

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-FIFTH DAY — THURSDAY, MARCH 17, 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 124).

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; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Smithee.

The invocation was offered by Reverend Monsignor Dermot Brosnan, St. Peter-St. Joseph Children's Home, San Antonio, as follows:

Heavenly Father, we stand before you deeply aware of all of your blessings, beginning with the most precious of all, life.

We thank you for our great state and nation and its wonderful people. Today we ask a special blessing on the honorable speaker of the house, all its members, and their families.

Send the Holy Spirit, the spirit of truth and justice, upon the members of this house of representatives. Guide them in their deliberations and give them the strength to do what is just for the common good of our people.

Bless our president, all of our national, state, and local leaders. Bless our military service men and women, especially those serving in harms way.

Keep from harm our innocent children and especially bless those who have been abused and neglected.

Father, we thank you for all the blessings you have graciously bestowed on this great State of Texas.

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

LEAVE OF ABSENCE GRANTED

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

Smithee on motion of Berman.

CAPITOL PHYSICIAN

The speaker recognized Representative R. Cook who presented Dr. Jorge Duchicela of Weimar as the "Doctor for the Day."

The house welcomed Dr. Duchicela 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. 20).

REGULAR ORDER OF BUSINESS SUSPENDED

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

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

HR 665 - ADOPTED (by McCall)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 665**.

The motion prevailed.

The following resolution was laid before the house:

HR 665, In memory of Glenn Eckley Box of Dallas.

HR 665 was unanimously adopted by a rising vote.

HR 667 - ADOPTED (by McCall)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 667**.

The motion prevailed.

The following resolution was laid before the house:

HR 667, Honoring Margaret McDermott of Dallas for her generous support of the Dallas Museum of Art.

HR 667 was adopted.

HR 668 - ADOPTED
(by McCall)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 668**.

The motion prevailed.

The following resolution was laid before the house:

HR 668, Honoring Deedie and Rusty Rose on their significant contributions to the Dallas Museum of Art.

HR 668 was adopted.

HR 669 - ADOPTED
(by McCall)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 669**.

The motion prevailed.

The following resolution was laid before the house:

HR 669, Honoring Cindy and Howard Rachofsky for their significant contributions to the Dallas Museum of Art.

HR 669 was adopted.

HR 670 - ADOPTED
(by McCall)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 670**.

The motion prevailed.

The following resolution was laid before the house:

HR 670, Honoring Marguerite and Robert Hoffman for their significant contributions to the Dallas Museum of Art.

HR 670 was adopted.

HR 806 - ADOPTED
(by W. Smith)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 806**.

The motion prevailed.

The following resolution was laid before the house:

HR 806, Honoring Elizabeth Stone of Baytown on her 92nd birthday.

HR 806 was adopted.

HR 815 - ADOPTED

(by J. Jones)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 815**.

The motion prevailed.

The following resolution was laid before the house:

HR 815, Honoring Ezell C. Brown Rhodes on the occasion of her 80th birthday.

HR 815 was adopted.

HR 816 - ADOPTED

(by Dutton)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 816**.

The motion prevailed.

The following resolution was laid before the house:

HR 816, Honoring the Reverend Murphy Simon on his second pastoral anniversary with First St. Mark Baptist Church of Houston.

HR 816 was adopted.

HR 594 - ADOPTED

(by Dukes)

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 594**.

The motion prevailed.

The following resolution was laid before the house:

HR 594, Honoring the organizers and participants in the Young Women of Destiny program.

HR 594 was adopted.

HR 794 - ADOPTED

(by Martinez)

Representative Martinez moved to suspend all necessary rules to take up and consider at this time **HR 794**.

The motion prevailed.

The following resolution was laid before the house:

HR 794, Honoring Jesse Marines of Weslaco High School on winning a silver medal at the 2005 UIL State Wrestling Championships.

HR 794 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Martinez who introduced Jesse Marines and his family.

LEAVE OF ABSENCE GRANTED

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

Elkins on motion of Kuempel.

HR 798 - ADOPTED

(by Woolley)

Representative Woolley moved to suspend all necessary rules to take up and consider at this time **HR 798**.

The motion prevailed.

The following resolution was laid before the house:

HR 798, Honoring State Representative Dianne White Delisi on her receipt of the 2005 American Medical Association's Dr. Nathan Davis Award.

HR 798 was read and was adopted.

On motion of Representative Hamric, the names of all the members of the house were added to **HR 798** as signers thereof.

(Edwards in the chair)

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. 3).

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 275 (by Kolkhorst), Congratulating Kelly Kaminski of Bellville on winning the barrel-racing championship at the National Finals Rodeo.

HR 464 (by Gonzalez Tourelles), Recognizing February 28, 2005, as McMullen County Day at the State Capitol.

HR 569 (by Chavez), Congratulating Lisa and Major Jason Barnett of Fort Bliss on their beautiful family and commending them for their inspirational humanitarianism.

HR 573 was previously adopted.

HR 576 (by Anchia), Commending Roxan Simms Staff of Dallas for her accomplishments.

HR 581 (by Gonzales), Honoring Mayor Leo Montalvo of McAllen for his years of service to his community.

HR 582 (by Gonzales), Congratulating H. F. "Jackie" Dyer on his retirement as superintendent of Mission CISD.

HR 583 (by Madden), Congratulating the Prestonwood Christian Academy girls' volleyball team on winning the TAPPS 5A state championship.

HR 586 (by Geren), Congratulating the Texas House staff team on its win in the 12th Capitol Cup football game.

HR 587 was previously adopted.

HR 589 (by J. Jones), Recognizing the African American Texas state legislators and constitutional delegates of 1868-1900 for their courage and public service.

HR 594 was previously adopted.

HR 595 (by Farabee), Honoring the recent restoration of the Marchman Hotel in Wichita Falls.

HR 600 was withdrawn.

HR 603 (by Gallego), Honoring John A. Sheedy IV on being named Del Rio's Firefighter of the Year.

HR 606 (by Gallego), Congratulating Joey De Luna on being named the 2004 Firefighter of the Year by the Val Verde County Rural Volunteer Fire Department.

HR 607 (by Gallego), Honoring the International Good Neighbor Council on its 50th anniversary.

HR 609 (by Gallego), Honoring Claudio and Edelmira Sotelo of Del Rio on the occasion of their 50th wedding anniversary.

HR 610 (by Gallego), Paying tribute to the San Felipe Del Rio Veterans Honor Guard.

HR 612 (by Hardcastle), Congratulating Tom Moorhouse of Benjamin, Texas, on his induction into the Cowboy Hall of Fame.

HR 613 (by Hardcastle), Commemorating the Great Western Trail.

HR 614 (by Baxter), Congratulating Ro Parra of Austin on his horse being named the Texas Champion 2-Year-Old Filly.

HR 617 (by Martinez), Congratulating Veterans Middle School students Carlos and Amanda Valdez of Donna on qualifying for the regional spelling bee.

HR 621 (by Martinez), Honoring David Carr and Irma Lopez on the opening of Tastee Temptations bakery in Pharr.

HR 623 (by Hegar), Honoring Dr. Alfred N. Poindexter of Houston on the occasion of his retirement from Prairie View A&M University.

HR 624 (by R. Allen), Honoring Vernon and Ruthe Jackson of Grand Prairie on their 60th wedding anniversary.

HR 625 (by Martinez), Honoring Olga H. Maldonado on being named chief of police of the city of Mercedes.

HR 627 (by B. Cook), Honoring the Texas Thoroughbred Association for its promotion of responsible ownership of Thoroughbreds.

HR 628 (by B. Cook), Honoring Steve and Caroline Hicks of Cedarcrest Farm in Palestine on Capote's Prospect being named the leading third-crop sire in Texas for 2004.

HR 629 (by Harper-Brown), Honoring James Spriggs of Irving on his retirement as president of the Greater Irving-Las Colinas Chamber of Commerce.

HR 631 (by Hodge), Honoring the James Madison High School Trojans football team on its outstanding season.

HR 634 (by Hughes), Honoring Kelly Jordan of Mineola on winning the 2005 Wal-Mart FLW Tour season opener.

HR 635 (by Hughes), Honoring Chesley and Iris Tipton of Big Sandy on the occasion of their 65th wedding anniversary.

HR 636 (by Truitt), Congratulating the Carroll High School football team for winning the UIL Class 5A State Championship and for being named the national high school football champions.

HR 639 (by J. Jones and Giddings), Congratulating Betty Culbreath-Lister on earning the Weselene Wiley Inspirational Award for Lifetime Achievement.

HR 640 (by Martinez), Honoring Georgina Guerrero on being named Miss Mercedes for 2005.

HR 641 (by J. Jones, Alonzo, Anchia, Y. Davis, and Giddings), Honoring State Representative Terri Hodge on her receipt of the 2005 Spirit of the Centennial Award from the Friends of Fair Park.

HR 643 (by Gonzales), Honoring Mayor Pro Tem Carlos I. Garza for his contributions to the city of McAllen.

HR 646 (by Gonzalez Toureilles), Congratulating Rick Del Bosque of Alice on receiving an MLK Humanitarian Award presented by the mayor of Alice.

HR 649 (by Gonzalez Toureilles), Congratulating Newell W. Atkinson III of Alice on his receipt of an MLK Humanitarian Award presented by the mayor of Alice.

HR 650 (by Gonzalez Toureilles), Congratulating Celia Barrera of Alice on her receipt of an MLK Humanitarian Award presented by the mayor of Alice.

HR 651 (by Gallego), Honoring Joe E. Dueñez, Richard D. Urban, Jr., and Bobby White for their courageous actions.

HR 652 was withdrawn.

HR 655 (by Gallego), Commemorating the restoration of the Val Verde County Courthouse.

HR 656 (by Gallego), Honoring Joni M. Jordan of Del Rio on her receipt of the U.S. Air Force Distinguished Employment Opportunity Award.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HCR 89 (by Grusendorf), In memory of President Ronald Wilson Reagan.

HR 572 (by Anderson), In memory of Hazel Whitlow Hobbs of Waco.

HR 575 (by Hilderbran), In memory of former Kerr County Judge William Gillespie Stacy, Jr.

HR 579 was withdrawn.

HR 590 (by J. Jones), In memory of William Frederick Kennedy, Sr., of Dallas.

HR 596 (by B. Cook), In memory of Clyde E. Johnson, Sr., of Corsicana.

HR 598 (by Hopson), In memory of Lena Robertson.

HR 601 (by Gallego), In memory of Dr. Roberto Antonio Cuellar of Del Rio.

HR 602 (by Gallego), In memory of James "Jim" Murdoch of Del Rio.

HR 604 (by Gallego), In memory of Sidney "Sid" Walker Cowan, Jr., of Del Rio.

HR 605 (by Gallego), In memory of Roxie Bess Brockman Bradley of Del Rio.

HR 608 (by Gallego), In memory of Felix R. Barrera, Jr., of Del Rio.

HR 615 (by Baxter), Paying tribute to the life of Lieutenant Joseph Bonnell, hero of the Texas Revolution, and commemorating the placement of a historical marker at his grave site.

HR 632 (by Hodge), In memory of Anthony Wayne Howard of Gatesville.

HR 638 (by J. Jones), In memory of Theodore Wallace.

HR 642 (by Gonzales), In memory of James W. "Bill" Van Burkleo, Jr., of McAllen.

HR 647 (by Gonzalez Toureilles), Paying tribute to the late Walter Johnson of Alice on the presentation in his honor of an MLK Humanitarian Award from the mayor of Alice.

HR 648 (by Gonzalez Toureilles), Paying tribute to the late Virginia Vaughan of Alice on the presentation in her honor of an MLK Humanitarian Award from the mayor of Alice.

HR 653 (by Gallego), In memory of Maxine Haislip of Terlingua.

HR 654 (by Gallego), In memory of C. M. Kahl of Marfa.

HR 659 (by R. Cook), In memory of Charlyne Jo Stephens Spanihel of Eagle Lake.

The resolutions were unanimously adopted by a rising vote.

HR 770 - ADOPTED
(by Hochberg)

Representative Hochberg moved to suspend all necessary rules to take up and consider at this time **HR 770**.

The motion prevailed.

The following resolution was laid before the house:

HR 770, Commending the Southwest and North Texas Regions of the Anti-Defamation League for their continuing efforts to combat anti-Semitism and other forms of hatred, both domestically and internationally.

HR 770 was adopted.

(Speaker in the chair)

HR 766 - ADOPTED
(by Dukes)

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 766**.

The motion prevailed.

The following resolution was laid before the house:

HR 766, Honoring Cirque du Soleil on the occasion of its 20th anniversary and on its Austin performance of "Varekai".

HR 766 was read and was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 766** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Dukes who introduced performers from Cirque du Soleil and Jean-Jacques Pillet, the Artistic Coordinator. Mr. Pillet briefly addressed the house.

(Bonnen in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Baxter who introduced Purple Heart recipients Lance Corporal Luke Connally, Lance Corporal Justin Gower, and Sergeant Christoffer Apper.

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 47 ON THIRD READING**(by Keel)**

HB 47, A bill to be entitled An Act relating to imposing a civil penalty on a county that fails to make available to the public certain information with respect to an arrest or search warrant.

HB 47 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 76 ON THIRD READING**(by Hope, et al.)**

HB 76, A bill to be entitled An Act relating to the operation of a watercraft while intoxicated.

Amendment No. 1

Representative Isett offered the following amendment to **HB 76**:

Amend **HB 76** on third reading as follows:

(1) In amended Section 724.002, Transportation Code, strike "[~~powered with an engine having a manufacturer's rating of 50 horsepower or above~~]" and substitute "powered with an engine [~~having a manufacturer's rating of 50 horsepower or above~~]".

(2) Add the following sections to the bill, appropriately numbered, to read as follows, and renumber existing sections accordingly:

SECTION __. Section 724.032(b), Transportation Code, is amended to read as follows:

(b) The director must approve the form of the refusal report. The report must:

(1) show the grounds for the officer's belief that the person had been operating a motor vehicle or watercraft powered with an engine [~~having a manufacturer's rating of 50 horsepower or above~~] while intoxicated; and

(2) contain a copy of:

(A) the refusal statement requested under Section 724.031; or

(B) a statement signed by the officer that the person refused to:

(i) submit to the taking of the requested specimen; and

(ii) sign the requested statement under Section 724.031.

SECTION __. Section 724.042, Transportation Code, is amended to read as follows:

Sec. 724.042. ISSUES AT HEARING. The issues at a hearing under this subchapter are whether:

(1) reasonable suspicion or probable cause existed to stop or arrest the person;

(2) probable cause existed to believe that the person was:

(A) operating a motor vehicle in a public place while intoxicated;

or

(B) operating a watercraft powered with an engine [~~having a manufacturer's rating of 50 horsepower or above~~] while intoxicated;

(3) the person was placed under arrest by the officer and was requested to submit to the taking of a specimen; and

(4) the person refused to submit to the taking of a specimen on request of the officer.

(3) In the section of the bill containing the transitional provisions, strike Subsection (d) as added by Floor Amendment No. 1 by Isett, and substitute the following:

(d) Sections 724.002, 724.032, and 724.042, Transportation Code, as amended by this Act, apply only to a person arrested for an offense involving the operation of a motor vehicle or watercraft on or after September 1, 2005. A person arrested for an offense involving the operation of a motor vehicle or watercraft before September 1, 2005, is covered by the law in effect on the date of the person's arrest, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

A record vote was requested.

HB 76, as amended, was passed by (Record 125): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; 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; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; 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; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Elkins; Smithee.

Absent — Harper-Brown.

HB 86 ON THIRD READING
(by W. Smith and Kuempel)

HB 86, A bill to be entitled An Act relating to compliance histories for and incentives to reward compliance performance by entities regulated by the Texas Commission on Environmental Quality.

(Speaker in the chair)

A record vote was requested.

HB 86 was passed by (Record 126): 105 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dutton; Eiland; Eissler; Farabee; Flynn; Frost; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Edwards; Escobar; Farrar; Flores; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Herrero; Hodge; Jones, J.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Puente; Rodriguez; Solis; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Elkins; Smithee.

Absent — Hilderbran; Thompson; Turner.

HB 162 ON THIRD READING
(by McCall)

HB 162, A bill to be entitled An Act relating to notifying certain providers of emergency care of possible exposure to certain reportable diseases.

HB 162 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 269 ON THIRD READING
(by Keel, Casteel, Hupp, Hodge, Talton, et al.)

HB 269, A bill to be entitled An Act relating to the effect of an expunction.

HB 269 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 377 ON THIRD READING

(by Talton)

HB 377, A bill to be entitled An Act relating to the disclosure of certain information from an early voting roster; providing a penalty.

A record vote was requested.

HB 377 was passed by (Record 127): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; 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; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Elkins; Smithee.

Absent — Goodman; McReynolds.

HB 413 ON THIRD READING

(by Turner)

HB 413, A bill to be entitled An Act relating to the manner of providing notice of a petition or order for the expunction or nondisclosure of certain criminal records.

HB 413 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 633 ON THIRD READING
(by Kuempel, Bonnen, and Riddle)

HB 633, A bill to be entitled An Act relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.

HB 633 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 699 ON THIRD READING
(by McCall)

HB 699, A bill to be entitled An Act relating to prosecution and punishment of certain offenses relating to a driver's license or personal identification certificate.

HB 699 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 825 ON THIRD READING
(by Talton)

HB 825, A bill to be entitled An Act relating to the prosecution of the offense of interference with public duties.

HB 825 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 969 ON THIRD READING
(by Keel)

HB 969, A bill to be entitled An Act relating to court orders for discovery in a criminal case.

HB 969 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1044 ON THIRD READING
(by Eiland and W. Smith)

HB 1044, A bill to be entitled An Act relating to exceptions for certain overweight vehicles.

HB 1044 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1099 ON THIRD READING
(by Chavez, Castro, Solis, et al.)

HB 1099, A bill to be entitled An Act relating to migrant labor housing facilities.

HB 1099 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

HB 268 ON SECOND READING
(by Keel)

HB 268, A bill to be entitled An Act relating to the qualifications and appointment of counsel for indigent defendants in capital cases.

(Campbell in the chair)

Amendment No. 1 (Committee Amendment No. 1)

Representative Keel offered the following committee amendment to **HB 268**:

Amend **HB 268** as follows:

- (1) On page 2, line 24, strike "may" and substitute "shall".
- (2) On page 6, lines 14-15, strike "the 60th day after the effective date of this Act" and substitute "January 1, 2006".
- (3) On page 6, at the end of line 15, add the following:
"The Task Force on Indigent Defense shall prepare the list of qualified attorneys required by that section not later than March 1, 2006."
- (4) On page 6, lines 18 and 20-21, strike "the 75th day after the effective date of this Act" and substitute "May 1, 2006".
- (5) On page 6, lines 23-24, strike "the effective date of this Act" and substitute "that date".

Amendment No. 1 was adopted.

(Speaker in the chair)

Amendment No. 2

Representative Gallego offered the following amendment to **HB 268**:

Amend **HB 268** in SECTION 1 of the bill by striking line 21, page 1 through line 1, page 3, and substituting the following:

(d) The court of criminal appeals shall maintain and annually review a list of attorneys qualified for appointment under this section to ensure that the attorneys included on the list are suitably qualified and proficient to be eligible for appointment. The court shall determine whether an attorney is eligible for appointment on a case-by-case basis. The court shall consider the attorney's experience, past performance in capital and other cases, past disciplinary history with the State Bar of Texas, if any, and existing workload. The court shall remove an attorney from the list if the attorney is determined to be not eligible for appointment. An attorney is presumed to be ineligible for appointment if the attorney:

(1) has been previously found by a court to have rendered ineffective assistance of counsel;

(2) raises only claims that may not be heard in post-conviction proceedings; or

(3) fails to timely file a state or federal post-conviction application for writ of habeas corpus [adopt rules for the appointment of attorneys as counsel under this section and the convicting court may appoint an attorney as counsel under this section only if the appointment is approved by the court of criminal appeals in any manner provided by those rules].

(B. Cook in the chair)

Amendment No. 3

Representative Keel offered the following amendment to Amendment No. 2:

Amend the Gallego amendment to **HB 268** as follows:

(1) On page 1, line 3, strike "shall" and substitute "may [~~shall~~]".

(2) On page 1, line 7, strike "shall" and substitute "may".

(3) On page 1, line 8, strike "shall" and substitute "may".

(4) On page 1, line 11, strike "shall" and substitute "may".

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

A record vote was requested.

HB 268, as amended, was passed to engrossment by (Record 128): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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.(C); Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; 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; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Elkins; Smithee.

Absent — Seaman.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 128. I intended to vote no.

Burnam

I was shown voting yes on Record No. 128. I intended to vote no.

Farrar

HB 318 ON SECOND READING

(by Hupp, Isett, Bonnen, et al.)

HB 318, A bill to be entitled An Act relating to the confidentiality of certain records maintained by the Department of Public Safety regarding persons licensed to carry a concealed handgun.

A record vote was requested.

HB 318 was passed to engrossment by (Record 129): 114 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Cook, B.(C); Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Eissler; Farabee; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Coleman; Davis, Y.; Dukes; Edwards; Eiland; Escobar; Farrar; Flores; Gonzales; Herrero; Hodge; Jones, J.; Leibowitz; Martinez; McClendon; Moreno, J.; Naishtat; Noriega, M.; Olivo; Quintanilla; Rodriguez; Solis; Strama; Thompson; Uresti; Veasey.

Present, not voting — Mr. Speaker.

Absent, Excused — Elkins; Smithee.

Absent — Guillen; Moreno, P.; Solomons.

STATEMENTS OF VOTE

When Record No. 129 was taken, my vote failed to register. I would have voted yes.

Guillen

I was shown voting no on Record No. 129. I intended to vote yes.

Herrero

When Record No. 129 was taken, I was in the house but away from my desk. I would have voted yes.

Solomons

HB 414 ON SECOND READING (by Bailey)

HB 414, A bill to be entitled An Act relating to an injunction to prevent violations by automotive wrecking and salvage yards in certain counties.

Representative Bailey moved to postpone consideration of **HB 414** until 10 a.m. Wednesday, March 30.

The motion prevailed.

CSHB 535 ON SECOND READING (by Madden, Denny, et al.)

CSHB 535, A bill to be entitled An Act relating to the offense of using a sound amplification device near a polling place.

A record vote was requested.

CSHB 535 was passed to engrossment by (Record 130): 124 Yeas, 16 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Cook, B.(C); Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Eiland; Eissler; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzalez Tourelles; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; 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; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Alonzo; Anchia; Coleman; Dunnam; Dutton; Farrar; Gonzales; Guillen; Martinez Fischer; Moreno, J.; Naishtat; Olivo; Rodriguez; Solis; Uresti; Veasey.

Present, not voting — Mr. Speaker.

Absent, Excused — Elkins; Smithee.

Absent — Burnam; Chavez; Chisum; Edwards; Hope; Moreno, P.; Mowery.

STATEMENTS OF VOTE

I was shown voting no on Record No. 130. I intended to vote yes.

Anchia

I was shown voting yes on Record No. 130. I intended to vote no.

Castro

HB 708 ON SECOND READING (by Bonnen, et al.)

HB 708, A bill to be entitled An Act relating to the issuance of permits by the School Land Board authorizing continued use of certain structures on coastal public land.

A record vote was requested.

HB 708 was passed to engrossment by (Record 131): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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.(C); Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; 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.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman;

Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Elkins; Smithee.

Absent — Edwards; Moreno, P.

STATEMENT OF VOTE

I was shown voting yes on Record No. 131. I intended to vote no.

Burnam

HB 839 ON SECOND READING (by Riddle and Keel)

HB 839, A bill to be entitled An Act relating to the disposition of certain obscene material and child pornography.

Amendment No. 1

Representative Hochberg offered the following amendment to **HB 839**:

Amend **HB 839** (House Committee Printing) as follows:

(1) On page 5, line 7 add the following:

SECTION 2. Article 18.18, Code of Criminal Procedure, is amended by adding subsection (h) to read as follows:

"(h) No provider of an electronic communication service or of a remote computing service to the public shall be held liable for an offense involving obscene material or child pornography under this section on account of any action taken in good faith in providing that service."

(2) Renumber SECTIONS of the bill appropriately.

Amendment No. 1 was adopted.

A record vote was requested.

HB 839, as amended, was passed to engrossment by (Record 132): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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.(C); Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; 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; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Elkins; Smithee.

Absent — Driver.

HB 840 ON SECOND READING
(by Riddle, Keel, B. Cook, and Anchia)

HB 840, A bill to be entitled An Act relating to the forfeiture of contraband used to facilitate or intended to be used to facilitate the commission of certain criminal offenses.

Amendment No. 1

Representative Dutton offered the following amendment to **HB 840**:

Amend **HB 840** (house committee report) as follows:

- (1) On page 2, line 7, after "Penal Code;" strike "or" and substitute "[~~or~~]".
- (2) On page 2, line 9, at the end add the following:

"or

(iv) a misdemeanor under Section 43.02(a)(2), Penal Code, except that for the purpose of this subparagraph only, the property that constitutes contraband is a motor vehicle used in the commission of the offense;"

(3) On page 3, line 14, between "Act" and "applies", insert "in adding Article 59.01(2)(E), Code of Criminal Procedure,".

(4) Add the following SECTION, appropriately numbered, and renumber subsequent SECTIONS:

SECTION __. The change in law made by this Act in adding Article 59.01(2)(A)(iv), Code of Criminal Procedure, applies only to the forfeiture of contraband used in the commission of an offense under Section 43.02(a)(2), Penal Code, committed on or after the effective date of this Act. Forfeiture of contraband used in the commission of an offense under Section 43.02(a)(2), Penal Code, 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 is committed before the effective date of this Act if any element of the offense occurs before that date.

Amendment No. 1 was adopted.

A record vote was requested.

HB 840, as amended, was passed to engrossment by (Record 133): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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.(C); Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; 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; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Elkins; Smithee.

Absent — Noriega, M.; Villarreal.

HB 1284 ON SECOND READING
(by Swinford)

HB 1284, A bill to be entitled An Act relating to the exception from required public disclosure of a photograph of a peace officer.

Representative Swinford moved to postpone consideration of **HB 1284** until 10 a.m. Wednesday, March 30.

(Speaker in the chair)

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, 2 p.m. or upon adjournment Monday, March 21, E2.010, for a public hearing, to consider **HB 1116**, **HCR 63**, and other bills already posted at the regular meeting.

FIVE DAY POSTING RULE SUSPENDED

Representative McCall moved to suspend the five day posting rule to allow the Committee on Financial Institutions to consider **HB 1089**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Financial Institutions, 2 p.m. Monday, March 21, E2.012, for a public hearing, to consider **HB 1089**.

FIVE DAY POSTING RULE SUSPENDED

Representative Swinford moved to suspend the five day posting rule to allow the Committee on State Affairs to consider **HB 1116**, **HCR 63**, and other bills already posted at the regular meeting.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative J. Keffer requested permission for the Committee on Ways and Means to meet while the house is in session.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, during bill referral today, 3W.9, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, during bill referral today, Old Supreme Court Room, for a formal meeting, to consider the calendar.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Bonnen requested permission for the Committee on Environmental Regulation to meet while the house is in session.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Environmental Regulation, during bill referral today, 3N.4 Court of Criminal Appeals, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative P. King requested permission for the Committee on Regulated Industries to meet while the house is in session.

Permission to meet was granted.

FIVE DAY POSTING RULE SUSPENDED

Representative P. King moved to suspend the five day posting rule to allow the Committee on Regulated Industries to consider pending business.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Regulated Industries, during bill referral today, E1.010, for a public hearing.

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representative Reyna moved to suspend all necessary rules to set a congratulatory and memorial calendar for 10 a.m. Wednesday, March 23.

The motion prevailed.

**PROVIDING FOR A LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR**

Representative Reyna moved to suspend all necessary rules to set a local, consent, and resolutions calendar for 10 a.m. Wednesday, March 23.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Ritter requested permission for the Committee on Economic Development to meet while the house is in session.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Economic Development, during bill referral today, E2.020, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hartnett requested permission for the Committee on Judiciary to meet while the house is in session during bill referral today in 1W.14 for a formal meeting.

Permission to meet was granted.

FIVE DAY POSTING RULE SUSPENDED

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judiciary to consider **HCR 88**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary, 2 p.m. or upon final adjournment Monday, March 21, E2.028, for a public hearing, to consider **HCR 88**.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hupp requested permission for the Committee on Human Services to meet while the house is in session during bill referral today in E1.026 to consider pending business in a public hearing.

Permission to meet was granted.

MOTION TO ADD NAMES

On motion of Representative Gallego, the names of all the members of the house were added to **HR 601-HR 610**, **HR 651**, and **HR 653-HR 656** as signers thereof.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Keel requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, during bill referral today, E2.036, for a formal meeting, to consider pending business and **HB 752**.

PROVIDING FOR ADJOURNMENT

Representative Chavez moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, March 21 in memory of Gary Del Palacio of El Paso.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES CORRECTIONS IN REFERRAL

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. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Chavez in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 1:05 p.m., adjourned until 10 a.m. Monday, March 21.

ADDENDUM

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 2285 (By Taylor), Relating to an interim study regarding the statutory duties imposed on victim assistance coordinators and crime victim liaisons and the existence of, need for, and cost of training for those individuals.

To Criminal Jurisprudence.

HB 2717 (By Swinford), Relating to the governor's study of emerging technology and economic development.

To Economic Development.

HB 2774 (By Isett), Relating to the purposes for which the system benefit fund may be used.

To Appropriations.

HB 2825 (By Chavez), Relating to the provision of state death benefits to certain federal law enforcement officers and special agents who assist state and local law enforcement agencies in this state.

To Pensions and Investments.

HB 2826 (By Truitt), Relating to frivolous or bad-faith complaints filed with the Texas Ethics Commission.

To Elections.

HB 2827 (By Hamric), Relating to the numbering of emergency services districts converted from rural fire prevention districts.

To County Affairs.

HB 2828 (By Hamric), Relating to the powers and duties of a navigation district or port authority.

To Transportation.

HB 2829 (By Hamric), Relating to audits of and financial statements for emergency services districts.

To County Affairs.

HB 2830 (By Vo), Relating to regulating the use and disclosure of social security numbers by school districts and institutions of higher education.

To State Affairs.

HB 2831 (By Herrero), Relating to social security coverage for employees of public school districts.

To Public Education.

HB 2832 (By R. Cook), Relating to the authority of a municipality to enforce a water pollution control and abatement program and establish standards and practices for water quality.

To Environmental Regulation.

HB 2833 (By R. Cook), Relating to regulatory takings.

To Land and Resource Management.

HB 2834 (By R. Allen), Relating to various powers, duties, and procedures of county government.

To County Affairs.

HB 2835 (By R. Allen), Relating to the purchasing and contracting authority of commissaries operated by sheriffs.

To County Affairs.

HB 2836 (By R. Allen), Relating to the delivery of beer by a holder of a brewpub license.

To Licensing and Administrative Procedures.

HB 2837 (By R. Allen), Relating to the state's activities regarding the education, vocational training, and reintegration of offenders.

To Corrections.

HB 2838 (By R. Allen), Relating to the creation of a prison diversion pilot program.

To Corrections.

HB 2839 (By R. Allen), Relating to the participation of state and county inmates in the production of certain goods and the provision of certain services.

To Corrections.

HB 2840 (By Chisum), Relating to the regulation of dogs; establishing a defense to prosecution; limiting liability.

To State Affairs.

HB 2841 (By Chisum), Relating to the exemption from the sales and use tax for gas and electricity used in manufacturing and processing.

To Ways and Means.

HB 2842 (By Chisum), Relating to the criminal penalty for providing false information to outside auditors.

To State Affairs.

HB 2843 (By Chisum), Relating to required participation by certain counties in the vehicle emissions inspection and maintenance program.

To Environmental Regulation.

HB 2844 (By Chisum), Relating to authorizing the Texas Department of Public Safety to enter into contracts for the periodic reporting of certain information in the department's driver's license files to certain other persons.

To Insurance.

HB 2845 (By Chisum), Relating to the Childress County Hospital District.

To County Affairs.

HB 2846 (By Olivo), Relating to the certification by a manufacturer of certain on-site sewage disposal systems of a person to maintain or provide training in maintenance of the system.

To Environmental Regulation.

HB 2847 (By Olivo), Relating to training for school resource officers and school district peace officers.

To Public Education.

HB 2848 (By Olivo), Relating to the creation of a sheriff's department civil service system in certain counties.

To County Affairs.

HB 2849 (By Uresti), Relating to requiring dental support for a child.

To Juvenile Justice and Family Issues.

HB 2850 (By Uresti), Relating to establishing a pilot program to provide nutritional supplements and products to certain elderly persons.

To Government Reform.

HB 2851 (By Uresti), Relating to access to records maintained by the Department of Family and Protective Services.

To Human Services.

HB 2852 (By Uresti), Relating to the creation and use of certain certificates issued for completion of approved driver safety courses.

To Transportation.

HB 2853 (By Uresti), Relating to pretrial diversion programs.

To Criminal Jurisprudence.

HB 2854 (By Uresti, Solis, Miller, and Callegari), Relating to the creation of an office of inspector general at certain state agencies.

To State Affairs.

HB 2855 (By Uresti), Relating to the Texas Building and Procurement Commission's contracts with travel agencies.

To Government Reform.

HB 2856 (By Uresti), Relating to the repeal of the regulation of career counseling services.

To Licensing and Administrative Procedures.

HB 2857 (By Uresti), Relating to increasing certain new construction energy efficiency standards and reducing the consumption of natural resources.

To Environmental Regulation.

HB 2858 (By Uresti), Relating to public school staff development requirements for teachers.

To Public Education.

HB 2859 (By Uresti), Relating to student codes of conduct and school discipline.

To Public Education.

HB 2860 (By Uresti), Relating to the creation and implementation of performance measures for the purpose of evaluating state agencies.

To Government Reform.

HB 2861 (By Uresti), Relating to requiring criminal district court approval before counsel in a noncapital indigent defense case incurs certain expenses.

To Criminal Jurisprudence.

HB 2862 (By Chisum), Relating to the regulation of a poultry operation that does not use a liquid waste handling system.

To Environmental Regulation.

HB 2863 (By Chisum), Relating to the certification of compliance with existing requirements by metal recycling entities.

To Licensing and Administrative Procedures.

HB 2864 (By Luna), Relating to the use of sales tax revenue to pay or secure certain municipal public securities.

To Local Government Ways and Means.

HB 2865 (By Bailey), Relating to the termination or suspension of deputy constables in certain counties upon the election or appointment of a constable or the death of a constable.

To County Affairs.

HB 2866 (By Bailey), Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms of employment of certain municipal employees.

To Urban Affairs.

HB 2867 (By Gattis), Relating to the effect of electronic or original signatures in certain documents.

To Business and Industry.

HB 2868 (By Frost), Relating to civil liability for provision of alcohol to a minor.

To Civil Practices.

HB 2869 (By Farabee), Relating to the reapportionment of state legislative, congressional, and judicial districts and the creation, function, and duties of the Texas Redistricting Commission.

To Redistricting.

HB 2870 (By Smithee), Relating to regulation of rates and forms used to write guaranty bonds.

To Insurance.

HB 2871 (By Smithee), Relating to rates for certain insurance within certain rating territories.

To Insurance.

HB 2872 (By Smithee), Relating to the applicability of certain insurance laws to multi-peril insurance policies.

To Insurance.

HB 2873 (By Solis), Relating to court reporters and court reporting firms.

To Judiciary.

HB 2874 (By Solis), Relating to regional and state dental services advisory committees under the Medicaid program.

To Public Health.

HB 2875 (By Solis), Relating to a statutory probate court judge's authority to transfer certain proceedings from another court to the statutory probate court.

To Judiciary.

HB 2876 (By Callegari), Relating to certificates of public convenience and necessity for water service and sewer service.

To Natural Resources.

HB 2877 (By B. Keffer), Relating to public education.

To Public Education.

HB 2878 (By B. Keffer), Relating to the premium surcharges applicable to and renewal of residential property insurance policies.

To Insurance.

HB 2879 (By B. Keffer), Relating to insurance requirements for certain amusement rides.

To Insurance.

HB 2880 (By B. Keffer), Relating to the remedy provided for failure to disclose certain information in certain residential construction transactions.

To State Affairs.

HB 2881 (By B. Keffer), Relating to remedies for environmental injuries caused by oil- and gas-related activities under the jurisdiction of the Railroad Commission of Texas.

To Energy Resources.

HB 2882 (By Chisum), Relating to the functions and continuation of the state's urban and rural housing and community affairs programs; the Texas Department of Housing and Community Affairs; the Texas State Affordable Housing Corporation; and the Office of Rural Community Affairs.

To Urban Affairs.

HB 2883 (By Smithee), Relating to Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

To Insurance.

HB 2884 (By Luna), Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.
To Appropriations.

HB 2885 (By Giddings), Relating to an arrest warrant or complaint for the issuance of a bad check.
To Criminal Jurisprudence.

HB 2886 (By J. Keffer), Relating to the protection of water quality in watersheds threatened by quarry activities; establishing a pilot program; providing a penalty.
To Environmental Regulation.

HB 2887 (By Flores), Relating to the regulation of metal recycling facilities by the Texas Department of Licensing and Regulation; providing penalties.
To Environmental Regulation.

HB 2888 (By Flores), Relating to the licensing examination for stewards or judges licensed by the Texas Racing Commission.
To Licensing and Administrative Procedures.

HB 2889 (By Coleman), Relating to the governing board and territory of certain metropolitan rapid transit authorities.
To Transportation.

HB 2890 (By Hartnett), Relating to the provision of voice communications in Texas.
To Regulated Industries.

HB 2891 (By Oliveira), Relating to the continuation of the law authorizing the issuance of oversize or overweight vehicle permits by certain port authorities.
To Transportation.

HB 2892 (By Luna), Relating to conditions of employment for firefighters employed by certain municipalities.
To Urban Affairs.

HB 2893 (By Phillips), Relating to a motor vehicle liability insurance compliance program; providing civil and criminal penalties.
To Transportation.

HB 2894 (By Phillips), Relating to the marketing and sale of certain license plates by a private vendor.
To Transportation.

HB 2895 (By Phillips), Relating to the recovery of certain costs associated with certain civil suits by the Parks and Wildlife Department.
To Culture, Recreation, and Tourism.

HB 2896 (By Phillips), Relating to the regulation and recycling of scrap metal components by the Texas Department of Transportation; providing penalties.
To Environmental Regulation.

HB 2897 (By Oliveira), Relating to the establishment of an all-terrain vehicle trail and recreational area program; providing a penalty.

To Culture, Recreation, and Tourism.

HB 2898 (By Oliveira), Relating to allocations involving excluded irrigation land in certain counties.

To Natural Resources.

HB 2899 (By Giddings), Relating to requiring a financial institution to notify check verification entities when a customer reports checks stolen; providing a civil penalty.

To Business and Industry.

HB 2900 (By Hilderbran), Relating to the eligibility of certain persons for burial in the state cemetery.

To Culture, Recreation, and Tourism.

HB 2901 (By Hilderbran), Relating to the possession of white-tailed deer or mule deer for the purpose of sale, purchase, transfer, propagation or liberation under terms of a permit; providing a penalty.

To Culture, Recreation, and Tourism.

HB 2902 (By Hilderbran), Relating to the historic courthouse preservation program.

To Culture, Recreation, and Tourism.

HB 2903 (By Hilderbran), Relating to the development of bicycle tourism trails in this state.

To Culture, Recreation, and Tourism.

HB 2904 (By Haggerty), Relating to the eligibility of certain inmates of the Texas Department of Criminal Justice for medically recommended intensive supervision.

To Corrections.

HB 2905 (By Haggerty), Relating to the usage of plumbing controls in correctional facilities in the Texas Department of Criminal Justice.

To Corrections.

HB 2906 (By Haggerty), Relating to surety bonds for the electronic monitoring of criminal defendants.

To Criminal Jurisprudence.

HB 2907 (By Chisum), Relating to the protection of life, including unborn life, from the point of conception; providing penalties.

To State Affairs.

HB 2908 (By Casteel), Relating to the administration and operation of the Fleet Admiral Chester W. Nimitz Memorial Naval Museum.

To Culture, Recreation, and Tourism.

HB 2909 (By J. Davis), Relating to providing the Commissioner of Insurance the authority to establish a voluntary joint underwriting association when a bond or insurance is not reasonably available.

To Insurance.

HB 2910 (By J. Davis), Relating to limiting the inspection of and the public disclosure or release of certain autopsy reports held by a justice of the peace or a medical examiner.

To Law Enforcement.

HB 2911 (By J. Davis), Relating to the issuance of certain court orders to protect victims of family violence.

To Criminal Jurisprudence.

HB 2912 (By J. Davis), Relating to the performance of certain professional activities of dietitians acting under medical orders.

To Public Health.

HB 2913 (By Luna), Relating to the jurisdiction of the district courts in Nueces County to receive guilty pleas in and dispose of certain misdemeanor cases.

To Judiciary.

HB 2914 (By Puente), Relating to requirements and permits for irrigation systems.

To Natural Resources.

HB 2915 (By Puente), Relating to the designation of river basins by the Texas Water Development Board.

To Natural Resources.

HB 2916 (By Puente), Relating to enforcement of local regulation regarding minimum acreage for installation of septic systems.

To Environmental Regulation.

HB 2917 (By Kuempel), Relating to the collection and expenditure of county fees for child safety.

To Transportation.

HB 2918 (By Kuempel), Relating to resumption of employment within the Texas Municipal Retirement System by a person who has filed an application for retirement.

To Pensions and Investments.

HB 2919 (By Kuempel), Relating to Texas Cancer Registry data use fees and cost recovery procedures and penalties for failure to furnish required data to the Registry.

To Public Health.

HB 2920 (By Kuempel), Relating to the regulatory authority of groundwater conservation districts, underground water conservation districts, and other districts and authorities authorized to regulate the spacing of water wells, the production from water wells, or both.

To Natural Resources.

HB 2921 (By Pitts), Relating to the condemnation of certain property for railroad purposes.

To Land and Resource Management.

HB 2922 (By Elkins), Relating to a deceptive trade practice of taking advantage of a disaster or abnormal disruption of the market.

To Business and Industry.

HB 2923 (By Elkins), Relating to manufactured housing.

To Financial Institutions.

HB 2924 (By Elkins), Relating to the seizure and sale of property pursuant to an ad valorem tax warrant.

To Local Government Ways and Means.

HB 2925 (By Elkins), Relating to the purchases and use of cross-platform software by state agencies.

To State Affairs.

HB 2926 (By Hamric), Relating to the procedure for listing property in the appraisal records following certain ad valorem tax sales.

To Local Government Ways and Means.

HB 2927 (By Kolkhorst), Relating to requiring the licensing of resellers of certified seed; imposing a criminal penalty.

To Agriculture and Livestock.

HB 2928 (By Kolkhorst), Relating to projects that may be undertaken by or supported by the tax proceeds of certain development corporations.

To Local Government Ways and Means.

HB 2929 (By T. Smith), Relating to the payment of fines, court costs, and restitution imposed on a defendant in a criminal case.

To Criminal Jurisprudence.

HB 2930 (By Deshotel), Relating to an age limitation on children engaged in the performance of duties related to a paper route.

To Business and Industry.

HB 2931 (By Delisi), Relating to the authority of a municipality that includes or is near a defense base to issue bonds for facilities to be leased to the federal government.

To Defense Affairs and State-Federal Relations.

HB 2932 (By Delisi), Relating to requiring state agency purchasing personnel to disclose certain family relationships with business entities receiving state agency contracts.

To State Affairs.

HB 2933 (By Delisi), Relating to standards of conduct for and conflicts of interest of state officers and employees.

To State Affairs.

HB 2934 (By Burnam), Relating to the authority of the attorney general to enforce certain environmental matters.

To Environmental Regulation.

HB 2935 (By Strama), Relating to assigning a mentor teacher to a first year classroom teacher.

To Public Education.

HB 2936 (By Strama), Relating to prohibiting the sale or distribution of certain cigarettes; providing penalties.

To Public Health.

HB 2937 (By Strama), Relating to limits on political contributions and expenditures in connection with certain legislative and executive offices; providing civil and criminal penalties.

To Elections.

HB 2938 (By Hilderbran), Relating to the designation and duties of the state historian.

To Culture, Recreation, and Tourism.

HB 2939 (By Hilderbran), Relating to the assumption of road district powers by certain conservation and reclamation districts.

To Natural Resources.

HB 2940 (By Hilderbran), Relating to stamps for migratory and upland game bird hunting.

To Culture, Recreation, and Tourism.

HB 2941 (By Eiland), Relating to the compensation of insurance agents.

To Insurance.

HB 2942 (By Eiland), Relating to fees for licenses issued by the Texas Parks and Wildlife Department.

To Culture, Recreation, and Tourism.

HB 2943 (By Eiland), Relating to electric utility employee pension and other post retirement benefit expense.

To Pensions and Investments.

HB 2944 (By Eiland), Relating to prohibiting rebates regarding certain insurance coverage.

To Insurance.

HB 2945 (By Eiland), Relating to participation in the optional retirement program by certain employees of institutions of higher education.

To Pensions and Investments.

HB 2946 (By Eiland), Relating to efforts by coastal counties to mitigate coastal erosion and improve public access to public beaches; authorizing the issuance of bonds by coastal counties.

To Land and Resource Management.

HB 2947 (By Eiland), Relating to the compensation of insurance agents.

To Insurance.

HB 2948 (By Swinford), Relating to human cloning and the protection of certain research; providing penalties.

To State Affairs.

HB 2949 (By Geren), Relating to the authority of the Texas Commission on Environmental Quality to issue an emergency order authorizing certain action in the event of a catastrophe.

To Environmental Regulation.

HB 2950 (By Geren), Relating to the regulation of outdoor advertising and the establishment of a scenic byways program.

To Culture, Recreation, and Tourism.

HB 2951 (By Geren), Relating to dessert wines.

To Licensing and Administrative Procedures.

HB 2952 (By Kolkhorst), Relating to requirements for the residence of an emergency medical services medical director.

To Public Health.

HB 2953 (By Kolkhorst), Relating to the identification of public school students through the use of radio frequency identification technology.

To Public Education.

HB 2954 (By Hamric), Relating to the creation of a film industry incentive program.

To Culture, Recreation, and Tourism.

HB 2955 (By Hamric), Relating to the operation of a motor vehicle.

To Transportation.

HB 2956 (By Hamric), Relating to filing requirements for certain candidates for the board of trustees of a junior college district.

To Higher Education.

HB 2957 (By Hamric), Relating to an exemption from the competitive bidding requirement for the purchase of vehicle fuel by an emergency services district.

To County Affairs.

HB 2958 (By Hamric), Relating to the creation of freight rail districts; granting authority to issue bonds or other similar obligations to create public debt; granting the power of eminent domain.

To Transportation.

HB 2959 (By Paxton), Relating to the use of federal child care and development block grant funds by local workforce development boards.

To Economic Development.

HB 2960 (By Paxton), Relating to the abolition of the work and family policies advisory committee, work and family policies fund, and certain requirements for the Texas Workforce Commission's administration of federally established day-care programs.

To Economic Development.

HB 2961 (By Paxton), Relating to the repeal of certain requirements for the Texas Workforce Commission's administration of federally established day-care programs.

To Economic Development.

HB 2962 (By Paxton), Relating to the abolition of the work and family policies advisory committee and the work and family policies fund.

To Economic Development.

HB 2963 (By Coleman), Relating to removal of corneal tissue from a decedent; providing penalties.

To Public Health.

HB 2964 (By Mowery), Relating to the transfer of extraterritorial jurisdiction among municipalities.

To Land and Resource Management.

HB 2965 (By Seaman), Relating to insurance premium finance agreements.

To Insurance.

HB 2966 (By Seaman), Relating to the criminal penalty for violating certain statutes enforceable by, or ordinances, rules, or regulations of, navigation districts or port authorities.

To Transportation.

HB 2967 (By Martinez), Relating to the transportation of certain mental health patients.

To Human Services.

HB 2968 (By Martinez), Relating to reimbursement for medications administered to Medicaid recipients receiving emergency medical services.

To Public Health.

HB 2969 (By Menendez), Relating to the disclosure of certain information from an early voting roster.

To Elections.

HB 2970 (By Eissler), Relating to certain health coverage under the Texas Employees Group Benefits Act.

To Pensions and Investments.

HB 2971 (By Eissler), Relating to health coverage or compensation supplementation for certain education employees.

To Pensions and Investments.

HB 2972 (By Eissler), Relating to the exception from the hotel occupancy tax for a permanent resident.

To Ways and Means.

HB 2973 (By Hegar), Relating to eligibility for benefit replacement pay.

To State Affairs.

HB 2974 (By Hegar), Relating to membership in the Employees Retirement System of Texas.

To Pensions and Investments.

HB 2975 (By Hegar), Relating to the waiting period for eligibility for membership in the Teacher Retirement System of Texas.

To Pensions and Investments.

HB 2976 (By Hegar), Relating to the benefits and compensation of retired state employees who return to state employment.

To Pensions and Investments.

HB 2977 (By Gonzales), Relating to the creation of an alternative system for direct filing of charges against persons who have been arrested.

To Judiciary.

HB 2978 (By Goolsby), Relating to the procedures required for a governmental entity to perform construction-related work on facilities under the construction manager-agent method.

To Urban Affairs.

HB 2979 (By Goolsby), Relating to a study regarding school facilities and the feasibility of developing model plans for school facilities.

To Public Education.

HB 2980 (By West), Relating to incentives for operators to assume regulatory responsibility for orphaned oil or gas wells; providing penalties.

To Energy Resources.

HB 2981 (By Taylor), Relating to the misuse of the name of the Texas Workers' Compensation Commission; providing penalties.

To Business and Industry.

HB 2982 (By West), Relating to the transfer of the regulation of injection wells used for in situ uranium mining from the Texas Commission on Environmental Quality to the Railroad Commission of Texas.

To Energy Resources.

HB 2983 (By West), Relating to encouraging production from gas and oil wells.

To Energy Resources.

HB 2984 (By West), Relating to the composition and use of money in the oil-field cleanup fund.

To Energy Resources.

HB 2985 (By Thompson), Relating to requirements for type size of provisions of a contractual agreement; providing a civil penalty.

To Business and Industry.

HB 2986 (By West), Relating to the informal resolution of certain proceedings conducted by the Railroad Commission of Texas.

To Energy Resources.

HB 2987 (By Nixon), Relating to funding advanced in connection with a lawsuit that is at a rate above the usurious interest prohibition.

To Civil Practices.

HB 2988 (By Nixon), Relating to waiver of sovereign immunity.

To Civil Practices.

HB 2989 (By Nixon), Relating to the applicability of limitations provisions for governmental entities.

To Civil Practices.

HB 2990 (By Nixon), Relating to the immunity of certain governmental entities from suits arising under certain contracts.

To Civil Practices.

HB 2991 (By W. Smith), Relating to circumstances under which an executory contract for conveyance is prohibited.

To Business and Industry.

HB 2992 (By Hamilton), Relating to judicial discretion to impose certain conditions of community supervision or to order a sentence executed.

To Criminal Jurisprudence.

HB 2994 (By Kuempel), Relating to petition requirements for ordering a local option election to legalize or prohibit the sale of alcoholic beverages.

To Licensing and Administrative Procedures.

HB 2995 (By T. King), Relating to staff leasing services licenseholders as persons who may obtain a mechanic's lien on real property or perfect a claim against a statutory payment bond.

To Business and Industry.

HB 2996 (By Hochberg), Relating to the statewide plan for delivery of services to public school students with disabilities and resources for teachers of students with special health needs.

To Public Education.

HB 2997 (By Morrison, et al.), Relating to the reporting of abortion; creating an offense.

To Public Health.

HB 2998 (By Hupp), Relating to certain costs, fees, and expenses that may be imposed on a motor carrier for certain violations on a recommendation by an administrative law judge.

To Transportation.

HB 2999 (By Morrison), Relating to contracts between hospitals and preferred provider benefit plan issuers.

To Insurance.

HB 3000 (By Morrison), Relating to the TEXAS grant and Texas B-On-time loan financial assistance programs for students in higher education.

To Higher Education.

HB 3001 (By Morrison), Relating to the amount of the annual constitutional appropriation to certain agencies and institutions of higher education and to the allocation of those funds to those agencies and institutions.

To Higher Education.

HB 3002 (By Hegar), Relating to the revocation of certain waste-related permits issued by the Texas Commission on Environmental Quality.

To Environmental Regulation.

HB 3003 (By Zedler), Relating to the authority of a dental hygienist to prescribe and administer fluoride varnish.

To Public Health.

HB 3004 (By Zedler), Relating to the regulation of owners, operators, employees, and independent contractors of sexually oriented businesses; providing penalties.

To Licensing and Administrative Procedures.

HB 3005 (By Zedler), Relating to providing incentives to recruit and retain professional nursing program faculty.

To Higher Education.

HB 3006 (By Hilderbran), Relating to certain requirements and limitations relating to a person's age, school attendance, marital status, residency, and relations by consanguinity and affinity; providing criminal penalties.

To Juvenile Justice and Family Issues.

HB 3007 (By Pickett), Relating to the eligibility of certain counties for Texas emissions reduction plan grants.

To Environmental Regulation.

HB 3008 (By Pickett), Relating to the amount of longevity and hazardous duty pay for certain state employees.

To Appropriations.

HB 3009 (By Grusendorf), Relating to certification of educators.

To Public Education.

HB 3010 (By Grusendorf), Relating to failure to attend school proceedings in justice or municipal court.

To Criminal Jurisprudence.

HB 3011 (By Branch), Relating to authorizing the issuance of revenue bonds for The University of Texas at Dallas.

To Higher Education.

HB 3012 (By Grusendorf), Relating to public education investment capital fund.

To Public Education.

HB 3013 (By Casteel), Relating to the methods and fees for filing court documents.

To Judiciary.

HB 3014 (By A. Allen), Relating to the use of local public junior colleges to provide training to state agency employees.

To Higher Education.

HB 3015 (By Hill and Hodge), Relating to next of kin for purposes of making funeral arrangements.

To Public Health.

HB 3016 (By Hill), Relating to the treatment for ad valorem tax purposes of certain drugs and medicines located in this state for a temporary period.

To Ways and Means.

HB 3017 (By Orr), Relating to the procedure for initiating and the award of certain costs in eminent domain proceedings.

To Land and Resource Management.

HB 3018 (By Orr), Relating to penalties for repeat and habitual felony offenders.

To Criminal Jurisprudence.

HB 3019 (By Hochberg), Relating to requiring a majority vote in certain elections.

To Public Education.

HB 3020 (By Phillips), Relating to local government authorization of charitable solicitation by a pedestrian.

To Transportation.

HB 3021 (By Flynn), Relating to the comptroller's electronic funds transfer system and the use of electronic paycards.

To Government Reform.

HB 3022 (By Flynn), Relating to the sales tax information the comptroller must provide certain counties on request.

To Ways and Means.

HB 3023 (By Flynn), Relating to the distribution of proceeds from the sale of certain forfeited property in a criminal case.

To Criminal Jurisprudence.

HB 3024 (By B. Cook), Relating to sale of culled fish from private waters.

To Culture, Recreation, and Tourism.

HB 3025 (By Rodriguez), Relating to the length of confinement in county jail as a condition of community supervision that may be imposed on certain defendants.

To Criminal Jurisprudence.

HB 3026 (By Rodriguez), Relating to the hours of work of corrections officers employed by the Texas Department of Criminal Justice.

To Corrections.

HB 3027 (By Rodriguez), Relating to the authority of a dental hygienist to provide services in certain facilities and schools.

To Public Health.

HB 3028 (By Rodriguez), Relating to the conditions of employment for firefighters employed by certain districts and entities; providing penalties.

To County Affairs.

HB 3029 (By Strama), Relating to eligibility of nonborder areas for certain state assistance.

To Natural Resources.

HB 3030 (By Strama), Relating to personal identifying information contained in a consumer file maintained by a consumer reporting agency.

To Business and Industry.

HB 3031 (By Strama), Relating to the eligibility of certain institutions of higher education faculty members to participate in a group benefits program.

To Pensions and Investments.

HB 3032 (By Strama), Relating to reduced tuition for certain public junior college district students.

To Higher Education.

HB 3033 (By Solis), Relating to licensing of attorneys.

To Licensing and Administrative Procedures.

HB 3034 (By Solis), Relating to a program to reduce the shortage of professional and vocational nurses through financial assistance from the Texas Enterprise Fund.

To Economic Development.

HB 3035 (By Harper-Brown), Relating to a mortgage fraud task force to study mortgage fraud in this state.

To Financial Institutions.

HB 3036 (By Deshotel), Relating to the number, terms, and removal of directors of certain development corporations.

To Economic Development.

HB 3037 (By Harper-Brown), Relating to a duty to report suspected fraud in a transaction involving the sale of residential real estate; providing a civil penalty.

To Financial Institutions.

HB 3038 (By Olivo), Relating to transportation to and from a disciplinary alternative education program or juvenile justice alternative education program and the length of a school day at a disciplinary alternative education program.

To Public Education.

HB 3039 (By Olivo), Relating to certain life insurance policies insuring the life of an employee.

To Insurance.

HB 3040 (By Strama), Relating to a magistrate's order for an emergency protective order for sexual assaults.

To Law Enforcement.

HB 3041 (By Branch, Hodge, Alonzo, Hartnett, and Anchia), Relating to the designation of the structure on Spur 366 connecting the east and west levee of the Trinity River as the Margaret Hunt Hill Bridge.

To Transportation.

HB 3042 (By Riddle), Relating to a public education voucher program for elementary and secondary students.

To Public Education.

HB 3043 (By Madden), Relating to the duration of sex offender registration requirements for certain youthful offenders.

To Criminal Jurisprudence.

HB 3044 (By Riddle), Relating to the interception of or the collection of other information from certain communications in an investigation of criminal conduct.

To Criminal Jurisprudence.

HB 3045 (By Kolkhorst), Relating to the juvenile boards of Grimes, Leon, Madison, and Walker Counties.

To Juvenile Justice and Family Issues.

HB 3046 (By Hill), Relating to the administration of ad valorem taxation.

To Local Government Ways and Means.

HB 3047 (By Veasey), Relating to emergency communication districts participation in state travel services contracts.

To Government Reform.

HB 3048 (By Hopson), Relating to insurance coverage for certain structures located over water.

To Insurance.

HB 3049 (By Hopson), Relating to the closure or change in operation of certain local offices providing health services, including prohibiting the closure or consolidation of services of a state school or hospital for a term of five years.

To Human Services.

HB 3050 (By Hopson), Relating to the creation of an economic development plan for local communities affected by the closure or change in operation of a state school or hospital.

To Human Services.

HB 3051 (By Hopson), Relating to boating and water safety.

To Culture, Recreation, and Tourism.

HB 3052 (By Hopson), Relating to the enforcement of a buyer's obligation under a retail installment transaction; providing a criminal penalty.

To Financial Institutions.

HB 3053 (By Homer), Relating to the exemption from the permitting requirements of the Texas Commission on Environmental Quality of certain municipal solid waste management facilities that are used in the transfer of municipal solid waste to a solid waste processing or disposal facility.

To Environmental Regulation.

HB 3054 (By P. Moreno), Relating to parking of a motor vehicle operated by or for the transportation of a person with a disability; providing penalties.

To Transportation.

HB 3055 (By Riddle), Relating to consolidation of state financial regulatory agencies.

To Financial Institutions.

HB 3056 (By Howard), Relating to the peace officers authorized to operate an authorized emergency vehicle used to provide police escort services.

To Law Enforcement.

HB 3057 (By Howard), Relating to the number of hours worked by a part-time fire protection employee.

To Urban Affairs.

HB 3058 (By Howard), Relating to the eligibility of persons to participate in the public sale of certain real property.

To Local Government Ways and Means.

HB 3059 (By Howard), Relating to the regulation of structural clay and brick raw materials extraction operations; providing an administrative penalty.

To Energy Resources.

HB 3060 (By Turner and McReynolds), Relating to prescription drugs under the Medicaid vendor drug program and other state health and human services programs.

To Public Health.

HB 3061 (By Hill), Relating to state assistance with public school facilities.

To Public Education.

HB 3062 (By Hilderbran and Strama), Relating to the creation of the Texas State Music History Museum.

To Culture, Recreation, and Tourism.

HB 3063 (By Raymond), Relating to the eligibility of certain counties to adopt a civil service system.

To County Affairs.

HB 3064 (By A. Allen), Relating to public school classroom instruction and teacher compensation.

To Public Education.

HB 3065 (By Raymond), Relating to certain arrangements in the sale of residential real property.

To Financial Institutions.

HB 3066 (By Raymond), Relating to unconscionable contract provisions.

To Business and Industry.

HB 3067 (By Raymond), Relating to the transportation of certain mental health patients.

To Human Services.

HB 3068 (By Villarreal), Relating to authorizing the issuance of revenue bonds for The University of Texas at San Antonio-Downtown Campus Architecture Building.

To Higher Education.

HB 3069 (By Villarreal), Relating to authorizing the issuance of revenue bonds for The University of Texas at San Antonio - Loop 1604 Campus Academic Building Phase IV.

To Higher Education.

HB 3070 (By Goolsby), Relating to the regulation of air conditioning and refrigeration technicians.

To Licensing and Administrative Procedures.

HB 3071 (By Goodman), Relating to the administration and collection of ad valorem taxes; making procedural and technical corrections and clarifications to the Tax Code, Property Code, Business & Commerce Code, and Civil Practice and Remedies Code, and to the repeal of a Transportation Code provision.

To Local Government Ways and Means.

HB 3072 (By Turner), Relating to the creation of a prison diversion pilot program.

To Corrections.

HB 3073 (By Driver), Relating to certain disclosure requirements regarding inspections of fire extinguishers.

To Insurance.

HB 3074 (By F. Brown), Relating to the number of semester credit hours required for completion of a baccalaureate degree program at a general academic teaching institution.

To Higher Education.

HB 3075 (By F. Brown), Relating to the components of the core curriculum for public institutions of higher education.

To Higher Education.

HB 3076 (By Naishtat), Relating to the establishment of the stem cell research program.

To State Affairs.

HB 3077 (By Naishtat), Relating to the establishment of a work group to recommend definitions, guidelines, and reporting requirements regarding the management of behavior of residents at certain facilities.

To Human Services.

HB 3078 (By Naishtat), Relating to requiring a record vote by each house or committee of the legislature on bills, proposed constitutional amendments, amendments to bills and proposed constitutional amendments, and certain other actions and to public notice of the record vote.

To State Affairs.

HB 3079 (By Naishtat), Relating to the administration of psychoactive medication to certain patients.

To Human Services.

HB 3080 (By Naishtat), Relating to the powers and duties of the board of hospital managers of the Travis County Hospital District and to employee benefits for certain employees of that district.

To County Affairs.

HB 3081 (By Naishtat), Relating to a survey of the employees of health and human services agencies.

To Human Services.

HCR 44 (By Denny), Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to review the state's election laws in preparation for an omnibus recodification of the Texas Election Code.

To Elections.

HR 257 (By Villarreal), Requesting the speaker to provide for an interim house study to explore how public health and medical care can be more effectively delivered through regional planning.

To Public Health.

HR 570 (By Bonnen), Memorializing congress to express its commitment to clean air and economic development by passing the Clear Skies Act of 2005.

To Environmental Regulation.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 1814 (By Casteel), Relating to employment positions with the Texas Department of Transportation.

To Transportation.

HB 1937 (By Ritter), Relating to the authority of certain counties to create county assistance districts.

To Economic Development.

HB 2374 (By McClendon), Relating to the retirement system for firefighters and police officers in certain municipalities.

To Pensions and Investments.

HB 2489 (By Wong), Relating to the creation of green ribbon master plans for certain districts of the Texas Department of Transportation.

To Urban Affairs.

HB 2507 (By Bohac), Relating to the regulation of mobile food units and roadside food vendors in certain populous areas.

To Urban Affairs.

SIGNED BY THE SPEAKER

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

House List No. 20

HCR 106

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

Wednesday, March 16, 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:

HCR 109

Bonnen

SPONSOR: Harris

Granting permission to adjourn for more than three days during the period beginning on Wednesday, March 23, 2005, and ending on Tuesday, March 29, 2005.

SB 5

Staples

Relating to the continuation and operation of the workers' compensation system of this state, including changing the name of the Texas Workers' Compensation Commission to the Texas Department of Workers' Compensation, the powers and duties of the governing authority of that department, the provision of workers' compensation benefits to injured employees, and the regulation of workers' compensation insurers; providing administrative and criminal penalties.

SB 124

Shapiro

Relating to a review of the rule concerning the content of individualized education programs for students with autism or other pervasive developmental disorders.

SCR 12

Duncan

Honoring The Crickets of Lubbock for their pioneering contributions to rock and roll.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, March 17, 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:

LOCAL AND UNCONTESTED CALENDAR**SB 44**

Nelson

Relating to the Indigent Health Care Advisory Committee.

SB 48

Nelson

Relating to reporting requirements for licensed nursing homes.

SB 88

Averitt

Relating to minimum enrollment in certain group life insurance policies.

SB 89

Averitt

Relating to electronically readable information on a driver's license, commercial driver's license, or personal identification certificate.

SB 111

Shapleigh

Relating to undergraduate course credit granted by public institutions of higher education for the completion of certain postsecondary-level programs by high school students.

SB 143

Wentworth

Relating to the extension of certain deadlines for certain professionals serving on active duty in the military.

SB 144

Wentworth

Relating to trustees of military reservation school districts.

SB 174

Brimer

Relating to the collection of municipal hotel occupancy taxes.

SB 177

Brimer

Relating to the composition of a board of adjustment in certain municipalities.

- SB 182** Barrientos
Relating to the board of directors of an intermunicipal commuter rail district.
- SB 196** Nelson
Relating to the provision of voluntary charity care by certain retired dentists.
- SB 200** Gallegos
Relating to county authority to regulate vehicular or pedestrian gates to gated communities.
- SB 213** Shapleigh
Relating to requiring more Spanish language content for online information provided by state agencies.
- SB 217** Shapiro
Relating to reporting certain information related to alcohol and drug tests of holders of commercial driver's licenses.
- SB 224** Ellis
Relating to the eminent domain power of certain municipal management districts.
- SB 234** Harris
Relating to the appointment of grand jury bailiffs in Tarrant County.
- SB 235** Harris
Relating to the qualifications of bailiffs and grand jury bailiffs for certain courts.
- SB 239** Janek
Relating to an exemption from the fee for a birth or death record requested by a law enforcement agency, a child fatality review team, or the child fatality review team committee.
- SB 252** Estes
Relating to a project of a development corporation in connection with a military base or facility.
- SB 256** Williams
Relating to the release of certain student information by a school district.
- SB 262** Williams
Relating to benefits from the Employees Retirement System of Texas for law enforcement officers commissioned by the Texas State Board of Pharmacy.
- SB 264** Williams
Relating to the authority of the Montgomery County Hospital District to issue certain bonds or incur or assume other debt.
- SB 267** Williams
Relating to the exclusion from an emergency services district of certain territory subject to assessments.
- SB 269** Madla
Relating to certain administrative fees and taxes collected by the Texas Alcoholic Beverage Commission.
- SB 270** Madla
Relating to mass gatherings outside the limits of a municipality.

SB 280 Gallegos
Relating to an injunction to prevent violations by automotive wrecking and salvage yards in certain counties.

SB 321 Harris
Relating to the jurisdiction of the 396th District Court.

SB 334 Duncan
Relating to the remedy provided for failure to disclose certain information in certain residential construction transactions.

SB 342 Brimer
Relating to the regulation of swimming pools in the unincorporated areas of certain counties as a public nuisance.

SB 350 Lindsay
Relating to the establishment and use of a columbarium by a church in certain municipalities.

SB 376 Madla
Relating to a pilot program for language interpreter services under the medical assistance program.

SB 466 Fraser
Relating to the creation and authority of municipal development districts.

SB 610 Nelson
Relating to the regulation of the practice of dentistry.

SB 692 Madla
Relating to the fee a county tax assessor-collector may charge for assessing and collecting ad valorem taxes for certain river authorities.

SCR 6 Fraser
Memorializing Congress to establish a domestic energy policy to ensure an adequate supply of natural gas, the appropriate infrastructure, promote greater energy efficiency, and open new areas for environmentally responsible natural gas production.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, March 17, 2005 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

