

# HOUSE JOURNAL

---

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

---

## PROCEEDINGS

---

THIRTY-SEVENTH DAY — TUESDAY, MARCH 22, 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 139).

Present — Mr. Speaker; Allen, A.; 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.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Allen, R.; Thompson.

The invocation was offered by Steve McMeans, pastor, Coggin Avenue Baptist Church, Brownwood, as follows:

Our God, Lord, and Father, we thank you today for representative government. We thank you that we live in a free and blessed nation and not in terror under a deranged dictator or a repressive regime.

We come today to ask you to help these men and women that the citizens of Texas have elected to this house of representative government. Help them, O Lord, because their task is large and difficult and it is often beyond their wisdom and strength. May they look to you for divine guidance and empowerment. And as they humble themselves, would you show them the way?

And, Lord, may the decisions they make never be selfish but righteous, just, wise, and compassionate. May the people of Texas be blessed by the decisions that are made within these walls. I ask this for your glory and honor and in the name of Jesus. Amen.

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

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business in the district:

R. Allen on motion of Keel.

Thompson on motion of Hodge.

### **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).

### **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.

(Woolley in the chair)

### **HR 834 - ADOPTED (by Eiland)**

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HR 834**.

The motion prevailed.

The following resolution was laid before the house:

**HR 834**, Recognizing the Texas Association of Public Employee Retirement Systems (TEXPERS) on the occasion of its 16th annual conference, March 19-25, 2005.

**HR 834** was read and was adopted.

### **HR 863 - ADOPTED (by Gonzales)**

Representative Gonzales moved to suspend all necessary rules to take up and consider at this time **HR 863**.

The motion prevailed.

The following resolution was laid before the house:

**HR 863**, Honoring J. D. Salinas III of Hidalgo County on being named County Clerk of the Year for the State of Texas by the County and District Clerks Association of Texas.

**HR 863** was adopted.

### **HR 799 - ADOPTED (by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 799**.

The motion prevailed.

The following resolution was laid before the house:

**HR 799**, In memory of Leslie Hendren of Austin.

**HR 799** was read and was unanimously adopted by a rising vote.

#### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of a family emergency:

Riddle on motion of Branch.

#### **CAPITOL PHYSICIAN**

The chair recognized Representative Krusee who presented Dr. Paul A. Berg of Georgetown as the "Doctor for the Day."

The house welcomed Dr. Berg 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 chair recognized Representative Hilderbran who introduced Miss Texas 2004, Jamie Story, and her parents Jim and Bonnie Story.

#### **HR 851 - ADOPTED (by Raymond)**

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 851**.

The motion prevailed.

The following resolution was laid before the house:

**HR 851**, Recognizing March 2005 as American Red Cross Month in Webb County.

**HR 851** was read and was adopted.

#### **INTRODUCTION OF GUESTS**

The chair recognized Representative Raymond who introduced a delegation from the Webb County American Red Cross.

#### **GENERAL STATE CALENDAR HOUSE BILLS THIRD READING**

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

#### **HB 68 ON THIRD READING (by McClendon)**

**HB 68**, A bill to be entitled An Act relating to public nuisance actions involving criminal street gangs.

**HB 68** 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 225 ON THIRD READING**

**(by Driver, Keel, Hupp, Rose, Hegar, et al.)**

**HB 225**, A bill to be entitled An Act relating to the expiration of a renewed license to carry a concealed handgun.

**HB 225** 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 282 ON THIRD READING**

**(by Hope)**

**HB 282**, A bill to be entitled An Act relating to the funding of alternative dispute resolution systems.

**HB 282** 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 404 ON THIRD READING**

**(by Villarreal and J. Davis)**

**HB 404**, A bill to be entitled An Act relating to the membership of the Family and Protective Services Council.

A record vote was requested.

**HB 404** was passed by (Record 140): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; 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; 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; Ritter; Rodriguez; Rose; Seaman;

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

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

Absent, Excused — Allen, R.; Riddle; Thompson.

Absent — Edwards.

### **HB 423 ON THIRD READING** **(by Delisi)**

**HB 423**, A bill to be entitled An Act relating to the online availability of certain state publications.

**HB 423** 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 1077 ON THIRD READING** **(by Crabb)**

**HB 1077**, A bill to be entitled An Act relating to the composition of certain courts of appeals districts and to the assignment and transfer of cases in certain courts of appeals districts.

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

Representative Alonzo offered the following amendment to **HB 1077**:

Amend **HB 1077**, second reading engrossment, as follows:

(1) Insert a new section, appropriately numbered, to read as follows:

SECTION \_\_\_\_\_. Notwithstanding any other law, courts of appeal districts shall be redistricted every ten years following the federal decennial census.

Representative Crabb moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 141): 85 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pitts; Reyna; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley(C); Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Herrero; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker.

Absent, Excused — Allen, R.; Riddle; Thompson.

Absent — Goodman.

**HB 1077** 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. Members registering votes are as follows: Kolkhorst recorded voting no.)

**HB 1286 ON THIRD READING**  
(by Callegari)

**HB 1286**, A bill to be entitled An Act relating to the regulation of service contract providers and administrators.

**Amendment No. 1**

Representative Callegari offered the following amendment to **HB 1286**:

Amend **HB 1286**, second reading engrossment, on page 7, line 7, by striking "Section 1304.151(a) (2)." and substituting "Section 1304.151(a)."

Amendment No. 1 was adopted.

**HB 1286**, as amended, 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:

**CSHB 81 ON SECOND READING**  
(by Riddle)

**CSHB 81**, A bill to be entitled An Act relating to release by the comptroller of unclaimed property subject to a child support lien.

**CSHB 81** was passed to engrossment. (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.)

(Nixon in the chair)

**CSHB 256 ON SECOND READING**  
**(by Hopson)**

**CSHB 256**, A bill to be entitled An Act relating to investments in certificates of deposit by certain governmental entities.

**CSHB 256** was passed to engrossment. (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 265 ON SECOND READING**  
**(by W. Smith)**

**HB 265**, A bill to be entitled An Act relating to the time for processing a municipal building permit.

**Amendment No. 1**

Representative W. Smith offered the following amendment to **HB 265**:

Amend **HB 265** (house committee printing) as follows:

- (1) On page 1, line 14, strike "act on" and substitute "grant or deny".
- (2) On page 1, line 22, strike "act on" and substitute "grant or deny".

Amendment No. 1 was adopted.

**HB 265**, as amended, was passed to engrossment. (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. Members registering votes are as follows: Castro recorded voting no.)

**CSHB 322 ON SECOND READING**  
**(by Hupp, Gonzalez Toureilles, Isett, Bonnen, et al.)**

**CSHB 322**, A bill to be entitled An Act relating to concealed handgun licenses for members and veterans of the United States armed forces.

**Amendment No. 1**

Representative Hupp offered the following amendment to **CSHB 322**:

Amend **CSHB 322** as follows:

- (1) On page 1, line 13, strike "was not dishonorably discharged" and substitute "was discharged under honorable conditions, if discharged".
- (2) On page 2, line 2, strike "unless the applicant was dishonorably discharged" and substitute "who, if discharged, was discharged under honorable conditions".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Hupp offered the following amendment to **CSHB 322**:

Amend **CSHB 322** as follows:

(1) On page 2, line 1, strike "or national guard" and substitute ". national guard, or state guard".

(2) On page 2, line 3, strike "or national guard" and substitute "national guard, or state guard".

Amendment No. 2 was adopted.

**CSHB 322**, as amended, was passed to engrossment. (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. Members registering votes are as follows: Burnam and Farrar recorded voting no.)

**HB 472 ON SECOND READING**  
(by West)

**HB 472**, A bill to be entitled An Act relating to annual fees imposed by the Railroad Commission of Texas in connection with surface coal mining and reclamation operations.

**HB 472** was passed to engrossment. (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.)

(Farabee in the chair)

**CSHB 548 ON SECOND READING**  
(by Delisi, Homer, Farabee, Corte, Seaman, et al.)

**CSHB 548**, A bill to be entitled An Act relating to a project of a development corporation in connection with a military base or facility.

Representative Delisi moved to postpone consideration of **CSHB 548** until 10 a.m. Monday, April 4.

The motion prevailed.

**HB 729 ON SECOND READING**  
(by Nixon)

**HB 729**, A bill to be entitled An Act relating to an order by a court that a judgment debtor turn over certain property for the satisfaction of the judgment.

**HB 729** was passed to engrossment. (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. Members registering votes are as follows: Farrar recorded voting no.)

**CSHB 755 ON SECOND READING**  
(by Gattis)

**CSHB 755**, A bill to be entitled An Act relating to procedures relating to the doctrine of forum non conveniens in a civil cause of action.



**Amendment No. 1**

Representative Gattis offered the following amendment to **CSHB 755**:

Amend **CSHB 755** as follows:

(1) On page 1, line 5, strike "Section 71.051(b)" and substitute "Sections 71.051(b) and (f)".

(2) On page 1, line 6, strike "is" and substitute "are".

(3) On page 1, line 14, strike "may" and substitute "shall [~~may~~]".

(4) On page 2, strike lines 7 and 8 and substitute the following:

(f) A court that grants a motion to stay or dismiss an action under the doctrine of forum non conveniens shall set forth specific findings of fact and conclusions of law [~~may not stay or dismiss a claim or action pursuant to Subsection (b) if a party opposing the motion under Subsection (b) alleges and makes a prima facie showing that an act or omission that was a proximate or producing cause of the injury or death occurred in this state. The prima facie showing need not be made by a preponderance of the evidence and shall be deemed to be satisfied if the party produces credible evidence in support of the pleading, which evidence need not be in admissible form and may include affidavits, deposition testimony, discovery responses, or other verified evidence~~].

(5) On page 2, line 9, strike "SECTION 3" and substitute "SECTION 2".

(6) On page 2, line 16, strike "SECTION 4" and substitute "SECTION 3".

Amendment No. 1 was adopted.

**CSHB 755**, as amended, was passed to engrossment. (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. Members registering votes are as follows: Castro and Farrar recorded voting no.)

**CSHB 914 ON SECOND READING**

(by Woolley)

**CSHB 914**, A bill to be entitled An Act relating to disclosure of certain business or financial relationships with certain local government officers; providing criminal penalties.

**CSHB 914** was passed to engrossment. (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.)

**CSHB 946 ON SECOND READING**

(by Miller, et al.)

**CSHB 946**, A bill to be entitled An Act relating to the removal, relocation, or alteration of certain monuments or memorials on state property.

**Amendment No. 1**

Representative Miller offered the following amendment to **CSHB 946**:

Amend **CSHB 946** (committee printing) as follows:

(1) On page 1, strike lines 5 and 6 and substitute the following:

SECTION 1. Section 2166.5011, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(2) On page 1, insert the following between lines 15 and 16:

(d) Sections 2166.003(a) (1), (2), and (4) do not exempt a project from the application of this section.

Amendment No. 1 was adopted.

**CSHB 946**, as amended, was passed to engrossment. (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 1285 ON SECOND READING**

**(by Swinford)**

**HB 1285**, A bill to be entitled An Act relating to the exception from required disclosure under the public information law of certain audit working papers.

**HB 1285** was passed to engrossment. (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 1478 ON SECOND READING**

**(by Wong)**

**HB 1478**, A bill to be entitled An Act relating to the eminent domain power of certain municipal management districts.

**HB 1478** was passed to engrossment. (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. Members registering votes are as follows: D. Jones recorded voting no.)

(Speaker in the chair)

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Madden requested permission for the Committee on Corrections to meet while the house is in session, during bill referral today, in E2.026, for a formal meeting, to consider posted bills.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Human Services, upon recess today, Desk 31, for a formal meeting, to consider **HB 134**, **HB 307**, **HB 1503**, and pending business.

Culture, Recreation, and Tourism, 1 p.m. today.

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

Representative Reyna moved to set a local, consent, and resolutions calendar for 10 a.m. Thursday, March 31.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Local and Consent Calendars, 1 p.m. or upon adjournment tomorrow, E2.022, for a formal meeting, to consider bills to be set on the local and consent calendar.

Insurance, upon final recess today, Desk 24, for a formal meeting.

Corrections, during bill referral today, E2.030, for a formal meeting, to consider posted bills.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Hill requested permission for the Committee on Local Government Ways and Means to meet while the house is in session, during bill referral today, in 3W.9, for a formal meeting.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Local Government Ways and Means, during bill referral today, 3W.9, for a formal meeting.

Law Enforcement, upon final recess today, Desk 56, for a formal meeting.

**PROVIDING FOR RECESS**

Representative Hupp moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 10 a.m. tomorrow.

The motion prevailed.

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

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

(Giddings in the chair)

**RECESS**

In accordance with a previous motion, the house, at 11:44 a.m., recessed until 10 a.m. tomorrow.

---

**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 3305** (By Isett, Hegar, Bonnen, Swinford, et al.), Relating to coercing a woman to have an abortion and parental notification of abortion; creating offenses.

To State Affairs.

**HB 3306** (By Bohac), Relating to certain diseases or illnesses suffered by certain emergency fire fighter or emergency medical technicians.

To Pensions and Investments.

**HB 3307** (By Bohac), Relating to the population requirements for county election precincts.

To Elections.

**HB 3308** (By Phillips), Relating to the revenue sources for and administration of the Texas Mobility Fund.

To Transportation.

**HB 3309** (By Phillips), Relating to a violation of the suspension, refusal, or revocation of a hunting license.

To Culture, Recreation, and Tourism.

**HB 3310** (By Callegari), Relating to groundwater planning and data collection.

To Natural Resources.

**HB 3311** (By Anderson), Relating to the regulation of veterinary dentistry.

To Agriculture and Livestock.

**HB 3312** (By Anderson), Relating to the establishment of a site-based school discipline policy committee under Subchapter F, Chapter 11, Education Code.

To Public Education.

**HB 3313** (By Anderson), Relating to the exemption of counties from the gasoline tax.

To Ways and Means.

**HB 3314** (By B. Brown), Relating to prohibiting wireless Internet access to obscene materials on public property.

To State Affairs.

**HB 3315** (By B. Brown), Relating to state compensation for certain primary election expenses.

To Elections.

**HB 3316** (By B. Brown), Relating to physician referrals to certain facilities providing speciality services.

To Public Health.

**HB 3317** (By B. Brown), Relating to financial arrangements between referring health care providers and providers of designated health services in rural areas; providing penalties.

To Public Health.

**HB 3318** (By B. Brown), Relating to continuing education requirements for renewal of a structural pest control business license.

To Agriculture and Livestock.

**HB 3319** (By B. Brown), Relating to the imposition of a fee for a currency transmission sent to a destination outside this state.

To Financial Institutions.

**HB 3320** (By B. Brown), Relating to the disannexation of an area by a general law municipality and the assignment of certain costs to the area.

To Land and Resource Management.

**HB 3321** (By Deshotel), Relating to student and faculty representation on the board of regents of each state university or state university system.

To Higher Education.

**HB 3322** (By Luna), Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.

To Urban Affairs.

**HB 3323** (By Oliveira), Relating to the use by electric utilities of credit histories and credit scores in determining rates.

To Regulated Industries.

**HB 3324** (By Hodge), Relating to a municipal and county sales and use tax on certain amusements and discretionary food and drink items.

To Local Government Ways and Means.

**HB 3325** (By Uresti), Relating to providing all Texas newborns with a comprehensive newborn screening program and establishing a Texas newborn screening advisory committee.

To Government Reform.

**HB 3326** (By Uresti), Relating to the establishment of a prescription drug consumer information and technical assistance program by the Department of State Health Services.

To Public Health.

**HB 3327** (By Uresti), Relating to a feasibility study regarding the provision of financial incentives to individuals who undergo training for child protective services.

To Human Services.

**HB 3328** (By Martinez Fischer), Relating to oversight and accountability of independent system operators.

To Regulated Industries.

**HB 3329** (By Martinez Fischer), Relating to renaming the State Auditor the Texas Government Accountability Office, and the expansion of the powers and duties of that office, including the creation of an office of inspector general.

To State Affairs.

**HB 3330** (By Farabee), Relating to the establishment of the school employee health insurance advisory committee.

To Insurance.

**HB 3331** (By Farabee), Relating to the minimum salary schedule for public school employees.

To Public Education.

**HB 3332** (By Farabee), Relating to patient choice and prompt and more cost effective access to physical therapy services.

To Public Health.

**HB 3333** (By Chavez), Relating to the conveyance of property to federally recognized Indian tribes in counties along the Texas-Mexico border.

To Border and International Affairs.

**HB 3334** (By Corte), Relating to an exemption from regulation for certain nonprofit agricultural research projects.

To Agriculture and Livestock.

**HB 3335** (By Hartnett), Relating to a hearing on certain unclaimed property determinations.

To Business and Industry.

**HB 3336** (By Hughes), Relating to dental hygiene services or procedures provided under the medical assistance program.

To Public Health.

**HB 3337** (By Hughes), Relating to implementing clean coal projects in the state.

To Environmental Regulation.

**HB 3338** (By Hughes), Relating to the hours of delivery for beer.

To Licensing and Administrative Procedures.

**HB 3339** (By Hughes), Relating to the issuance of "Choose Life" license plates and to the creation of the Choose Life account in the general revenue fund.

To Transportation.

**HB 3340** (By Hughes), Relating to surveys accepted for filing in the official records of the General Land Office.

To Land and Resource Management.

**HB 3341** (By Hughes), Relating to restriction of use of certain highway lanes.

To Transportation.

**HB 3342** (By Hughes), Relating to certain anesthesia services provided by dental hygienists.

To Public Health.

**HB 3343** (By Uresti), Relating to establishing internet sales of lottery tickets.

To Licensing and Administrative Procedures.

**HB 3344** (By Uresti), Relating to the expunction of certain alcohol-related convictions committed by a minor.

To Licensing and Administrative Procedures.

**HB 3345** (By Dunnam), Relating to the creation of the Texas Homefront Heroes program.

To Defense Affairs and State-Federal Relations.

**HB 3346** (By Dunnam), Relating to the procedures for issuance of an order of nondisclosure with respect to certain criminal history records.

To Criminal Jurisprudence.

**HB 3347** (By Dunnam), Relating to certain political contributions and expenditures; providing criminal penalties.

To Elections.

**HB 3348** (By Dunnam), Relating to admitting certain residents to nursing homes or related institutions.

To Human Services.

**HB 3349** (By Dunnam), Relating to a parent's right to provide food to school children.

To Public Education.

**HB 3350** (By Dunnam), Relating to the duty to report child abuse.

To Juvenile Justice and Family Issues.

**HB 3351** (By Dunnam), Relating to the authority of certain counties to impose a county hotel occupancy tax with voter approval.

To Local Government Ways and Means.

**HB 3352** (By Dunnam), Relating to assisting in the creation of a deferred presentment transaction.

To Financial Institutions.

**HB 3353** (By Driver), Relating to the continuation of criminal offenses involving the interception of certain communications for law enforcement purposes.

To Law Enforcement.

**HB 3354** (By Driver), Relating to the continuation of certain statutes authorizing the interception of certain communications for law enforcement purposes.

To Criminal Jurisprudence.

**HB 3355** (By Eiland), Relating to provider duty for ocular postoperative care.

To Public Health.

**HB 3356** (By Nixon), Relating to governmental contingent fee contracts for legal services entered into by a local governmental entity.

To Civil Practices.

**HB 3357** (By Delisi), Relating to certain information required to be contained in an application for or renewal of a hospital license.

To Public Health.

**HB 3358** (By Delisi), Relating to limitations on the expansion of extraterritorial jurisdiction of certain municipalities.

To Land and Resource Management.

### 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

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 316** Lucio  
Relating to information provided to parents of newborn children.

**SB 571** Madla  
Relating to the hours of sale and consumption of wine at a winery.

**SCR 22** Wentworth  
Recognizing April as Jazz Appreciation Month and honoring Jim Cullum as one of the outstanding advocates of jazz in Texas.

Respectfully,  
Patsy Spaw  
Secretary of the Senate



---

**APPENDIX**

---

**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**March 21**

Business and Industry - **HB 7**

Criminal Jurisprudence - **HB 144, HB 151, HB 752, HB 1324**

Energy Resources - **HB 473, HB 474, HB 475, HB 951, HB 1161**

Environmental Regulation - **HB 1705**

Land and Resource Management - **HB 1364, HB 1704, HB 1728**

Public Health - **HB 224**

Regulated Industries - **HB 789**

Ways and Means - **HB 5, HB 784, HB 1006, HJR 35**

**ENGROSSED**

**March 21 - HB 318, HB 535, HB 708, HB 839**

