

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FORTIETH DAY (CONTINUED) — THURSDAY, MARCH 31, 2005

The house met at 9 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 185).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; 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; 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; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Brown, F.; Gonzalez Toureilles.

The invocation was offered by Bill Boyd, pastor, First United Methodist Church, Temple, as follows:

O God of grace and God of glory, on these your people pour your power. We have gathered here with a common concern for all Texans and their families. Even though we come with different philosophies and political affiliations, we are united in our desire to work for the common good of all Texans, for justice in opportunity of all citizens, for the best education and welfare of all of our children, and for prosperity and security for all within our state. As we deal with our differences, keep us focused on our higher calling to work for that greater good of all.

From generation to generation you have shown us that we can "mount up on wings as eagles" and that we can overcome all challenges through the one who loves us. Send forth your spirit with the breath of life and of vision. Unite us in

our work. Help us to work in the spirit, which is centered in love, respect, and highest integrity. Give each of us the wisdom and vision to work for your kingdom here on earth as it is in heaven.

Bless our families and all those who are sacrificing so that we might be able to give this time to the service of our great state. And bless all of those women and men who are serving as military personnel, police officers, firefighters, and other walks of life so that our freedom and security might be protected. All of these things we ask for in your holy name. Amen.

The chair recognized Representative Delisi 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 temporarily for today because of important business in the district:

F. Brown on motion of Madden.

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

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

### **CAPITOL PHYSICIAN**

The chair recognized Representative Denny who presented Dr. Tamra Deuser of Lewisville as the "Doctor for the Day."

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

### **CONGRATULATORY AND MEMORIAL CALENDAR RESET**

On motion of Representative Edwards and by unanimous consent, consideration of today's Congratulatory and Memorial Calendar was reset to 9 a.m. instead of 10 a.m., as provided for previously.

### **HCR 127 - ADOPTED (by Dutton)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HCR 127**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 127**, Honoring Sandra Eyvette Humber on the occasion of her 50th birthday.

**HCR 127** was adopted.

**HR 846 - ADOPTED**  
**(by Craddick)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 846**.

The motion prevailed.

The following resolution was laid before the house:

**HR 846**, Honoring the team of Harvey Yates, Martin Yates III, Saint Clair Peyton Yates, and John Yates on its induction into the Petroleum Hall of Fame.

**HR 846** was adopted.

**HR 845 - ADOPTED**  
**(by Craddick)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 845**.

The motion prevailed.

The following resolution was laid before the house:

**HR 845**, Congratulating Clayton W. Williams, Jr., of Midland on his induction into the Petroleum Hall of Fame.

**HR 845** was adopted.

**HR 844 - ADOPTED**  
**(by Craddick)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 844**.

The motion prevailed.

The following resolution was laid before the house:

**HR 844**, Honoring C. Fred Chambers and William Duncan Kennedy on their posthumous induction into the Petroleum Hall of Fame.

**HR 844** was adopted.

**HR 843 - ADOPTED**  
**(by Craddick)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 843**.

The motion prevailed.

The following resolution was laid before the house:

**HR 843**, Congratulating Myra Brown Robinson of Big Spring on her induction into the Petroleum Hall of Fame.

**HR 843** was adopted.

**HR 842 - ADOPTED**  
**(by Craddick)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 842**.

The motion prevailed.

The following resolution was laid before the house:

**HR 842**, Honoring Dakota Newman of Stanton on earning Junior Market Grand Champion honors at the Houston Livestock Show and Rodeo.

**HR 842** was adopted.

**HR 911 - ADOPTED**  
**(by Farabee)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 911**.

The motion prevailed.

The following resolution was laid before the house:

**HR 911**, Commending the Honorable Charles W. Stenholm for his exceptional service to the State of Texas and to this nation.

**HR 911** was adopted.

**HR 950 - ADOPTED**  
**(by Blake)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 950**.

The motion prevailed.

The following resolution was laid before the house:

**HR 950**, Commemorating the 50th anniversary of the opening of the Hotel Fredonia in Nacogdoches.

**HR 950** was adopted.

**HR 944 - ADOPTED**  
**(by Taylor)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 944**.

The motion prevailed.

The following resolution was laid before the house:

**HR 944**, Honoring the Friendswood Chamber of Commerce.

**HR 944** was adopted.

**HR 264 - ADOPTED**  
**(by Naishtat)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 264**.

The motion prevailed.

The following resolution was laid before the house:

**HR 264**, Allowing the South Central Texas District of Optimist International to use the house chamber.

**HR 264** was adopted.

**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. 24).

**HR 751 - ADOPTED**  
**(by Baxter)**

Representative Baxter moved to suspend all necessary rules to take up and consider at this time **HR 751**.

The motion prevailed.

The following resolution was laid before the house:

**HR 751**, Honoring Westlake High School's AP Physics program.

**HR 751** was adopted.

**HR 945 - ADOPTED**  
**(by T. Smith)**

Representative T. Smith moved to suspend all necessary rules to take up and consider at this time **HR 945**.

The motion prevailed.

The following resolution was laid before the house:

**HR 945**, Welcoming representatives of the Texas Council of Child Welfare Boards to the State Capitol and commending all those associated with that organization for their work in behalf of Texas children.

**HR 945** was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative T. Smith who introduced members of the Texas Council of Child Welfare Boards.

**HR 947 - ADOPTED**  
**(by R. Allen)**

Representative R. Allen moved to suspend all necessary rules to take up and consider at this time **HR 947**.

The motion prevailed.

The following resolution was laid before the house:

**HR 947**, Congratulating William S. Thomas of Austin on his 80th birthday.

**HR 947** was adopted.

**HR 835 - ADOPTED**  
**(by Eiland)**

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HR 835**.

The motion prevailed.

The following resolution was laid before the house:

**HR 835**, Recognizing March 31, 2005, as Jack A. Johnson Day.

**HR 835** was read and was adopted.

**HR 809 - ADOPTED**  
**(by Chavez, Alonzo, Gonzales, Martinez, and Burnam)**

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 809**.

The motion prevailed.

The following resolution was laid before the house:

**HR 809**, Honoring the life of Cesar Chavez and recognizing March 31 to April 23, 2005, as Cesar Chavez Farmworker Appreciation Month.

**HR 809** was read and was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 809** as signers thereof.

**PRINTING RULE SUSPENDED**

Representative Swinford moved to suspend House Rule 12, Section 1(a)(1)(A) to enable the committee reports for **HB 2017**, **HB 2018**, and **HB 2019** to be printed and distributed without the text of the introduced bills.

The motion prevailed.

**HR 703 - RECOMMITTED**

Representative Hamric moved to recommit **HR 703** to the Committee on House Administration.

The motion prevailed.

**HR 704 - RECOMMITTED**

Representative Hamric moved to recommit **HR 704** to the Committee on House Administration.

The motion prevailed.

**HR 917 - ADOPTED**  
**(by Gallego)**

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 917**.

The motion prevailed.

The following resolution was laid before the house:

**HR 917**, Congratulating members of the Texas Lyceum Association on the occasion of the organization's 25th anniversary.

**HR 917** was read and was adopted.

On motion of Representatives Coleman, Farabee, and Kuempel the names of all the members of the house were added to **HR 917** as signers thereof.

**INTRODUCTION OF GUEST**

The chair recognized Representative Gallego who introduced Jordan Cowman, president of the Texas Lyceum Association.

**HR 954 - ADOPTED**  
**(by Herrero)**

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 954**.

The motion prevailed.

The following resolution was laid before the house:

**HR 954**, Honoring the life of Selena Quintanilla Perez on the 10th anniversary of her passing.

**HR 954** was unanimously adopted by a rising vote.

On motion of Representatives Alonzo and Hamric, the names of all the members of the house were added to **HR 954** as signers thereof.

**HR 723 - ADOPTED**  
**(by Veasey)**

Representative Veasey moved to suspend all necessary rules to take up and consider at this time **HR 723**.

The motion prevailed.

The following resolution was laid before the house:

**HR 723**, Honoring members of the Tuskegee Airmen on the occasion of their visit to Fort Worth.

**HR 723** was adopted.

**HCR 134 - ADOPTED**  
**(by Hilderbran)**

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HCR 134**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 134**, Congratulating the mock trial team of Tivy High School in Kerrville for winning the state championship.

**HCR 134** was read and was adopted.

**HR 795 - ADOPTED**  
**(by Rose and Gonzales)**

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HR 795**.

The motion prevailed.

The following resolution was laid before the house:

**HR 795**, In memory of Luciano Flores of San Marcos.

**HR 795** was read and was unanimously adopted by a rising vote.

**HR 740 - ADOPTED**  
**(by Berman)**

Representative Berman moved to suspend all necessary rules to take up and consider at this time **HR 740**.

The motion prevailed.

The following resolution was laid before the house:

**HR 740**, In memory of Mark Alan Wilson of Tyler.

**HR 740** was read and was unanimously adopted by a rising vote.

**HR 925 - ADOPTED**  
**(by Casteel)**

Representative Casteel moved to suspend all necessary rules to take up and consider at this time **HR 925**.

The motion prevailed.

The following resolution was laid before the house:

**HR 925**, Honoring Ralph and Alma Wheat of New Braunfels on their 60th wedding anniversary.

**HR 925** was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Alonzo who introduced Minnie Rangel Henderson, sister of the Honorable Irma Rangel, and students and faculty of the Irma Lerma Rangel Young Women's Leadership School. Ms. Henderson briefly addressed the house.

(Edwards in the chair)



**CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HR 406** (by Craddick), Congratulating Richard M. "Dick" and Mary Pemberton of Midland on their 75th wedding anniversary.

**HR 407** (by Craddick), Honoring Wayne and Ginny Piette on the occasion of their 50th wedding anniversary.

**HR 408** (by Craddick), Honoring Charles and JoAnn Schoolcraft of Midland on the occasion of their 50th wedding anniversary.

**HR 409** (by Craddick), Honoring Bennie and Sue Richey of Midland on the occasion of their 50th wedding anniversary.

**HR 410** (by Craddick), Honoring E. V. and Frances Scott of Midland on the occasion of their 50th wedding anniversary.

**HR 411** (by Craddick), Honoring Alex and Ila Ewing of Midland on the occasion of their 60th wedding anniversary.

**HR 412** (by Craddick), Honoring Isabel and Billie R. Proctor, Sr., on the occasion of their 60th wedding anniversary.

**HR 413** (by Craddick), Recognizing Clarence and Mary Johnson of Midland on their 50th anniversary.

**HR 414** (by Craddick), Honoring Robert and Leota Birth of Midland on the occasion of their 60th wedding anniversary.

**HR 415** (by Craddick), Honoring Arnold and Charlene Keune of Lamesa on the occasion of their 50th wedding anniversary.

**HR 416** (by Craddick), Honoring Barry and Helen Tisdale of Midland on their 50th wedding anniversary.

**HR 417** (by Craddick), Honoring Sanford and Patsy Boardman of Lamesa on their 50th anniversary.

**HR 560** (by Hardcastle), Honoring four members of the Root family for achieving the rank of Eagle Scout.

**HR 562** (by Chavez), Honoring Navy Corpsman Jose Ramos of El Paso for his service to his country and his indomitable spirit.

**HR 563** (by Chavez), Honoring Suzie Azar, who served as the first female mayor of El Paso.

**HR 564** (by Chavez), Congratulating Virginia E. Price of El Paso on her receipt of the REACH Award from the YWCA El Paso Del Norte Region.

**HR 565** (by Chavez), Honoring the Mission Impossible bowling team of El Paso.

**HR 566** (by Chavez), Honoring Diego Martinez of El Paso for his courageous fight against cancer.

**HR 567** (by Chavez), Honoring James Holt for his missionary work in Africa.

**HR 568** (by Chavez), Honoring Meredith Garmon and LoraKim Joyner of El Paso on their work as ministers.

**HR 660** (by Hilderbran), Honoring the Chinese National Treasures limited world tour art exhibition.

**HR 661** (by Anchia), Honoring Jerry Nicholson of Dallas for his contributions to his community.

**HR 662** (by Chavez), Congratulating Mark Pierce on his receipt of an award from the Hispanic Chamber of Commerce of El Paso.

**HR 663** (by Chavez), Honoring Belen Robles of El Paso for her civic leadership.

**HR 664** (by Chavez), Honoring Barbara Funkhouser of Las Cruces, New Mexico, on her accomplishments as the first woman to be named editor of the El Paso Times.

**HR 671** (by Smithee), Commending Shirley Hutzler for her contributions to her industry and recognizing her as the inaugural recipient of the TAHU "Hutzler Legislative Excellence Award."

**HR 675** (by T. Smith), Honoring the leaders and members of the L. D. Bell Blue Raider Marching Band on their outstanding performances.

**HR 682** (by Dutton), Honoring the Reverend Robert Staggers, Jr., on 35 years of pastoral service as he retires from Northside Antioch Baptist Church in Houston.

**HR 684** (by Hardcastle), Congratulating John and Evelyn Box of Bryan on the occasion of their 59th wedding anniversary and his 91st birthday.

**HR 686** (by Wong), Formally announcing the birth of Chloe Chelsea Choudhury of Houston and congratulating her parents, Tanaz and Chesley Choudhury.

**HR 689** (by Anchia), Honoring Nina G. Vaca of Dallas on her selection as chair of the Greater Dallas Hispanic Chamber of Commerce.

**HR 692** (by Gonzalez Toureilles), Congratulating Lupe Martinez on his receipt of a Martin Luther King, Jr., Humanitarian Award from the office of the mayor of Alice.

**HR 697** (by Nixon), Honoring Catherine Cecelia Hartberger of Houston on her 90th birthday.

**HR 700** (by Hughes), Honoring Jarvis Christian College in Hawkins on the occasion of Founders'/Homecoming Week on March 16-20, 2005.

**HR 705** (by Uresti), Honoring the Parent Association for the Retarded of Texas for its work in behalf of Texans with mental retardation.

**HR 708** (by Zedler), Recognizing Daniel Miller of Arlington, the designer of the commemorative Texas state quarter.

**HR 710** (by Zedler), Congratulating Fort Worth District Clerk Tom Wilder on earning the Best Practices Award from the Texas Association of Counties.

**HR 711** (by Zedler), Congratulating Gary Hardee on his receipt of the 2004 Richard Greene Community Service Award from Young Men for Arlington.

**HR 712** (by Zedler), Congratulating Jeff Williams on his receipt of the 2004 Tom Vandergriff Leadership Award from Young Men for Arlington.

**HR 714** (by Zedler), Congratulating Donna Darovich on her retirement as director of public affairs for The University of Texas at Arlington.

**HR 720** (by Guillen), Honoring H-E-B in Rio Grande City.

**HR 721** (by Flynn), Honoring John and Debbie Phillips of the Life Choices program for their efforts in behalf of America's youth.

**HR 723** was previously adopted.

**HR 725** (by Orr), Congratulating Paul Sutton of Mansfield and William Pettit of Burleson on the success of Charming Socialite, a 2004 Texas champion racehorse.

**HR 726** (by Raymond), Congratulating Communities in Schools of Laredo on its 15th anniversary.

**HR 728** (by J. Jones), Honoring Willie Russell of Kerens on his 100th birthday.

**HR 738** (by Hughes), Honoring State Representative Dan Flynn on being named the Van Zandt County Citizen of the Year and commending him for his exemplary service to his community and state.

**HR 739** (by P. King), Honoring Edgbert Hudson of Bridgeport for his courage as a prisoner of war during World War II.

**HR 743** (by McClendon), Honoring Ester Mae Bennett of San Antonio on her 90th birthday.

**HR 744** (by McClendon), Commending University of Texas student Candice Johnson on her many outstanding academic and extracurricular achievements.

**HR 747** (by Kolkhorst), Honoring Hester Smith Lockett of Brenham on her 100th birthday.

**HR 750** was withdrawn.

**HR 751** was withdrawn.

**HR 756** (by Farabee), Congratulating Hirschi Math Science IB Magnet High School in Wichita Falls for receiving the national Magnet School of Excellence Award.

**HR 757** (by Farabee), Honoring the Wichita Falls Rotary Club for its contributions to the Children of the Dump project.

**HR 764** (by Orr), Honoring Gene Harris on his company's receipt of the Bursleson Area Chamber of Commerce Business Dynamic Award and on his contributions to his community.

**HR 767** (by Solis), Congratulating the Lopez High School Band in Brownsville on being invited to perform for the 2005 Administrators' Midwinter Conference on Education.

**HR 768** (by Solis), Honoring Benito Ochoa, Jr., and Maria de Rosario Ochoa of Port Isabel on their 55th anniversary.

**HR 771** (by Gallego), Honoring Pastor Edward Goodman Eskew on his 79th birthday and for his contributions to his community.

**HR 773** (by Anchia), Honoring Thabiti Olatunji for his service to the North Park community.

**HR 774** (by Anchia), Honoring Mary Lou Montes Zijderveld for her exemplary contributions to the Dallas community.

**HR 775** (by Anchia), Honoring Gary Turner of Dallas on his contributions to his community.

**HR 777** (by Otto), Congratulating Richard and Alice Dziubanek of Livingston on their 50th wedding anniversary.

**HR 779** (by Zedler), Honoring John Washington on his retirement as a Mansfield school trustee.

**HR 780** (by Dawson), Congratulating the Palacios Community Medical Center on its receipt of the Business of the Year Award for 2004 from the Palacios Chamber of Commerce.

**HR 781** (by Dawson), Honoring Matagorda County Judge Greg Westmoreland on being elected chair of the Houston-Galveston Area Council for 2005-2006.

**HR 782** (by Dawson), Congratulating Kathy Nichols of Palacios on being named the 2004 Woman of the Year by the Palacios Chamber of Commerce.

**HR 783** (by Dawson), Honoring Craig A. Wallis on being named the 2004 Man of the Year by the Palacios Chamber of Commerce.

**HR 785** (by Wong), Congratulating St. Thomas' Episcopal School in Houston on its 50th anniversary.

**HR 786** (by Wong), Honoring Dr. Bill S. Chen of Houston for his success in business on the 15th anniversary of New Era Life Insurance Companies and commending him for his myriad efforts in behalf of his fellow Texans.

**HR 787** (by Wong), Congratulating Harry Gee, Jr., of Houston on his receipt of the Houston Bar Association Auxiliary 18th Annual Leon Jaworski Award.

**HR 788** (by Hardcastle), Honoring the Graham Rotary Club on the occasion of the 100th anniversary of Rotary International.

**HR 792** (by Martinez Fischer), Congratulating J. Rolando Bono of San Antonio on becoming interim city manager.

**HR 801** (by Gonzales), Honoring Jacqueline Padron on being named the Youth of the Year by the Boys & Girls Clubs of Edinburg.

**HR 802** (by Gonzales), Honoring Glen Edward Roney of McAllen for his contributions to the Boys & Girls Club.

**HR 803** (by Gonzales), Honoring Rita Kathryn Roney of McAllen for her contributions to the Boys & Girls Club.

**HR 804** (by Phillips), Honoring the 50th anniversary of the Sam Rayburn Library and Museum in Bonham on December 9, 2005.

**HCR 74** (by Solomons), Honoring the 56th Brigade Combat Team of the 36th Infantry Division, Texas National Guard, for its courageous service in Iraq.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HR 674** (by Rose), In memory of U.S. Army Specialist Viktor V. Yolkin of Central Texas.

**HR 676** (by T. Smith), In memory of U.S. Army Staff Sergeant Kyle Andrew Eggers.

**HR 678** (by B. Cook), In memory of Judge Kenneth A. Douglas of Corsicana.

**HR 687** (by Wong), In memory of Gee H. Moy Woo of Houston.

**HR 688** (by Wong), In memory of Juiping H. Chu of Houston.

**HR 702** (by West), In memory of A. R. "Happy" Dyer of Odessa.

**HR 706** (by Uresti), In memory of Dr. Hector X. Samaniego, Sr., of San Antonio.

**HR 724** was withdrawn.

**HR 733** was withdrawn.

**HR 737** was withdrawn.

**HR 740** was previously adopted.

**HR 758** (by Hopson), In memory of Marion Jackson "Jack" Maxwell of Tyler.

**HR 763** (by Geren), In memory of Dwaine A. Johnson of Fort Worth.

**HR 778** (by Anchia), In memory of the Honorable Horacio Sabas Ramirez of Hebronville.

**HR 784** (by Wong), In memory of Whitt Franklin Johnson of West University Place.

**HR 789** (by Hardcastle), In memory of former National Rifle Association vice president and Firearms Coalition founder Neal Knox, of Manassas, Virginia.

**HR 795** was previously adopted.

**HR 800** (by Gonzales), In memory of James Cole Abbott of McAllen.

**HR 805** (by Phillips), In memory of Richard Monroe Pruett of Sherman.

**HR 807** (by W. Smith), In memory of Thurman F. Watson of Baytown.

**HCR 102** was withdrawn.

The resolutions were unanimously adopted by a rising vote.

### **HR 763 - MOTION TO ADD NAMES**

On motion of Representative Geren, the names of all the members of the house were added to **HR 763** as signers thereof.

### **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):

**CSHB 75** (by Hope), A bill to be entitled An Act relating to the selection of a jury in criminal and civil cases.

**CSHB 87** (by Reyna), A bill to be entitled An Act relating to the authority of a municipality to alter speed limits in an urban district within the municipality.

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

Representative Reyna offered the following amendment to **CSHB 87**:

Amend **CSHB 87** on page 1, line 11, between "highway system," and "may declare", by inserting "is 35 feet or less in width, and along which vehicular parking is not prohibited on one or both sides of the highway,".

Amendment No. 1 was adopted.

**HB 132** (by Hilderbran), A bill to be entitled An Act relating to the rate of the county health services sales and use tax.

**CSHB 210** was deferred until the end of the Local, Consent, and Resolutions calendar.

**CSHB 232** was withdrawn.

**CSHB 364** (by Hegar and Guillen), A bill to be entitled An Act relating to an offense of possession of certain devices affecting operation of a traffic-control signal.

**HB 369** (by Farabee and Martinez Fischer), A bill to be entitled An Act relating to the civil and criminal consequences of racing a motor vehicle on a public highway in this state.

**HB 388** (by T. Smith), A bill to be entitled An Act relating to the qualifications of bailiffs and grand jury bailiffs for certain courts.

**HB 389** (by T. Smith), A bill to be entitled An Act relating to the appointment of grand jury bailiffs in Tarrant County.

**HB 496** (by Miller), A bill to be entitled An Act relating to jurisdiction of the statutory county courts of Erath County.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Hartnett, Representative Miller offered the following committee amendment to **HB 496**:

Amend **HB 496**, on line 11, by striking \$1 million and replacing it with \$500,000.

Amendment No. 1 was adopted.

**CSHB 749** (by D. Jones, et al.), A bill to be entitled An Act relating to size and weight limitations for certain vehicles transporting agricultural products and equipment.

**CSHB 874** (by Kuempel), A bill to be entitled An Act relating to designating a portion of State Highway 123 as the Senator John Traeger Memorial Highway.

**SB 88** (Taylor - House Sponsor), in lieu of **HB 935**, A bill to be entitled An Act relating to minimum enrollment in certain group life insurance policies.

Representative Taylor moved to lay **HB 935** on the table subject to call.

The motion prevailed.

**CSHB 961** (by W. Smith), A bill to be entitled An Act relating to the location of a sale of real property under a contract lien.

**HB 1058** (by Pickett, Guillen, and T. King), A bill to be entitled An Act relating to high school diplomas for certain veterans.

**Amendment No. 1**

On behalf of Representative Reyna, Representative Pickett offered the following amendment to **HB 1058**:

Amend **HB 1058** as follows:

(1) On page 1, line 11, strike "1957" and substitute "1975".

(2) On page 1, strike line 13 and substitute "World War II, the Korean War, or the Vietnam War.".

Amendment No. 1 was adopted.

**HB 1097** (by Bonnen), A bill to be entitled An Act relating to the validation of any act, governmental proceeding, official, bond, or obligation of a navigation district or port authority or a corporation of the district or authority.

**HB 1119** (by Frost), A bill to be entitled An Act relating to the creation of a county court at law in Cass County.

**HB 1142** was withdrawn.

**CSHB 1190** (by Hartnett), A bill to be entitled An Act relating to trusts.

**HB 1236** (by Paxton), A bill to be entitled An Act relating to an exemption from The Real Estate License Act for persons who conduct foreclosure sales.

**HB 1267** (by R. Cook), A bill to be entitled An Act relating to changing the name of the Texas Industrial Fire Training Board to the Texas Industrial Emergency Services Board.

**CSHB 1562** (by Chavez), A bill to be entitled An Act relating to the authority of a local government to enter into an interlocal contract with a federally recognized Indian tribe.

**CSHB 210** (by Solomons), A bill to be entitled An Act relating to the regulation of certain telemarketing calls.

**HR 955 - ADOPTED**  
**(by Driver)**

Representative Driver moved to suspend all necessary rules to take up and consider at this time **HR 955**.

The motion prevailed.

The following resolution was laid before the house:

**HR 955**, Recognizing the members of Leadership Rowlett on the occasion of their visit to the State Capitol.

**HR 955** was adopted.

**HR 958 - ADOPTED**  
**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 958**.

The motion prevailed.

The following resolution was laid before the house:

**HR 958**, In memory of Dr. Robert O. Dawson.

**HR 958** was unanimously adopted by a rising vote.



On motion of Representative Dutton, the names of all the members of the house were added to **HR 958** as signers thereof.

**HR 909 - ADOPTED**  
**(by Chisum)**

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HR 909**.

The motion prevailed.

The following resolution was laid before the house:

**HR 909**, Honoring the 2005 Texas Yes! Hardworking Rural Communities chosen by the Texas Department of Agriculture.

**HR 909** was adopted.

**HR 957 - ADOPTED**  
**(by Peña)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 957**.

The motion prevailed.

The following resolution was laid before the house:

**HR 957**, Honoring Letty Martinez for her service with the Edinburg Chamber of Commerce.

(F. Brown now present)

**HR 957** was adopted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Border and International Affairs, upon first adjournment today, Desk 75, for a formal meeting, to consider pending business.

**ADJOURNMENT**

Representative Uresti moved that the house adjourn until 11 a.m. today in memory of Terri Schiavo.

The motion prevailed.

The house accordingly, at 10:48 a.m., adjourned until 11 a.m. today.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

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

**House List No. 24****HCR 42, HCR 67, HCR 114, HCR 118, HCR 130****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  
Thursday, March 31, 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 50** Nelson  
Relating to contracts between health care providers and certain health benefit plan issuers.

**SB 53** Nelson  
Relating to the use of genetic testing information by insurers.

**SB 103** Zaffirini  
Relating to the priority given to the hearing by trial courts of certain ad valorem tax matters.

**SB 117** Van de Putte  
Relating to the timely transfer of student information to a school district in which the student enrolls.

**SB 125** Lindsay  
Relating to the display of a license plate on a motor vehicle.

**SB 129** Barrientos  
Relating to certain exceptions to the requirement that the operator of a motor vehicle operated on a turnpike project pay the proper toll or the full amount of the toll.

**SB 140** Wentworth  
Relating to changing the title of assistant secretary of state to deputy secretary of state.

**SB 148** Wentworth  
Relating to the exception from required public disclosure of a photograph of a peace officer.

- SB 164** Wentworth  
Relating to the statutory requirements for the term and residency of the Commissioner of the General Land Office.
- SB 176** Brimer  
Relating to the required use of towing safety chains on certain vehicles.
- SB 220** Carona  
Relating to the maintenance of records by a notary public.
- SB 245** Gallegos  
Relating to local government authorization of charitable solicitation by a pedestrian.
- SB 254** Shapiro  
Relating to the removal of certain restrictions imposed on the programs, enrollment, and admission policies of The University of Texas at Dallas.
- SB 261** Williams  
Relating to the creation of a program to educate the public on the value of health coverage and to increase public awareness of health coverage options.
- SB 268** Madla  
Relating to the repeal of the statutory provision governing the powers and duties of the Rio Grande watermaster and the delivery of water down the banks and bed of the Rio Grande.
- SB 276** Staples  
Relating to authorizing The University of Texas Health Science Center at Tyler to offer courses and degree programs in allied health and related fields.
- SB 308** Duncan  
Relating to temporary successors to members of the legislature during a period of emergency caused by enemy attack.
- SB 313** Gallegos  
Relating to the training required for certain county jailers.
- SB 346** Wentworth  
Relating to conforming the law concerning the removal of a guardian of a ward to amendments made by the 78th Legislature.
- SB 347** Wentworth  
Relating to the appointment of an appraiser to appraise the property of a decedent's or ward's estate.
- SB 348** Wentworth  
Relating to the availability of judges and magistrates for proceedings related to chemically dependent persons.
- SB 381** Staples  
Relating to the regulation of real estate appraisers.
- SB 382** Staples  
Relating to disciplinary proceedings and contested cases involving real estate appraisers and appraiser trainees.

- SB 387** Wentworth  
Relating to school district employment policies.
- SB 399** Madla  
Relating to liability of certain individuals for certain governmental fines or penalties.
- SB 402** Nelson  
Relating to the administration and functions of the Texas State Board of Podiatric Medical Examiners; providing an administrative penalty.
- SB 403** Nelson  
Relating to the continuation and functions of the Texas State Board of Examiners of Perfusionists; providing an administrative penalty.
- SB 407** Jackson, Mike  
Relating to the continuation and functions of the State Board of Veterinary Medical Examiners; providing an administrative penalty.
- SB 415** Shapleigh  
Relating to continuation and functions of the Texas State Board of Social Worker Examiners; providing an administrative penalty.
- SB 427** Van de Putte  
Relating to providing notification to a county voter registrar of the change in boundaries of a political subdivision located in the county.
- SB 436** Gallegos  
Relating to the records of a justice of the peace.
- SB 438** Gallegos  
Relating to service of citation in small claims courts.
- SB 439** Gallegos  
Relating to eviction suits in justice courts.
- SB 441** Madla  
Relating to application of the professional prosecutors law to the district attorney for the 112th Judicial District.
- SB 451** Wentworth  
Relating to the qualifications for service as a grand or petit juror and challenges for cause.
- SB 464** Ellis  
Relating to the duration of judgment liens in favor of the state.
- SB 471** Hinojosa  
Relating to the Texas Coastal Ocean Observation Network.
- SB 482** Shapiro  
Relating to the retirement benefits payable to retirees of the Teacher Retirement System of Texas who are employed as teacher mentors.
- SB 483** Staples  
Relating to allowing designated public school libraries to participate in group purchasing agreements with the TexShare Library Consortium.

- SB 493** Van de Putte  
Relating to reducing paperwork required of school districts and school district employees.
- SB 521** Madla  
Relating to exemptions from the law governing emergency medical services for certain transfer vehicles and staff and to the minimum qualifications for obtaining an emergency medical services provider license.
- SB 523** Deuell  
Relating to the regional emergency medical dispatch resource center pilot program.
- SB 550** Duncan  
Relating to the compensation of security personnel of certain courts, including the payment of compensation for the bailiff of the 106th District Court.
- SB 552** Duncan  
Relating to the creation of magistrates in Nolan County.
- SB 563** Janek  
Relating to the prevention of Medicaid fraud; providing penalties.
- SB 573** Brimer  
Relating to the award of certain highway maintenance contracts by the Texas Department of Transportation.
- SB 580** Van de Putte  
Relating to the installment payment of ad valorem taxes by certain veterans.
- SB 626** Zaffirini  
Relating to medical assistance in certain alternative community-based care settings.
- SB 632** Nelson  
Relating to the requirements for issuance of a dental x-ray certificate to a dental assistant.
- SB 668** Seliger  
Relating to the authority of the board of directors of the South Randall County Hospital District to invest district funds.
- SB 776** Van de Putte  
Relating to persons eligible to administer or take a high school equivalency examination.
- SB 792** Staples  
Relating to the duties of the county attorney in Montgomery County.
- SB 873** Nelson  
Relating to a medical information telephone hotline pilot program under the state Medicaid program.

**SCR 2**

Staples

Memorializing Congress to enact legislation to provide for federal deployment of the Strategic National Stockpile within Mexico to protect United States border states.

Respectfully,

Patsy Spaw

Secretary of the Senate