

SENATE JOURNAL

EIGHTIETH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-FIRST DAY

(Thursday, March 22, 2007)

The Senate met at 10:07 a.m. pursuant to adjournment and was called to order by Dean Whitmire.

The roll was called and the following Senators were present: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Gallegos.

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

The Reverend Dr. Gene Wilkes, Legacy Church, Plano, offered the invocation as follows:

God in heaven, Your word calls those who serve in government God's public servants. I just pray today that each one on this floor sees themselves as that. First of all, Yours, with all the potential and influence for good that You've given them, that they see the public, those who put them here, as those whom they serve, and that each of us will have a heart like Yours, compassionate and willing to do whatever to serve those who have no voice and to influence those who have so much. We ask this in Your name. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Wentworth, Senator Gallegos was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE BILL 476

On motion of Senator Uresti, Senator Wentworth will be shown as Co-author of **SB 476**.

CO-AUTHOR OF SENATE BILL 484

On motion of Senator Fraser, Senator West will be shown as Co-author of **SB 484**.

CO-AUTHOR OF SENATE BILL 529

On motion of Senator Watson, Senator West will be shown as Co-author of **SB 529**.

CO-AUTHOR OF SENATE BILL 1693

On motion of Senator Nelson, Senator Brimer will be shown as Co-author of **SB 1693**.

SENATE RESOLUTION 541

Senator Estes offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Japan Fulbright Memorial Fund Master Teacher Program and the students and educators of Callisburg and of Kesennuma, Japan, who are taking part in the program; and

WHEREAS, The Japan Fulbright Memorial Fund Master Teacher Program is an outgrowth of the Japan Fulbright Memorial Fund Teacher Program; the teacher program was established 10 years ago by the government of Japan in gratitude to the United States for educating hundreds of Japanese after World War II through the Fulbright Scholarship Program founded by the late Senator J. William Fulbright; and

WHEREAS, Fully funded by the government of Japan, the master teacher exchange program promotes world peace for the sake of the children; and

WHEREAS, Educators and schools in Japan are paired with educators and schools in the United States; teachers in Japan visit the United States for two weeks in the spring of each year to study and become better acquainted with their partner schools and communities; then, teachers from the United States travel to Japan to spend six weeks there in the summer; and

WHEREAS, While in the program, students conduct science experiments of common interest and share results of studies and cultural experiences through video conferences; for the past three years, the Callisburg and Kesennuma schools have focused on water quality as their science project; students in Callisburg are studying the Elm Fork of the Trinity River and those in Kesennuma schools are studying the Omore River; and

WHEREAS, This year is the third consecutive year that Callisburg schools have been chosen to participate in the exchange program; the schools in the program are Callisburg High School, Callisburg Middle School, and Callisburg Elementary School; schools in Japan in the program are Kesennuma Omore Elementary School, Kesennuma Shishiori Elementary School, Kesennuma Omore Junior High School, and Miyagi Prefectural Kesennuma High School; their educational partners are North Central Texas College, Texas Christian University, and Miyagi University of Education; and

WHEREAS, Callisburg educators involved with the exchange program are Donald Metzler, Danita Ortowski, Deana Melancon, Tom Demetron, Carla Taylor, and Tim Jones; Kesennuma educators are Yuichi Hatakeyama, Seiichi Yokoyama, Hiroko Miyazaki, Katsushi Komatsu, Satoru Miura, Takanobu Kato, and Satoka Sawauchi; and

WHEREAS, Their education partners are Yukihiro Oikawa with the Kesennuma City Board of Education; Noriko Memezawa with the Miyagi University of Education; Dr. Eddie Hadlock, Lisa Bellows, and Sara Flusche with North Central Texas College; Dr. Carol Fletcher with the Texas Regional Collaborative for Excellence in Science Teaching; and Dr. Molly Weinburgh with Texas Christian University; and

WHEREAS, The Japan Fulbright Memorial Fund Master Teacher Program creates a significant learning opportunity for students and educators in both Japan and the United States to share ideas on subjects of mutual interest, to become better informed about other cultures, and to work for a better world through understanding and cooperation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 80th Legislature, hereby commend the Japan Fulbright Memorial Fund Master Teacher Program and its participants for their work in education and in promoting understanding between Japan and the United States and express appreciation to the government of Japan for their support of the master teacher program; and, be it further

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

SR 541 was read and was adopted without objection.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate students and educators of Callisburg and Kesennuma, Japan, who are taking part in the Japan Fulbright Memorial Fund Master Teacher Program.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

March 22, 2007

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 348, Relating to an offense involving a motor vehicle with an altered or obscured license plate.

HB 481, Relating to the transfer of a used motor vehicle.

HB 1042, Relating to excepting certain crime victim information from required disclosure under the public information law.

HJR 36, Proposing a constitutional amendment to permit a state justice or judge who reaches the mandatory age of retirement while in office to complete the justice's or judge's current term.

HJR 59, Proposing a constitutional amendment to allow the legislature to override a veto of the governor following a legislative session.

SCR 35, Honoring the Chicano/Hispanic Law Students' Association for enhancing the educational experience of its membership.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

MESSAGE FROM THE SUPREME COURT OF TEXAS

The following Message from the Supreme Court of Texas was read and was referred to the Committee on Nominations:

THE SUPREME COURT OF TEXAS

Austin, Texas
March 21, 2007

Dear Governor Dewhurst:

The Supreme Court of Texas has made the following appointment to the State Commission on Judicial Conduct, which requires the advice and consent of the Senate:

Honorable Ernie Houdashell
Constitutional County Court Judge
Potter County

Judge Houdashell was appointed on March 21, 2007, to a term that will expire in November 2011.

The Supreme Court of Texas requests the consent and confirmation of the Senate for this appointment.

Sincerely,

/s/Wallace B. Jefferson
Chief Justice

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Whitmire in Chair, at 10:14 a.m. announced the conclusion of morning call.

GUESTS PRESENTED

Senator Brimer was recognized and introduced to the Senate members of the Texas Council of Child Welfare Boards.

The Senate welcomed its guests.

SENATE BILL 744 ON SECOND READING

On motion of Senator Seliger and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 744** at this time on its second reading:

SB 744, Relating to retaliation for reports of possible abuse, neglect, or exploitation of certain persons receiving home and community-based services.

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

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

Absent-excused: Gallegos.

SENATE BILL 744 ON THIRD READING

Senator Seliger moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 744** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 744**, 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 744** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

PHYSICIAN OF THE DAY

Senator Ellis was recognized and presented Dr. Stephen Spann of Houston as the Physician of the Day.

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

SENATE RESOLUTION 555

Senator Hinojosa offered the following resolution:

WHEREAS, Members of Leadership Corpus Christi Class 35 are visiting the State Capitol on March 22, 2007, and the occasion provides an opportunity to recognize the dedicated men and women of this exemplary organization; and

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

WHEREAS, Now in its 35th year, Leadership Corpus Christi provides a forum for potential and existing business and community leaders to meet local, state, and national officials and to learn about city and community programs and the challenges facing the community; and

WHEREAS, The third-oldest leadership development program in the country, the organization helps its participants develop and enhance visionary leadership skills through in-depth training using a model of community trusteeship, and graduates of each class use these skills as they take part in various community volunteer activities; and

WHEREAS, The chair of Leadership Corpus Christi Class 35 is Kendra Kinnison, and steering committee members are Jessica Davila-Burnett, Ben Blanco, Lisa Gonzalez, Rebecca Bradford, Rex Kinnison, and John Longoria; and

WHEREAS, This year's class represents a cross section of the Corpus Christi community and is 28 members strong: Misty Belch, Chris Burnett, Susan Clower, Joseph Cortez, Rosaura De Los Santos, Tony Elizondo, Regina Garcia-Posada, Paulette Good, Ridge Hammonds, Cecil Johnson, Nikola Knez, Robert Marraro, Jr., Stephen McMains, Cindy Middleton, Mark Minutaglio, Coeta Montgomery, Kate Newman, Adam Nuse, Larry Olivarez, Jr., Alma Pacheco, Michael Perez, Becky Perrin, Leonard Rivera, Mary Ann Rojas, DaAnna Stringer, Dr. Ben Vela, Sharon Yon, and Dr. Lari Young; and

WHEREAS, This fine program is having a lasting and positive effect on the Corpus Christi community, and all those associated with it deserve recognition for their contributions in behalf of their fellow citizens; now, therefore, be it

RESOLVED, That the Senate of the 80th Texas Legislature hereby commend the members and alumni of Leadership Corpus Christi for their community service and extend to the delegation here today best wishes for a memorable visit.

SR 555 was read and was adopted without objection.

GUESTS PRESENTED

Senator Hinojosa was recognized and introduced to the Senate representatives of Leadership Corpus Christi: Kendra Kinnison, Chair; and Steering Committee members, Ben Blanco, Rebecca Bradford, Rex Kinnison, and John Longoria; accompanied by a delegation of other members.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Estes was recognized and introduced to the Senate representatives of ConocoPhillips Company.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate representatives of the Dallas law firm of Buford & Ryburn LLP.

The Senate welcomed its guests.

MOTION TO PLACE**SENATE BILL 748 ON SECOND READING**

Senator Hegar moved to suspend the regular order of business to take up for consideration **SB 748** at this time on its second reading:

SB 748, Relating to the dissolution of the Aransas County Conservation and Reclamation District.

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

Yeas: Hegar.

Nays: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Gallegos.

SENATE BILL 563 ON SECOND READING

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 563** at this time on its second reading:

SB 563, Relating to assistance by the attorney general in the prosecution of certain offenses involving the unlawful appropriation or misapplication of state property.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 563** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 31.03(j), Penal Code, is amended to read as follows:

(j) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program or the unlawful appropriation of state property, including state funds.

SECTION 2. Section 32.45(e), Penal Code, is amended to read as follows:

(e) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program or the misapplication of state property, including state funds.

SECTION 3. Chapter 39, Penal Code, is amended by adding Section 39.015 to read as follows:

Sec. 39.015. CONCURRENT JURISDICTION TO PROSECUTE OFFENSES UNDER THIS CHAPTER. With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this chapter.

SECTION 4. Section 39.04(b), Penal Code, is amended to read as follows:

(b) An offense under Subsection (a)(1) is a Class A misdemeanor. An offense under Subsection (a)(2) is a state jail felony, except that the offense is a felony of the third degree if the offense is committed against a juvenile offender detained in or committed to a correctional facility the operation of which is financed primarily with state funds.

SECTION 5. The change in law made by Section 4 of this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

The amendment to **SB 563** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent-excused: Gallegos.

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

SB 563 as amended was passed to engrossment by a viva voce vote.

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

Absent-excused: Gallegos.

SENATE BILL 563 ON THIRD READING

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 563** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 563**, 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 563** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate jazz pianist Joe Sample of Houston, accompanied by his wife.

The Senate welcomed its guests.

(President in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

March 22, 2007

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 136, Designating the Ghostriders as the official Rodeo Drill Team of Texas.

HCR 137, Designating the Bernie McBee Memorial Cook-off in Comanche as the official North Central Texas Regional Championship Barbecue Cook-off.

HCR 139, Designating May 1, 2007, as Silver Star Day in Texas in honor of wounded service members.

HCR 140, Honoring the history of the Buffalo Soldiers for their outstanding military service and contributions to the Lone Star State.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 748 ON SECOND READING

On motion of Senator Hegar and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 748** at this time on its second reading:

SB 748, Relating to the dissolution of the Aransas County Conservation and Reclamation District.

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

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

Absent-excused: Gallegos.

SENATE BILL 748 ON THIRD READING

Senator Hegar moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 748** be placed on its third reading and final passage.

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

Nays: Wentworth.

Absent-excused: Gallegos.

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 748**, 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 748** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth
Senator, District 25

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

Absent-excused: Gallegos.

**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.

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

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

**SENATE RULES SUSPENDED
(Posting Rules)**

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

SB 887, SB 964, SB 965, SB 792, SB 718, SB 766, SB 1795, SB 955, SB 1084, SB 1154, SB 893, SB 1025, SB 1119, SB 111, SB 137, SB 384, SB 669.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 11:01 a.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 1:30 p.m. Monday, March 26, 2007.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions, filed on or before Friday, March 9, 2007, were introduced, read first time, and referred to the committees indicated:

SB 1809 by Brimer

Relating to the implementation of a project plan or financing plan for a reinvestment zone under the Tax Increment Financing Act and the granting of exemptions from ad valorem taxes imposed on real property in a reinvestment zone under that Act. To Subcommittee on Emerging Technologies and Economic Development.

SB 1810 by Wentworth

Relating to the creation, re-creation, and powers of municipal power agencies. To Committee on Business and Commerce.

SB 1811 by Wentworth

Relating to entities subject to the franchise tax. To Committee on Finance.

SB 1812 by Duncan

Relating to electronic publication of legal notice. To Committee on Jurisprudence.

SB 1813 by Lucio

Relating to NAFTA priority projects of the Texas Department of Transportation; providing for the issuance of revenue bonds. To Committee on Transportation and Homeland Security.

SB 1814 by Lucio

Relating to the creation of the office of district attorney for Kenedy and Kleberg Counties and the district attorney for Nueces County. To Committee on Jurisprudence.

SB 1815 by Van de Putte

Relating to the protection of customer telephone records; providing a penalty. To Committee on Business and Commerce.

SB 1816 by Averitt

Relating to the reuse and recycling of wastewater in oil and gas related activities. To Committee on Natural Resources.

SB 1817 by Carona

Relating to eligibility for certain unemployment compensation benefits. To Committee on Business and Commerce.

SB 1818 by Carona

Relating to liability for obtaining improper unemployment compensation benefits. To Committee on Business and Commerce.

SB 1819 by Carona

Relating to the recovery by the Texas Workforce Commission of unpaid unemployment compensation contributions and improper unemployment compensation benefits.

To Committee on Business and Commerce.

SB 1820 by Ellis

Relating to treatment of premiums for group life insurance issued through voluntary employee beneficiary associations.

To Committee on State Affairs.

SB 1821 by Ellis

Relating to the administration of municipal civil service promotional examinations in certain cities to eligible candidates unable to be physically present during the examination.

To Committee on Intergovernmental Relations.

SB 1822 by Ellis

Relating to prohibiting the posting of certain tax appraisal record information on the Internet.

To Committee on State Affairs.

SB 1823 by Ellis

Relating to representation of applicants for writs of habeas corpus in cases involving the death penalty.

To Committee on Criminal Justice.

SB 1824 by Janek

Relating to electric service reliability measures.

To Committee on Business and Commerce.

SB 1825 by Janek

Relating to the determination of the total taxable value of property in a school district under the property value study performed by the comptroller of public accounts.

To Committee on Finance.

SB 1826 by Uresti

Relating to the detention pending trial of defendants charged with certain sexual offenses against children and to conditions of release on bail for those defendants who are not detained.

To Committee on Criminal Justice.

SB 1827 by Shapiro, Lucio, Ogden

Relating to the financing of school district instructional facilities.

To Committee on Education.

SB 1828 by Whitmire

Relating to the use of certain electronically readable information on a driver's license to comply with certain alcohol related laws.

To Committee on Transportation and Homeland Security.

SB 1829 by Jackson

Relating to fees for licenses issued by the Texas Parks and Wildlife Department.
To Committee on Natural Resources.

SB 1830 by Uresti

Relating to a grant program for the implementation and operation of volunteer income tax assistance programs.
To Committee on Finance.

SB 1831 by Uresti

Relating to the regulation of durable medical equipment services providers; providing a penalty.
To Committee on Health and Human Services.

SB 1832 by Duncan

Relating to the billing and reimbursement of anatomic pathology services.
To Committee on State Affairs.

SB 1833 by Duncan

Relating to the administration and powers of the Canadian River Municipal Water Authority.
To Committee on Natural Resources.

SB 1834 by Hegar

Relating to treatment of pharmaceutical services provided through specialty and mail order pharmacy services operated under contracts between governmental entities and pharmacy benefit managers.
To Committee on Health and Human Services.

SB 1835 by Hegar

Relating to prohibiting the use of state money for certain biomedical research.
To Committee on Health and Human Services.

SB 1836 by Jackson

Relating to the management and control of certain port improvements and facilities.
To Committee on Natural Resources.

SB 1837 by Averitt

Relating to the regulation of uranium mining and disposal of certain radioactive materials and low-level radioactive waste.
To Committee on Natural Resources.

SB 1838 by Averitt

Relating to equipment used for irrigation systems.
To Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.

SB 1839 by Patrick

Relating to the eligibility of certain officers to serve as election judges or clerks.
To Committee on State Affairs.

SB 1840 by Patrick

Relating to the authority of a peace officer to inquire into the immigration status of certain persons.

To Committee on Criminal Justice.

SB 1841 by Carona

Relating to the right of a third party to bring a fraud claim against an insurer.

To Committee on State Affairs.

SB 1842 by Averitt

Relating to rules governing the replacement of existing life insurance policies and certain annuity transactions.

To Committee on State Affairs.

SB 1844 by Duncan

Relating to allowing an issuer of certificates of obligation to delegate the authority to effect the sale of the certificates.

To Committee on Intergovernmental Relations.

SB 1845 by Duncan

Relating to the deposit of certain public funds with federally insured financial institutions.

To Committee on Finance.

SB 1846 by Duncan

Relating to funding for, and benefits provided under, the Teacher Retirement System of Texas.

To Committee on State Affairs.

SB 1847 by Duncan

Relating to Employees Retirement System of Texas collection of member contributions.

To Committee on State Affairs.

SB 1848 by Duncan

Relating to state fiscal matters.

To Committee on Finance.

SB 1849 by Duncan

Relating to updating and clarifying the state sales and use tax.

To Committee on Finance.

SB 1850 by Duncan

Relating to the imposition and collection of certain insurance taxes and the adoption of certain reciprocal or multistate agreements relating to those taxes.

To Committee on Finance.

SB 1851 by Duncan

Relating to administration, collection, and enforcement of state taxes; providing penalties.

To Committee on Finance.

SB 1852 by Duncan

Relating to the application of the state hotel occupancy tax.
To Committee on Finance.

SB 1853 by Gallegos

Relating to contributions to, benefits from, and the administration of the Texas Municipal Retirement System.
To Committee on State Affairs.

SB 1854 by Gallegos

Relating to the exception of an audit working paper of a school district from required disclosure under the public information law.
To Committee on State Affairs.

SB 1855 by Gallegos

Relating to the regulation of toxic hotspots under the Texas Clean Air Act.
To Committee on Natural Resources.

SB 1856 by Gallegos

Relating to the sheriff's department civil service system in certain counties; imposing a criminal penalty.
To Committee on Intergovernmental Relations.

SB 1857 by Duncan

Relating to the designation and custody of archival state records.
To Committee on State Affairs.

SB 1858 by Duncan

Relating to municipalities eligible to create a regional mobility authority.
To Committee on Transportation and Homeland Security.

SB 1859 by Duncan

Relating to the authority of certain counties to enact setback regulations in an area of a future highway.
To Committee on Transportation and Homeland Security.

SB 1860 by Zaffirini

Relating to a pilot project regarding funding for professional nursing education programs offered by general academic teaching institutions and health-related institutions.
To Subcommittee on Higher Education.

SB 1861 by Zaffirini

Relating to providing monetary and other related support services through the TANF program and other state programs.
To Committee on Health and Human Services.

SB 1862 by Zaffirini

Relating to the integration of the application and eligibility determination processes for the child health plan and children's Medicaid programs.
To Committee on Health and Human Services.

SB 1863 by Zaffirini

Relating to the limitation on the rate of school district enrichment taxes eligible for equalization under the foundation school program.

To Committee on Education.

SB 1864 by Zaffirini

Relating to the review of solid waste facility permits.

To Committee on Natural Resources.

SB 1865 by Zaffirini

Relating to the creation of the lifespan respite services pilot program.

To Committee on Health and Human Services.

SB 1866 by Zaffirini

Relating to an exemption from cost limits specified for certain medical assistance waiver programs administered by the Department of Aging and Disability Services.

To Committee on Health and Human Services.

SB 1867 by Zaffirini

Relating to the filing of an amended subdivision plat with a county to correct certain errors or omissions.

To Committee on Intergovernmental Relations.

SB 1868 by Zaffirini

Relating to authorizing political subdivisions to lease property owned by the political subdivision to other governmental entities without following competitive purchasing procedures.

To Committee on Intergovernmental Relations.

SB 1869 by Zaffirini

Relating to the authority of certain municipalities and counties to regulate subdivisions near an international border.

To Committee on International Relations and Trade.

SB 1870 by Zaffirini

Relating to the implementation of the community living options information process for certain persons with mental retardation at certain institutions.

To Committee on Health and Human Services.

SB 1871 by Zaffirini

Relating to the compilation and reporting by the Texas Education Agency of certain student data disaggregated by the instruction method used.

To Committee on Education.

SB 1872 by Lucio

Relating to the ad valorem taxation of certain property used to provide low-income or moderate-income housing.

To Committee on Finance.

SB 1873 by Lucio

Relating to the issuance of private activity bonds.

To Committee on Finance.

SB 1874 by Lucio

Relating to the functions of, and activities sponsored or sanctioned by, the University Interscholastic League.

To Committee on Education.

SB 1875 by Lucio

Relating to the financing of school district facilities and tax relief for facilities debt.

To Committee on Education.

SB 1876 by Jackson

Relating to the regulation of water and sewer utility systems in certain counties; providing a civil penalty.

To Committee on Intergovernmental Relations.

SB 1877 by Averitt

Relating to the determination of compensation under the Teacher Retirement System of Texas.

To Committee on State Affairs.

SB 1878 by Williams

Relating to the delay of retail electric competition in the areas of the state covered by the Southeastern Electric Reliability Council.

To Committee on Business and Commerce.

SB 1879 by Williams

Relating to the regulation of controlled substances.

To Committee on Health and Human Services.

SB 1880 by Williams

Relating to the authority of the Texas Historical Commission to assist in establishing and operating a museum and study center at Fort Bliss.

To Committee on Government Organization.

SB 1881 by Williams

Relating to the name and powers of the Jefferson County Waterway and Navigation District.

To Committee on Natural Resources.

SB 1882 by Williams

Relating to the costs of conducting a civil commitment proceeding for a sexually violent predator.

To Committee on Criminal Justice.

SB 1883 by West

Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 79th Legislature to other Acts of that legislature.

To Committee on Administration.

SB 1884 by Williams

Relating to prompt payment penalties.
To Committee on State Affairs.

SB 1885 by Williams

Relating to the management of public school land and the investment of the permanent school fund.
To Committee on Finance.

SB 1886 by Williams

Relating to motor fuel taxes.
To Committee on Finance.

SB 1887 by Hinojosa

Relating to the distribution of certain alcoholic beverages.
To Committee on Business and Commerce.

SB 1888 by Hinojosa

Relating to the authority of certain counties to impose vehicle registration fees to address county mobility needs.
To Committee on Transportation and Homeland Security.

SB 1889 by Hinojosa

Relating to the use of sales tax revenue to pay or secure certain municipal public securities.
To Committee on Intergovernmental Relations.

SB 1890 by Hinojosa

Relating to the salary of the judge of a county court at law in Hidalgo County.
To Committee on Jurisprudence.

SB 1891 by West

Relating to the voluntary disclosure of public information.
To Committee on Criminal Justice.

SB 1892 by Janek

Relating to regulation of property tax lenders; providing a penalty.
To Committee on Business and Commerce.

SB 1893 by Lucio

Relating to the powers of the Southmost Regional Water Authority.
To Committee on Natural Resources.

SB 1894 by Lucio

Relating to protecting the stand-alone residential local exchange voice service rate.
To Committee on Business and Commerce.

SB 1895 by Uresti

Relating to the regulation of certain water wells by the Brewster County Groundwater Conservation District.
To Committee on Natural Resources.

SB 1896 by Lucio

Relating to the distribution and redistribution of certain drugs.
To Committee on Health and Human Services.

SB 1897 by Carona

Relating to the authority of a county assessor-collector or the Texas Department of Transportation to refuse to register a vehicle in certain circumstances.
To Committee on Transportation and Homeland Security.

SB 1898 by Van de Putte

Relating to the participation of certain retired employees of juvenile probation departments in the group benefits plan for state employees.
To Committee on State Affairs.

SB 1899 by Van de Putte

Relating to the adoption of textbooks and the use of credits for textbooks or other instructional materials in a school district or open-enrollment charter school.
To Committee on Education.

SB 1900 by Shapiro

Relating to the Texas tomorrow fund II prepaid tuition unit undergraduate education program.
To Subcommittee on Higher Education.

SB 1901 by Van de Putte

Relating to the creation of the offense of organized retail theft.
To Committee on Criminal Justice.

SB 1902 by Van de Putte

Relating to the vaccination against bacterial meningitis of certain first-time students at public institutions of higher education.
To Subcommittee on Higher Education.

SB 1903 by Van de Putte

Relating to the punishment for certain offenses in regard to which the defendant is criminally responsible for the conduct of a person younger than 17 years of age.
To Committee on Criminal Justice.

SB 1904 by Van de Putte

Relating to the establishment of a student outcomes pilot program at Alamo Community College.
To Subcommittee on Higher Education.

SB 1905 by Van de Putte

Relating to the regulation of refund anticipation loans; providing an administrative penalty.
To Committee on Business and Commerce.

SB 1906 by Ellis

Relating to the regulation of toxic hotspots under the Texas Clean Air Act.
To Committee on Natural Resources.

SB 1907 by Ellis

Relating to the administration of agencies responsible for the regulation of, and workforce planning and policy development for, certain licensed health professions.
To Committee on Health and Human Services.

SB 1908 by Ellis

Relating to creation of an Internet portal for housing resources.
To Committee on Government Organization.

SB 1909 by Ellis, Carona, Deuell

Relating to community supervision, parole, or mandatory supervision for certain drug possession offenses and to a person's eligibility for an order of nondisclosure following a term of community supervision for any of those offenses.
To Committee on Criminal Justice.

SB 1910 by Jackson

Relating to workers' compensation fee guidelines.
To Committee on State Affairs.

SB 1911 by Shapleigh

Relating to universal health coverage for Texans.
To Committee on State Affairs.

SB 1912 by Shapleigh

Relating to certification of educators from outside the state.
To Committee on Education.

SB 1913 by Shapleigh

Relating to employer contributions for certain retirees under the Teacher Retirement System of Texas who are employed by a school district affected by base realignment and closure.
To Committee on State Affairs.

SB 1914 by Shapleigh

Relating to certain state health care programs for children.
To Committee on Health and Human Services.

SB 1915 by Shapleigh

Relating to the electronic filing of court documents in Local Juvenile Justice Information Systems.
To Committee on Jurisprudence.

SB 1916 by Shapleigh

Relating to the authority of the Texas Commission on Environmental Quality to grant or deny an air contaminant emissions permit.
To Committee on Natural Resources.

SB 1917 by Wentworth

Relating to credits against the revised franchise tax for certain activities.
To Committee on Finance.

SB 1918 by Watson

Relating to a phase-in of the ad valorem taxes imposed by certain taxing units on the increase in market value of the residence homestead of a low-income or moderate-income person attributable to a new improvement to the homestead.

To Committee on Finance.

SB 1919 by Watson

Relating to establishing a commission to study and report on the allocation of state resources for medical education.

To Subcommittee on Higher Education.

SB 1920 by Watson

Relating to the deferral or abatement of the collection of delinquent ad valorem taxes on certain residence homesteads in certain economically disadvantaged urban areas.

To Committee on Finance.

SB 1922 by West

Relating to the assignment of a public school student to an inexperienced or uncertified teacher.

To Committee on Education.

SB 1923 by West

Relating to a pilot project to lower teacher turnover rates in high-need public school districts.

To Committee on Education.

SB 1924 by Gallegos

Relating to the establishment of an air pollutant watch list and associated reports for the purpose of controlling the emissions of air contaminants under the Texas Clean Air Act.

To Committee on Natural Resources.

SB 1925 by Gallegos

Relating to conditions of employment for deputy sheriffs employed by sheriff's departments in certain counties.

To Committee on Intergovernmental Relations.

SB 1926 by Gallegos

Relating to the governing board of certain independent school districts and certain junior college districts.

To Committee on Education.

SB 1927 by Gallegos

Relating to civil liability of certain volunteer health care providers.

To Committee on State Affairs.

SB 1928 by Gallegos

Relating to the provision of a community telephone emergency notification system as part of the 9-1-1 system.

To Committee on Transportation and Homeland Security.

SB 1929 by Carona

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

To Committee on Transportation and Homeland Security.

SB 1930 by Eltife

Relating to the participation of certain retired employees of juvenile probation departments in the group benefits plan for state employees.

To Committee on State Affairs.

SB 1931 by Whitmire

Relating to assistance by the Travis County district attorney in the prosecution of certain offenses involving state property and facilities.

To Committee on Jurisprudence.

SB 1932 by Uresti

Relating to the assessment of charges by certain local governments to fund a stormwater permitting program under federal law.

To Committee on Natural Resources.

SB 1933 by Watson

Relating to the creation of the Texas State Music History Museum.

To Committee on Government Organization.

SB 1934 by Lucio

Relating to the administration of the low income housing tax credit program.

To Committee on Intergovernmental Relations.

SB 1935 by Janek

Relating to certain restrictions and obligations in connection with establishing and using the appraised value of real property for taxation purposes; providing penalties.

To Committee on Finance.

SB 1936 by Van de Putte

Relating to exempting fuel ethanol blended with gasoline from the motor fuels tax.

To Committee on Finance.

SB 1937 by Van de Putte

Relating to the establishment of a school-based influenza vaccination pilot program.

To Committee on Health and Human Services.

SB 1938 by Van de Putte

Relating to a study and report of the feasibility of establishing a school-based influenza vaccination pilot program.

To Committee on Health and Human Services.

SB 1939 by Van de Putte

Relating to credit card marketing activities at postsecondary educational institutions; providing a civil penalty.

To Committee on Business and Commerce.

SB 1940 by West

Relating to educational programs and a collaborative educational initiative in the North Texas region.

To Subcommittee on Higher Education.

SB 1942 by Deuell

Relating to the creation, administration, powers, duties, functions, operations, and financing of the Gastonia-Scurry Special Utility District.

To Committee on Intergovernmental Relations.

SB 1943 by Patrick

Relating to participation by private school students in University Interscholastic League sponsored activities.

To Committee on Education.

SB 1944 by Patrick

Relating to the use by a political subdivision of public money for fees and dues of a state association or organization.

To Committee on State Affairs.

SJR 43 by Nelson

Proposing a constitutional amendment providing for the establishment of the Cancer Research Institute of Texas and authorizing the issuance of general obligation bonds for the purpose of scientific research of all forms of human cancer.

To Committee on Health and Human Services.

SJR 44 by Estes

Proposing a constitutional amendment authorizing the legislature to permit a municipality with a population of less than 10,000 to provide that municipal ad valorem taxes imposed on real property in or adjacent to an area that has qualified for funding under certain revitalization or redevelopment programs not be increased for a limited period.

To Subcommittee on Agriculture, Rural Affairs, and Coastal Resources.

SJR 45 by Ellis, Carona

Proposing a constitutional amendment authorizing the legislature to authorize the operation of limited casino gaming by licensed operators and recognized Indian tribes and to authorize the operation of video lottery games by licensed horse and greyhound racetrack operators and recognized Indian tribes, requiring the legislature to create a Texas Gaming Commission to regulate gaming and casino-based development projects in this state, and establishing a higher education trust fund from state gaming revenues to pay tuition and fees for the postsecondary education of Texas high school graduates.

To Committee on State Affairs.

SJR 46 by Carona

Proposing a constitutional amendment authorizing the borrowing of money by a state transportation agency for transportation-related projects.

To Committee on Transportation and Homeland Security.

SJR 47 by Ellis

Proposing a constitutional amendment authorizing this state to license persons to conduct gaming on cruise vessels departing from or returning to a dock in this state.

To Committee on State Affairs.

SJR 48 by Ogden

Proposing a constitutional amendment to limit the time during which a person who holds an appointive position that is subject to senate confirmation on a multimember state board or commission continues to perform the duties of the office after the expiration of the person's term of office.

To Committee on State Affairs.

SJR 49 by Jackson

Proposing a constitutional amendment limiting the service of certain officeholders after the expiration of the person's term of office.

To Committee on State Affairs.

SJR 50 by Patrick

Proposing a constitutional amendment authorizing the legislature to provide for a local option election in the Metropolitan Transit Authority of Harris County to set a limitation of not less than three percent on the maximum average annual increase in the appraised value of residence homesteads for purposes of ad valorem taxation by each county, municipality, and junior college district in the territory of the transit authority and to require the redistribution of a portion of the sales and use tax revenue of the transit authority to those political subdivisions.

To Committee on Finance.

SJR 51 by Wentworth

Proposing a constitutional amendment authorizing the legislature to provide for the ad valorem taxation of land used for recreational purposes on the basis of a percentage of the market value of the land.

To Committee on Finance.

SJR 52 by Van de Putte, Duncan

Proposing a constitutional amendment to exempt from ad valorem taxation 25 percent of the assessed value of real and tangible personal property used for the production, storage, distribution, or wholesale or retail sale of carbon-free hydrogen.

To Committee on Finance.

SJR 53 by Van de Putte, Duncan

Proposing a constitutional amendment authorizing the issuance of general obligation bonds to provide and guarantee loans to encourage the use of carbon-free hydrogen energy.

To Committee on Finance.

SJR 54 by Carona

Proposing a constitutional amendment relating to home equity loans allowed following refinance of certain homestead purchase money loans and to the minimum advance limit on a home equity line of credit.

To Committee on Business and Commerce.

SJR 55 by Williams

Proposing a constitutional amendment dedicating certain amounts of state franchise tax revenue to reducing school district maintenance and operations tax rates.

To Committee on Finance.

SJR 56 by Williams

Proposing a constitutional amendment regarding limitations on the rate of growth of expenditures by the state government.

To Committee on Finance.

SJR 57 by Williams

Proposing a constitutional amendment providing for the issuance of general obligation bonds to finance educational loans to students and for authority to enter into bond enhancement agreements with respect to such bonds.

To Committee on Finance.

SJR 58 by Uresti

Proposing a constitutional amendment authorizing the denial of bail to defendants charged with certain offenses against children.

To Committee on Criminal Justice.

SJR 59 by Patrick

Proposing a constitutional amendment to allow an officer of a municipal utility district to simultaneously serve as an election judge.

To Committee on State Affairs.

SJR 60 by Duncan

Proposing a constitutional amendment providing for the continuation of the constitutional appropriation for facilities and other capital items at Angelo State University on a change in the governance of the university.

To Subcommittee on Higher Education.

SJR 61 by Duncan

Proposing a constitutional amendment increasing dedicated funding for the major repair or rehabilitation of buildings and other permanent improvements of institutions of higher education that were not created as a part of The University of Texas System or The Texas A&M University System.

To Committee on Finance.

SJR 62 by Lucio

Proposing a constitutional amendment to require that funds collected from retail electric customers for the system benefit fund be dedicated for expenditure to provide for bill payment assistance, customer education, and low-income home energy conservation.

To Committee on Finance.

SJR 63 by Watson

Proposing a constitutional amendment authorizing the legislature to provide for a phase-in of the ad valorem taxes imposed by certain political subdivisions on the value of a new improvement to the residence homestead of a low-income or moderate-income person.

To Committee on Finance.

SJR 64 by Carona

Proposing a constitutional amendment providing for the issuance of general obligation bonds by the Texas Transportation Commission to provide funding for highway improvement projects.

To Committee on Transportation and Homeland Security.

SCR 33 by Gallegos

Urging Congress to repeal the Government Pension Offset provision and the Windfall Elimination Provision of the Social Security Act.

To Committee on State Affairs.

SCR 37 by Van de Putte

Memorializing congress to support legislation assuring veterans health care funding and expressing gratitude for their service in the United States Armed Forces.

To Committee on Veteran Affairs and Military Installations.

SCR 38 by Nichols

Commemorating the 200th anniversary of the birth of James Pinckney Henderson.

To Committee on Government Organization.

SCR 40 by Estes

Opposing the federal REAL ID Act of 2005 as an unfunded mandate.

To Committee on Transportation and Homeland Security.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 516 by Wentworth, In memory of J. D. "Shady" Strickel of San Antonio.

SR 517 by Wentworth, In memory of Harry B. Orem of San Antonio.

SR 544 by Van de Putte, In memory of Guadalupe "Lupe" Davila of San Antonio.

SR 554 by Deuell, In memory of William Earl Crawford of Fate.

Welcome and Congratulatory Resolutions

SR 518 by Wentworth, Commending Louis Zbinden for being named a Community Champion by City Year San Antonio.

SR 519 by Wentworth, Commending Joci Straus for being designated a Community Champion by City Year San Antonio.

SR 543 by Ellis, Recognizing the Houston Alumni Chapter of Huston-Tillotson University on the occasion of its annual choir concert presentation.

SR 547 by Watson, Recognizing Carlos Fierro on the occasion of his retirement from the Board of Pardons and Paroles.

SR 548 by Watson, Recognizing Mary Mims on the occasion of her retirement from the Board of Pardons and Paroles.

SR 549 by Watson, Commending the citizens of Lago Vista for their historical renovation of a McDonnell Douglas F-4 Phantom jet.

SR 550 by Watson, Recognizing G. V. Clark of Mount Zion Baptist Church in Austin on the occasion of his 37th pastoral celebration.

SR 551 by Watson, Recognizing Debbie Peterson on the occasion of her retirement from the Office of the Comptroller of Public Accounts.

SR 552 by Patrick, Recognizing Frankye Lloyd McHan on the occasion of her 80th birthday.

SR 553 by Deuell, Welcoming members of Leadership Rowlett Class 16 to the State Capitol.

SR 557 by Fraser, Recognizing Sam Murphey on the occasion of his retirement from the office of the 17th Congressional District of Texas.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 11:45 a.m. adjourned until 1:30 p.m. Monday, March 26, 2007.

APPENDIX

COMMITTEE REPORTS

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

March 22, 2007

GOVERNMENT ORGANIZATION — **CSSB 687**

STATE AFFAIRS — **CSSB 929**

INTERGOVERNMENTAL RELATIONS — **CSSB 162, CSSB 351, CSSB 352, CSSB 360**

JURISPRUDENCE — **SB 506, SB 507, SB 763**

INTERGOVERNMENTAL RELATIONS — **CSSB 323**