everyone, which propelled him into office; Omar hopes to establish tax-free status for textbooks and guaranteed tuition rates; and

WHEREAS, Omar is a senior studying business, economics, and accounting; his father was the mayor of Edinburg for 10 years, and his example of civil service influenced his son; Omar hopes to use his position to make a difference in people's lives; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend Omar Ochoa for his achievements and wish him luck in his future endeavors; and, be it further

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

SR 497 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate Omar Ochoa, his father, Joe Ochoa, and his mother, Lydia Ochoa.

The Senate welcomed its guests.

SENATE RESOLUTION 532

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas recognizes the importance of international education in Texas at our institutions of higher education; and

WHEREAS, The world has become increasingly interconnected through advances in technology and transportation, and a global perspective is critical in facing the challenges of the 21st century; and

WHEREAS, Providing the future leaders of this state with the broadest possible education will significantly impact our national security, foreign policy, economic competitiveness, and capacity for tolerance; and

WHEREAS, International education includes expanding foreign language curriculum and academic programs that address global issues and examine other cultures; today, the development of new knowledge and the best research and technological breakthroughs require international collaboration; and

WHEREAS, Universities and colleges should be encouraged to introduce Texas students in all majors to other cultures, foreign languages, and global issues and to provide opportunities to study abroad, which will enrich students' perspectives and personal development; and

WHEREAS, Qualified students and faculty from other countries should be encouraged to study in Texas to further the free exchange of ideas and to facilitate an appreciation of different cultures; the emphasis on international education in Texas will strengthen global understanding and build a foundation for the future of our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby recognize the importance of international education and encourage Texas institutions of higher education to meet the challenges of a global society; and, be it further

RESOLVED, That a copy of this Resolution be prepared to acknowledge the importance of international education in Texas today.

ELLIS
LUCIO

SR 532 was read and was adopted without objection.

GUESTS PRESENTED

Senator Ellis, joined by Senator Lucio, was recognized and introduced to the Senate the Executive Director of the Office of International Affairs at Texas Tech University, Ambassador Tibor P. Nagy, Jr., accompanied by representatives of various universities.

The Senate welcomed its guests.

SENATE RESOLUTION 528

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to welcome to the Capitol the members of the Chicano/Hispanic Law Student Association and to recognize April 4 through 8, 2005, as Chicano/Hispanic Law Student Association Week; and

WHEREAS, The Chicano/Hispanic Law Student Association was created to provide a support system for Hispanic students at The University of Texas School of Law; and

WHEREAS, Its members are a diverse group of students who come from all parts of the state and nation to study law with the goal of becoming practicing attorneys or of entering politics with an eye toward improving life for Hispanics and their communities; and

WHEREAS, Since it was organized over 30 years ago, the association has grown in size and scope and now has an average membership of 100 students, making it the largest Hispanic law student organization in the country; and

WHEREAS, In the association, Hispanic students find a network of talented and ambitious individuals who provide unique perspectives on all aspects of life in law school and whose common goal is to have a positive impact on the Hispanic community and on our state; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend members of the Chicano/Hispanic Law Student Association for their fine work and proclaim April 4 through 8 Chicano/Hispanic Law Student Association Week; and, be it further

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

SR 528 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate representatives of the Chicano/Hispanic Law Student Association: William Powers, Dean of The University of Texas School of Law; Susana Aleman, Dean of Student Affairs; Carlos Evaristo Flores, President of Chicano/Hispanic Law Student Association; Eric Hein, Education Chair; and Bianca Sandoval, Fundraising and Budget Chair; accompanied by other members of the association.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The President at 2:15 p.m. announced the conclusion of morning call.

SENATE BILL 87 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **SB 87** at this time on its second reading:

SB 87, Relating to the administrative procedure for compensation for wrongful imprisonment.

The motion prevailed by the following vote: Yeas 27, Nays 4.

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

Nays: Janek, Nelson, Shapiro, Williams.

The bill was read second time and was passed to engrossment by the following vote: Yeas 27, Nays 4. (Same as previous roll call)

SENATE BILL 87 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 87** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

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

Nays: Janek, Nelson, Shapiro, Wentworth, Williams.

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 87**, 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 87** 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 27, Nays 4.

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

Nays: Janek, Nelson, Shapiro, Williams.

SENATE BILL 547 ON SECOND READING

Senator Madla moved to suspend the regular order of business to take up for consideration **SB 547** at this time on its second reading:

SB 547, Relating to voter eligibility and registration in El Paso County Water Improvement District No. 1.

The motion prevailed by the following vote: Yeas 25, Nays 6.

Yeas: Armbrister, Averitt, Brimer, Carona, Deuell, Eltife, Estes, Fraser, Gallegos, Harris, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Van de Putte, Wentworth, Whitmire, Williams, Zaffirini.

Nays: Barrientos, Duncan, Ellis, Hinojosa, Shapleigh, West.

The bill was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 6. (Same as previous roll call)

(Senator Wentworth in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 702 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 702** at this time on its second reading:

CSSB 702, Relating to authorizing certain uses for student center complex fees charged to students enrolled in component institutions of The Texas A&M University System.

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.

COMMITTEE SUBSTITUTE SENATE BILL 702 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 702** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

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 702**, 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 702** 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 31, Nays 0.

COMMITTEE SUBSTITUTE SENATE BILL 46 ON THIRD READING

Senator Nelson moved to suspend the regular order of business to take up for consideration **CSSB 46** at this time on its third reading and final passage:

CSSB 46, Relating to the establishment of a method to integrate benefits issuance and recipient identification for health and human services programs.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Zaffirini.

The bill was read third time.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **CSSB 46**, by striking added Subsection 531.080(b)(2), Government Code (page 1, lines 26-28), and substituting the following:

(2) incorporate a fingerprint image identifier to enable personal identity verification at a point of service and reduce fraud as permitted by Section 531.1063, Government Code.

The amendment to **CSSB 46** 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 on Third Reading.

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

CSSB 46 as again amended was finally passed by the following vote: Yeas 27, Nays 4.

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

Nays: Barrientos, Ellis, Shapleigh, Zaffirini.

**COMMITTEE SUBSTITUTE
SENATE BILL 221 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 221** at this time on its second reading:

CSSB 221, Relating to the possession and self-administration of certain prescription medications by public school students while on school property or at a school-related event or activity.

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.

**COMMITTEE SUBSTITUTE
SENATE BILL 221 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 221** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

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 221**, 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 221** 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 31, Nays 0.

PERMISSION TO INTRODUCE BILLS AND RESOLUTION

Senator Whitmire moved to suspend Senate Rule 7.07(b) and Section 5, Article III, of the Texas Constitution to permit the introduction of the following bills and resolution: **SB 3, SB 1818, SB 1819, SB 1822, SB 1827, SB 1829, SB 1830, SJR 3.**

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator West and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Subcommittee on Higher Education might meet and consider **SB 333** today.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Madla and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Intergovernmental Relations might meet and consider the following bills today:

SB 574, SB 848, SB 863.

SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees)

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

SENATE RULE 5.14(a) SUSPENDED (Intent Calendar)

On motion of Senator Nelson and by unanimous consent, Senate Rule 5.14(a), requiring bills to be posted on the Intent Calendar by 3:00 p.m., was suspended and the time was extended to 4:00 p.m. today for the Tuesday, April 5, 2005, Intent Calendar.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:27 p.m. agreed to adjourn, in memory of Nancy Wade, sister-in-law of Senator Van de Putte, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

SENATE BILLS AND RESOLUTION ON FIRST READING

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

SB 3 by Armbrister

Relating to the development and management of the water resources of the state, including the creation of a groundwater conservation district; imposing fees and providing penalties.

To Committee on Natural Resources.

SB 1790 by Wentworth

Relating to the ability of football teams of general academic teaching institutions to participate in certain postseason intercollegiate competitions.

To Subcommittee on Higher Education.

SB 1791 by Whitmire

Relating to the prosecution of the offense of capital murder.

To Committee on Criminal Justice.

SB 1793 by Brimer

Relating to the registration fee for certain lobbyists.

To Committee on Administration.

SB 1794 by Armbrister

Relating to suspending the implementation of certain gas utilities' interim cost recovery and rate adjustments.

To Committee on Natural Resources.

SB 1796 by Armbrister

Relating to the regulation of racing.

To Committee on State Affairs.

SB 1809 by Wentworth

Relating to conducting and financing the Texas Tech-Prep Program.

To Subcommittee on Higher Education.

SB 1812 by Wentworth

Relating to oral requests for public information.

To Committee on State Affairs.

SB 1815 by Armbrister

Relating to reimbursement under the workers' compensation system for certain surgical assistants.

To Committee on State Affairs.

SB 1816 by Hinojosa

Relating to the annexation by certain junior college districts of territory in a district's service area.

To Subcommittee on Higher Education.

SB 1817 by Hinojosa

Relating to the boundaries, governance, and financing of the Lower Rio Grande Authority. (Local Bill)

To Committee on Natural Resources.

SB 1818 by Janek

Relating to the improvement and coordination of statewide efforts to detect, prepare for, and respond to certain emergencies.

To Committee on Transportation and Homeland Security.

SB 1819 by Janek

Relating to the period of continuous eligibility for the medical assistance and children's health insurance programs.

To Committee on Health and Human Services.

SB 1820 by Armbrister

Relating to the creation of the West Fort Bend Management District; providing authority to levy an assessment, impose a tax, and issue bonds. (Local Bill)

To Committee on Intergovernmental Relations.

SB 1821 by Fraser

Relating to the creation of the Flatrock Springs Municipal Management District; granting authority for taxation and the issuance of bonds. (Local Bill)

To Committee on Intergovernmental Relations.

SB 1822 by Wentworth

Relating to competition in certain insurance markets.

To Committee on Business and Commerce.

SB 1823 by Wentworth

Relating to the creation of the Schertz Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain. (Local Bill)

To Committee on Natural Resources.

SB 1824 by Duncan

Relating to the expansion of the Salt Fork Water Quality District and the appointment of directors by the commissioners court of each county included within the boundaries of the district. (Local Bill)

To Committee on Natural Resources.

SB 1825 by Lucio

Relating to the establishment of criminal law hearing officers in Cameron County. (Local Bill)

To Committee on Jurisprudence.

SB 1826 by Estes

Relating to the creation, administration, powers, duties, functions, operations, and financing of the Parker County Special Utility District. (Local Bill)

To Committee on Natural Resources.

SB 1827 by Whitmire

Relating to the system by which an application for a low income housing tax credit is scored.

To Committee on Intergovernmental Relations.

SB 1828 by Estes

Relating to the creation of the Smiley Road Water Control and Improvement District; providing authority to impose a tax and issue bonds. (Local Bill)

To Committee on Intergovernmental Relations.

SB 1829 by Lucio

Relating to nonstandard personal automobile insurers.

To Committee on Business and Commerce.

SB 1830 by Zaffirini

Relating to the continuation of the quality assurance fee applicable to intermediate care facilities for persons with mental retardation.

To Committee on Health and Human Services.

SB 1831 by Hinojosa

Relating to the creation of the Corpus Christi Aquifer Storage and Recovery Conservation District; granting the power of eminent domain. (Local Bill)

To Committee on Natural Resources.

SB 1832 by Lindsay

Relating to the assignment of judges to hear certain cases in the Harris County civil courts at law. (Local Bill)

To Committee on Jurisprudence.

SB 1833 by Ellis

Relating to the creation of the Harris County Improvement District No. 7; providing authority to impose a tax and issue bonds. (Local Bill)

To Committee on Intergovernmental Relations.

SB 1834 by Ellis

Relating to the creation of the Harris County Improvement District No. 8; providing authority to impose a tax and issue bonds. (Local Bill)

To Committee on Intergovernmental Relations.

SB 1835 by Ellis

Relating to the creation of the Harris County Improvement District No. 6; providing authority to impose a tax and issue bonds. (Local Bill)

To Committee on Intergovernmental Relations.

SJR 3 by Armbrister

Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

To Committee on Natural Resources.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 533 by Duncan, In memory of Richard Alan Reeder.

HCR 127 (Seliger), In memory of Dorothy Turner Scharbauer of Midland.

Congratulatory Resolutions

SR 524 by Whitmire, Recognizing D'Lisa Simmons for her accomplishments as district governor of Rotary District 5890.

SR 526 by Staples, Recognizing the Hotel Fredonia in Nacogdoches on the occasion of its 50th anniversary.

SR 529 by Shapleigh, Congratulating Wayne Thornton for being named President of the Sun Bowl Association for 2005-2006.

SR 530 by Jackson, Recognizing Robert L. Moody and American National Insurance Company on the occasion of its 100th anniversary.

SR 531 by Jackson, Recognizing G. Richard Ferdinandtsen and American National Insurance Company on the occasion of its 100th anniversary.

SR 537 by Seliger, Recognizing Nancy Jo and Charles R. Perry of Odessa on the occasion of their 50th wedding anniversary.

SR 538 by Seliger, Recognizing the Children's Learning Centers of Amarillo on the occasion of its 80th anniversary.

SR 540 by Van de Putte, Recognizing Elida and Jacinto Guzman on the occasion of their 50th wedding anniversary.

SR 543 by Lucio, Recognizing Joseph W. "Bill" Norris on the occasion of his 50th birthday.

SR 544 by Van de Putte, Recognizing Henry Shepherd of Montgomery, Alabama, as a dedicated public servant.

Official Designation Resolution

SR 542 by Estes, Recognizing April 14, 2005, as Fire Ant Prevention Day in Texas.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:41 p.m. adjourned, in memory of Nancy Wade, sister-in-law of Senator Van de Putte, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

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

April 4, 2005

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 678, CSSB 1060, CSSB 1061, CSSB 1062**

HEALTH AND HUMAN SERVICES — **CSSB 45, CSSB 52, CSSB 130, CSSB 882, CSSB 1330**

FINANCE — **SB 616, CSSB 187, CSSB 1567, SB 1570**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **SB 955, SB 1217, SB 1479, CSSB 1480, SB 1342, CSSB 101**

INTERGOVERNMENTAL RELATIONS — **CSSB 343, CSSB 706, CSSB 736, SB 829 (Amended), CSSB 993**