

# FORTY-FIFTH DAY

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THURSDAY, APRIL 7, 2005

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## PROCEEDINGS

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

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

Absent-excused: Fraser, Harris, Hinojosa, Van de Putte.

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

The Reverend Jerry House, Jr., Christ United Methodist Church, College Station, offered the invocation as follows:

God, we come before You today with all the humility we can muster. And we need that in our lives, God, because we need to stop, if only for one moment out of each day, to place ourselves before something greater than ourselves. The only problem is that all too often we get confused about what it is that we are supposed to bend to. There are moments when we join with our biblical ancestors who bowed down to the gods that satisfied their temporal needs. At other times we bow down to the inflated visions we have of ourselves, forgetting that we are but dust, a grain of sand, a tiny seed compared to the expansiveness of Your kingdom. But You are our God who can take mustard seed-like faith and move mountains. You are the one who sees through our carefully put together personas that can be both polished and profane at the same time and love each one of us more deeply than we could ever hope to be loved. Because, despite our failures, despite our shortcomings, despite our sin, both individual and collective, we are Your children. And this esteemed body of men and women gathered here today in this hallowed hall have been granted the authority to act on behalf of all Your children. And I pray today that the deliberations that take place and the decisions that are made will receive Your blessing. And when the

final gavel sounds, I pray that we will be found faithful. For it is to You, the only one who is able to keep us from falling, that we pray. 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.

#### **LEAVES OF ABSENCE**

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

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

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

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

#### **CO-AUTHOR OF SENATE BILL 1016**

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

#### **CO-AUTHOR OF SENATE BILL 1444**

On motion of Senator Averitt, Senator Deuell will be shown as Co-author of **SB 1444**.

#### **CO-AUTHOR OF SENATE BILL 1501**

On motion of Senator West, Senator Gallegos will be shown as Co-author of **SB 1501**.

#### **CO-AUTHOR OF SENATE BILL 1681**

On motion of Senator Jackson, Senator Seliger will be shown as Co-author of **SB 1681**.

#### **CO-AUTHOR OF SENATE BILL 1809**

On motion of Senator Wentworth, Senator Lucio will be shown as Co-author of **SB 1809**.

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

Senator Janek, on behalf of Senator Fraser, was recognized and presented Dr. Hugh Wilson of Eastland as the Physician of the Day.

The Senate welcomed Dr. Wilson 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 7, 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 25**, Relating to admission to and transition assistance within the public school system for school-age dependents of military personnel and other students.

**HB 157**, Relating to the conditions of community supervision for certain persons convicted of an intoxication offense.

**HB 207**, Relating to the reduction of registration, license, and renewal fees required to be paid by certain land surveyors.

**HB 417**, Relating to a supplemental health coverage program under the Texas Employees Group Benefits Act for certain persons.

**HB 484**, Relating to the filing of electric logs with the Railroad Commission of Texas.

**HB 551**, Relating to a project of a development corporation in connection with a primary job.

**HB 773**, Relating to certain purchases by the Railroad Commission of Texas.

**HB 872**, Relating to the imposition of the pipeline safety annual inspection fee by the Railroad Commission of Texas.

**HB 918**, Relating to the authority of a municipality to establish economic development programs in certain areas.

**HB 933**, Relating to insurance coverage requirements and exemptions from certain insurance requirements applicable to certain state agencies.

**HB 1025**, Relating to the powers and duties of the Texas Optometry Board and to contact lens prescriptions and the dispensing of contact lenses.

**HB 1076**, Relating to waiving hunting and fishing license fees for certain military personnel.

**HB 1162**, Relating to the training, examination, and seminar attendance requirements for applicants for or holders of licenses or registrations to perform certain activities pertaining to compressed natural gas or liquefied natural gas.

**HB 1170**, Relating to readmission to a public institution of higher education of students who withdraw to perform active military service.

**HB 1328**, Relating to certificates of mold remediation.

**HB 1367**, Relating to the admissibility of evidence of other similar offenses in the prosecution of certain sexual offenses.

**HB 1489**, Relating to the purposes for which money in the compensation to victims of crime fund may be used.

**HB 1596**, Relating to the regulation of motor-assisted scooters.

**HB 1924**, Relating to the certification of certain health organizations by the Texas State Board of Medical Examiners.

**HB 2104**, Relating to the prosecution of the offense of hindering apprehension or prosecution.

**HB 2273**, Relating to the administration of the unemployment compensation system by the Texas Workforce Commission.

**HB 2307**, Relating to the terms of office of the Product Development and Small Business Incubator Board.

**HCR 125**, In memory of former State Representative Frederick Joseph Agnich of Dallas.

**HCR 126**, In memory of Clayton McKinney of Midland, retired Texas Ranger and chief deputy of the Midland County Sheriff's Office.

**HCR 129**, Recognizing the 125th anniversary of the Y. O. Ranch.

**HCR 142**, Congratulating Coach Kim Mulkey-Robertson and the Baylor Lady Bears for winning the 2005 NCAA Women's National Basketball Championship.

**SB 1**, General Appropriations Bill.  
(Committee Substitute/Amended)

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

### **SENATE RESOLUTION 564**

Senator Averitt offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Baylor University's Bob Bullock Scholars Program; and

WHEREAS, Established in 2000 to honor the memory of Lieutenant Governor Bob Bullock, this exemplary program promotes the study of politics among Baylor University students; and

WHEREAS, Each student works for a house or senate member on a full-time basis during the legislative session to learn firsthand about the political structure of Texas government; the Bob Bullock Scholars Program is a model for those who seek to serve others through a career in public service; and

WHEREAS, Dr. James A. Curry, the Bob Bullock Professor of Public Policy and Administration at Baylor University, has served as the director of the program since its inception; and

WHEREAS, Ten Bullock Scholars are participating in the 2005 session of the Texas Legislature: Anita Abdesahian, Alex Bell, Natalie Christopher, Carolyn Curry, Rachel Grove, John Hardage, Stuart Hene, Holly Reid, Lauren Welch, and Kristina Winkelman; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby commend Baylor University's Bob Bullock Scholars Program for its dedication to the furtherance of good government in Texas; and, be it further

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

**SR 564** was read and was adopted without objection.

#### **GUESTS PRESENTED**

Senator Averitt was recognized and introduced to the Senate participants in the Bob Bullock Scholars Program at Baylor University: Rachel Grove, Lauren Welch, Holly Reid, Kristina Winkelman, Anita Abdesahian, John Hardage, Natalie Christopher, Stuart Hene, Alex Bell, and Carolyn Curry, accompanied by James Curry, Professor.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Barrientos, joined by Senator Lucio, was recognized and introduced to the Senate a delegation of citizens representing the Texas Association of Community Action Agencies.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 548**

Senator Carona offered the following resolution:

WHEREAS, Dr. Stephen K. Mittelstet of Dallas has served as president of Richland College for 25 years, and his contributions to the educational vitality of North Texas are indeed worthy of special recognition; and

WHEREAS, Dr. Mittelstet assumed the presidency of Richland College of the Dallas County Community College District on August 7, 1979; since then, the Richland campus has been named a Vanguard College by the League for Innovation in the Community College, a Greater Expectations College in the Liberal Arts by the American Association of Colleges and Universities, and one of eight pilot institutions for new accreditation standards by the Southern Association of Colleges and Schools; and

WHEREAS, After graduating as valedictorian from Borger High School, Dr. Mittelstet earned his bachelor's degree summa cum laude in English, French, history, and religion from McMurry College in Abilene and his doctorate in higher education administration and English from the Community College Leadership Program at The University of Texas at Austin; a firm believer in lifelong learning, he has also completed postdoctoral work and attended numerous informal seminars, conferences, and workshops; and

WHEREAS, A member of Richland's humanities faculty since 1972, this esteemed professional has also taught adult basic education and GED preparation, college-level French, graduate-level change management theory, community college curriculum and instruction, and higher education administration at schools across Texas; in addition, he is a consultant, frequent keynote speaker, and author on diverse topics, such as leadership development, strategic planning, organizational values, the role of arts in culture, and authentic behavior in teaching, learning, and leadership; and

WHEREAS, Dr. Mittelstet has served on numerous national, regional, and state boards and task forces, including the Texas Higher Education Coordinating Board, the board of the American Association of Community Colleges, and the board of the National Institute for Leadership Development; he has received many awards and honors for his hard work and dedication to teaching and learning, and he recently earned the National Leader of the Year Award from the National Council for Learning Resources; and

WHEREAS, In addition to being an active proponent of integrated learning and multicultural community development, Dr. Mittelstet is a much-respected citizen of Dallas, where he has served on the boards of arts organizations, hospitals, transportation committees, and planning and economic development councils; and

WHEREAS, An exemplary educator and civic leader, Stephen Mittelstet is truly an inspiration to all those who have been touched by his commitment to community culture and effective teaching and learning practices, and his tenure with Richland College has been of enormous benefit to the cities of Dallas, Richardson, and Garland and to the students of the college; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby congratulate Dr. Stephen K. Mittelstet on 25 years of outstanding service as president of Richland College and extend to him sincere best wishes for continued success and achievement; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Dr. Mittelstet as an expression of high regard by the Texas Senate.

**SR 548** was read and was adopted without objection.

### **GUEST PRESENTED**

Senator Carona was recognized and introduced to the Senate Dr. Stephen K. Mittelstet, President of Richland College in Dallas.

The Senate welcomed its guest.

### **SENATE RESOLUTION 549**

Senator Whitmire offered the following resolution:

WHEREAS, American citizens have joined together annually for the past 25 years to recognize the needs and rights of crime victims and survivors during National Crime Victims' Rights Week each April; and

WHEREAS, The silver anniversary of this important event provides an opportunity to reflect on the devastating impact of crime and terrorism on victims and on the country, and to strengthen our national resolve to ensure that victims' needs are identified and addressed; and

WHEREAS, President Ronald Reagan first declared National Crime Victims' Rights Week in 1981 in order to focus our nation's attention on the plight of crime victims, and since that time the crime victim assistance field has expanded from a handful of programs to include more than 10,000 community-based and justice system programs as well as over 32,000 federal and state statutes that define and protect victims' rights; and

WHEREAS, America, as a nation, and we, as Texans, recognize that justice is not served until crime victims are served, that crime and violence in our state and in our country affect us all, and that victims' rights are a critical component of the principle of "justice for all"; and

WHEREAS, Justice cannot truly be served until all those hurt by crime—our mothers and fathers, sons and daughters, sisters and brothers, and neighbors and friends—are provided support and assistance in the aftermath of victimization; and

WHEREAS, Despite impressive progress in the past 25 years, many challenges remain to ensure that all crime victims and survivors are treated with dignity and respect, that they are recognized as key participants within our systems of justice, and that they are afforded services that offer them help and hope; and

WHEREAS, The citizens of Texas recognize that we serve justice by serving victims of crime and that by helping victims and survivors of crime, we help make our homes, our neighborhoods, our communities, and our entire nation stronger, safer, and more secure; now, therefore, be it

RESOLVED, That the Senate of the 79th Texas Legislature hereby recognize the week of April 10-16, 2005, as Texas Crime Victims' Rights Week and that victims of crime as well as those who serve them be honored this week and throughout the year.

**SR 549** was read and was adopted without objection.

### **PERMISSION TO INTRODUCE BILLS**

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:

**SB 1841, SB 1844, SB 1845.**

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Fraser, Harris, Hinojosa, Van de Putte.

### **BIRTHDAY GREETINGS EXTENDED**

The Presiding Officer, Senator Shapiro in Chair, on behalf of the Senate, extended birthday greetings to Senator Ellis.

### **SENATE RESOLUTION 563**

Senator Lucio offered the following resolution:

**SR 563**, In memory of His Holiness Pope John Paul II.

The resolution was read.

Senator Lucio was recognized and introduced to the Senate Bishop Gregory Aymond, Diocese of Austin, who offered a prayer to the Senate, and Father Michael Mulvey, Chancellor, Diocese of Austin.

The Senate welcomed its guests and extended its sympathy.

On motion of Senator Lucio, **SR 563** was adopted by a rising vote of the Senate.

In honor of the memory of His Holiness Pope John Paul II, the text of the resolution is printed at the end of today's *Senate Journal*.

### REMARKS ORDERED PRINTED

On motion of Senator Barrientos and by unanimous consent, the remarks regarding **SR 563** were ordered reduced to writing and printed in the *Senate Journal* as follows:

**Senator Lucio:** My distinguished Members, today we rise to remember a great man, a great leader, truly a man of God. Tomorrow, the entire world will join together to mourn him at his funeral. I stand before you with a heavy heart for the loss of a man who seemed to walk with God the 26 years he led the Roman Catholic church. As a spiritual leader, Pope John Paul II touched people from all around the world with a message transcending faith and religious doctrines. The outpouring of love, prayers, and respect from people from other faiths over his death, from Muslims to Jews, is a clear testament of how beloved our Pope was and how far-reaching his legacy is. This past Saturday, the nations of the world sadly learned that the quarter of a century reign of one of our most profound religious leaders had physically, and I repeat, physically, come to an end. I say physically because although the Holy Father is gone from us temporarily, his teachings and guidance will remain with us in spirit throughout the ages. Mankind has truly been blessed by his prayers, his teachings, and, most of all, by his great example of unconditional love. He forgave where others would condemn. On meeting his would-be assassin in a prison cell, the Pope forgave and blessed the man in a manner that others could only marvel at. He also apologized for what others have overlooked, asking forgiveness for any persecution by the Catholic church during its 2,000 year history. Although not appointed a political leader, this first non-Italian Pope in more than 455 years greatly influenced government and politics. He is acclaimed for his leadership in helping dismantle communism in his native country of Poland. This brilliant man spoke eight languages and wrote poetry, plays, and theology. On a spiritual level, I attest to how important the Pope's teachings have been in my life, that of my family, and that of my office family. Some of us have faced serious medical conditions over the last two years, so we sought comfort in our faith, our religion, and in the prayers of our Holy Father for strength to overcome our ailments. These painful experiences have helped us to see firsthand the Holy Father's final message that life is precious no matter how painful. Valuing how precious life was, he chose to disregard the limitations of Parkinson's Disease and old age so that he could fulfill his holy mission on Earth. Friends, I cannot tell you how much our Pope has been a pillar of strength to us. For more than one billion Catholics worldwide, he has been the rock of our faith, a solid rock. I call him our Pope because he was the Pope of the people. In Mexico and throughout the Spanish-speaking world we referred to him as *nuestro Santo Papa*, our Holy Father. He followed the teachings of Christ in such a way that should make us all reflect on how we live our own lives. May his soul now rest in a place he already seemed to know so very well. *Vaya con Dios, nuestro querido Santo Papa, y que descanse en paz.* I want to add, Members,



that I was very privileged last Monday at noon to attend mass honoring our departed Pope. Our guests that are here with us today, Bishop Aymond celebrated that mass, and I was moved and overcome by his sincerity and choice of words as he vividly described the life of our Holy Father. There was something Bishop Aymond said that has remained strongly in my mind. He said that when the Holy Father had just been elected Pope 26 years ago, the first thing he said as he addressed a crowd was four words. He said, "Do not be afraid." I personally feel that our Father in heaven was actually talking to Pope John Paul. He was saying do not be afraid, my son, to lead, as I am with you. And a leader he was. I think the message from our great spiritual leader, Bishop Aymond, is similar, that in dying we should not be afraid for there are many wonderful things to come. We are also privileged to have Father Michael Mulvey here today, Chancellor for the Austin Diocese, here in our Chamber in Austin. My staff and I attended Ash Wednesday service at the beginning of Lent, and we were moved by Father Mulvey's homily, as well. His was a message of forgiveness and love, and we are honored to have Father Mulvey join with us for this solemn resolution, as well. At this time, my brothers, Members, and sisters, I would ask our Bishop, Bishop Aymond, to say a special prayer for us in this Chamber.

**Bishop Aymond:** Thank you. Let us pray. Loving and faithful God, we thank You for a man of courage, a man of the people, a man of deep faith, John Paul II. We thank You, for he served not only us as Catholics, but all those in the world. His heart was with humanity, peoples of all faiths and religions, all governments and structures. We thank You for his life. Lord God, we ask You to help us to hear the words that John Paul said not only at his election as Pope, but throughout his life, do not be afraid. Help us to carry those words in our hearts and to live lives of goodness as John Paul did. Lord God, as we gather in this Senate Chamber, we pray for the Senators of this State of Texas. We ask You to bless them in all of their efforts. We ask You to continue to place courage in their hearts to do what is good for Your people, to help us to grow as a state and as a nation. And we ask all of this, as we remember our departed John Paul II, we ask it in faith and in love. Amen.

**Senator Ogden:** Senator Lucio, I want to thank you for bringing this resolution to the Texas Senate. I want to thank Bishop Aymond for his presence representing the church that Pope John Paul II so ably led for 26 years. And I think it's remarkable, the history and the life of this great man, certainly one of the most significant figures, historical figures, in the last century. And he was a force for good, he was a force for humanity, a force for freedom, for human rights, but above all I think he was a force for Jesus Christ. And I know that it will not be too long that we will say, not His Holiness Pope John Paul II, we will talk about Saint John Paul II, and today I would ask that His Holiness keep us in his prayers, as well. Thank you, Senator Lucio.

**Senator Zaffirini:** I, too, rise to join Senator Lucio and every Member of this body in expressing great sadness at the loss of our wonderful Pope. And I share that profound sadness with citizens throughout the world because Pope John Paul II truly was a citizen of the world, a leader of the world. I cannot think of a holier person whom I have heard about in my lifetime. And there's so many people who feel that they knew this great man because he was so kind, because he was so gentle, because he was so loving. And while I rise as a Catholic, I know that there are members of

every religion who feel the same profound sadness that Catholics have expressed. Senator Lucio, thank you for sponsoring this resolution and for giving us this opportunity to pay tribute to a great person. His legacy will be long remembered. Thank you.

**Senator Barrientos:** John Paul II, I think everyone, as they say in Spanish, *cada cabeza es un mundo*, every mind is a world to itself, interprets a lot of these things in different ways. The way I and some friends interpret John Paul II was one individual and the tremendous impact that that man had on the world. It makes one think sometimes, why are we here on Earth? I, Gonzalo Barrientos, Jon Lindsay, why are we here? And I choose to look at the phraseology of prayer, of religion, and bring it down to the level that we can talk to all around us. John Paul II not only talked about peace but did something. Remember the wars he spoke against. John Paul II defended and supported the poor, the hungry, the ill, the weak, those things that we, here today, do not do enough about. And, so I am saddened, but I take energy from what he spread throughout the world. And I am especially glad to welcome my Bishop, Gregory Aymond, and Father Mulvey. Thank you.

**Senator Ellis:** Senator Lucio, I join my colleagues in thanking you for bringing this resolution to us. As well, on a personal note, I got as close as a tourist could get to this Pope when he was in Merida, Mexico, and it was really quite an experience. He was in Mexico long enough to make a couple of important stops and to see thousands of people from all walks of faith show up in the rain and in the heat. It was quite an experience. Also, on a personal note, the first time that I went to Rome, I was in law school, and I landed in Rome on a very inexpensive flight, I might add, and it was the day that Pope Paul VI died, and as you know, he was Pope from 1963 until August 6, 1978. And the emotions of people on the streets was just amazing to me since I didn't know who *El Papa* was, and I remember getting a taxi from the airport and people all out along the streets were stopping cars to make sure that people knew, and they were crying. And my point is, for someone who is not Catholic, I'm Baptist, but went to a Catholic college for a year. It has always amazed me the reach and the depth of the Catholic church, the way that this church has reached out to people in poverty all around the world. And on many issues that we debate in public policy, even if there are some issues where one might disagree with the Catholic church, all of us have to agree, out of all of our faiths, it has been the Catholic church, throughout the ages of history, at a number of important points, that has stepped forward to be the voice of reason. And even in those instances where the church did not step forward far enough, part of the great legacy of this Pope, His Holiness John Paul II, will be even apologizing for those instances in history when the Catholic church did not step out far enough. So I appreciate you for bringing this to our attention. I think when we watch the news accounts of this funeral and the proceedings, it will be an opportunity for all of us to renew our faith, whatever it is, in a divine being. Thank you, Sir.

**Senator Shapleigh:** Senator Lucio, thank you for bringing this resolution today. When great people walk among us and pass from the scene, we then reflect and evaluate and think about their lives. I was reading an account in a newspaper recently, and so many people said one thing about the Pope: I miss him. One thing that this Pope brought is that he touched everyone across religions, across incomes, and across

the world. He is a profound historic figure in our lifetime, maybe the most historic for all of us. And there are a few things about him I think that the folks that I represent will recall, and one was his tremendous vigor for life. This Pope, every year, would go out, in his youth, and hike in the mountains and be out and among the people. And even late in his life, he would schedule a vacation in the Alps, because he was used to going up there and being a vigorous, athletic fellow who enjoyed the outdoors. Even when he had Parkinson's he'd try and get up there and do it every year. And another thing that I think was unusual about him was his connection to youth. The stories that would come out of Rome every summer when thousands of youth from all over the world would go, and he would come out, even late in his life, to be among the youth, to touch them, and to say, you're our future, and I want to listen to you and what you have to say about what we're doing in this papacy. But to me, and the folks in my part of the world, what strikes them about this Pope was his strong and deep commitment to social justice and the poor. And to say, every day of his papacy, that if Jesus walked among us today, he would look to you and to your lives. And that message has rung across the world. When we think about this Pope and his life with us, and I think, Senator Ogden, when you think of him as a saint in the future, if he gets to that status in the Catholic religion, it will be that commitment that marks his history with us. I appreciate you bringing this resolution today.

**Senator Gallegos:** Senator Lucio, thank you for bringing this resolution forward. Bishop and Father, the last time I saw the Pope I was in Jerusalem. I shared this with Senator Shapiro, and you could see—really, the only Garden of Gethsemane that I've ever known is the cemetery in Houston where all my relatives are buried—but I was able to go there right after he went there and it was really a joy for me. And you could see it in the faces of the people in the motorcade in Jerusalem, how they felt about this Pope. And I think that in listening to Senator Shapleigh and Senator Ogden, that you could tell when he went up to the window, this Pope went down fighting. And he always wanted to be in front of the people, and he was. And I think that's how he'll be remembered. I agree with Senator Ogden that he'll probably be a saint some day. But it was an honor for me to, I didn't meet him but I saw him, and I was that close, it was an honor for me to be in the Holy Land when I saw him, especially in Jerusalem.

**Senator Nelson:** Senator Lucio, I appreciate your bringing this resolution to us, and I will share with you, and I don't talk about this a lot to people, but I had an opportunity to have a private audience with the Pope not too long ago. I was in Rome for the mass that was held for the tsunami victims and had an opportunity to have a private audience, and I can tell you, I'm not Catholic, and yet to be in the presence of that man, you could feel the goodness and the holiness about him. It is a great loss for the entire world. He was a man of courage, a man of strength, a man of goodness. When you think of him, immediately to my mind comes, you know, some of us remember back when Pope John Paul, Margaret Thatcher, Ronald Reagan, I attribute the fall of communism to those, and probably more, the Pope's trip to Poland, than anything else. He was a man who respected life and was very firm in his convictions about when life begins and I appreciate that. When I found out, Senator, that I was going to be able to meet with him, I called a Bishop and said, what does a person do when they meet the Pope? And he said, well, take him a gift. And I, well, what do you give the Pope? And, so I took him, Senators, a book for the papal library of the missions of

Texas, and he was most appreciative. Senator, if all Senators sign this resolution, I can make a presentation to the president of the Pope John Paul Foundation in behalf of the Senate, and I think he would very much appreciate that. Thank you, Senator.

**President Pro Tempore Shapiro:** Senator Lucio, personally, I would just like to say, thank you. It is an opportunity for all of us if, as you can tell, everyone on this floor agrees that this was a great and courageous and wonderful human being. So thank you for giving us the opportunity to participate in this resolution.

**Senator Lucio:** Madam President, thank you so much for those kind words. And, Members, in closing, our leader isn't here today, Lieutenant Governor David Dewhurst, and he was the first to sign on to this memorial resolution for John Paul. And everyone in this Chamber signed on. I'm so proud of the 30 other Senators, my co-authors, all of us together, actually authors. I do want to finish with this. I really, truly believe, Members, that when we're born, just like the Pope, Pope John Paul was given a special power, we were too, by God, and that was the power to choose. Each one of us has that power, the power to choose, and each day we use that power to do right or wrong, to make a difference or not make a difference. We choose that power. And our Pope chose well. And when I talk about power, that's a very important word, too. Because, obviously, over the ages power has been abused or misused. But the worst thing about power, Members, is to neglect it when you have it and you can make a difference. And I think that's the message that has been sent to me in the departure of our great Pope.

### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
April 7, 2005

TO THE SENATE OF THE SEVENTY-NINTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Inspector General for Health and Human Services for a term to expire February 1, 2006:

Brian Glenn Flood  
Austin, Texas

(Mr. Flood is being reappointed)

Respectfully submitted,  
/s/Rick Perry  
Governor

### SENATE BILLS AND RESOLUTION ON FIRST READING

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

**SB 1841** by West

Relating to appointing certain recipients of housing assistance as commissioners of public housing authorities.

To Committee on Intergovernmental Relations.

**SB 1842** by Ellis

Relating to the creation of the Greater Sharpstown Management District; providing authority to levy an assessment, impose taxes and issue bonds. (Local Bill)

To Committee on Intergovernmental Relations.

**SB 1843** by Ellis

Relating to the creation of the International Management District; providing authority to levy an assessment, impose taxes and issue bonds. (Local Bill)

To Committee on Intergovernmental Relations.

**SB 1844** by Harris

Relating to scholarships for the fifth year of accounting programs at public and private institutions of higher education.

To Subcommittee on Higher Education.

**SB 1845** by Deuell

Relating to audit practices of pharmacy benefit plans.

To Committee on State Affairs.

**SCR 27** by West, Armbrister, Carona, Duncan, Estes, Janek, Wentworth, Zaffirini

Memorializing Congress to eliminate current caps on funded Medicare resident training slots and related limits on costs per resident used to determine Medicare graduate medical education reimbursement payments.

To Subcommittee on Higher Education.

**HOUSE BILLS ON FIRST READING**

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

**HB 70** to Committee on State Affairs.

**HB 752** to Committee on Criminal Justice.

**HB 801** to Committee on Health and Human Services.

**HB 802** to Committee on Health and Human Services.

**HB 976** to Committee on State Affairs.

**HB 982** to Committee on Business and Commerce.

**HB 1096** to Committee on Criminal Justice.

**HB 1098** to Committee on Criminal Justice.

**HB 1114** to Committee on State Affairs.

**HB 1161** to Committee on Natural Resources.

**GUESTS PRESENTED**

Senator West was recognized and introduced to the Senate students from Duncanville High School in Duncanville, accompanied by their teachers and principal.

The Senate welcomed its guests.

### CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Shapiro in Chair, at 11:13 a.m. announced the conclusion of morning call.

### SENATE BILL 747 ON THIRD READING

Senator Carona moved to suspend the regular order of business to take up for consideration **SB 747** at this time on its third reading and final passage:

**SB 747**, Relating to establishing a demonstration project for women's health care services.

The motion prevailed.

Senator Shapleigh asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 2.

Yeas: Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Gallegos, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Ellis, Shapleigh.

Absent: Armbrister.

Absent-excused: Fraser, Harris, Hinojosa, Van de Putte.

### COMMITTEE SUBSTITUTE

### SENATE BILL 568 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 568** at this time on its second reading:

**CSSB 568**, Relating to personal emergency response system providers; providing penalties.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **CSSB 568** as follows:

On page 8, lines 4-7, in Sec. 781.303, strike subdivisions (1) and (2).

The amendment to **CSSB 568** 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: Armbrister.

Absent-excused: Fraser, Harris, Hinojosa, Van de Putte.

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

**CSSB 568** 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: Armbrister.

Absent-excused: Fraser, Harris, Hinojosa, Van de Putte.

**COMMITTEE SUBSTITUTE  
SENATE BILL 568 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 568** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Nays: Wentworth.

Absent: Armbrister.

Absent-excused: Fraser, Harris, Hinojosa, Van de Putte.

**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 568**, 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 568** 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 26, Nays 0.

Absent: Armbrister.

Absent-excused: Fraser, Harris, Hinojosa, Van de Putte.

**STATEMENT OF LEGISLATIVE INTENT**

Senator Deuell submitted the following statement of legislative intent for **CSSB 568**:

It is my intent that with the passage of **CSSB 568**, alarm companies currently regulated by DPS will continue to be regulated by DPS even if they include Personal Emergency Response Services in their menu of available services and would not need to seek any additional license for the provision of personal emergency response services. Those companies currently regulated by the DSHS for Personal Emergency Response Services that would expand their menu of services to include those items currently covered by DPS will need to apply to DPS for the appropriate licensure.

DEUELL

**MOTION TO PLACE  
SENATE BILL 695 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **SB 695** at this time on its second reading:

**SB 695**, Relating to the forfeiture of good conduct time from inmates who file frivolous applications for writ of habeas corpus.

Senator Ogden withdrew the motion to suspend the regular order of business.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
April 7, 2005

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 102**, In memory of G. W. Worth, Jr., of San Antonio.

**SB 267**, Relating to the exclusion from an emergency services district of certain territory subject to assessments.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**LEAVE OF ABSENCE**

On motion of Senator Whitmire, Senator Averitt was granted leave of absence for the remainder of the day on account of important business.



**SENATE BILL 716 ON THIRD READING**

Senator Gallegos moved to suspend the regular order of business to take up for consideration **SB 716** at this time on its third reading and final passage:

**SB 716**, Relating to payroll deductions for certain employees who are peace officers.

The motion prevailed by the following vote: Yeas 18, Nays 6.

Yeas: Barrientos, Brimer, Carona, Deuell, Ellis, Eltife, Estes, Gallegos, Janek, Lindsay, Lucio, Madla, Ogden, Shapleigh, Staples, West, Whitmire, Zaffirini.

Nays: Duncan, Jackson, Nelson, Seliger, Shapiro, Wentworth.

Absent: Armbrister, Williams.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 6. (Same as previous roll call)

**SENATE JOINT RESOLUTION 17 ON SECOND READING**

On motion of Senator Staples and by unanimous consent, the regular order of business was suspended to take up for consideration **SJR 17** at this time on its second reading:

**SJR 17**, Proposing a constitutional amendment authorizing the denial of bail to a criminal defendant who violates a condition of the defendant's release pending trial.

The resolution was read second time.

Senator Staples offered the following amendment to the resolution:

**Floor Amendment No. 1**

Amend **SJR 17**, in SECTION 1 of the bill (committee printing page 1, line 19), between "release" and before the period "." by inserting the following:  
"related to the safety of a victim of the alleged offense or to the safety of the community"

The amendment to **SJR 17** 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: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

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

**SJR 17** 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: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

**SENATE JOINT RESOLUTION 17 ON THIRD READING**

Senator Staples moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 17** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Wentworth.

Absent: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

**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 **SJR 17**, 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 **SJR 17** 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 resolution was read third time and was passed by the following vote: Yeas 25, Nays 0.

Absent: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

**SENATE BILL 599 ON SECOND READING**

On motion of Senator Staples and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 599** at this time on its second reading:

**SB 599**, Relating to the eligibility of a criminal defendant for release from jail after a delay in prosecution.

The bill was read second time.

Senator Staples offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 599**, in SECTION 1 of the bill (committee printing page 1, line 23), between "release" and before "under" by inserting the following:

"related to the safety of a victim of the alleged offense or to the safety of the community"

The amendment to **SB 599** 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: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

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

**SB 599** 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: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

**SENATE BILL 599 ON THIRD READING**

Senator Staples moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 599** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Wentworth.

Absent: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

**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 599**, 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 599** 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 25, Nays 0.

Absent: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

**(Senator Brimer in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 310 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 310** at this time on its second reading:

**CSSB 310**, Relating to certain diseases or illnesses suffered by firefighters and emergency medical technicians.

The bill was read second time.

Senator Deuell offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 310** as follows:

(1) In SECTION 3 of the bill, in added Subsection (b), Section 607.052, Government Code, strike Subdivision (4) (committee printing page 1, lines 62-63, and page 2, lines 1-3) and substitute the following:

(4) if the disease or illness for which benefits or compensation is sought is known to be caused by the use of tobacco:

(A) the firefighter or emergency medical technician is or has been a user of tobacco; or

(B) the firefighter's or emergency medical technician's spouse has, during the marriage, been a user of tobacco that is consumed through smoking.

(2) In SECTION 3 of the bill, in added Section 607.052, Government Code, add Subsection (h) (committee printing page 2, between lines 19 and 20) to read as follows:

(h) Subsection (b)(4) only prevents the application of the presumption authorized by this subchapter and does not affect the right of a firefighter or emergency medical technician to provide proof, without the use of that presumption, that an injury or illness occurred during the course and scope of employment.

The amendment to **CSSB 310** 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: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

Senator Deuell offered the following amendment to the bill:

### **Floor Amendment No. 2**

Amend **CSSB 310**, on line 2-16, by adding the following after the period:

An individual who actively serves as a volunteer firefighter is one who participates in a minimum of 40% of the drills conducted by his department and 25% of the fire/emergency calls during the time that the volunteer firefighter is on call.

The amendment to **CSSB 310** was read and was adopted by a viva voce vote.

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

Absent: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

Senator Deuell offered the following amendment to the bill:

### **Floor Amendment No. 3**

Amend **CSSB 310** (Senate committee printing) as follows:

(1) In SECTION 3 of the bill, in the heading to added Section 607.056, Government Code (page 3, line 2), strike "HEART ATTACK" and substitute "ACUTE MYOCARDIAL INFARCTION".

(2) In SECTION 3 of the bill, in added Subsection (a), Section 607.056, Government Code (page 3, line 3), strike "a heart attack" and substitute "an acute myocardial infarction".

(3) In SECTION 3 of the bill, in added Subdivision (2), Subsection (a), Section 607.056, Government Code (page 3, line 15), strike "heart attack" and substitute "acute myocardial infarction".

The amendment to **CSSB 310** was read and was adopted by a viva voce vote.

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

Absent: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

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

**CSSB 310** 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: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

**COMMITTEE SUBSTITUTE  
SENATE BILL 310 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 310** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Wentworth.

Absent: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

**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 310**, 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 310** 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 25, Nays 0.

Absent: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

**COMMITTEE SUBSTITUTE  
SENATE BILL 282 ON SECOND READING**

Senator Madla moved to suspend the regular order of business to take up for consideration **CSSB 282** at this time on its second reading:

**CSSB 282**, Relating to disclosure and use of sales price information for ad valorem tax purposes.

The motion prevailed.

Senators Carona, Eltife, Shapiro, and Staples asked to be recorded as voting "Nay" on suspension of the regular order of business.

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: Carona, Eltife, Shapiro, Staples.

Absent: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

**COMMITTEE SUBSTITUTE  
SENATE BILL 282 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 282** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 20, Nays 5.

Yeas: Barrientos, Brimer, Deuell, Duncan, Ellis, Estes, Gallegos, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapleigh, West, Whitmire, Williams, Zaffirini.

Nays: Carona, Eltife, Shapiro, Staples, Wentworth.

Absent: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

**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 282**, 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 282** 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 21, Nays 4.

Yeas: Barrientos, Brimer, Deuell, Duncan, Ellis, Estes, Gallegos, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapleigh, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Carona, Eltife, Shapiro, Staples.

Absent: Armbrister.

Absent-excused: Averitt, Fraser, Harris, Hinojosa, Van de Putte.

### **SENATE BILL 799 REREFERRED**

Senator Lucio submitted a Motion In Writing requesting that **SB 799** be withdrawn from the Committee on Education and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing prevailed without objection.

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

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

### **SENATE RULES SUSPENDED (Posting Rules)**

On motion of Senator Wentworth and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Jurisprudence might meet and consider the following bills today: **SB 604, SB 1459.**

### **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 369, SB 854, SB 1137, SB 1421, SB 1423.**

### **RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

#### **Congratulatory Resolutions**

**SR 541** by Zaffirini, Recognizing the Wilson County Children's Services Board for their service to the children of Wilson County.

**SR 565** by Ellis, Recognizing the Alpha Eta Lambda Chapter of Alpha Phi Alpha Fraternity, Incorporated, for receiving the 2005 March of Dimes Project Alpha Chapter of the Year Award.

**SR 566** by Wentworth, Recognizing Peter Joe Espinoza on the occasion of his retirement.



**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 1:01 p.m. adjourned, in memory of His Holiness Pope John Paul II, until 1:30 p.m. Monday, April 11, 2005.

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**APPENDIX**

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**COMMITTEE REPORTS**

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

April 7, 2005

HEALTH AND HUMAN SERVICES — **CSSB 691, CSSB 1211**

STATE AFFAIRS — **CSSB 572, CSSB 690, CSSB 1320**

GOVERNMENT ORGANIZATION — **CSSB 286, SB 418**

CRIMINAL JUSTICE — **SB 1303, SB 1006, SB 91, SB 90**

TRANSPORTATION AND HOMELAND SECURITY — **SB 755, SB 867, CSSB 1131, SB 1258**

JURISPRUDENCE — **SB 55, SB 251, SB 729, SB 1373, SB 1620**

INTERGOVERNMENTAL RELATIONS — **SB 468, SB 621, SB 883, SB 884, SB 885, SB 886, SB 887, SB 889, SB 891, SB 898, SB 1430, SB 1435, SB 1437**

HEALTH AND HUMAN SERVICES — **CSSB 1053**

TRANSPORTATION AND HOMELAND SECURITY — **CSSB 619, CSSB 1074**

HEALTH AND HUMAN SERVICES — **CSSB 874**

**In Memory**  
**of**  
**His Holiness Pope John Paul II**  
**Senate Resolution 563**

WHEREAS, The Senate of the State of Texas joins people around the world in mourning the loss of His Holiness Pope John Paul II, who died April 2, 2005, at the age of 84; and

WHEREAS, The spiritual leader of the world's 1.2 billion Roman Catholics, Pope John Paul II was noted for his deep-seated humanitarianism and for his efforts to reach out to all people, irrespective of religion or culture; and

WHEREAS, A champion of human dignity, he spoke for those whose voices would not have been heard otherwise, such as the poor and the homeless; he was an intellectual and a scholar who held degrees in theology and philosophy; he was also a poet, a playwright, and a linguist who spoke nine languages fluently; and

WHEREAS, Born Karol Wojtyla on May 18, 1920, in Wadowice, Poland, he was ordained a priest in 1946; he served as the Archbishop of Krakow and was made a cardinal in 1967 by Pope Paul VI; in 1978, he was elected to the papacy at the age of 58, the first non-Italian elected to the position in 455 years and the youngest pope in 125 years; and

WHEREAS, Known as the most traveled pope in history, Pope John Paul II was truly a missionary to the world, having visited 129 countries during his papacy; a great spokesman for peace, social justice, and freedom, he played a major role in bringing down communism in Poland and throughout Eastern Europe; he was noted for his special rapport with young people and for teaching the need for responsibility and high moral principles in the modern world; and

WHEREAS, A fearless and tireless spiritual leader, he overcame many adversities, including an assassination attempt, and he went through an anguished struggle with a debilitating disease; his valor in the face of his illness was an inspiration to all, and in his final days, he showed the world how to die with dignity; and

WHEREAS, As a testimony to his greatness as a world leader and to his appeal as a beloved public figure, more than two million pilgrims are expected to arrive in Rome in the wake of his death to celebrate a life that touched so many and to commemorate the end of a historic era; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, hereby pay tribute to the life of Pope John Paul II; and, be it further

RESOLVED, That when the Senate adjourns this day, it do so in memory of and in honor of Pope John Paul II.

LUCIO	FRASER	SHAPIRO
ARMBRISTER	GALLEGOS	SHAPLEIGH
AVERITT	HARRIS	STAPLES
BARRIENTOS	HINOJOSA	VAN DE PUTTE
BRIMER	JACKSON	WENTWORTH
CARONA	JANEK	WEST
DEUELL	LINDSAY	WHITMIRE
DUNCAN	MADLA	WILLIAMS
ELLIS	NELSON	ZAFFIRINI
ELTIFE	OGDEN	DEWHURST
ESTES	SELIGER	

