

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SECOND DAY — MONDAY, APRIL 4, 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 192).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; 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; 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; 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 — Bailey; Gonzalez Tourelles.

Absent — Naishtat.

The invocation was offered by Father Bud Roland, St. Mary's Cathedral, Austin, as follows:

Good and loving God, we give you thanks for this day. As we pray for the members of this legislative body, we remember your servant, Pope John Paul II. We give you thanks for his life of service and fidelity. We give you thanks for his humanity and his love of nature and the arts. We thank you for raising up this man who courageously worked for the freedom of all peoples.

May his example inspire us all and especially the members of the Texas House of Representatives. May they in imitation speak truth with love and compassion. May they reach out to enemies and those with whom they disagree. May they offer forgiveness and receive it graciously. May they advocate for the

poor and the powerless. May they be heralds for freedom and responsibility. Loving God, bless their work on behalf of the common good and may you continue to bless Texas.

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

LEAVES OF ABSENCE GRANTED

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

Bailey on motion of Keel.

The following member was granted leave of absence for today and the remainder of the week because of maternity leave:

Gonzalez Toureilles on motion of Gonzales.

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.

CAPITOL PHYSICIAN

The speaker recognized Representative Rose who presented Dr. David Pampe of Austin as the "Doctor for the Day."

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

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a funeral:

Merritt on motion of Goolsby.

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).

HB 1855 - RECOMMITTED

Representative Giddings moved to recommit **HB 1855** to the Committee on Business and Industry.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Talton on motion of Chisum.

(Naishtat now present)

HCR 107 - ADOPTED**(by R. Cook)**

Representative R. Cook moved to suspend all necessary rules to take up and consider at this time **HCR 107**.

The motion prevailed.

The following resolution was laid before the house:

HCR 107, Recognizing Wildfire Awareness Week, April 4 through 8, 2005.

HCR 107 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative R. Cook who introduced Smokey Bear and representatives of the Texas Forest Service.

HR 888 - ADOPTED**(by Craddick)**

Representative West moved to suspend all necessary rules to take up and consider at this time **HR 888**.

The motion prevailed.

The following resolution was laid before the house:

HR 888, Honoring Alice Lorraine Leslie Park of Midland on her 95th birthday.

HR 888 was adopted.

HR 977 - ADOPTED**(by Herrero, Escobar, and Quintanilla)**

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 977**.

The motion prevailed.

The following resolution was laid before the house:

HR 977, In memory of Crisanta Garcia Lopez of Robstown.

(Wong in the chair)

HR 977 was read and was unanimously adopted by a rising vote.

On motion of Representatives Escobar and Gallego, the names of all the members of the house were added to **HR 977** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Herrero who introduced the family of Crisanta Garcia Lopez.

HR 992 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 992**.

The motion prevailed.

The following resolution was laid before the house:

HR 992, Recognizing April 4, 2005, as Texas Collegiate Day at the State Capitol.

(Speaker in the chair)

HR 992 was adopted.

HR 999 - ADOPTED
(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 999**.

The motion prevailed.

The following resolution was laid before the house:

HR 999, Honoring the Chicano/Hispanic Law Students' Association for the significant contributions it has made to enhance the education of its membership and to encourage the continued advancement of Hispanic members of the legal profession in Texas.

HR 999 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego who introduced members of the Chicano/Hispanic Law Students' Association.

HR 970 - ADOPTED
(by Dunnam)

Representative Dunnam moved to suspend all necessary rules to take up and consider at this time **HR 970**.

The motion prevailed.

The following resolution was laid before the house:

HR 970, Recognizing the volunteers of the Waco Center for Youth during National Volunteer Week, April 17-23, 2005.

HR 970 was adopted.

HR 259 - ADOPTED
(by Martinez Fischer)

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 259**.

The motion prevailed.

The following resolution was laid before the house:

HR 259, Congratulating the San Antonio Police Department's SWAT team for winning first place at the 2004 World SWAT Challenge.

HR 259 was adopted.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

SB 252 ON SECOND READING (Delisi - House Sponsor)

SB 252, A bill to be entitled An Act relating to a project of a development corporation in connection with a military base or facility.

SB 252 was considered in lieu of **HB 548**.

SB 252 was read second time and was passed to third reading. (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 548 - LAID ON THE TABLE SUBJECT TO CALL

Representative Delisi moved to lay **HB 548** on the table subject to call.

The motion prevailed.

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 224 ON THIRD READING (by Corte)

HB 224, A bill to be entitled An Act relating to the treatment of certain persons younger than 18 years of age admitted for voluntary inpatient mental health services and discharge from that treatment for those persons.

A record vote was requested.

HB 224 was passed by (Record 193): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; 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.; Dawson; Delisi; Denny; Deshotel; Driver; 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; 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; 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; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gonzalez Toureilles; Merritt; Talton.

Absent — Davis, Y.; Dukes; Hope; Veasey.

STATEMENT OF VOTE

When Record No. 193 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

HB 70 ON SECOND READING (by McClendon and Escobar)

HB 70, A bill to be entitled An Act relating to the expedited payment of the lump-sum death benefit for members of the Employees Retirement System of Texas.

HB 70 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 752 ON SECOND READING (by Giddings and Gonzalez Toureilles)

HB 752, A bill to be entitled An Act relating to the penalty for theft of identifying information.

Amendment No. 1

Representative Keel offered the following amendment to **HB 752**:

Amend **HB 752** on page 2, line 23, between "32.51" and the semicolon, by inserting ", and it is shown on the trial of the offense that the defendant knew at the time of the offense that the property stolen was identifying information or contained identifying information".

Amendment No. 1 was adopted.

HB 752, 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 801 ON SECOND READING

(by Uresti)

HB 801, A bill to be entitled An Act relating to training for Department of Family and Protective Services personnel receiving reports of child abuse and neglect.

Amendment No. 1

Representative Corte offered the following amendment to **HB 801**:

Amend **HB 801** as follows:

(1) On page 1, strike line 14 and substitute "and neglect";

(2) On page 1, line 18, between "nature" and the period, insert the following:

; and

(3) proper methods for obtaining information to determine:

(A) whether the conduct included in a report of abuse constitutes a sexual assault under Section 22.011(a)(2), Penal Code; and

(B) if the conduct constitutes an offense under that section, whether the circumstances described by Section 22.011(e), Penal Code, exist

Amendment No. 1 was withdrawn.

HB 801 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 802 ON SECOND READING

(by Uresti)

HB 802, A bill to be entitled An Act relating to the investigation of certain reports of child abuse and neglect.

HB 802 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 976 ON SECOND READING

(by Madden)

HB 976, A bill to be entitled An Act relating to allowing the Texas Building and Procurement Commission to deliberate in a closed meeting regarding business and financial considerations of a contract being negotiated.

HB 976 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: Berman, Flynn, Herrero, Leibowitz, Miller, and Rose recorded voting no.)

CSHB 982 ON SECOND READING

(by Reyna)

CSHB 982, A bill to be entitled An Act relating to posting a sign warning restaurant or bar employees against fraudulent use or possession of identifying information; providing a criminal penalty.

Amendment No. 1

Representative Reyna offered the following amendment to **CSHB 982**:

Amend **CSHB 982** on page 1, line 23, by deleting "at least two inches high" and substituting "at least 1/2 inches high".

Amendment No. 1 was adopted.

CSHB 982, 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 1096 ON SECOND READING

(by Edwards)

HB 1096, A bill to be entitled An Act relating to the regulation of dogs; creating an offense.

(Corte in the chair)

Amendment No. 1

Representative Farrar offered the following amendment to **HB 1096**:

Amend **HB 1096** Section 822.155 (line 20 of page 3) by inserting the following:

(e) It is a defense to prosecution under this subchapter that the person is utilizing a dog park which is designated by the municipality as an off-leash area.

(f) It is a defense to prosecution under this subchapter that the person is engaging in off-leash agility training or competition or involved in activities which contribute to further dog training.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Wong offered the following amendment to **HB 1096**:

Amend **HB 1096** on page 2 by striking lines 3-6 and substituting the following:

Sec. 822.153. ATTACK BY DOG. (a) A person acting with criminal negligence commits an offense if the person is the owner of a dog and the dog makes an unprovoked attack on another person.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Wong offered the following amendment to **HB 1096**:

Amend **HB 1096** (committee printing) as follows:

(1) On page 1, line 23, after "dog;", insert "and".

(2) On page 1, line 24, strike "; and" and substitute ";".

(3) On page 2, strike lines 1-2.

(4) On page 2, line 21, following "owner", insert ", when the dog is not on the owner's property,".

(5) On page 3, between lines 20 and 21, insert the following:

(e) It is a defense to prosecution under this subchapter that, at the time of the conduct charged, the person and the dog are within the boundaries of a park designated as a dog park by the municipality.

(f) It is a defense to prosecution under this subchapter that, at the time of the conduct charged, the person and the dog are participating in a show, test, or trial organized by a recognized sanctioning body for dog shows, tests, or trials.

Amendment No. 4

Representative Farrar offered the following amendment to Amendment No. 3:

Amend the amendment by Representative Wong on page 1, line 15, between "in" and "a" by inserting "or training for".

Amendment No. 4 was adopted.

Amendment No. 3, as amended, was adopted.

Amendment No. 5

Representative Leibowitz offered the following amendment to **HB 1096**:

Amend **HB 1096** on page 1, line 9, by striking "1.9 million" and substituting "50,000".

Amendment No. 5 was withdrawn.

HB 1096, 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: Anderson, Chisum, and Hardcastle recorded voting no.)

HB 1098 ON SECOND READING**(by McCall)**

HB 1098, A bill to be entitled An Act relating to using the Internet to obtain identifying information of another person for a fraudulent purpose; providing penalties.

(Speaker in the chair)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hunter, Representative McCall offered the following committee amendment to **HB 1098**:

Amend **HB 1098** as follows:

On page 3, line 18, before "for each violation of the same" strike "\$500,000" and add "\$100,000".

Amendment No. 1 was adopted.

HB 1098, 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 1114 ON SECOND READING**(by Nixon)**

HB 1114, A bill to be entitled An Act relating to contributions by and benefits for certain members and retirees under the Judicial Retirement System of Texas Plan Two.

HB 1114 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: Keel recorded voting present, not voting.)

CSHB 1161 ON SECOND READING**(by Farabee)**

CSHB 1161, A bill to be entitled An Act relating to the provision of certain information to owners of oil or gas royalty interests by the Railroad Commission of Texas.

CSHB 1161 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 1364 ON SECOND READING**(by Mowery, Hupp, Hardcastle, McReynolds, Geren, et al.)**

CSHB 1364, A bill to be entitled An Act relating to municipal regulation of the discharge of firearms and certain other weapons.

Representative Mowery moved to postpone consideration of **CSHB 1364** until 10 a.m. April 11.

The motion prevailed.

CSHB 1429 ON SECOND READING
(by Kuempel)

CSHB 1429, A bill to be entitled An Act relating to the enforcement of the prohibition on constructing or operating certain rock crushers or concrete plants without the necessary Clean Air Act permit.

Amendment No. 1

Representative Kuempel offered the following amendment to **CSHB 1429**:

Amend **CSHB 1429** as follows:

(1) On page 2, line 3, between "crusher" and "described", insert "concrete plant".

(2) On page 2, line 5, between "\$10,000." and "[Each", insert the following: This subsection applies only to a rock crusher or concrete plant for which the owner or operator has failed to obtain a necessary permit or for which the permit has been suspended or revoked and does not apply to a rock crusher or concrete plant for which the permit has expired.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Rodriguez offered the following amendment to **CSHB 1429**:

Amend **CSHB 1429** (House Committee Printing) by striking SECTION 2 of the bill and substituting a new SECTION 2 to read as follows:

"SECTION 2. Section 7.052, Water Code, is amended by amending Subsection (b) and by adding Subsection (c) to read as follows:

(b) The amount of the penalty for operating a rock crusher or a concrete plant that performs wet batching, dry batching, or central mixing, that is required to obtain a permit under Section 382.0518, Health and Safety Code, and that is operating without the required permit is \$10,000. Except as provided by Subsection (c), the amount of the penalty for constructing a rock crusher described by this subsection without the required permit may not be less than \$5,000 or more than \$10,000. Each day after notice of possible violation is given to a person by the commission that a continuing violation occurs is a separate violation.

(c) In determining the amount of any penalty under Subsection (b), the commission shall, to the extent practicable, ensure that the amount of the penalty is at least equal to the value of any economic benefit gained by the alleged violator through the violation."

(Branch in the chair)

Representative Kuempel moved to table Amendment No. 2.

A record vote was requested.

The motion to table was lost by (Record 194): 69 Yeas, 71 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Berman; Blake; Bonnen; Brown, B.; Brown, F.; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Dawson; Driver; Eissler; Elkins; Farabee; Flynn; Geren; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hardcastle; Hartnett; Hilderbran; Hill; Homer; Hope; Howard; Hunter; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Madden; McCall; Menendez; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Reyna; Ritter; Smith, W.; Smithee; Straus; Swinford; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Baxter; Bohac; Burnam; Callegari; Campbell; Castro; Chavez; Coleman; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Goodman; Goolsby; Harper-Brown; Hegar; Herrero; Hochberg; Hodge; Hopson; Hughes; Hupp; Jones, J.; Krusee; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Olivo; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Smith, T.; Solis; Solomons; Strama; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo.

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

Absent, Excused — Bailey; Gonzalez Toureilles; Merritt; Talton.

Absent — Haggerty; Riddle; Seaman; Taylor.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 194. I intended to vote no.

B. Brown

When Record No. 194 was taken, I was in the house but away from my desk. I would have voted yes.

Taylor

A record vote was requested.

Amendment No. 2 was adopted by (Record 195): 78 Yeas, 51 Nays, 2 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Baxter; Bohac; Bonnen; Brown, B.; Burnam; Callegari; Campbell; Castro; Chavez; Coleman; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dunnam; Dutton; Edwards; Eiland; Farabee; Farrar; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Hamilton; Hegar; Herrero; Hochberg; Hodge; Hughes; Hupp; Jones, J.; Keffer, B.; Krusee; Laubenberg; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, J.; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Rodriguez; Seaman; Smith, T.; Solis; Solomons; Strama; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; Zedler.

Nays — Allen, R.; Anderson; Berman; Blake; Brown, F.; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Driver; Eissler; Elkins; Flynn; Geren; Goodman; Griggs; Grusendorf; Guillen; Haggerty; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hunter; Isett; Jackson; Jones, D.; Keel; Keffer, J.; King, T.; Kuempel; Laney; Madden; McCall; Miller; Otto; Pitts; Riddle; Ritter; Smith, W.; Smithee; Straus; Swinford; West; Wong.

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

Absent, Excused — Bailey; Gonzalez Toureilles; Merritt; Talton.

Absent — Crownover; Dukes; Escobar; Goolsby; Hamric; Hardcastle; King, P.; Kolkhorst; McReynolds; Moreno, P.; Morrison; Phillips; Rose; Taylor; Woolley.

STATEMENTS OF VOTE

When Record No. 195 was taken, my vote failed to register. I would have voted no.

Goolsby

When Record No. 195 was taken, my vote failed to register. I would have voted no.

Hamric

When Record No. 195 was taken, my vote failed to register. I would have voted yes.

Kolkhorst

When Record No. 195 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

When Record No. 195 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

(Speaker in the chair)

Amendment No. 3

Representative R. Cook offered the following amendment to **CSHB 1429**:

Amend **CSHB 1429** as follows:

(1) On page 1, strike lines 20 and 21 and substitute the following:

SECTION 2. Section 7.052, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(2) On page 2, line 2, strike "The" and substitute "Except as provided by Subsection (b-1), the".

(3) On page 2, between lines 6 and 7, insert the following:

(b-1) If a penalty imposed under Subsection (b) is not paid before the 91st day after the first day on which the violation occurred, the person operating the concrete plant or rock crusher is liable for a penalty of \$10,000 for each additional day on which the person operates a concrete plant or a rock crusher without a permit.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Burnam offered the following amendment to **CSHB 1429**:

Amend **CSHB 1429** (House Committee Printing) by inserting the following appropriately-numbered SECTION and renumbering any subsequent SECTIONS of the bill accordingly:

"SECTION __. Subchapter D, Chapter 5, Water Code, is amended by adding a new Section 5.1037 to read as follows:

Sec. 5.1037. AUTHORITY AND RULES REGARDING ROCK CRUSHERS OR CONCRETE PLANTS. The commission has the authority to decommission, mothball, or suspend the operations of and shall adopt rules providing for the decommissioning, mothballing, or other suspense of the operations of a rock crusher or a concrete plant that performs wet batching, dry batching, or central mixing and is required to obtain a permit under Section 382.0518, Health and Safety Code, and is operating without the necessary permit."

Representative Kuempel moved to table Amendment No. 4.

A record vote was requested.

The motion to table was lost by (Record 196): 66 Yeas, 75 Nays, 1 Present, not voting.

Yeas — Allen, R.; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Corte; Crabb; Crownover; Dawson; Denny; Driver; Eissler; Elkins; Flynn; Geren; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Howard; Hunter; Isett; Jackson; Jones, D.; Keel; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; Miller; Morrison; Oliveira; Orr; Otto; Pitts; Ritter; Seaman; Smith, W.; Smithee; Straus; Swinford; Taylor; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anderson; Burnam; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farrar; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Goodman; Hamilton; Hardcastle; Hegar; Herrero; Hochberg; Hodge; Hopson; Hughes; Hupp; Jones, J.; Keffer, B.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Mowery; Naishtat; Nixon; Noriega, M.; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Smith, T.; Solis; Solomons; Strama; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gonzalez Toureilles; Merritt; Talton.

Absent — Anchia; Farabee; Hope; McCall.

STATEMENTS OF VOTE

When Record No. 196 was taken, I was in the house but away from my desk. I would have voted no.

Anchia

When Record No. 196 was taken, I was in the house but away from my desk. I would have voted no.

Farabee

Amendment No. 4 was adopted.

Amendment No. 5

Representative Edwards offered the following amendment to **CSHB 1429**:

Amend **CSHB 1429** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION _____. Sections 382.065(a) and (d), Health and Safety Code, are amended to read as follows:

(a) The commission by rule shall prohibit the operation of a concrete crushing facility, including a portable concrete crushing machine, within 440 yards of a building in use as a single or multifamily residence, school, or place of worship at the time the application for a permit to operate the facility at a site near the residence, school, or place of worship is filed with the commission. The measurement of distance for purposes of this subsection shall be taken from the point on the edge of a stockpile of concrete before, during, or after being crushed [~~the concrete crushing facility~~] that is nearest to the residence, school, or place of workshop toward the point on the residence, school, or place of worship that is nearest the stockpile of concrete [~~crushing facility~~].

(d) Notwithstanding Subsections (b) and [~~Subsection~~] (c), Subsection (a) applies to a concrete crushing facility in a county with a population of 2.4 million or more or in a county adjacent to such a county.

SECTION _____. (a) On or after the effective date of this Act, the Texas Commission on Environmental Quality shall deny an application for the issuance, amendment, renewal, or transfer of a permit, registration, or permit by rule for a portable concrete crushing machine and may not issue, amend, renew, or transfer a permit, registration, or permit by rule for a portable concrete crushing machine if the commission determines that the machine would be operated or is being operated in violation of Section 382.065, Health and Safety Code, as amended by this Act.

(b) A person operating a portable concrete crushing machine under a permit issued before the effective date of this Act and whose operation of the machine is in violation of Section 382.065, Health and Safety Code, as amended by this Act, shall bring the operation of the machine into compliance with that section not later than September 1, 2006.

Amendment No. 6

Representative Howard offered the following amendment to Amendment No. 5:

Amend the Edwards amendment to **CSHB 1429** on page 1, lines 21 and 22, by striking "or in a county adjacent to such a county" and substituting "[~~or in a county adjacent to such a county~~]".

Amendment No. 6 was adopted.

Amendment No. 5, as amended, was adopted.

A record vote was requested.

CSHB 1429, as amended, was passed to engrossment by (Record 197): 120 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Driver; Dukes; Edwards; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Hegar; Herrero; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; 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; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Nays — Dutton; Goodman; Hardcastle; Hilderbran; McReynolds; Ritter; Smith, T.; Thompson; Turner.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gonzalez Toureilles; Merritt; Talton.

Absent — Anderson; Baxter; Burnam; Campbell; Casteel; Delisi; Dunnam; Eiland; Farrar; Hodge; Hope; Hupp; Isett; Menendez; Puente; Wong.

STATEMENTS OF VOTE

When Record No. 197 was taken, my vote failed to register. I would have voted yes.

Anderson

When Record No. 197 was taken, I was in the house but away from my desk. I would have voted yes.

Casteel

When Record No. 197 was taken, I was in the house but away from my desk. I would have voted yes.

Delisi

When Record No. 197 was taken, my vote failed to register. I would have voted yes.

Dunnam

When Record No. 197 was taken, I was temporarily out of the house chamber. I would have voted yes.

Eiland

When Record No. 197 was taken, I was in the house but away from my desk. I would have voted no.

Farrar

I was shown voting yes on Record No. 197. I intended to vote no.

Guillen

When Record No. 197 was taken, I was in the house but away from my desk. I would have voted yes.

Puente

I was shown voting no on Record No. 197. I intended to vote yes.

Turner

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs will resume their meeting at 2 p.m. today, E2.010, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session today, during bill referral, in 3W.9, for a formal meeting, to set the calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, during bill referral today, 3W.9, for a formal meeting, to set a calendar.

FIVE DAY POSTING RULE SUSPENDED

Representative Wong moved to suspend the five day posting rule to allow the Committee on Urban Affairs to consider **HB 2892**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Urban Affairs, 8 a.m. tomorrow, E1.026, for a public hearing, to consider **HB 2892** and other previously posted bills.

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

Representative Reyna moved to set a local, consent, and resolutions calendar for 9 a.m. Thursday, April 7.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 4 p.m. or upon adjournment today, E2.024, for a formal meeting, to consider a local and consent calendar.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Giddings requested permission for the Committee on Business and Industry to meet while the house is in session today, during bill referral, in 3N.3, to consider **HB 533, HB 672, HB 698, HB 1343, HB 1351, HB 1430, HB 1710, HB 1806, HB 1833, HB 1855, HB 1870, HB 1983, HB 2013, and HB 2229**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, during bill referral today, 3N.3, for a formal meeting, to consider **HB 533, HB 672, HB 698, HB 1343, HB 1351, HB 1430, HB 1710, HB 1806, HB 1833, HB 1855, HB 1870, HB 1983, HB 2013, and HB 2229**.

FIVE DAY POSTING RULE SUSPENDED

Representative Giddings moved to suspend the five day posting rule to allow the Committee on Business and Industry to consider **HB 3438** and other posted bills at 2 p.m. tomorrow in E2.026.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, 2 p.m. tomorrow, E2.026, for a public hearing, to consider **HB 3438** and other previously posted bills.

FIVE DAY POSTING RULE SUSPENDED

Representative Hill moved to suspend the five day posting rule to allow the Committee on Local Government Ways and Means to consider **HB 3071**.

The motion prevailed.

Representative Madden moved to suspend the five day posting rule to allow the Committee on Corrections to consider **HB 3072** at 2 p.m. or upon adjournment today in E1.026.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Corrections, 2 p.m. or upon adjournment today, E1.026, for a public hearing, to consider **HB 3072** and posted bills.

FIVE DAY POSTING RULE SUSPENDED

Representative Morrison moved to suspend the five day posting rule to allow the Committee on Higher Education to consider **HB 381**, **HB 1930**, **HB 1931**, and **HB 1932**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Economic Development is cancelled.

Juvenile Justice and Family Issues is cancelled.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Corte requested permission for the Committee on Defense Affairs and State-Federal Relations to meet while the house is in session, during bill referral, in 3W.9, for a formal meeting, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Defense Affairs and State-Federal Relations, during bill referral today, 3W.9, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Denny requested permission for the Committee on Elections to meet while the house is in session, during bill referral, for a formal meeting, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Elections, during bill referral today, 3N.4, for a formal meeting, to consider pending business.

**HCR 139 - ADOPTED
(by Dunnam)**

Representative Dunnam moved to suspend all necessary rules to take up and consider at this time **HCR 139**.

The motion prevailed.

The following resolution was laid before the house:

HCR 139, In memory of His Holiness Pope John Paul II.

HCR 139 was unanimously adopted by a rising vote.

On motion of Representatives Berman and Dutton, the names of all the members of the house were added to **HCR 139** as signers thereof.

PROVIDING FOR ADJOURNMENT

Representative Luna moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Pope John Paul II.

The motion prevailed.

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

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

(Frost in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 1:14 p.m., adjourned 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 3491 (By Quintanilla), Relating to the dissolution of the Homestead Municipal Utility District, the provision of water supply services to the residents of the district's service area after dissolution, and the rates charged for water service by the City of El Paso; validating certain actions of the district's board of directors.

To Natural Resources.

HB 3492 (By Dawson and A. Allen), Relating to the creation of the Pearland Municipal Management District No. 1; providing authority to impose a tax and issue a bond or similar obligation.

To Urban Affairs.

HB 3493 (By Wong), Relating to the creation of the Southampton Neighborhood Services District; providing authority to issue a bond or similar obligation.

To Urban Affairs.

HB 3494 (By Wong), Relating to the creation of the Montrose Community Improvement District; providing authority to levy an assessment, impose a tax, and issue bonds.

To Urban Affairs.

HB 3495 (By Gallego), Relating to the amount of export fees the Middle Pecos Groundwater Conservation District may assess.

To Natural Resources.

HB 3496 (By Gonzalez Tourelles), Relating to the powers and duties of the Bee Groundwater Conservation District.

To Natural Resources.

HB 3497 (By Gattis), Relating to the creation of the Sonterra Municipal Utility District; providing authority to impose a tax and issue bonds.

To Natural Resources.

HB 3498 (By B. Brown), Relating to the creation, administration, powers, duties, functions, operations, and financing of the Rose Hill Special Utility District.

To Natural Resources.

HB 3499 (By Eiland), Relating to the creation of the Galveston County Municipal Utility District No. 53; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3500 (By Eiland), Relating to the creation of Galveston County Municipal Utility District No. 63; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3501 (By Eiland), Relating to the creation of Galveston County Municipal Utility District No. 61; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3502 (By Turner), Relating to the creation of Harris County Municipal Utility District No. 406; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3503 (By Eiland), Relating to road utility district and navigation district powers of Galveston County Municipal Utility District No. 52, including the authority to impose taxes and issue bonds.

To Natural Resources.

HB 3504 (By Eiland), Relating to the creation of Galveston County Municipal Utility District No. 54; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3505 (By Eiland), Relating to the creation of Galveston County Municipal Utility District No. 60; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3506 (By Eiland), Relating to the creation of Galveston County Municipal Utility District No. 62; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3507 (By Eiland), Relating to the creation of Galveston County Municipal Utility District No. 64; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3508 (By Crownover), Relating to the method of electing directors of the Lake Cities Municipal Utility Authority.

To Natural Resources.

HB 3509 (By Escobar), Relating to the creation of the Kleberg County Groundwater Conservation District; providing authority to impose a tax and issue bonds and granting the power of eminent domain.

To Natural Resources.

HB 3510 (By Coleman), Relating to the creation of the Harris County Municipal Utility District No. 460; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3511 (By Laney), Relating to the grounds and procedures for removal of a member of the board of directors of the Lynn County Hospital District.

To County Affairs.

HB 3512 (By Laney), Relating to the expansion of the Salt Fork Water Quality District and the appointment of directors by the commissioners court of each county included within the boundaries of the district.

To Natural Resources.

HCR 104 (By J. Jones), Directing the State Board of Education to examine the institution of slavery and subsequent racial and economic discrimination in the United States and to prepare a standardized history curriculum relating to these issues for use in the public schools.

To Public Education.

HCR 105 (By Rose), Designating Buda as the official Outdoor Capital of Texas.

To Culture, Recreation, and Tourism.

HCR 108 (By Castro and Strama), Designating the Blue Lacy as the official State Dog Breed of Texas.

To Culture, Recreation, and Tourism.

HCR 110 (By Hopson), Commemorating the 75th anniversary of the discovery of the East Texas Oil Field on October 3, 1930.

To Rules and Resolutions.

HCR 111 (By Hopson), Honoring the silver anniversary of the East Texas Oil Museum in Kilgore and the diamond anniversary of the discovery of the East Texas Oil Field.

To Culture, Recreation, and Tourism.

HCR 115 (By Chisum), Designating June as Texas Picnic Month.

To Culture, Recreation, and Tourism.

HCR 117 (By Eiland), Designating Elissa the official tall ship of Texas.

To Culture, Recreation, and Tourism.

HCR 120 (By Chavez), Honoring Louis, Ben, Bill, and Rick Bolanos for their valiant service in this country's behalf.

To Rules and Resolutions.

HCR 121 (By Burnam), Memorializing Congress to direct the Office of Global Security Risk within the U.S. Securities and Exchange Commission to publish a list of U.S. companies that conduct business in countries that are involved in terrorist activities.

To Defense Affairs and State-Federal Relations.

HCR 131 (By Gallego), Honoring the Friends of Monahans Sandhills State Park for its efforts to promote and sustain this important geological treasure throughout the past half-century.

To Culture, Recreation, and Tourism.

HCR 132 (By Luna), Granting the John G. and Marie Stella Kenedy Memorial Foundation permission to sue the state, the General Land Office, the School Land Board, and Jerry Patterson.

To Civil Practices.

HCR 133 (By Branch), Recognizing the importance of providing for the education of medical students and residents in the State of Texas.

To Higher Education.

HCR 135 (By Escobar), Congratulating the Texas A&M University–Kingsville football team for an outstanding 2004 season.

To Rules and Resolutions.

HCR 136 (By Kuempel), Designating May 2005 as Texas Natural Resources Month.

To Rules and Resolutions.

HR 915 (By Gallego), In memory of U.S. Army Specialist Travis Allen Babbitt of Sabinal.

To Rules and Resolutions.

HR 916 (By Gallego), Honoring the 100th anniversary of Rotary International and recognizing the work and achievements of the Del Rio Rotary Club.

To Rules and Resolutions.

HR 918 (By Gallego), Congratulating Senior Patrol Agent Ryan Massey of Del Rio on his receipt of the Meritorious Service Award for Valor from U.S. Customs and Border Protection.

To Rules and Resolutions.

HR 919 (By Flores), Congratulating Sandra Reed on her retirement as superintendent of the Sharyland Independent School District.

To Rules and Resolutions.

HR 920 (By Flores), Honoring the family of Melissa and Oscar Martinez of Mission for their involvement with the Texas Citrus Fiesta.

To Rules and Resolutions.

HR 921 (By Flores), Honoring the La Joya Coyotes varsity football team on its outstanding 2004 season and commending the team's dedicated fans for their tireless support.

To Rules and Resolutions.

HR 923 (By Wong), Recognizing April 14, 2005, as Texas Federation of Republican Women Day.

To Rules and Resolutions.

HR 924 (By Wong), In memory of Quock Foo "Tommy" Hom of Houston.

To Rules and Resolutions.

HR 926 (By Hilderbran), In memory of Manly Ward Cooper, Jr., of Kerrville.

To Rules and Resolutions.

HR 927 (By Dawson), Honoring the Matagorda County Teen Court program and Texas Youth Court Advocates for their efforts to assist young people in forging a brighter future for themselves.

To Rules and Resolutions.

HR 930 (By Gallego), Honoring Emilio Salmon of Marathon for his 36 years of service as a Brewster County commissioner.

To Rules and Resolutions.

HR 933 (By Baxter), Honoring the Texas Federation of College Republicans for its significant grassroots involvement in political affairs.

To Rules and Resolutions.

HR 934 (By Hilderbran), In memory of Esther Marie Green of Kerrville.

To Rules and Resolutions.

HR 935 (By Hilderbran), In memory of Walter B. Hailey, Jr., of Hunt.

To Rules and Resolutions.

HR 936 (By Frost), Honoring Dr. James Stewart Leeves of Naples on his retirement.

To Rules and Resolutions.

HR 937 (By Leibowitz), Honoring the South San Antonio High School boys' basketball team on its successful season.

To Rules and Resolutions.

HR 938 (By Leibowitz), Honoring Heron Tamez on being named the 2004-2005 Teacher of the Year for the South San Antonio Independent School District.

To Rules and Resolutions.

HR 939 (By Leibowitz), In memory of James Alvin Kelley.

To Rules and Resolutions.

HR 940 (By Zedler), Honoring Nita Fay Scheble Cox for her significant contributions to the Arlington community.

To Rules and Resolutions.

HR 941 (By Zedler), Congratulating The University of Texas at Arlington on its receipt of a \$3 million grant from the National Science Foundation and on its designation as a supercollider network computing site.

To Rules and Resolutions.

HR 942 (By Keel), Recognizing April 10-16, 2005, as Texas Crime Victims' Rights Week.

To Rules and Resolutions.

HR 943 (By Hopson), Congratulating Eliza Bishop on her receipt of the Crockett Area Chamber of Commerce Citizen of the Year Award.

To Rules and Resolutions.

HR 948 (By R. Allen), Commending county officials for their contributions to the state and welcoming visiting members of the Texas Association of Counties on April 13, 2005, for County Government Day at the State Capitol.

To Rules and Resolutions.

HR 949 (By Kolkhorst), Congratulating Andrew and Ila Martinez of Huntsville on their 50th wedding anniversary.

To Rules and Resolutions.

HR 951 (By J. Jones), Honoring the life of Henry Miller Morgan on the occasion of the dedication of a Texas historical marker at the site in Tyler of the first African American barber college.

To Rules and Resolutions.

HR 952 (By J. Jones), Honoring Singing Hills Baptist Church of Dallas on the grand opening of its Family Life Center.

To Rules and Resolutions.

HR 953 (By J. Jones), Commending Janet Thomas and Portia Greer for their more than 35 years of leadership with the Girl Scouts at Good Street Baptist Church in Dallas.

To Rules and Resolutions.

HR 956 (By R. Cook), Congratulating Steve K. Balas of Eagle Lake on his receipt of the 2004 Michael L. Houston Award from United Drugs.

To Rules and Resolutions.

HR 959 (By Wong and Hopson), In memory of Elnora Mayeux Callegari of Cottonport, Louisiana.

To Rules and Resolutions.

HR 960 (By Branch), Honoring Cub Scout Pack 70 of University Park, the oldest pack in the nation, on its 80th anniversary.

To Rules and Resolutions.

HR 961 (By Branch), Honoring University Park Elementary School Brownie Troop No. 1719 for providing Girl Scout cookies for soldiers stationed in Iraq.

To Rules and Resolutions.

HR 962 (By Seaman), In memory of U.S. Marine Reserves Corporal Zachary Alan Kolda of Corpus Christi and Austin.

To Rules and Resolutions.

HR 963 (By McClendon), Commemorating the 14th Annual Educational Assistance Awards Banquet of the San Antonio Chapter of the Tuskegee Airmen, Inc.

To Rules and Resolutions.

HR 964 (By McClendon), Recognizing the 2005 National D.A.R.E. Officers Training Conference in San Antonio.

To Rules and Resolutions.

HR 965 (By McClendon), Recognizing April 11, 2005, as Delta Sigma Theta Sorority, Inc., Red and White Day at the State Capitol.

To Rules and Resolutions.

HR 966 (By Madden), Recognizing J. Victor Lattimore, Jr., of Collin County for his community leadership.

To Rules and Resolutions.

HR 967 (By Madden), Congratulating Clark High School educator Gabriel Fain of Plano ISD on his receipt of the 2004 Outstanding Teaching of the Humanities Award sponsored by the Texas Council for the Humanities and the National Endowment for the Humanities.

To Rules and Resolutions.

HR 968 (By Madden), Commemorating the dedication of the Dr. Allan Bird Education Center and commending Dr. Bird for his myriad contributions to learning in the Lone Star State.

To Rules and Resolutions.

HR 969 (By Madden), Congratulating Amina El-Ashmawy on being named Outstanding Professor of the Year by Collin County Community College.

To Rules and Resolutions.

HR 971 (By B. Brown), Honoring Mary Doyle Smith of Athens on her 80th birthday.

To Rules and Resolutions.

HR 972 (By Flynn), Congratulating the Van Vandals on winning the UIL 3A State Basketball Championship.

To Rules and Resolutions.

HR 973 (By Dukes), Honoring Detective Oscar Lopez of the Pflugerville Police Department for his admirable contributions to the field of law enforcement.

To Rules and Resolutions.

HR 974 (By Strama), Congratulating Victor and Krista Simonds of Pflugerville on the adoption of their daughter, Rachel Li Simonds, and on the occasion of her naturalization as a U.S. citizen.

To Rules and Resolutions.

HR 975 (By Escobar), Honoring Dr. Steven Lukefahr on being named a Regents Professor of Texas A&M University–Kingsville.

To Rules and Resolutions.

HR 976 (By Escobar), Honoring Rolando Molina for his service at H. M. King High School in Kingsville.

To Rules and Resolutions.

HR 978 (By Gattis), Honoring the Texas Dental Association and Texas Dentists for Healthy Smiles for providing access to dental care to Texans in need through the Texas Mission of Mercy.

To Rules and Resolutions.

HR 979 (By Chavez), Congratulating Asa Aguilar of El Paso on winning first place in the General Land Office 2005 Treasures of the Texas Coast Children's Art Contest.

To Rules and Resolutions.

HR 980 (By Chavez), Honoring United States International Boundary and Water Commissioner Arturo Q. Duran.

To Rules and Resolutions.

HR 981 (By Hilderbran), In memory of Richard Alan Reeder, Lieutenant Colonel USAF (Ret.), of Ballinger.

To Rules and Resolutions.

SB 23 to Human Services.

SB 50 to Insurance.

SB 53 to Insurance.

SB 103 to Judiciary.

SB 117 to Public Education.

SB 125 to Transportation.

SB 129 to Transportation.

SB 140 to Government Reform.

SB 148 to State Affairs.

SB 155 to Insurance.

SB 164 to Government Reform.

SB 176 to Transportation.

SB 220 to State Affairs.

SB 245 to Urban Affairs.

SB 254 to Higher Education.

SB 261 to Insurance.

SB 268 to Natural Resources.

SB 271 to Public Health.

SB 276 to Higher Education.

SB 308 to State Affairs.

SB 311 to Public Education.

SB 313 to Law Enforcement.

SB 346 to Judiciary.

SB 347 to Judiciary.

SB 348 to Judiciary.

SB 368 to Judiciary.

SB 381 to Licensing and Administrative Procedures.

SB 382 to Licensing and Administrative Procedures.

SB 387 to Public Education.

SB 399 to Business and Industry.
SB 402 to Public Health.
SB 403 to Public Health.
SB 407 to Agriculture and Livestock.
SB 415 to Public Health.
SB 427 to Elections.
SB 436 to Judiciary.
SB 438 to Judiciary.
SB 439 to Judiciary.
SB 441 to Judiciary.
SB 446 to Business and Industry.
SB 451 to Judiciary.
SB 464 to State Affairs.
SB 471 to Land and Resource Management.
SB 482 to Pensions and Investments.
SB 483 to Public Education.
SB 493 to Public Education.
SB 521 to Public Health.
SB 523 to Defense Affairs and State-Federal Relations.
SB 524 to Judiciary.
SB 550 to Judiciary.
SB 552 to Judiciary.
SB 563 to Public Health.
SB 573 to Transportation.
SB 580 to Ways and Means.
SB 609 to Public Health.
SB 626 to Public Health.
SB 632 to Public Health.
SB 658 to Public Education.
SB 668 to County Affairs.
SB 776 to Public Education.
SB 792 to County Affairs.
SB 873 to Public Health.
SCR 2 to Defense Affairs and State-Federal Relations.
SCR 8 to State Affairs.

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, April 1, 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 34 Zaffirini
Relating to the tuition rebate program for certain undergraduates at certain public institutions of higher education.

SB 393 Van de Putte
Relating to the designation of certain adults to exercise child visitation and possession rights on behalf of a parent serving in the armed forces and deployed outside this country.

SB 581 Van de Putte
Relating to the powers and duties of the Veterans' Land Board.

SB 734 Williams
Relating to municipal regulation of the discharge of firearms and certain other weapons.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 31

Appropriations - **HB 10**

Border and International Affairs - **HB 2420**

County Affairs - **SB 267**

Environmental Regulation - **HB 467, HB 1540, HB 2129, HB 2410**

Judiciary - **HB 1686, HB 1792, HB 2256, HB 2474, HB 2795, HB 3240**

Natural Resources - **HB 365**

Public Education - **HB 878**

State Affairs - **HB 22, HB 634, HB 912, HB 1057, HB 1116, HB 1331, HCR 63**

Transportation - **HB 183, HB 340, HB 341, HB 769, HB 1107, HB 1481, HB 1735, HB 1815, HB 2021, HB 2453, HB 2653, HB 2658**

Urban Affairs - **HB 167, HB 1587, HB 2457, HB 2549**

April 1

Business and Industry - **HB 1855**

Civil Practices - **HB 854, HB 2987**

Defense Affairs and State-Federal Relations - **HB 1630, SB 252**

Economic Development - **HB 481, HB 1939, HB 3250**

Elections - **HB 57**

Higher Education - **HB 1215, HB 1697**

Judiciary - **HB 2913**

Local Government Ways and Means - **HB 214, HB 1471, HB 2382, HB 2392, SB 174, SB 466**

Transportation - **HB 599, HB 600, HB 1136, HB 1255, HB 1645**

Urban Affairs - **HB 2457, HB 2549**

ENGROSSED

March 31 - HB 75, HB 87, HB 132, HB 210, HB 330, HB 364, HB 369, HB 388, HB 389, HB 473, HB 475, HB 496, HB 749, HB 775, HB 874, HB 951, HB 961, HB 965, HB 1058, HB 1097, HB 1119, HB 1154, HB 1190, HB 1236, HB 1267, HB 1323, HB 1393, HB 1428, HB 1562, HB 1705

April 1 - HB 7

ENROLLED

March 31 - HCR 42, HCR 67, HCR 118, HCR 130

SENT TO THE GOVERNOR

April 1 - HCR 42, HCR 67, HCR 114, HCR 118, HCR 130

