

# HOUSE JOURNAL

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SEVENTY-EIGHTH LEGISLATURE, FIRST CALLED SESSION

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## PROCEEDINGS

FIFTH DAY — THURSDAY, JULY 10, 2003

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 16).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Dawson.

Absent — Noriega.

The invocation was offered by Michael Williams, pastor, Wills Point International Outreach Church, Wills Point, as follows:

Father, I come to you thanking you for your goodness, your mercy, and your love without which we would not be here today. I thank you for this great nation, the United States of America. I thank you for this great State of Texas, and I thank you for this great assembly.

Lord, you said if we need wisdom to ask of you and you would give it to us liberally. You also said that if we acknowledge you in all our ways that you would direct our paths. And again, you said that if we roll our works upon you that you would establish our thoughts. We ask of you, we acknowledge you, and we roll our works upon you, and we thank you for wisdom, direction, and for establishing our thoughts today.

Lord, we realize that there are many different opinions, beliefs, and agendas represented in this assembly. Help us to understand that though we differ, we are no less passionate about what we differ on. In our desire to be respected, understood, and appreciated, help us to respect, to understand, and to appreciate each other better. And at the end of the day, when the gavel comes down, let us be gracious in our victories and firm, resolute, and courageous if we do not win to continue on and fight another day.

These men and women have sacrificed their time and money to be here. They are away from their homes and families because they strongly believe in what they are doing. In this process, we all count and we are all important. I ask that you cause all of us to see this and that although many times this is a thankless job, Lord, you see everything, and you who sees everything in secret will reward them openly.

If there are those here who are in pain, be it physical or emotional, because of sickness or a loss of family or friends, Lord, I pray that you, the God of all hope and all comfort, would touch them now. Lord, heal, help, comfort, and strengthen them that they might handle the task before them this day.

Father, forgive us where we have sinned and strengthen all of us to live out your will in our lives.

Father, I ask that you bless this great nation, the United States of America. I ask that you bless this great State of Texas, and I ask that you bless these men and women in this great assembly today. I pray, ask, and thank you for all these things in the matchless name of Jesus. Amen.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Christian who presented Dr. Ron McMurry of Jasper as the "Doctor for the Day."

The house welcomed Dr. McMurry and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Woolley in the chair)

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of illness in the family:

Dawson on motion of Harper-Brown.

### **HR 10 - ADOPTED (by Martinez Fischer)**

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 10**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 10**, Honoring the Reverend Dr. L. A. Crenshaw on his 50th pastoral anniversary at Palestine Baptist Church in San Antonio.

**HR 10** was adopted without objection.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 1).

(Speaker in the chair)

**MAJOR STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 5 ON SECOND READING  
(by McCall)**

**CSHB 5**, A bill to be entitled An Act relating to making an appropriation for the purpose of returning to a fund outside the state treasury cash that was transferred from the fund to the general revenue fund.

**CSHB 5** was passed to engrossment. (The vote was reconsidered later today, and **CSHB 5** was postponed and later passed to engrossment.)

(Noriega now present)

**CSHB 9 ON SECOND READING  
(by Heflin)**

**CSHB 9**, A bill to be entitled An Act relating to appropriating the fees relating to the licensing and regulation of certain electricians collected by the Texas Department of Licensing and Regulation or the Texas Commission of Licensing and Regulation under **HB 1487**, Acts of the 78th Legislature, Regular Session, 2003.

**CSHB 9** was passed to engrossment.

**CSHB 11 ON SECOND READING  
(by Heflin)**

**CSHB 11**, A bill to be entitled An Act relating to appropriating the amounts deposited to the credit of the dry cleaning facility release fund created by **HB 1366**, Acts of the 78th Legislature, Regular Session, 2003, to the Texas Commission on Environmental Quality.

**CSHB 11** was passed to engrossment.

**CSHB 12 ON SECOND READING  
(by Heflin)**

**CSHB 12**, A bill to be entitled An Act relating to appropriating the fees collected by the Texas Animal Health Commission under **HB 2328**, Acts of the 78th Legislature, Regular Session, 2003.

**CSHB 12** was passed to engrossment.

**CSHB 16 ON SECOND READING****(by Denny)**

**CSHB 16**, A bill to be entitled An Act relating to the dates of certain elections, the procedures for canvassing the ballots for an election, and the counting of certain ballots voted by mail.

**CSHB 16 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HOCHBERG: Chairman Denny, you and I have had some conversations regarding a provision in this bill which would appear to require that the canvass for a Tuesday election be held on a Saturday. Is it your belief that's what this does, or is there another provision somewhere that makes this possible for a governmental entity to meet on something other than a Saturday in order to complete their canvass?

REPRESENTATIVE DENNY: Yes, thank you Mr. Hochberg for bringing that to my attention. Bill Carpenter from the Houston ISD has raised this question and is concerned about it. And I'm glad you brought that up so we can get it into the record. It is already in the Election Code, in Section 1.006, that when one of these requirements falls on a weekend or holiday—a legal or state or national holiday—that it is timely performed on the next regular business day. And that was further clarified in Section 1 of **HB 1695** that was just passed in the Regular Session we just ended.

HOCHBERG: And that section that you refer to has language that talks about something being done by a deadline—and that deadline essentially being automatically extended to the following business day—is it your view that the requirement that the canvass be done on a specific date, which is not really a reference to a deadline, still nonetheless falls under that extension section?

DENNY: That is correct. That is my understanding.

HOCHBERG: Thank you, Chairman Denny.

**REMARKS ORDERED PRINTED**

Representative Hochberg moved to print remarks between Representative Denny and Representative Hochberg.

The motion prevailed without objection.

**CSHB 16** was passed to engrossment.

**CSHB 5 - VOTE RECONSIDERED**

Representative Thompson moved to reconsider the vote by which **CSHB 5** was passed to engrossment.

The motion to reconsider prevailed.

**CSHB 5 ON SECOND READING**  
**(by McCall)**

**CSHB 5**, A bill to be entitled An Act relating to making an appropriation for the purpose of returning to a fund outside the state treasury cash that was transferred from the fund to the general revenue fund.

**CSHB 5 - POINT OF ORDER**

Representative Thompson raised a point of order against further consideration of **CSHB 5** under Article III, Section 40 of the Texas Constitution on the grounds that the subject of the bill was not designated in the purposes of this called session as specified in the proclamations by the governor.

The point of order was withdrawn.

Representative McCall moved to postpone consideration of **CSHB 5** until 2 p.m. today.

The motion prevailed without objection.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of illness:

Solis on motion of Uresti.

**HB 51 ON SECOND READING**  
**(by Allen)**

**HB 51**, A bill to be entitled An Act relating to the creation of a select committee to study prison privatization.

**Amendment No. 1**

Representative Allen offered the following amendment to **HB 51**:

Amend **HB 51** as follows:

(1) On page 1, strike lines 7-19 and substitute the following:

SECTION 2. COMPOSITION. (a) The select committee is composed of:

(1) three members appointed by the governor;

(2) three members of the senate appointed by the lieutenant governor;

and

(3) three members of the house of representatives appointed by the speaker of the house of representatives.

(2) On page 1, line 23, strike "November 15, 2003" and substitute "January 15, 2004".

(3) On page 1, between lines 23 and 24, insert the following:

(c) The governor shall designate one member of the select committee to serve as the presiding officer of the committee.

(4) On page 2, line 21, strike "achievements" and substitute "performances".

(5) On page 2, between lines 26 and 27, insert the following:

(a-1) The Legislative Budget Board, the comptroller, and the state auditor shall comply with requests for assistance from the select committee as necessary to assist the committee in performing the committee's duties under this Act.

(6) On page 3, line 5, strike "impact caused by higher turnover rates,".

(7) On page 3, between lines 6 and 7, insert the following:

(b-1) The presiding officer of the select committee shall instruct the members of the committee that in analyzing the issues described by Subsection (a) of this section, the members if possible shall compare the past and the predicted performances of private contractors with the past and predicted performances of the Texas Department of Criminal Justice.

(8) On page 3, line 19, strike "November 1" and substitute "December 1".

(9) On page 4, line 11, strike "November 15, 2003", and substitute "January 31, 2004".

(10) On page 4, line 15, strike "November 30" and substitute "December 31".

Representative Allen moved to postpone consideration of **HB 51** until 1:00 p.m. today.

The motion prevailed without objection.

### **HB 53 ON SECOND READING** **(by Swinford)**

**HB 53**, A bill to be entitled An Act relating to designating the presiding officer of the governing body of certain state agencies.

#### **Amendment No. 1**

Representative Swinford offered the following amendment to **HB 53**:

Amend **HB 53** on page 1 by striking lines 20-23 and substituting the following:

(c) This section does not apply to:

(1) a state agency that is headed by one or more statewide-elected officials;

(2) an entity that advises or reports to a state agency headed by one or more statewide-elected officials;

(3) a river authority whose governing body is elected; or

(4) a junior college district.

Amendment No. 1 was adopted without objection.

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

Representative Gallego offered the following amendment to **HB 53**:

Amend **HB 53** by adding the following appropriately numbered section to the bill:

SECTION \_\_\_\_\_. (a) In this section, "becomes law" has the meaning assigned by Section 2001.006, Government Code, as added by Chapter 558, Acts of the 76th Legislature, Regular Session, 1999.

(b) If a bill enacted by the 78th Legislature, 1st Called Session, 2003, becomes law and adds, deletes, or changes a power or duty of the governor, the governor and other persons may not give effect to the addition, deletion, or change or any other provision in that bill that is necessarily related to or contingent on that addition, deletion, or change unless a proposition describing the addition, deletion, or change and the other provision in accordance with this section is approved by a majority of the voters voting at a statewide election, as provided by Subsection (i) of this section. For the purposes of this section, the former law is continued in effect:

(1) before the addition, deletion, or change is approved at the statewide election; and

(2) after the statewide election if the addition, deletion, or change is not approved at the election.

(c) From among the bills enacted by the 78th Legislature, 1st Called Session, 2003, that become law, the secretary of state shall identify:

(1) all additions, deletions, or changes made by those bills to the powers and duties of the governor; and

(2) all provisions in those bills that are necessarily related to or contingent on those additions, deletions, or changes to the powers and duties of the governor.

(d) Using the information identified under Subsection (c) of this section, the secretary of state shall prepare one or more propositions that:

(1) are to be printed on the ballot of the statewide election, as required by Subsection (i) of this section;

(2) are organized on the ballot under the heading "Referendum Proposition No. 1"; and

(3) permit voters to vote for or against the additions, deletions, or changes to the powers and duties of the governor.

(e) Each proposition required by Subsection (d) of this section must include:

(1) a brief description of the addition, deletion, or change that may not be given effect unless the proposition is approved at the election;

(2) a brief description of all necessarily related or contingent provisions that may not be given effect unless the proposition is approved at the election; and

(3) the number of the bill passed by the 78th Legislature, 1st Called Session, 2003, that enacted the addition, deletion, or change included in the proposition.

(f) The secretary of state may group or organize additions, deletions, or changes to the powers and duties of the governor and related provisions into propositions required by this section in any manner that is coherent, efficient, and reasonable.

(g) In performing the secretary of state's duties under Subsection (c) of this section and in preparing the propositions required by this section, the secretary shall consult the legislative legal staff that provides legal counseling and legislative drafting services for the legislature.

(h) This section takes effect immediately if this Act 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 section takes effect on the 91st day after the last day of the legislative session.

(i) If this Act effect immediately, the propositions prepared by the secretary of state in accordance with this section shall be printed on the ballot for the statewide election to be held September 13, 2003. If this Act does not take effect immediately, the propositions prepared by the secretary of state in accordance with this section shall be printed on the ballot for the statewide election to be held November 4, 2003.

Representative Swinford moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 17): 74 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Hopson; Howard; Hunter; Hupp; Jones, E.; Keffer, B.; Keffer, J.; King; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Quintanilla; Reyna; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgenuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Ellis; Escobar; Farabee; Farrar; Gallego; Garza; Geren; Giddings; Guillen; Gutierrez; Haggerty; Hamilton; Hardcastle; Hochberg; Hodge; Homer; Hughes; Isett; Jones, D.; Jones, J.; Keel; Kolkhorst; Laney; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Puente; Raymond; Ritter; Rodriguez; Stick; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dawson; Solis.

Absent — Chisum; Christian; Crownover; Edwards; Flores; Goodman; Rose; Seaman.

### STATEMENT OF VOTE

When Record No. 17 was taken, I was in the house but away from my desk. I would have voted no.

Rose



**HB 53**, as amended, was passed to engrossment. (Burnam, Coleman, Y. Davis, Ellis, Escobar, Gallego, Hodge, D. Jones, Keel, Menendez, Puente, Quintanilla, Ritter, Telford, Thompson, and Wise recorded voting no)

**CSHB 54 ON SECOND READING**

(by Swinford)

**CSHB 54**, A bill to be entitled An Act relating to excepting certain budgetary working papers from required public disclosure.

**CSHB 54 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Swinford moved to lay **CSHB 54** on the table subject to call.

The motion prevailed without objection.

**HB 56 ON SECOND READING**

(by Callegari)

**HB 56**, A bill to be entitled An Act relating to the qualification and appointment of the commissioner of insurance.

Representative Wolens moved to table **HB 56**.

A record vote was requested.

The motion to table was lost by (Record 18): 63 Yeas, 77 Nays, 1 Present, not voting.

Yeas — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Dutton; Escobar; Farabee; Farrar; Gallego; Garza; Geren; Giddings; Goodman; Guillen; Gutierrez; Hochberg; Hodge; Homer; Hopson; Hughes; Jones, J.; Keel; Laney; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Stick; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Nays — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Delisi; Denny; Driver; Eissler; Elkins; Ellis; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Seaman; Smith, W.; Smithee; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgenuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dawson; Solis.

Absent — Chisum; Corte; Deshotel; Edwards; Eiland; Flores; Wilson.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 18. I intended to vote no.

Hughes

A record vote was requested.

**HB 56** was passed to engrossment by (Record 19): 78 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Driver; Eiland; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Seaman; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Ellis; Escobar; Farabee; Farrar; Gallego; Garza; Geren; Giddings; Goodman; Guillen; Gutierrez; Hardcastle; Hilderbran; Hochberg; Hodge; Homer; Hopson; Jones, J.; Keel; Laney; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Stick; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dawson; Solis.

Absent — Deshotel; Flores; Hill; Wilson.

(Callegari in the chair)

### **HB 57 ON SECOND READING** (by Casteel)

**HB 57**, A bill to be entitled An Act relating to the abolition of the Office of State-Federal Relations.

#### **Amendment No. 1**

Representative Coleman offered the following amendment to **HB 57**:

Amend **HB 57** by striking page 2, line 5, through page 3, line 6, and substituting the following:

(b) The director shall:

(1) help coordinate state and federal programs dealing with the same subject;

(2) inform the governor and the legislature of federal programs that may be carried out in the state or that affect state programs;

(3) provide federal agencies and the United States Congress with information about state policy and state conditions on matters that concern the federal government;

(4) regularly provide the governor and legislature with information useful in measuring the effect of federal actions on the state and local programs; and

(5) prepare and supply to the governor and all members of the legislature an annual report that:

(A) describes the office's operations;

(B) contains the office's priorities and strategies for the following year;

(C) details projects and legislation pursued by the office;

(D) discusses issues in the following congressional session of interest to this state; and

(E) contains an analysis of federal funds availability and formulae[;

and

~~[(6) prepare annually a complete and detailed written report accounting for all funds received and disbursed by the office during the preceding fiscal year].~~

Representative Swinford moved to table Amendment No. 1.

The motion to table prevailed.

**HB 57** was passed to engrossment. (Capelo, Coleman, Y. Davis, Hodge, D. Jones, Telford, and Thompson recorded voting no)

**HR 42 - ADOPTED**  
**(by Peña)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 42**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 42**, Congratulating Dr. Michael Alan Gorena and Dr. Maria Gorena on their graduation from Baylor College of Medicine in Houston.

**HR 42** was adopted without objection.

**HR 43 - ADOPTED**  
**(by Peña)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 43**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 43**, Honoring LeAnna Lisette Gutierrez of Edinburg for her many accomplishments.

**HR 43** was adopted without objection.

**HR 44 - ADOPTED****(by Peña)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 44**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 44**, Honoring Erika Espinosa of Edinburg for being a finalist in the 2003 Señorita Cinco de Mayo contest.

**HR 44** was adopted without objection.

**HR 45 - ADOPTED****(by Peña)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 45**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 45**, In memory of former Edinburg Mayor W. Lloyd Hawkins.

**HR 45** was adopted without objection.

**HR 46 - ADOPTED****(by Peña)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 46**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 46**, Honoring Jacinto Serna Tamez for his service as commander of VFW Post #7473.

**HR 46** was adopted without objection.

**HR 47 - ADOPTED****(by Peña)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 47**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 47**, Commending Pepe Saldana for his civic contributions.

**HR 47** was adopted without objection.

**HR 53 - ADOPTED**  
**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 53**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 53**, Honoring Zarada Rachel Moran of Houston on her 100th birthday.

**HR 53** was adopted without objection.

**HR 52 - ADOPTED**  
**(by Hopson)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 52**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 52**, Honoring James E. Abell for his 50 years of service in the field of pharmacy.

**HR 52** was adopted without objection.

**MAJOR STATE CALENDAR**  
**(consideration continued)**

**HB 58 ON SECOND READING**  
**(by Casteel)**

**HB 58**, A bill to be entitled An Act relating to the oversight of regional planning commissions by the governor and the state auditor.

**HB 58** was passed to engrossment. (Y. Davis, Hodge, and Telford recorded voting no)

**HB 59 ON SECOND READING**  
**(by Casteel)**

**HB 59**, A bill to be entitled An Act relating to the governor's budget and the governor's report on state agency efficiency.

(Speaker in the chair)

**HB 59** was passed to engrossment. (Y. Davis, Hodge, Telford, and Thompson recorded voting no)

**HB 60 ON SECOND READING**  
**(by Allen)**

**HB 60**, A bill to be entitled An Act relating to the qualifications for membership on the Parks and Wildlife Commission.

**HB 60** was passed to engrossment. (Raymond, Telford, and Thompson recorded voting no)

**CSHB 61 ON SECOND READING**  
(by Allen)

**CSHB 61**, A bill to be entitled An Act relating to the abolition of the Texas Commission on Private Security and the transfer of its functions to the Texas Private Security Board of the Department of Public Safety of the State of Texas.

**Amendment No. 1**

Representative Wohlgemuth offered the following amendment to **CSHB 61**:

Amend **CSHB 61** as follows:

(1) On page 1, line 13, strike "Section 1702.005" and substitute "Sections 1702.005 and 1702.006".

(2) On page 1, between lines 18 and 19, insert the following:

Sec. 1702.006. TEXAS DEPARTMENT OF HEALTH. (a) In this section, "personal emergency response system" means an alarm system that is:

(1) installed in the residence of a person;

(2) monitored by an alarm systems company; and

(3) designed to permit the person to signal the occurrence of a medical emergency on the part of the person so that the company may dispatch appropriate aid.

(b) Notwithstanding the other provisions of this chapter, the Texas Department of Health shall administer the provisions of this chapter that are applicable to the following persons who provide services subject to regulation under this chapter only in connection with personal emergency response systems:

(1) an alarm systems company;

(2) an alarm systems installer;

(3) an alarm systems monitor;

(4) a manager or branch office manager; and

(5) a security salesperson.

(c) A reference in this chapter or another law to the Texas Commission on Private Security in connection with a person described by Subsection (b) means the Texas Department of Health.

(3) On page 4, line 13, between "Texas" and the semicolon, insert "or the Texas Department of Health, as applicable".

(4) On page 4, strike line 16 and substitute the following:  
Board or the Texas Department of Health, as applicable, and remains in effect until amended or replaced by that board or department;

(5) On page 4, line 19, between "Board" and the semicolon, insert "or the Texas Department of Health, as applicable".

(6) On page 4, strike lines 22 and 23 and substitute the following:  
without change in status to the Texas Private Security Board or the Texas Department of Health, as determined by a memorandum of understanding between the Department of Public Safety of the State of Texas and the Texas Department of Health, and the Texas Private Security Board or the Texas Department of Health, as applicable, assumes, as appropriate and

(7) On page 5, line 2, between "Board" and the semicolon, insert "or the Texas Department of Health, as determined by a memorandum of understanding between the Department of Public Safety of the State of Texas and the Texas Department of Health".

(8) On page 5, line 5, between "Board" and the semicolon, insert "or the Texas Department of Health, as determined by a memorandum of understanding between the Department of Public Safety of the State of Texas and the Texas Department of Health".

(9) On page 5, line 9, between "Board" and the period, insert "or the Texas Department of Health, as determined by a memorandum of understanding between the Department of Public Safety of the State of Texas and the Texas Department of Health".

(10) On page 5, strike lines 12 and 13 and substitute the following:  
of Texas and the Texas Department of Health to transfer any property of the Texas Commission on Private Security to the Department of Public Safety of the State of Texas or the Texas Department of Health to

Amendment No. 1 was adopted without objection.

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

Representative Callegari offered the following amendment to **CSHB 61**:

Amend **CSHB 61** on page 3, between lines 25 and 26, by inserting the following appropriately numbered section and renumbering the subsequent sections of the bill accordingly:

SECTION \_\_. Subchapter D, Chapter 1702, Occupations Code, is amended by adding Section 1702.0615 to read as follows:

Sec. 1702.0615. PLACEMENT OF PRIORITY ON PROCESSING CERTAIN APPLICATIONS. (a) In performing its functions and duties under this chapter, the board shall place a high priority on processing applications for licenses, security officer commissions, and registrations filed by persons who provide protection for critical infrastructure, as defined by Section 421.001, Government Code.

(b) The board shall act on an application described by Subsection (a) as expeditiously as possible but not later than the 60th day after the date the board receives the application.

(c) This section expires November 1, 2005.

Amendment No. 2 was adopted without objection.

**CSHB 61**, as amended, was passed to engrossment. (Telford and Thompson recorded voting no)

#### **HB 62 ON SECOND READING** **(by R. Cook)**

**HB 62**, A bill to be entitled An Act relating to energy conservation by state agencies through the use of fuel-saving technology and utility cost savings contracts.

**Amendment No. 1**

Representative R. Cook offered the following amendment to **HB 62**:

Amend **HB 62** on page 7, line 15, by striking "Legislative Budget Board" and substituting "comptroller".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative R. Cook offered the following amendment to **HB 62**:

Amend **HB 62** on page 7, between lines 23 and 24, by inserting the following:

(f) This section does not apply to an institution of higher education as defined by Section 61.003, Education Code.

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative R. Cook offered the following amendment to **HB 62**:

Amend **HB 62** in SECTION 2 of the bill, on page 7, between lines 23 and 24, by inserting the following:

(f) This section does not apply to a capital expenditure for a state facility purpose that requires expeditious action to:

- (1) prevent a hazard to life, health, safety, welfare, or property; or
- (2) avoid undue additional cost to the state.

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Puente offered the following amendment to **HB 62**:

Amend **HB 62** on page 7, between lines 23 and 24, by adding the following:

(f) The Texas Building and Procurement Commission shall appoint a task force to develop design recommendations that are to be used for state facilities and that encourage rain harvesting and water recycling by state agencies using appropriated money to finance a capital expenditure for a state facility purpose.

Amendment No. 4 was adopted without objection.

**HB 62**, as amended, was passed to engrossment.

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**HB 51 ON SECOND READING**

(by Allen)

**HB 51**, A bill to be entitled An Act relating to the creation of a select committee to study prison privatization.



**HB 51** was read second time earlier today and was postponed until 1:00 p.m. today. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Hodge offered the following amendment to **HB 51**:

Amend **HB 51** on page 3, line 13, between the period and "The", by inserting the following:

"The report must analyze programs and services provided not just for inmates in the general population, but also for inmates in geriatric programs, in-prison therapeutic facilities, administrative segregation, and other programs not provided to inmates in the general population.

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representatives Hodge and Keel offered the following amendment to **HB 51**:

Amend **HB 51** on page 4, between lines 13 and 14, by inserting the following:

SECTION 5A. CONFLICTS PROHIBITED. A member of the select committee or an employee of or person who contracts with the committee may not have a direct financial interest in an entity that contracts for the provision of prison beds or other correctional services with:

- (1) this state or a political subdivision of this state;
- (2) another state or a political subdivision of another state; or
- (3) the federal government.

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Ellis offered the following amendment to **HB 51**:

Amend **HB 51** on page 3, between lines 20 and 21, by inserting the following:

(e) In preparing the report under this section, the select committee shall pay particular attention to identifying overhead costs to the Texas Department of Criminal Justice and overhead costs to private contractors, and shall present that information in a manner that provides for meaningful comparisons of costs of providing correctional services. The overhead costs described by this subsection include medical costs, transportation costs, facilities and maintenance costs, and similar costs. The report must also identify any increase in costs to the Texas Department of Criminal Justice for items described by this subsection in the event that some or all of the functions described by those items are performed under contract.

Amendment No. 4 was adopted without objection.

**HB 51**, as amended, was passed to engrossment. (Telford recorded voting no)

**PROCLAMATION BY THE GOVERNOR  
OF THE STATE OF TEXAS**

The speaker laid before the house and had read the following proclamation by the governor:

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE SEVENTY-EIGHTH TEXAS LEGISLATURE, FIRST CALLED SESSION:

WHEREAS, the people of Texas through their state Constitution have placed the power to call the legislature into special session in the hands of the Chief Executive Officer of the State; and

WHEREAS, the members of the Seventy-Eighth Texas Legislature, First Called Session, have now convened to consider items presented to them by the Governor;

NOW, THEREFORE, I, RICK PERRY, Governor of the State of Texas, by the authority vested in me by Article IV, Section 8 and Article III, Section 40 of the Texas Constitution, do hereby present the following matter to the Seventy-Eighth Texas Legislature, First Called Session for consideration:

Legislation relating to making an appropriation for the purpose of returning to a fund outside of the state treasury cash that was transferred from the fund to the general revenue fund.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 10th day of July, 2003.

Rick Perry  
Governor of Texas

(SEAL)  
Gwyn Shea  
Secretary of State

**POSTPONED BUSINESS  
(consideration continued)**

**CSHB 5 ON SECOND READING  
(by McCall)**

**CSHB 5**, A bill to be entitled An Act relating to making an appropriation for the purpose of returning to a fund outside the state treasury cash that was transferred from the fund to the general revenue fund.

**CSHB 5** was read second time earlier today, passed to engrossment, the vote was later reconsidered, and **CSHB 5** was postponed until 2 p.m. today.

**CSHB 5** was passed to engrossment.

**MAJOR STATE CALENDAR**  
**(consideration continued)**

**HB 63 ON SECOND READING**  
**(by R. Cook)**

**HB 63**, A bill to be entitled An Act relating to meetings of the Legislative Budget Board conducted through the use of certain telecommunication devices.

**Amendment No. 1**

Representative Coleman offered the following amendment to **HB 63**:

Amend **HB 63** on page 1 by striking the sentences that begin on lines 11 after the period before "This" and 15 and substituting the following:

This subsection applies:

(1) only if an emergency or public necessity exists within the meaning of Section 551.045(b);

(2) only for purposes of constituting a quorum or voting or for any other purpose allowing a member of the board to otherwise fully participate in the meeting of the board; and

(3) without regard to the subject of the emergency or public necessity considered at the meeting.

Representative R. Cook moved to table Amendment No. 1.

The motion to table prevailed.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today to attend a funeral:

Kolkhorst on motion of Geren.

**HB 63 - (consideration continued)**

**Amendment No. 2**

Representative Hochberg offered the following amendment to **HB 63**:

Amend **HB 63** on page 2, line 6, by inserting the following between "meeting" and the period:

, and if the two-way audio communication link with any member attending the meeting is disrupted at any time the meeting may not continue until the two-way audio communication link is reestablished

Amendment No. 2 was adopted without objection.

**HB 63**, as amended, was passed to engrossment.

**HB 64 ON SECOND READING**  
**(by R. Cook)**

**HB 64**, A bill to be entitled An Act relating to the abandonment of proceeds distributable on reorganization of an insurance company.

**Amendment No. 1**

Representative R. Cook offered the following amendment to **HB 64**:

Amend **HB 64** as follows:

- (1) On page 1, line 8, strike "rehabilitation".
- (2) On page 1, line 22, strike "rehabilitation".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Thompson offered the following amendment to **HB 64**:

Amend **HB 64** by inserting the following appropriately numbered SECTION and renumbering SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Contingent on the personal needs allowance under Section 32.024(w), Human Resources Code, being set in an amount that exceeds \$45, amounts deposited to the general revenue fund under Section 72.101(c), Property Code, as added by this Act, during the state fiscal biennium beginning September 1, 2003, in an amount not to exceed \$6.5 million, are appropriated to the Health and Human Services Commission for the state fiscal biennium beginning September 1, 2003, for the sole purpose of increasing the personal needs allowance to an amount that exceeds \$45.

Representative Heflin moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 20): 73 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, W.; Smithe; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Bonnen; Burnam; Canales; Capelo; Castro; Chavez; Christian; Coleman; Davis, Y.; Driver; Dukes; Dunnam; Dutton; Edwards; Ellis; Escobar; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Goodman; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Homer; Hopson; Hughes; Jones, D.; Jones, J.; Laney; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dawson; Kolkhorst; Solis.

Absent — Allen; Callegari; Deshotel; Eiland; Krusee; Lewis; Oliveira; Wolens.

### STATEMENT OF VOTE

When Record No. 20 was taken, I was in the house but away from my desk. I would have voted no.

Wolens

**HB 64**, as amended, was passed to engrossment.

### HB 65 ON SECOND READING (by Gallego)

**HB 65**, A bill to be entitled An Act relating to the composition of the Texas Building and Procurement Commission.

Representative Gallego moved to postpone consideration of **HB 65** until the end of today's calendar.

The motion prevailed without objection.

### HB 66 ON SECOND READING (by Gallego)

**HB 66**, A bill to be entitled An Act relating to qualifications for membership on the Texas Veterans Commission.

#### Amendment No. 1

Representatives McReynolds, Morrison, and Homer offered the following amendment to **HB 66**:

Amend **HB 66** by adding a new section appropriately numbered to read as follows:

SECTION \_\_\_\_ . Section 434.003, Government Code, is amended by adding Subsection (e) to read as follows:

(e) At least one-third of the members appointed must reside in a county with a population of 100,000 or less.

Amendment No. 1 was withdrawn.

### HB 66 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gallego moved to lay **HB 66** on the table subject to call.

The motion prevailed without objection.

### HB 82 ON SECOND READING (by Hamric)

**HB 82**, A bill to be entitled An Act relating to the abolition of the state aircraft pooling board.

#### Amendment No. 1

Representative Hamric offered the following amendment to **HB 82**:

Amend **HB 82**, committee printing, on page 3, line 25, by striking "board" and substituting "department [~~board~~]".

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

Representative Gallego offered the following amendment to **HB 82**:

Amend **HB 82** as follows:

(1) On page 1, lines 9-10, strike "department" means the Department of Public Safety of the State of Texas" and substitute "commission" means the Texas Building and Procurement Commission".

(2) On page 1, lines 14 and 17, strike "department" and substitute "commission".

(3) On page 2, lines 13, 16, 23, 26, and 27, strike "department" and substitute "commission".

(4) On page 3, lines 1, 6, and 16, strike "department" and substitute "commission".

(5) On page 4, lines 3, 11, 15, 19, and 25, strike "department" and substitute "commission".

(6) On page 5, lines 4, 15, 18, 20, 21, 24, and 26, strike "department" and substitute "commission".

(7) On page 6, lines 5, 12, and 27, strike "department" and substitute "commission".

(8) On page 7, lines 2, 3, 5, 7, 12, 19, and 24, strike "department" and substitute "commission".

(9) On page 8, lines 3, 7, 14, and 19, strike "department" and substitute "commission".

(10) On page 9, lines 2, 3, and 4, strike "department" and substitute "commission".

(11) On page 9, line 6, strike "department's" and substitute "commission's".

(12) On page 9, lines 13-15, strike "Department of Public Safety of the State of Texas and the Texas Public Finance Authority, in consultation with the".

(13) On page 9, line 27 through page 10, line 1, strike "Department of Public Safety of the State of Texas" and substitute "Texas Building and Procurement Commission".

(14) On page 10, lines 2-3, strike "Department of Public Safety of the State of Texas" and substitute "Texas Building and Procurement Commission".

(15) On page 10, lines 5-6, strike ", in consultation with the Department of Public Safety of the State of Texas,".

(16) On page 10, lines 9-11, strike "and two King Air 200 aircraft with aircraft identification numbers of N808WD and N7256K, respectively".

Amendment No. 2 was withdrawn.

### **Amendment No. 3**

Representatives Rodriguez, Dukes, Stick, and Keel offered the following amendment to **HB 82**:

Amend **HB 82** by striking page 11, line 25, through page 12, line 1, and substituting the following:

(1) a current lessee of the facilities; or

(2) a political subdivision of the state, including Travis County or the City of Austin.

(d) In this section, "political subdivision" means a municipality, county, or special district.

Amendment No. 3 was adopted without objection.

#### **Amendment No. 4**

Representative Gallego offered the following amendment to **HB 82**:

Amend **HB 82** by adding a new SECTION 18 as follows and renumbering the remaining section accordingly:

"SECTION 18. The Texas Building and Procurement Commission shall conduct an analysis to determine whether the cost of using charter and commercial aircraft services to provide passenger transportation to state officers and employees is more cost-effective than the services provided by the State Aircraft Pooling Board. In conducting the analysis, the Commission shall use the rates already adopted by the State Aircraft Pooling Board for Fiscal Year 2004 and shall take into consideration the costs of meals, lodging, and other allowable travel expenses incurred when an overnight stay is required as a result of charter or commercial aircraft scheduling. The Commission shall complete its analysis and report its findings to the 79th Texas Legislature no later than January 15, 2005."

Amendment No. 4 was adopted without objection.

**HB 82**, as amended, was passed to engrossment. (Coleman, D. Jones, Telford, and Thompson recorded voting no)

### **POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

#### **HB 65 ON SECOND READING (by Gallego)**

**HB 65**, A bill to be entitled An Act relating to the composition of the Texas Building and Procurement Commission.

**HB 65** was read second time earlier today and was postponed until this time.

Representative Gallego moved to table **HB 65**.

The motion to table prevailed.

(King in the chair)

#### **HR 51 - ADOPTED (by Mabry)**

Representative Mabry moved to suspend all necessary rules to take up and consider at this time **HR 51**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 51**, Honoring Mary Falsone Dicorte of Waco on her 90th birthday.

**HR 51** was adopted without objection.

**HR 39 - ADOPTED**  
**(by Hughes)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 39**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 39**, Congratulating Jennifer Dubbs, Miss Mineola 2003-2004.

**HR 39** was adopted without objection.

**HR 40 - ADOPTED**  
**(by Hughes)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 40**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 40**, Honoring Mattie Yalch of Quitman on her 103rd birthday.

**HR 40** was adopted without objection.

**HR 41 - ADOPTED**  
**(by Hughes)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 41**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 41**, Congratulating Eunice Exa "Nannie" Hitt of Hainesville on her 100th birthday.

**HR 41** was adopted without objection.

**HR 49 - ADOPTED**  
**(by Merritt)**

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HR 49**.

The motion prevailed without objection.

The following resolution was laid before the house:



**HR 49**, Honoring Jack Elder, Sr., and Winter Elder of Kilgore on their 70th wedding anniversary.

**HR 49** was adopted without objection.

**HCR 8 - ADOPTED  
(by Branch)**

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HCR 8**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 8**, Congratulating Carly Bender on being crowned Preteen Miss Majorette of Texas and recognizing July 21-27, 2003, as National Baton Twirling Week.

**HCR 8** was adopted without objection.

**CONSTITUTIONAL RULE SUSPENDED**

On motion of Representative Gallego and by unanimous consent, the constitutional rule requiring bills to be read on three several days was suspended in order to place all bills on the major state calendar on third reading and final passage.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

The following bills were laid before the house and read third time:

**HB 5 ON THIRD READING  
(by McCall)**

**HB 5**, A bill to be entitled An Act relating to making an appropriation for the purpose of returning to a fund outside the state treasury cash that was transferred from the fund to the general revenue fund.

A record vote was requested.

**HB 5** was passed by (Record 21): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez;

Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; King(C).

Absent, Excused — Dawson; Kolkhorst; Solis.

Absent — Castro; Chavez; Corte; Eiland; Jones, J.; Wilson.

The chair stated that **HB 5** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

### STATEMENT OF VOTE

When Record No. 21 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

### HB 9 ON THIRD READING (by Heflin)

**HB 9**, A bill to be entitled An Act relating to appropriating the fees relating to the licensing and regulation of certain electricians collected by the Texas Department of Licensing and Regulation or the Texas Commission of Licensing and Regulation under **HB 1487**, Acts of the 78th Legislature, Regular Session, 2003.

A record vote was requested.

**HB 9** was passed by (Record 22): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; King(C).

Absent, Excused — Dawson; Kolkhorst; Solis.

Absent — Coleman; Flores; Mercer.

The chair stated that **HB 9** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

### **HB 11 ON THIRD READING**

(by Heflin)

**HB 11**, A bill to be entitled An Act relating to appropriating the amounts deposited to the credit of the dry cleaning facility release fund created by **HB 1366**, Acts of the 78th Legislature, Regular Session, 2003, to the Texas Commission on Environmental Quality.

A record vote was requested.

**HB 11** was passed by (Record 23): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; King(C).

Absent, Excused — Dawson; Kolkhorst; Solis.

Absent — Coleman; Corte; Dunnam; Flores; Hodge.

The chair stated that **HB 11** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

### **HB 12 ON THIRD READING**

(by Heflin)

**HB 12**, A bill to be entitled An Act relating to appropriating the fees collected by the Texas Animal Health Commission under **HB 2328**, Acts of the 78th Legislature, Regular Session, 2003.

A record vote was requested.

**HB 12** was passed by (Record 24): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley.

Present, not voting — Mr. Speaker; King(C).

Absent, Excused — Dawson; Kolkhorst; Solis.

Absent — Christian; Keffer, J.; Zedler.

The chair stated that **HB 12** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

### **HB 16 ON THIRD READING** (by Denny)

**HB 16**, A bill to be entitled An Act relating to the dates of certain elections, the procedures for canvassing the ballots for an election, and the counting of certain ballots voted by mail.

A record vote was requested.

**HB 16** was passed by (Record 25): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter;

Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; King(C).

Absent, Excused — Dawson; Kolkhorst; Solis.

Absent — Burnam; Corte; Flores.

### **HB 51 ON THIRD READING**

**(by Allen)**

**HB 51**, A bill to be entitled An Act relating to the creation of a select committee to study prison privatization.

**HB 51** was passed.

### **HB 53 ON THIRD READING**

**(by Swinford)**

**HB 53**, A bill to be entitled An Act relating to designating the presiding officer of the governing body of certain state agencies.

**HB 53** was passed. (Y. Davis, D. Jones, and Thompson recorded voting no)

### **HB 56 ON THIRD READING**

**(by Callegari)**

**HB 56**, A bill to be entitled An Act relating to the qualification and appointment of the commissioner of insurance.

**HB 56** failed to pass. (Y. Davis and Thompson recorded voting no)

(Speaker in the chair)

Representative Thompson moved to reconsider the vote by which **HB 56** failed to pass and to table the motion to reconsider.

The motion to table was lost.

A record vote was requested.

The motion to reconsider prevailed by (Record 26): 79 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Christian; Cook, B.; Crabb; Crownover; Davis, J.; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keffer, B.; Keffer, J.; King; Krusee; Kuempel; Laubenberg; Madden; Marchant; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Seaman; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ellis; Escobar; Farabee; Farrar; Flores; Gallego; Garza; Geren; Giddings; Gutierrez; Hardcastle; Hochberg; Hodge; Homer; Hopson; Jones, D.; Jones, J.; Keel; Laney; Luna; Mabry; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Stick; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dawson; Kolkhorst; Solis.

Absent — Corte; Eiland; Lewis.

A record vote was requested.

**HB 56** was passed by (Record 27): 80 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Driver; Dutton; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keffer, B.; Keffer, J.; King; Krusee; Kuempel; Madden; Marchant; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Edwards; Ellis; Escobar; Farabee; Farrar; Flores; Gallego; Garza; Geren; Giddings; Goodman; Guillen; Gutierrez; Hardcastle; Hochberg; Hodge; Homer; Hopson; Jones, D.; Jones, J.; Keel; Laney; Laubenberg; Lewis; Luna; Mabry; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Telford; Thompson; Turner; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dawson; Kolkhorst; Solis.

Absent — Eiland.

### STATEMENT OF VOTE

I was shown voting no on Record No. 27. I intended to vote yes.

Laubenberg

### HB 57 ON THIRD READING (by Casteel)

**HB 57**, A bill to be entitled An Act relating to the abolition of the Office of State-Federal Relations.

**HB 57** was passed. (Y. Davis, D. Jones, and Thompson recorded voting no)

**HB 58 ON THIRD READING****(by Casteel)**

**HB 58**, A bill to be entitled An Act relating to the oversight of regional planning commissions by the governor and the state auditor.

**HB 58** was passed.

**HB 59 ON THIRD READING****(by Casteel)**

**HB 59**, A bill to be entitled An Act relating to the governor's budget and the governor's report on state agency efficiency.

**HB 59** was passed. (Y. Davis and Thompson recorded voting no)

**HB 60 ON THIRD READING****(by Allen)**

**HB 60**, A bill to be entitled An Act relating to the qualifications for membership on the Parks and Wildlife Commission.

A record vote was requested.

**HB 60** was passed by (Record 28): 106 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Allen; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Farrar; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; Keffer, J.; King; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Nixon; Noriega; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wise; Wohlgenuth; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Ellis; Escobar; Farabee; Gallego; Garza; Guillen; Gutierrez; Hilderbran; Hochberg; Hodge; Homer; Jones, J.; Keel; Laney; Menendez; Moreno, P.; Naishtat; Oliveira; Olivo; Peña; Puente; Raymond; Rodriguez; Telford; Thompson; Turner; Uresti; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dawson; Kolkhorst; Solis.

Absent — Flores; Geren; Giddings.

**HB 61 ON THIRD READING****(by Allen)**

**HB 61**, A bill to be entitled An Act relating to the abolition of the Texas Commission on Private Security and the transfer of its functions to the Texas Private Security Board of the Department of Public Safety of the State of Texas.

**HB 61** was passed. (Thompson recorded voting no)

**HB 62 ON THIRD READING****(by R. Cook)**

**HB 62**, A bill to be entitled An Act relating to energy conservation by state agencies through the use of fuel-saving technology and utility cost savings contracts.

**HB 62** was passed. (Y. Davis recorded voting no)

**HB 63 ON THIRD READING****(by R. Cook)**

**HB 63**, A bill to be entitled An Act relating to meetings of the Legislative Budget Board conducted through the use of certain telecommunication devices.

**HB 63** was passed. (Y. Davis recorded voting no)

**HB 64 ON THIRD READING****(by R. Cook)**

**HB 64**, A bill to be entitled An Act relating to the abandonment of proceeds distributable on reorganization of an insurance company.

A record vote was requested.

**HB 64** was passed by (Record 29): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C); Deshotel.



Absent, Excused — Dawson; Kolkhorst; Solis.

Absent — Callegari; Delisi; Flores; Goolsby; Miller.

### **HB 82 ON THIRD READING**

**(by Hamric)**

**HB 82**, A bill to be entitled An Act relating to the abolition of the state aircraft pooling board.

**HB 82** was passed. (Y. Davis, D. Jones, and Thompson recorded voting no)

### **HCR 7 - ADOPTED**

**(by Geren)**

Representative R. Cook moved to suspend all necessary rules to take up and consider at this time **HCR 7**.

The motion prevailed without objection.

The following resolution was laid before the house:

### **HCR 7**

WHEREAS, Section 17, Article III, Texas Constitution, provides that neither house of the legislature may adjourn for more than three days without the consent of the other house; now therefore be it

RESOLVED, That the 78th Legislature of the State of Texas, 1st Called Session, That each house grant other permission to adjourn for more than three days during the period beginning on Thursday, July 10, 2003, and ending on Tuesday, July 15, 2003.

**HCR 7** was adopted without objection.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

State Health Care Expenditures, Select, meeting on July 14 has been canceled.

Appropriations, upon adjournment today, E1.030, for a public hearing.

### **PROVIDING FOR ADJOURNMENT**

Representative Geren moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 2 p.m. Tuesday, July 15 in memory of the Honorable Walter Schwartz of Brenham.

The motion prevailed without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Baxter in the chair)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 4:19 p.m., adjourned until 2 p.m. Tuesday, July 15.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 97** (By Gattis), Relating to the compensation of district judges in Williamson County.

To Judicial Affairs.

**HB 98** (By Truitt), Relating to the cost of education adjustment under the Foundation School Program.

To Public Education.

**HB 99** (By Truitt), Relating to monetary incentives for consolidation of services among public school districts.

To Public Education.

**HB 100** (By Truitt), Relating to the punishment for the offense of burglary of a vehicle.

To Criminal Jurisprudence.

**HB 101** (By Merritt), Relating to the creation, administration, powers, duties, operations, and financing of a border region high-speed rail authority for the Texas-Louisiana and the Texas-Mexico border regions; granting the power to issue bonds; imposing a tax; granting the power of eminent domain.

To Border and International Affairs.

**HB 102** (By Merritt), Relating to a requirement that the Bureau of Economic Geology of The University of Texas at Austin conduct a study of the East Texas Oil Field.

To Energy Resources.

**HB 103** (By Flores), Relating to making an appropriation to the Texas Department of Health for the purpose of contracting with service providers under the primary health care program.

To Appropriations.

**HB 104** (By Isett), Relating to the ad valorem tax rates of certain taxing units.

To Local Government Ways and Means.

**HB 105** (By Haggerty), Relating to the operation of community supervision and corrections departments and to the early release of a defendant from community supervision.

To Corrections.

**HB 106** (By Haggerty), Relating to the adoption of the Interstate Compact for Juveniles.

To Juvenile Justice and Family Issues.

**HB 107** (By Naishtat), Relating to benefits for certain mental health services provided under the state child health plan.

To Public Health.

**HB 108** (By Naishtat), Relating to services provided by psychologists and marriage and family therapists under the Medicaid program.

To Public Health.

**HB 109** (By W. Smith), Relating to attendance at mandatory pre-bid conferences regarding certain purchases by local governments.

To County Affairs.

**HB 110** (By Bonnen), Relating to certain governmental contracts to be performed in nonattainment areas for national ambient air quality standards.

To Environmental Regulation.

**HB 111** (By Homer), Relating to the eligibility requirements for the issuance of a driver's license, commercial driver's license, or commercial driver learner's permit, that authorizes the license or permit holder to operate a motorcycle in this state.

To Law Enforcement.

**HB 112** (By W. Smith), Relating to compliance histories for and incentives to reward compliance performance by entities regulated by the Texas Commission on Environmental Quality.

To Environmental Regulation.

**HCR 5** (By Lewis), In memory of Gregory Wayne Spencer of Fort Worth.

To Rules and Resolutions.

**HCR 6** (By Chisum), Encouraging the United States congress to adopt a constitutional amendment banning any marriage except a union between a man and a woman.

To State Affairs.

**HJR 2** (By McReynolds), Proposing a constitutional amendment clarifying that the legislature may provide in a general appropriations bill that appropriations are automatically reduced to the extent necessary to stay within the estimated available revenue and imposing a deadline for certification of appropriations bills.

To Appropriations.

**HR 24** (By Lewis), Requesting that the State Preservation Board place a bust of the Honorable Doyle Willis in the extension wing of the Capitol.

To House Administration.

**HR 25** (By Craddick), Honoring A. T. "Toby" Carleton and Corinne Carleton of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 26** (By Craddick), Honoring John and Joy Ann Butts of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 27** (By Craddick), In memory of E. Carlyle Smith, Jr., of Grand Prairie.

To Rules and Resolutions.

**HR 30** (By Guillen), Commending Major General Ricardo S. Sanchez for his exceptional record of service as an officer in the United States Army.

To Rules and Resolutions.

**HR 31** (By Wise), Honoring Al and Essie Morris for their contributions to music and the Rio Grande Valley.

To Rules and Resolutions.

**HR 32** (By Wise), Honoring Richard Rivera of Weslaco, 2003 Regional Superintendent of the Year for ESC Region One.

To Rules and Resolutions.

**HR 33** (By Wise), Congratulating the Science Academy of South Texas on being ranked the eighth best school in the nation by Newsweek magazine.

To Rules and Resolutions.

**HR 34** (By Wise), Honoring Laura Quiroz for her contributions to the San Juan community.

To Rules and Resolutions.

**HR 35** (By Hodge), Honoring Kevin and Valentina Pitre on the birth of their daughter, Kourtney Nicole Pitre.

To Rules and Resolutions.

**HR 36** (By Rose), In memory of John Allen McCarty of Henly.

To Rules and Resolutions.

**HR 37** (By Rose), In memory of Jerome "Jack" Curtis Cates of San Marcos.  
To Rules and Resolutions.

**HR 38** (By Rose), Congratulating Wade Townsend of Dripping Springs on his athletic achievements.  
To Rules and Resolutions.

**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**Senate List No. 1**

**SCR 1**

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**July 7**

Government Reform - **HB 56, HB 57, HB 58, HB 59, HB 63, HB 64**

**July 8**

Government Reform - **HB 51, HB 53, HB 54, HB 60, HB 61, HB 62, HB 65, HB 66, HB 82**

**ENGROSSED**

**July 8 - HB 3**

