

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FOURTH DAY (CONTINUED) — THURSDAY, APRIL 7, 2005

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

The roll of the house was called and a quorum was announced present (Record 259).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; 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; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithe; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent — Castro; Corte; Driver; Hilderbran; Martinez Fischer; Phillips.

The invocation was offered by Mark Hartman, pastor, Sugar Creek Baptist Church, Sugarland, as follows:

Our Heavenly Father, we acknowledge that you are God. The Earth is yours and everything and everyone within it. When you gave birth to our state, you had a dream of what it would become, of its moral standards, of how it would care for its people. Our Father, forgive us for the decisions that we have made in days gone by which have violated your commandments. Forgive us for putting pleasure before character and power before honor. Forgive us for taking the lives of our unborn babies and for the times we have not cared for our poor and hurting as we should.

Now, Father, I ask that you help these, your servants, and our legislators to lead us in a way that pleases you. Remind them that it is not about them but rather about the people they serve and the character of this state. Give them wisdom, tenacity for good, and the moral principles needed to honor you with every decision made today. Bless them and their families and meet their needs today. In Jesus' name. Amen.

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

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.

HR 856 - ADOPTED (by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 856**.

The motion prevailed.

The following resolution was laid before the house:

HR 856, Honoring Faye C. Smith of Austin on her centennial.

(Morrison in the chair)

HR 856 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Naishtat who introduced Faye C. Smith and her family.

CAPITOL PHYSICIAN

The chair recognized Representative Geren who presented Dr. Hugh Wilson of Eastland as the "Doctor for the Day."

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

(Phillips now present)

HR 820 - ADOPTED (by Hill)

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 820**.

The motion prevailed.

The following resolution was laid before the house:

HR 820, Congratulating Dr. Stephen K. Mittelstet of Dallas on 25 years as president of Richland College.

(Speaker in the chair)

HR 820 was read and was adopted.

INTRODUCTION OF GUEST

The speaker recognized Representative Hill who introduced Dr. Stephen K. Mittelstet.

LEAVE OF ABSENCE GRANTED

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

Gonzalez Toureilles on motion of Gonzales.

HR 522 - READ

(by Taylor)

The chair laid out and had read the following previously adopted resolution:

HR 522, In memory of U.S. Marine Lance Corporal Wesley Joel Canning.

INTRODUCTION OF GUESTS

The speaker recognized Representative Taylor who introduced the family of U.S. Marine Lance Corporal Wesley Joel Canning.

(Driver now present)

HR 522 - MOTION TO ADD NAMES

On motion of Representative Anchia, the names of all the members of the house were added to **HR 522** as signers thereof.

HB 3531 - PERMISSION TO INTRODUCE

Representative Jackson requested permission to introduce and have placed on first reading **HB 3531**.

(Berman in the chair)

Permission to introduce was granted.

HR 1028 - ADOPTED

(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1028**.

The motion prevailed.

The following resolution was laid before the house:

HR 1028, Honoring Community Action Agencies in Texas.

HR 1028 was read and was adopted.

HR 271 - ADOPTED

(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 271**.

The motion prevailed.

The following resolution was laid before the house:

HR 271, In memory of Sergeant Michael Luke Boatright of Liberty Hill.

HR 271 was read and was unanimously adopted by a rising vote.

On motion of Representative Escobar, the names of all the members of the house were added to **HR 271** as signers thereof.

(Hilderbran now present)

INTRODUCTION OF GUESTS

The chair recognized Representative Gattis who introduced the family of Sergeant Michael Luke Boatright.

HR 1051 - ADOPTED (by Escobar)

Representative Escobar moved to suspend all necessary rules to take up and consider at this time **HR 1051**.

The motion prevailed.

The following resolution was laid before the house:

HR 1051, Congratulating the residents of Primera on the occasion of the town's 50th anniversary.

HR 1051 was adopted.

HR 1055 - ADOPTED (by J. Jones)

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 1055**.

The motion prevailed.

The following resolution was laid before the house:

HR 1055, In memory of Margie Beal Dennis of Dallas.

HR 1055 was unanimously adopted by a rising vote.

HR 1007 - ADOPTED (by P. King)

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 1007**.

The motion prevailed.

The following resolution was laid before the house:

HR 1007, Granting Professor Joe Spurlock and his students permission to use the house chamber on Saturday, April 9, 2005, from 8 a.m. to 12 noon.

HR 1007 was adopted.

HR 1035 - ADOPTED (by Solis)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 1035**.

The motion prevailed.

The following resolution was laid before the house:

HR 1035, Commending Servando Villarreal on the occasion of his retirement as vice president of student development at Texas State Technical College in Harlingen.

(Castro now present)

HR 1035 was adopted.

HR 269 - ADOPTED
(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 269**.

The motion prevailed.

The following resolution was laid before the house:

HR 269, In memory of Amy Lynn Donovan of Georgetown.

HR 269 was unanimously adopted by a rising vote.

On motion of Representative Oliveira, the names of all the members of the house were added to **HR 269** as signers thereof.

HR 1047 - ADOPTED
(by W. Smith)

Representative W. Smith moved to suspend all necessary rules to take up and consider at this time **HR 1047**.

The motion prevailed.

The following resolution was laid before the house:

HR 1047, Honoring Kerron Clement for setting a new indoor track and field world record in the 400-meter sprint.

HR 1047 was adopted.

HR 382 - ADOPTED
(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 382**.

The motion prevailed.

The following resolution was laid before the house:

HR 382, In memory of Corporal Joseph E. Fite of Round Rock.

HR 382 was read and was unanimously adopted by a rising vote.

On motion of Representative Uresti, the names of all the members of the house were added to **HR 382** as signers thereof.

(Edwards in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 810 (by Chavez), Honoring the El Paso Sun Bowl Association for its contributions to the sport of football and to El Paso and the surrounding region.

HR 811 (by Chavez), Commending the Ysleta Independent School District in El Paso for its outstanding educational achievements.

HR 812 (by Chavez), Honoring Lupe Casillas-Lowenberg of El Paso for her artistic accomplishments and contributions to the city.

HR 813 (by Wong), Honoring David Gockley for his tenure with the Houston Grand Opera.

HR 814 (by Crownover), Congratulating the members of Brave Combo on receipt of their second Grammy Award.

HR 818 (by Madden), Congratulating Brian and Jennifer Green of Richardson on the birth of their son, Tyson Vaughan Green.

HR 819 was previously adopted.

HR 820 was previously adopted.

HR 824 (by Leibowitz), Congratulating the William H. Taft High School Lady Raiders basketball team of San Antonio for reaching the semifinals of the 2005 UIL state championships.

HR 825 (by Chavez), Congratulating Suzie Azar on her induction into the El Paso Commission for Women Hall of Fame.

HR 826 (by Chavez), Congratulating Patricia D. Quinn on her induction into the El Paso Commission for Women Hall of Fame.

HR 827 (by Chavez), Congratulating Lillian Williams Crouch on her induction into the El Paso Commission for Women Hall of Fame.

HR 828 (by Chavez), Congratulating the Reverend Felicia P. Hopkins on her induction into the El Paso Commission for Women Hall of Fame.

HR 829 (by Chavez), Congratulating Becky Duval Reese on her induction into the El Paso Commission for Women Hall of Fame.

HR 831 (by McClendon), Welcoming the alumni reunion of Central High School in Parkin, Arkansas, to San Antonio.

HR 833 (by Zedler), Congratulating Timothy Daniel Jackson on becoming an Eagle Scout.

HR 838 (by Craddick), Congratulating Clevy and Leona Hancock of Midland on their 67th wedding anniversary.

HR 839 (by Craddick), Congratulating Jack and Yvonne Scarbrough of Midland on their 50th wedding anniversary.

HR 840 (by Craddick), Honoring Merejildo and Felipa Heredia of Midland on their 70th wedding anniversary.

HR 841 (by Craddick), Honoring Cecil and Dorothy Sain on their 50th wedding anniversary.

HR 849 (by B. Cook), Congratulating native Texan Billy Yates of the New England Patriots on his notable athletic achievements.

HR 852 (by Raymond), Honoring Brizuela Leather Goods & Shoe Repair and Brizuela's Shoe & Boot Repair for their longstanding service to the people of Laredo and commending Eduardo Brizuela and his family for their achievements in business.

HR 853 (by Raymond), Honoring Daniel Lopez for his contributions to the Laredo business community.

HR 858 (by Otto), Congratulating the Cleveland High School Lady Indians basketball team for winning second place in the 2005 UIL state championship.

HR 859 (by Otto), Honoring Meta Garvey Thomas of Cleveland, Texas, for her decades of service to the Cleveland Independent School District.

HR 864 (by Castro), Congratulating Alexandria Escobedo of San Antonio on her acceptance into the Joint Admission Medical Program.

HR 865 (by Flynn), Recognizing Texas Paralegal Day on October 23, 2005, and welcoming the members of the Texas Alliance of Paralegal Associations to the Capitol on April 15, 2005.

HR 867 (by Laubenberg), Recognizing March 23, 2005, as Texas Nursing Students' Association Day at the State Capitol.

HR 868 (by Hughes), Congratulating the Gilmer High School Buckeyes football team for winning the Class 3A Division II state championship.

HR 870 (by Hughes), Congratulating Lt. Gerard "Greg" Mandreger on being named Upshur County emergency management coordinator.

HR 871 (by Hughes), Honoring Bill Palmer for his military service during World War II.

HR 872 (by Chavez), Congratulating Judge Edward Marquez of El Paso on his receipt of the Lucy G. Acosta Humanitarian Award.

HR 873 (by Chavez), Honoring C. S. "Dusty" Rhodes of El Paso for his service to his community.

HR 874 (by Chavez), Recognizing the Border Fair Housing and Economic Justice Center in El Paso during Fair Housing Month in April.

HR 876 (by Chavez), Congratulating Terry Hammond of El Paso on his receipt of the Lucy G. Acosta Humanitarian Award.

HR 877 (by Chavez), Congratulating Gary Hedrick of El Paso on his receipt of the Lucy G. Acosta Humanitarian Award.

HR 878 (by Castro), Commemorating the dedication of Nani Falcone Community Park and paying tribute to its namesake for his myriad contributions to the city of San Antonio.

HR 882 (by J. Moreno), Congratulating Leopold R. Moreno on receiving the Bronze Star Medal.

HR 883 (by Truitt), Congratulating Given Kachepa of Colleyville on his receipt of a 2005 Prudential Spirit of Community Award.

HR 886 (by Herrero), Congratulating Daniel and Ruby Roberts on the occasion of their 50th wedding anniversary.

HR 889 (by T. King), Honoring Dale L. Bates of San Angelo for his contributions to promoting weather modification technologies in Texas.

HR 890 (by Hughes), Honoring the ALERT cadets for their contributions to the tsunami relief efforts.

HR 894 (by J. Jones), Honoring the Reverend Michael D. Pryor for serving as Pastor of the Day for the Texas House of Representatives.

HR 896 (by McCall), Honoring students, volunteers, and staff of Hedgcoxe Elementary School in Plano for their participation in Chez Snoopy.

HR 897 (by McCall), Congratulating the Prestonwood Christian Academy girls' soccer team for winning the TAPPS Division II state championship.

HR 898 (by McCall), Honoring Mary Alice Skaggs of Celina for her dedication to teaching on the occasion of her 97th birthday.

HR 901 (by Oliveira), Honoring Joseph W. Norris, P.E., of Harlingen on his 50th birthday and commending him for his significant contributions to the state as a professional engineer.

HR 903 (by J. Jones), Commending Omega Psi Phi Fraternity, Incorporated, on the occasion of its members' visit to the State Capitol.

HR 904 (by McClendon), Honoring the San Antonio Youth Council of the NAACP on the occasion of its sixth annual Youth Image Awards Banquet.

HR 906 (by Van Arsdale), Honoring St. Edward's University student Renee Elizabeth Etheridge on her 20th birthday.

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

HCR 129 (by Hilderbran), Recognizing the 125th anniversary of the Y. O. Ranch.

The resolutions were adopted.

(Corte now present)

The following memorial resolutions were laid before the house:

HR 269 was previously adopted.

HR 271 was previously adopted.

HR 382 was previously adopted.

HR 749 (by Baxter), In memory of Erleen Farris Martin of Lago Vista.

HR 760 (by Hopson), In memory of Crawford Godfrey of Jacksonville.

HR 761 (by Hopson), In memory of Norris Starkey of Jacksonville.

HR 762 (by Hopson), In memory of Barbara Greig of Jacksonville.

HR 821 (by Rose), In memory of Lenora Dorsett.

HR 822 (by Bailey), In memory of Sam Polk, Jr., of San Antonio.

HR 830 (by Hodge), In memory of John Anthony Allegro of Dallas.

HR 850 (by Chavez), In memory of Gary Del Palacio of El Paso.

HR 854 (by Raymond), In memory of U.S. Marine Lance Corporal Adolfo Lopez of Laredo.

HR 857 (by Naishtat), In memory of Maurice Miller of Austin.

HR 875 (by Chavez), Honoring the life of Maria del Socorro Ramirez.

HR 881 (by J. Moreno), In memory of Antonio Ramirez of Clute.

HR 891 was withdrawn.

HR 892 (by Kuempel), Honoring the life of U.S. Army Reserve Specialist Lauro G. DeLeon III of Floresville.

HR 893 (by J. Jones), In memory of Julia Scott Reed of Dallas.

HR 899 (by McCall), In memory of Arthur John Martin of Plano.

HR 905 (by McClendon), In memory of U.S. Army Sergeant First Class Michael Battles, Sr., of San Antonio.

HR 907 (by Hilderbran), In memory of Chuck Tait of Kerrville.

HCR 125 (by Hartnett), In memory of former State Representative Frederick Joseph Agnich of Dallas.

HCR 126 (by Craddick), In memory of Clayton McKinney of Midland, retired Texas Ranger and chief deputy of the Midland County Sheriff's Office.

The resolutions were unanimously adopted by a rising vote.

(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):

SB 267 (Eissler - House Sponsor), in lieu of **HB 232**, A bill to be entitled An Act relating to the exclusion from an emergency services district of certain territory subject to assessments.

Representative Eissler moved to lay **HB 232** on the table subject to call.

The motion prevailed.

HB 258 (by Peña), A bill to be entitled An Act relating to authorizing a sports recreation and wellness facility fee at The University of Texas-Pan American.

HB 503 (by Guillen, Chavez, Castro, et al.), A bill to be entitled An Act relating to tuition and fee exemptions for certain military personnel and certain children of those personnel.

HB 598 (by Blake and McReynolds), A bill to be entitled An Act relating to a recreational sports fee at Stephen F. Austin State University.

HB 604 (by Hopson), A bill to be entitled An Act relating to participation as an annuitant under the Texas Employees Group Benefits Act.

CSHB 646 (by Otto), A bill to be entitled An Act relating to the provision of certain reports and records requested by the attorney general.

HB 780 (by Solis and Escobar), A bill to be entitled An Act relating to the compensation of district judges in Cameron County.

CSHB 993 (by Gonzales, Guillen, Martinez, and Peña), A bill to be entitled An Act relating to the installment payment of tuition and fees charged by a public junior college or public technical institute for a summer term.

Amendment No. 1

Representative Gonzales offered the following amendment to **CSHB 993**:

Amend **CSHB 993** (House Committee Printing) as follows:

(1) On page 2, lines 2-3, strike "or public technical institute" and substitute "public technical institute, or public state college".

(2) On page 2, lines 15-16, strike "public junior college" and "public technical institute" and substitute "public junior college," "public technical institute," and "public state college".

Amendment No. 1 was adopted.

CSHB 994 (by Gonzales, Peña, Martinez, and Guillen), A bill to be entitled An Act relating to the tuition charged for certain courses repeated by students attending public junior colleges and public technical institutes.

CSHB 1045 (by Goolsby), A bill to be entitled An Act relating to amendments to the Texas Timeshare Act.

HB 1062 (by Naishtat), A bill to be entitled An Act relating to the availability of judges and magistrates for proceedings related to chemically dependent persons.

CSHB 1063 (by Oliveira), A bill to be entitled An Act relating to a fee to support the wellness, recreational, and fitness complex at The University of Texas at Brownsville.

Amendment No. 1

Representative Oliveira offered the following amendment to **CSHB 1063**:

Amend **CSHB 1063**, on page 2, between lines 22 and 23, by adding a new subsection (g) to read as follows:

(g) The board of trustees of the Southmost Union Junior College District may pledge revenue from a fee imposed under this section, whether received directly from a student or from The University of Texas at Brownsville, under terms of the partnership agreement between The University of Texas at Brownsville and Texas Southmost College, for the payment of obligations issued by the Southmost Union Junior College District to finance the construction, operation, maintenance, renovation, and improvement of a wellness, recreational, and fitness complex owned by Texas Southmost College and used by the two institutions under the partnership. If the fee imposed under this section is pledged to the payment of obligations issued by Southmost Union Junior College district, the board of regents of The University of Texas System may not pledge revenue from the fee for the payment of obligations issued for an authorized purpose under the revenue financing system of The University of Texas System.

Amendment No. 1 was adopted.

HB 1142 (by Goodman), A bill to be entitled An Act relating to the jurisdiction of certain courts in Tarrant County.

HB 1201 (by Seaman), A bill to be entitled An Act relating to the appointment of certain temporary insurance agents.

HB 1224 (by Puente), A bill to be entitled An Act relating to a study of the effects of take-or-pay contracts on water conservation.

HB 1225 (by Puente), A bill to be entitled An Act relating to the grounds for an exemption from cancellation of a water right for nonuse.

HB 1332 was withdrawn.

HB 1339 was deferred until the end of the Local, Consent, and Resolutions calendar.

HB 1350 (by Denny), A bill to be entitled An Act relating to the definition of a salvage motor vehicle.

HB 1412 (by Haggerty), A bill to be entitled An Act relating to the recreational facility fee at The University of Texas at El Paso.

CSHB 1470 (by Hegar), A bill to be entitled An Act relating to the collection of certain administrative fees by a community supervision and corrections department.

HB 1501 (by Casteel), A bill to be entitled An Act relating to the authority of a guardian of the estate of a ward to make certain gifts of the ward's estate for estate planning purposes.

HB 1509 (by Denny), A bill to be entitled An Act relating to the requirements for the validity of a signature on certain petitions.

CSHB 1622 (by Pitts), A bill to be entitled An Act relating to the creation of a county court at law in Hill County.

CSHB 1657 (by Hope), A bill to be entitled An Act relating to the administration by the Texas Water Development Board of certain water-related programs financed by federal funds.

CSHB 2108 (by Berman), A bill to be entitled An Act relating to a student union fee at The University of Texas at Tyler.

CSHB 2212 (by Quintanilla), A bill to be entitled An Act relating to the student union fee at The University of Texas at El Paso.

CSHB 2272 (by Farabee), A bill to be entitled An Act relating to a student recreational and health facilities fee at Midwestern State University.

HB 2441 (by Leibowitz), A bill to be entitled An Act relating to the recreational facility fee at The University of Texas at San Antonio.

HCR 36 (by W. Smith, Escobar, Berman, Goodman, Zedler, et al.), Giving legislative authorization to a Vietnam War monument for the Capitol grounds, subject to state law and rules of the State Preservation Board.

On motion of Representative Flores, the names of all the members of the house were added to **HCR 36** as signers thereof.

HCR 36 - REMARKS BY REPRESENTATIVE VO

In this Vietnam monument, we recognize and honor the ultimate sacrifice given by these soldiers in the name of love. It is for love that such brave men die. It is for love of country, of freedom, of what is right and just in the world, for love of humanity, for an individual's right to the pursuit of happiness. In our past, we must look beyond the struggle and loss to find illumination and will for our future. We must focus on the love given to us in the sacrifice of others and the love we must give in grace for those who would come after us. This monument symbolizes the eternal flame of love given in grace, the brightly burning belief in freedom and democracy, the flame that always burns inside ourselves in memory of those who fought and died in this war.

HCR 36 - REMARKS BY REPRESENTATIVE ESCOBAR

On behalf of all of you that served in that conflict, and on behalf of those that fought from this state of this great nation, and that died there. When we came back from Vietnam, members, we were not very well welcomed in this country. It is a pleasure to actually see us passing a resolution and having these young men and women, who are currently serving our country in war, stand over there as we suspend the rules to give them what is due for their service to their country. When we came back, we were not honored as such, but you know what—we overcame it. We were traumatized in many ways through war because we were kids, college kids. In my case, I was 18 years old when I got shot in Vietnam, and I was far away from home. I am from a small ranch instead of the big city so it was hard for me to understand what was happening. But I am very proud to have served my country. As a seventh generation Texan, I will fight for my country all the time. I will fight for this great state. Sometimes we have philosophical differences

as to the way we do things here, but it is because of the flag we defended there that we stand before you today as Vietnam veterans united, and with your help I hope we can pass this resolution. Thank you.

REMARKS ORDERED PRINTED

Representative Puente moved to print remarks by Representative Vo and by Representative Escobar.

The motion prevailed.

HR 164 (by Gattis, Guillen, and Otto), Granting permission to Texas Aggie Muster to use the chamber of the Texas House of Representatives on April 21, 2005.

HR 515 (by Swinford), Granting the Texas Junior College Student Government Association permission to use the house chamber on April 17, 2005.

CSHB 1339 (by Strama), A bill to be entitled An Act relating to the appointment of a voting proxy by a legislative policy board member of a metropolitan planning organization.

HR 482 - ADOPTED (by Menendez)

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HR 482**.

The motion prevailed.

The following resolution was laid before the house:

HR 482, Honoring the life of Thomas L. Hatchett, Sr., and commemorating the dedication of the Thomas L. Hatchett, Sr. Elementary School in San Antonio.

HR 482 was read and was unanimously adopted by a rising vote.

On motion of Representative Hope, the names of all the members of the house were added to **HR 482** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Menendez who introduced the family of Thomas L. Hatchett, Sr.

HR 1045 - ADOPTED (by Hopson)

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 1045**.

The motion prevailed.

The following resolution was laid before the house:

HR 1045, Welcoming members of the Texas Pharmacy Association on April 7, 2005, Pharmacy Day at the State Capitol, and commemorating the association's more than 125 years of exemplary service to its membership.

HR 1045 was adopted.

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).

**HCR 102 - ADOPTED
(by Menendez)**

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HCR 102**.

The motion prevailed.

The following resolution was laid before the house:

HCR 102, In memory of G. W. Worth, Jr., of San Antonio.

HCR 102 was read and was unanimously adopted by a rising vote.

On motion of Representative Howard, the names of all the members of the house were added to **HCR 102** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Menendez who introduced the family of G.W. Worth, Jr.

INTRODUCTION OF GUESTS

The chair recognized Representative Wong who introduced first-term members of the South Korean National Assembly.

**HR 1052 - ADOPTED
(by Wong)**

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1052**.

The motion prevailed.

The following resolution was laid before the house:

HR 1052, Welcoming first-term members of the South Korean National Assembly to the State Capitol.

HR 1052 was adopted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, upon first adjournment today, Desk 112, for a formal meeting, to consider pending business.

Judiciary, upon first adjournment today, Desk 70, for a formal meeting, to consider pending business.

Transportation, upon first adjournment today, Desk 46, for a formal meeting, to consider pending business.

Law Enforcement, upon first adjournment today, Desk 56, for a formal meeting, to consider pending business.

Environmental Regulation, upon final adjournment today, Desk 69, for a formal meeting, to consider pending business.

ADJOURNMENT

Representative M. Noriega moved that the house adjourn until 11:25 a.m. today in memory of 16 Americans who died yesterday in a helicopter crash in Afghanistan.

The motion prevailed.

The house accordingly, at 11:12 a.m., adjourned until 11:25 a.m. today.

ADDENDUM

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, April 7, 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:

LOCAL AND UNCONTESTED CALENDAR

SB 37

Zaffirini

Relating to the right of certain sexual assault victims to a forensic medical examination.

SB 56

Nelson

Relating to requiring notice before the amount of bail set in certain cases is reduced.

SB 96

Shapleigh

Relating to the provision on the Internet of forms and permit or license information by state agencies.

SB 149

Wentworth

Relating to the recording of certain aircraft repair and maintenance liens; providing a criminal penalty.

- SB 171** Harris
Relating to the emergency service fee rate in certain 9-1-1 emergency communication districts.
- SB 183** Lucio
Relating to the appointment, operation, and recommendations of the Border Trade Advisory Committee.
- SB 188** Zaffirini
Relating to a memorandum of understanding between the Texas School for the Blind and Visually Impaired and the Texas Education Agency.
- SB 189** Zaffirini
Relating to the operation of the Texas School for the Blind and Visually Impaired.
- SB 255** Carona
Relating to the removal of data from data processing equipment disposed of or transferred by state agencies.
- SB 307** Duncan
Relating to a mental health court program.
- SB 338** Carona
Relating to the amount of the use tax imposed on certain motor vehicles brought into this state by a new resident.
- SB 355** Fraser
Relating to the authority of the Texas Commission on Environmental Quality over the issuance of certain district bonds.
- SB 359** Harris
Relating to notice regarding rental car damage waivers.
- SB 424** Carona
Relating to the deadline for passing the examination for a license to practice medicine in this state.
- SB 428** Lindsay
Relating to the repeal of the requirement that the creation of the Harris County Municipal Utility District No. 388 be confirmed by a specific date.
- SB 429** Lindsay
Relating to the repeal of the requirement that the creation of the Harris County Municipal Utility District No. 387 be confirmed by a specific date.
- SB 461** Madla
Relating to the confidentiality of and access to certain personal information in instruments recorded with a county clerk.
- SB 492** Van de Putte
Relating to inspection of and drug compounding by a pharmacy and to distribution of compounded and prepackaged drugs to pharmacies under common ownership.
- SB 495** Williams
Relating to the fee paid to the attorney general for examining the record of proceedings authorizing the issuance of a public security or related credit agreement.

- SB 511** Deuell
Relating to public testimony at regular meetings of the governing board of a general academic teaching institution.
- SB 522** Armbrister
Relating to the Texas Emergency Services Retirement System; providing an administrative penalty.
- SB 527** Hinojosa
Relating to authorizing a sports recreation and wellness facility fee at The University of Texas–Pan American.
- SB 554** Duncan
Relating to the liability of an ERISA-regulated employee benefit plan under certain state law.
- SB 602** Ellis
Relating to the development of bicycle tourism trails in this state.
- SB 637** Lindsay
Relating to the precedence of certain county highway access rules and ordinances over highway access management orders of the Texas Transportation Commission.
- SB 644** Wentworth
Relating to the eligibility of persons to participate in the public sale in certain counties of certain real property.
- SB 651** Harris
Relating to the University of North Texas Health Science Center at Fort Worth missing persons DNA database.
- SB 672** Seliger
Relating to the Randall County Juvenile Board.
- SB 693** Ogden
Relating to vacancies on municipal utility district boards.
- SB 709** Carona
Relating to the amount of a late charge or reinstatement fee under a rental-purchase agreement.
- SB 718** Eltife
Relating to boundaries of emergency services districts.
- SB 732** Williams
Relating to the administration of polygraph examinations to certain applicants for positions in the Department of Public Safety of the State of Texas.
- SB 766** Wentworth
Relating to allowing a lodge or other local organization affiliated with a grand lodge or similar charitable or benevolent institution or order incorporated under state law to hold a charitable raffle.
- SB 796** Lucio
Relating to the combative sports program.

- SB 807** Averitt
Relating to interest rate ceilings on certain commercial loans.
- SB 810** Averitt
Relating to the regulation of the sale and inspection of real estate.
- SB 812** Deuell
Relating to the powers of a community center.
- SB 821** Lindsay
Relating to an administrative cost for the enforcement of the collection of tolls in certain counties.
- SB 866** Staples
Relating to the operation of authorized emergency vehicles conducting a police escort.
- SB 876** Lindsay
Relating to financial reporting requirements of a nonprofit corporation.
- SB 903** Whitmire
Relating to certain persons that are special investigators.
- SB 907** Whitmire
Relating to authority of a peace officer to make an arrest outside of the officer's jurisdiction or to seize property while making the arrest.
- SB 910** Whitmire
Relating to the repeal of certain obsolete laws defining and regulating nitrous oxide as a volatile chemical.
- SB 945** Armbrister
Relating to the filing of a disclosure statement by a vendor or member of a governing body of a port authority or navigation district; imposing a penalty.
- SB 961** Shapiro
Relating to a clearinghouse of energy and water conservation information and programs for school districts.
- SB 963** Shapiro
Relating to the establishment of and liability for failing to comply with certain administrative and instructional ratios for public school districts.
- SB 986** Duncan
Relating to the election of directors of the Wes-Tex Groundwater Conservation District.
- SB 988** Carona
Relating to education courses required for a mortgage broker or loan officer license.
- SB 1014** Harris
Relating to records on appeal in municipal courts of record.
- SB 1088** Madla
Relating to the retirement system for firefighters and police officers in certain municipalities.

SB 1641

Lucio

Relating to the continuation of the law authorizing the issuance of oversize or overweight vehicle permits by certain port authorities.

SCR 7

Duncan

Urging the Supreme Court of Texas and the Court of Criminal Appeals of Texas to adopt rules providing for the random assignment to courts of appeals of cases pending or on appeal from counties with overlapping appellate jurisdictions and adopt rules determining the court of appeals precedent applicable in such randomly assigned cases.

Respectfully,

Patsy Spaw

Secretary of the Senate

