

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-EIGHTH DAY — MONDAY, MARCH 7, 2005

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 41).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Olivo; Smith, T.

The invocation was offered by David Valentine, pastor, First Baptist Church, Huntsville, as follows:

Our Father, I thank you for the opportunity to be before you today. I thank you for the privilege to pray for my leaders as they come together seeking the best interests of our families, friends, and fellow Texans.

I ask that you grant each representative wisdom and discernment in leading this great state. Father, I cannot imagine the incredible burdens they carry today as they face so many complicated issues with no easy solution. Grant them strength for the physical demands and emotional challenges of today. Bestow upon them your peace for the difficulties of today. Bless with your power to make the right decision, and grant your compassion to love and lead your people. Fill them with your holy presence as they follow you. Protect and provide for their families as they are here in Austin doing your will. I ask this in the powerful name of Jesus. Amen.

The speaker recognized Representative Kolkhorst who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

T. Smith on motion of Geren.

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

Olivo on motion of Martinez.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

CAPITOL PHYSICIAN

The speaker recognized Representative Paxton who presented Dr. N. Christopher Lawrence of McKinney as the "Doctor for the Day."

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

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, House List No. 17).

(Hill in the chair)

HR 645 - ADOPTED (by Ritter)

Representative Ritter moved to suspend all necessary rules to take up and consider at this time **HR 645**.

The motion prevailed.

The following resolution was laid before the house:

HR 645, Recognizing March 7, 2005, as Leadership Southeast Texas Day at the State Capitol and commending its members for their significant contributions to the Lone Star State.

HR 645 was read and was adopted.

On motion of Representative Hamilton, the names of all the members of the house were added to **HR 645** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Deshotel who introduced members of Leadership Southeast Texas.

HR 574 - ADOPTED
(by B. Brown)

Representative B. Brown moved to suspend all necessary rules to take up and consider at this time **HR 574**.

The motion prevailed.

The following resolution was laid before the house:

HR 574, Recognizing March 7, 2005, as Kaufman County Day at the State Capitol.

HR 574 was read and was adopted.

HR 535 - ADOPTED
(by Campbell)

Representative Campbell moved to suspend all necessary rules to take up and consider at this time **HR 535**.

The motion prevailed.

The following resolution was laid before the house:

HR 535, Congratulating Madison Emert on being crowned Miss San Angelo 2005.

HR 535 was read and was adopted.

INTRODUCTION OF GUEST

The chair recognized Representative Campbell who introduced Madison Emert, Miss San Angelo 2005.

INTRODUCTION OF GUESTS

The chair recognized Representative Oliveira who introduced the family members of the Honorable Jose Tomas Canales.

(Speaker in the chair)

FIVE DAY POSTING RULE SUSPENDED

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to meet at 1 p.m. instead of the posted 2 p.m. time to consider previously posted bills (**HB 812**, **HB 813**, **HB 828**, **HB 841**, **HB 1141**, and **HB 1657**) at the previously posted meeting room.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, 1 p.m. today, E2.014, to consider **HB 812**, **HB 813**, **HB 828**, **HB 841**, **HB 1141**, and **HB 1657**.

Civil Practices, upon adjournment today, Desk 57, for a formal meeting, to consider committee business.

FIVE DAY POSTING RULE SUSPENDED

Representative Delisi moved to suspend the five day posting rule to allow the Committee on Public Health to consider **HB 894**, **HB 972**, **HB 1015**, **HB 1135**, and **HCR 37**.

(Truitt in the chair)

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Health, upon adjournment Thursday, March 10, E2.030, for a public hearing, to consider **HB 894**, **HB 972**, **HB 1015**, **HB 1135**, and **HCR 37**.

(Speaker in the chair)

FIVE DAY POSTING RULE SUSPENDED

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judiciary to consider **HB 1597**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary, upon final adjournment today, E2.028, for a public hearing, to consider **HB 1326**, **HB 1394**, **HB 1418**, **HB 1576**, and **HB 1597**.

ADJOURNMENT

Representative Harper-Brown moved that the house adjourn until 10 a.m. tomorrow in memory of Ellie LaFont of Plainview.

The motion prevailed.

The house accordingly, at 10:52 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 17

HCR 84

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, March 4, 2005

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 6 Nelson
Relating to protective services; providing penalties.

SJR 7 Carona
Proposing a constitutional amendment authorizing line-of-credit advances under a reverse mortgage.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 3

Culture, Recreation, and Tourism - **HB 67, HB 76**

Defense Affairs and State-Federal Relations - **HB 18**

State Affairs - **HB 946, HB 1284**

March 4

Criminal Jurisprudence - **HB 268, HB 269, HB 825, HB 839, HB 840, HB 969**

Environmental Regulation - **HB 86**

Law Enforcement - **HB 225, HB 318, HB 322, HB 699, HB 807**

Redistricting - **HB 1077**

ENGROSSED**March 3 - HB 231, HB 304, HB 380, HB 774****ENROLLED****March 3 - HCR 19, HCR 21, HCR 41, HCR 75, HCR 76, HCR 84****SENT TO THE GOVERNOR****March 3 - HCR 19, HCR 21, HCR 41, HCR 75, HCR 76**