

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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THIRTY-SEVENTH DAY (CONTINUED) — WEDNESDAY, MARCH 23, 2005

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

The invocation was offered by Prabhakari Devi, president, Barsana Dham Hindu Temple, Austin, as follows:

The profound and timeless Hindu scripture, the Gita, describes a scene that occurred 5,000 years ago on the northern plains of India, where before an epic battle, a doubt crept into a great hero's heart. Unsure of the good and the right path, confused as to his duty to society and himself, he turned to God to answer his dilemma and show him the path of righteousness. I quote his words, sung in the Sanskrit language, "Karpunya..." (Gita 2/7)

And Lord Krishn answered Arjun, "Always efficiently do your duty without attachment. Doing work without attachment, man attains the supreme. It is through action (without attachment) alone that Janak and other wise men reached perfection. Having an eye to the maintenance of the world order, you too should take to action. For whatever a great man does, that very thing other men also do; whatever standard he sets, the generality of men follow the same. Therefore, dedicating all actions to me, with your mind fixed on me, the self of all, freed from feelings of hope or disappointment and with a clear mind and conscience, do your duty."

Today, here in our homeland, is a gathering of those who look to the good of this state and its people. We together look to you, our dear Lord, for your benevolent grace. We dedicate our actions to you, fix our mind on you, and do our duty.

Boliye Krishn Kaneya Lal ki jai. Jai Shree Radhey.

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

### CAPITOL PHYSICIAN

The speaker recognized Representative Mowery who presented Dr. Samuel T. Coleridge of Fort Worth as the "Doctor for the Day."

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

### INTRODUCTION OF GUESTS

The speaker recognized Representative West who introduced representatives from the Rural Rail Transportation Districts.

### INTRODUCTION OF GUESTS

The speaker recognized Representatives Wong and Woolley who introduced doctors and students from The University of Texas Dental Branch at Houston.

### INTRODUCTION OF GUEST

The speaker recognized Representative Wong who introduced Dr. Robert R. Ivany, president, St. Thomas University.

### INTRODUCTION OF GUESTS

The speaker recognized Representative R. Cook who introduced members of the State Firemen's and Fire Marshals' Association of Texas.

### INTRODUCTION OF GUEST

The speaker recognized Representative McReynolds who introduced Joy Purfurst, president of the Texas Forestry Association.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Gonzalez Toureilles who introduced a delegation from Live Oak County.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Veasey who introduced the Dunbar High School girls basketball team.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego who introduced California Insurance Commissioner, John Garamendi, and New Mexico Superintendent of Insurance, Eric P. Serna.

### ROLL CALL

The roll of the house was called and a quorum was announced present (Record 142).

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; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; 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; 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.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent — Elkins; Hartnett; Laubenberg.

(Edwards in the chair)

### **RESOLUTIONS ADDED TO CONGRATULATORY AND MEMORIAL CALENDAR**

On motion of Representative Turner and by unanimous consent, **HR 533, HR 685, HR 729, HR 742, HR 753, HR 754, HR 759, HR 772, HR 823, HR 836, HR 848, HR 855, HR 860, HR 861, HR 862, HR 866, HR 884, HR 885, HCR 113, and HCR 119** were added to today's congratulatory and memorial calendar.

### **CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HR 346** (by Craddick), Congratulating Willie and Jewel Murphree on their 50th wedding anniversary.

**HR 347** (by Craddick), Congratulating Gus and Pat Keller on their 50th wedding anniversary.

**HR 348** (by Craddick), Congratulating Wade and Ruby Mitchell on their 50th wedding anniversary.

**HR 349** (by Craddick), Congratulating Bernie and Pat Keaton on their 50th wedding anniversary.

**HR 350** (by Craddick), Congratulating Johnny and Patsy Jones on the occasion of their 50th wedding anniversary.

**HR 351** (by Craddick), Congratulating Eddie and Chata Mee on their 50th wedding anniversary.

**HR 352** (by Craddick), Congratulating Samuel and Lora Jean Howard on their 50th wedding anniversary.

**HR 353** (by Craddick), Congratulating Frances Haley and Evetts Haley, Jr., on their 50th wedding anniversary.

**HR 354** (by Craddick), Congratulating Johnny Sam and Mary Jo McDonald on their 50th wedding anniversary.

**HR 355** (by Craddick), Congratulating Merv and Jody Hale on their 50th wedding anniversary.

**HR 356** (by Craddick), Congratulating Richard and Marge Hagelstein on their 50th wedding anniversary.

**HR 370** (by Craddick), Congratulating Bill and Peggy Williams on their 50th wedding anniversary.

**HR 371** (by Craddick), Congratulating Bob and Patricia Thames on their 50th wedding anniversary.

**HR 399** (by Craddick), Honoring John and Melba Webb of Stanton on the occasion of their 50th wedding anniversary.

**HR 400** (by Craddick), Honoring Sonny and Jackie Whalin of Midland on the occasion of their 50th wedding anniversary.

**HR 401** (by Craddick), Honoring Frank and Kathie Wiley of Lamesa on their 50th wedding anniversary.

**HR 402** (by Craddick), Congratulating Allen and Sue Day of Midland on their 50th wedding anniversary.

**HR 403** (by Craddick), Congratulating Jack and Ida Paxton of Midland on their 60th wedding anniversary.

**HR 404** (by Craddick), Congratulating Gary and Rene Laughlin on their 50th wedding anniversary.

**HR 405** (by Craddick), Honoring Eldon and Georgia Welch of Tarzan on their 50th wedding anniversary.

**HR 463** (by Gonzalez Toureilles), Honoring Dr. Ruben M. Garcia on receiving the MLK Humanitarian Award from the office of the mayor of Alice.

**HR 465** (by Gonzalez Toureilles), Congratulating Leonard C. Smith of George West on his 101st birthday.

**HR 467** (by Gonzalez Toureilles), Honoring Sam Houston Burris of Alice.

**HR 470** (by Gonzales), Congratulating Joe LaMantia, Jr., for receiving the Citizen of the Year award from The University of Texas Health Science Center at San Antonio's Regional Academic Health Center Medical Education Division.

**HR 473** (by Craddick), Honoring William Robert Granberry and Susan Mattiza Granberry of Midland on their 40th wedding anniversary.

**HR 476** (by Raymond, et al.), Congratulating Salvador A. Mercado of Laredo on his retirement from the Texas Department of Transportation.

**HR 480** (by Anchia), Honoring Pete Peabody of Dallas for his contributions to his community.

**HR 489** (by Bonnen), Honoring Lucille Maes of Angleton on her receipt of the 2004 Administrator Award from the Texas Department of State Health Services.

**HR 490** (by Bonnen), Honoring Billy and Ottalie Richardson of Angleton on their 50th anniversary.

**HR 491** (by Bonnen), Honoring William Folsie of Angleton for taking part in the National Marrow Donor Program.

**HR 496** (by Harper-Brown), Honoring Kathy Burke of Irving on the occasion of her 60th birthday.

**HR 497** (by Harper-Brown), Honoring Morris and Marge Parrish for their outstanding civic contributions to the city of Irving.

**HR 498** (by Raymond), Honoring Martha C. Narvaez of Laredo for her accomplishments as an entrepreneur, community leader, and mother.

**HR 500** (by Griggs), Recognizing the week of March 7-11, 2005, as Texas School Lunch Week.

**HR 503** (by Hodge), Honoring Bayles Elementary School in Dallas for its support of the Ferguson Road Initiative and the Claremont neighborhood.

**HR 504** (by Hodge), Recognizing Dale and Stella Schenk of Dallas for their support of the Ferguson Road Initiative.

**HR 506** (by Solis), Honoring Communities In Schools-Cameron County, Inc., on its 10th anniversary.

**HR 507** (by Solis and Escobar), Honoring Yolanda DeLeon on the occasion of her retirement as county and district attorney of Cameron County.

**HR 510** (by Wong), Honoring Chief Joseph J. Bettega of the Bellaire Fire Department on the occasion of his retirement.

**HR 518** (by Morrison), Congratulating Lauri Morrison Perry on completing the Boston Marathon.

**HR 523** (by Hughes), Honoring Marine Staff Sergeant Michael L. Youngblood for his heroic actions in Saudi Arabia.

**HR 524** (by Hughes), Honoring Mr. and Mrs. Jesse D. Moore of Mineola on the occasion of their 60th wedding anniversary.

**HR 525** (by Hopson), Honoring Afton Lynn Smith and Jeremy Grant Barber of Jacksonville on their marriage.

**HR 526** (by Hopson), Honoring Master M. J. Hughes of Jacksonville for his contributions to his community.

**HR 527** (by Bohac), Recognizing St. Andrew Lutheran Church in Houston on the 50th anniversary of its founding.

**HR 528** (by Craddick), Honoring Hank and Bee Henry of Midland on the occasion of their 60th wedding anniversary.

**HR 529** (by Casteel), Congratulating George Wolff of Boerne on his racehorse being named 2004 Texas Horse of the Year.

**HR 530** was withdrawn.

**HR 533** (by Gonzalez Toureilles), Recognizing March 23, 2005, as Live Oak County Day at the State Capitol.

**HR 544** (by R. Allen), Honoring Mayor Charles V. England on his contributions to the city of Grand Prairie.

**HR 546** (by Bonnen), Honoring Lewis and Janis Gardner of Angleton on the occasion of their 50th wedding anniversary.

**HR 685** (by Wong), Congratulating Dr. Robert R. Ivany on his inauguration as president of the University of St. Thomas.

**HR 729** (by Guillen), Commending the Lower Rio Grande Valley Trauma Regional Advisory Council Trauma Service Area V for earning the Outstanding RAC Award from the Department of State Health Services.

**HR 753** (by R. Cook, McReynolds, Homer, Hopson, and Hardcastle), Recognizing March 23, 2005, as Firefighters Day at the State Capitol.

**HR 754** (by Eissler), Congratulating Linda Victoria and Joshua Elvin Watts on the birth of their daughter, Donna Victoria Watts, and recognizing her as an honorary Texan.

**HR 759** (by Hopson), Congratulating Dr. Floyd Verheyden on receiving the 2004 Jacksonville Outstanding Citizen Award.

**HR 772** (by Anchia, Veasey, and Alonzo), Recognizing the Honorable Martin Frost for his exceptional public service.

**HR 823** (by McReynolds), Honoring the Texas Forestry Association and its seedling giveaway program.

**HR 836** (by Coleman), Recognizing March 23, 2005, as Texas AIDS Advocacy Coalition Day at the State Capitol.

**HR 848** (by B. Cook), Honoring Teague Municipal Airport for receiving the 2005 Most Improved Airport award from the Texas Department of Transportation.

**HR 860** (by Craddick), Recognizing the vital efforts of the Rural Rail Transportation Districts in Texas.

**HR 861** (by Wong, Woolley, and Hamric), Congratulating The University of Texas Dental Branch at Houston on the 100th anniversary of its founding.

**HR 862** (by Casteel), Congratulating Danny Procknow on his retirement from the New Braunfels Fire Department.

**HR 866** (by Y. Davis), Honoring Juretha Phillips for her work as a legislative intern in the office of State Representative Yvonne Davis.

**HR 884** (by Anderson), Recognizing March 23, 2005, as Waco Day at the State Capitol.

**HR 885** (by Y. Davis), Honoring the Rites of Passage Program for Girls, Inc., for assisting young Dallas women in their transition from adolescence to adulthood.

**HCR 113** (by Dukes), Designating March 23, 2005, as Texas Girl Scout Legislative Day at the State Capitol.

**HCR 119** (by Hughes), Recognizing March 23, 2005, as Marshall Day at the State Capitol.

The resolutions were adopted.

(Laubenberg now present)

The following memorial resolutions were laid before the house:

**HR 468** (by Anderson), In memory of Alma Frieda Shannon of Waco.

**HR 472** (by Frost), In memory of Robert Lee Waller of De Kalb.

**HR 479** (by Solis and Escobar), In memory of Judge Reynaldo Garza.

**HR 481** (by Wong), In memory of Ruby Sue Wilcox Clifton of Houston.

**HR 482** was withdrawn.

**HR 483** (by Phillips), In memory of Michael Tatar of Denison.

**HR 487** (by J. Moreno), In memory of Santos L. Fernandez of Denver Harbor.

**HR 488** (by Bonnen), Honoring the life of Captain Bill Reynaga of Lake Jackson.

**HR 501** (by Crownover), In memory of Troy and Sarah LaGrone of Denton.

**HR 514** (by Morrison), In memory of Paul Kornfuehrer of Victoria.

**HR 522** (by Taylor), In memory of U.S. Marine Lance Corporal Wesley Joel Canning.

**HR 531** was withdrawn.

**HR 537** (by Alonzo), In memory of Vincent Paul Langbein of Dallas.

**HR 538** (by Alonzo and Anchia), In memory of Oscar Jesus Sanchez of Dallas.

**HR 539** (by Baxter), In memory of A. Marvin Roscoe, Jr., of Austin.

**HR 540** (by J. Jones), In memory of Joseph Smith, Jr., of Grand Prairie.

**HR 554** (by Harper-Brown), In memory of Lance Corporal Nazario Serrano of Irving.

**HR 555** (by Hopson), Paying tribute to the life and sacrifice of Lieutenant Colonel Lance C. Wade, a true American hero.

**HR 559** (by Orr), In memory of U.S. Army Specialist Jeremy Olin Allmon of Cleburne.

**HR 742** (by Veasey), In memory of Dr. Donald Arthur Brooks of Fort Worth.

**HR 855** (by Gonzalez Toureilles), Honoring the life of J. Frank Dobie and acknowledging his remarkable contributions to Texas letters.

The resolutions were unanimously adopted by a rising vote.

#### **MESSAGE FROM THE SENATE**

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

(Speaker pro tempore in the chair)

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR  
SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

**HB 18** (by Corte), A bill to be entitled An Act relating to the persons who may inspect or obtain a copy of a military discharge record under the public information law.

**HB 67** (by McClendon, Goolsby, Menendez, et al.), A bill to be entitled An Act relating to designating August 26 as Women's Independence Day.

**HB 74** (by Naishtat, Madden, Seaman, Menendez, and Raymond), A bill to be entitled An Act relating to exempting school districts from certain mold assessor and remediation licensing requirements.

**HB 102** (by Van Arsdale), A bill to be entitled An Act relating to the renewal requirements for a respiratory care practitioner certificate.

**HB 178** was withdrawn.

**HB 204** (by Goodman), A bill to be entitled An Act relating to inheritance rights of adopted adults.

**CSHB 230** (by Hartnett), A bill to be entitled An Act relating to grounds for removal of a guardian.

**HB 263** (by Madden), A bill to be entitled An Act relating to the civil service status of certain fire department employees.

**HB 297** (by McClendon), A bill to be entitled An Act relating to changing the title of assistant secretary of state to deputy secretary of state.

**HB 350** (by Hochberg), A bill to be entitled An Act relating to the filing of certain reports of political contributions and expenditures.

**HB 479** (by Keel), A bill to be entitled An Act relating to the concurrent jurisdiction of campus peace officers commissioned by The University of Texas at Austin and law enforcement agencies of the state and political subdivisions of the state.

**HB 532** (by Howard), A bill to be entitled An Act relating to certain investments by title insurance companies.

**HB 564** (by Gattis), A bill to be entitled An Act relating to the creation of an additional county court at law in Williamson County.

**HB 593** (by Smithee), A bill to be entitled An Act relating to the terms of court of the 47th Judicial District.

**HB 595** (by Smithee), A bill to be entitled An Act relating to the jurisdiction of the County Court at Law of Randall County.



**HB 596** (by Smithee), A bill to be entitled An Act relating to the appointment of judges to the City of Amarillo municipal court.

**HB 597** (by Smithee), A bill to be entitled An Act relating to the creation of an additional county court at law in Randall County.

**HB 638** (by Hegar), A bill to be entitled An Act relating to the applicability of procedures governing restrictive covenants in certain residential subdivisions.

**HB 705** (by Castro), A bill to be entitled An Act relating to the disposition of seized weapons.

**CSHB 723** (by Van Arsdale), A bill to be entitled An Act relating to certain reports filed with the bureau of vital statistics.

**HB 735** (by Nixon), A bill to be entitled An Act relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in the Business & Commerce Code.

**HB 736** (by Nixon), A bill to be entitled An Act relating to updating citations in Chapter 84, Civil Practice and Remedies Code.

**HB 737** (by Nixon), A bill to be entitled An Act relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 88, Civil Practice and Remedies Code.

**HB 738** (by Nixon), A bill to be entitled An Act relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 81, Health and Safety Code.

**HB 739** (by Nixon), A bill to be entitled An Act relating to updating citations in Chapter 241, Health and Safety Code.

**HB 740** (by Nixon), A bill to be entitled An Act relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 578, Health and Safety Code.

**HB 741** (by Nixon), A bill to be entitled An Act relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 611, Health and Safety Code.

**HB 742** (by Nixon), A bill to be entitled An Act relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 159, Occupations Code.

**HB 743** (by Nixon), A bill to be entitled An Act relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 160, Occupations Code.

**HB 744** (by Nixon), A bill to be entitled An Act relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in Chapter 164, Occupations Code.

**HB 747** (by McReynolds), A bill to be entitled An Act relating to the designation of the El Camino East/West Corridor.

**HB 760** (by McReynolds), A bill to be entitled An Act relating to fees for registration and inspection of certain fuel measuring and dispensing devices.

**CSHB 794** (by Delisi), A bill to be entitled An Act relating to the establishment of an advisory committee on health care information technology.

**CSHB 885** (by Seaman), A bill to be entitled An Act relating to premium reserve amounts required for title insurers.

**HB 901** (by McReynolds), A bill to be entitled An Act relating to expiration dates for certain licenses issued or renewed by the Department of Agriculture.

**CSHB 932** (by Taylor), A bill to be entitled An Act relating to structures on coastal public land.

**HB 935** was withdrawn.

**HB 957** (by Pickett), A bill to be entitled An Act relating to the valuation of state-owned real property.

**HB 1058** was withdrawn.

**CSHB 1139** (by McReynolds), A bill to be entitled An Act relating to certain bonds required for employees of the General Land Office.

**HB 1163** (by Denny), A bill to be entitled An Act relating to the filing fee for a candidate for certain offices on the general primary election ballot.

**CSHB 1310** (by Ritter), A bill to be entitled An Act relating to the authority of certain local dispute resolution centers to collect a fee from persons receiving dispute resolution services from the centers.

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

Representative Hope offered the following amendment to **CSHB 1310**:

Amend **CSHB 1310** on line 13 after the word services, by adding Providing that nothing in this section shall be construed to affect the collection of a fee by any other entity described by Section 152.002 (b)(1) of this chapter.

Amendment No. 1 was adopted.

**HB 1394** (by Zedler), A bill to be entitled An Act relating to the appointment of magistrates to serve the municipal court of record in Kennedale.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Pensions and Investments, upon first adjournment today, Desk 41, for a formal meeting.

Criminal Jurisprudence, upon first adjournment today, Desk 59, for a formal meeting, to consider pending business.

Elections, upon first adjournment today, Desk 58, for a formal meeting, to consider pending business.

Local and Consent Calendars, 1 p.m. today as posted, to set next week's calendar.

## ADJOURNMENT

Representative Raymond moved that the house adjourn until 1:15 p.m. today in memory of Lance Corporal Adolfo Lopez of Laredo.

The motion prevailed.

The house accordingly, at 12:01 p.m., adjourned until 1:15 p.m. today.

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## ADDENDUM

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### 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  
Tuesday, March 22, 2005 - 2

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 112** Cortez SPONSOR: Van de Putte  
Awarding the Texas Legislative Medal of Honor to Captain Robert Thomas Edlin of Corpus Christi and requesting the governor to confer the award.

**SB 81** Shapleigh  
Relating to a joint partnership between the Texas Tech University Health Sciences Center and The University of Texas at El Paso.

**SB 152** Zaffirini  
Relating to prevention of and education concerning bullying in public schools.

**SB 293** Zaffirini  
Relating to meetings between representatives of the Department of Public Safety of the State of Texas and Mexican states on transportation and truck inspection issues.

**SB 569** Zaffirini  
Relating to meetings between representatives of the Texas Department of Transportation and Mexican states on transportation and truck inspection issues.

Respectfully,  
Patsy Spaw  
Secretary of the Senate