

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FIFTH DAY — THURSDAY, APRIL 7, 2005

The house met at 11:25 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 260).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Gonzalez Toureilles.

LEAVES OF ABSENCE GRANTED

On motion of Representative Reyna and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Reyna moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative Reyna and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 261): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Gonzalez Toureilles.

SB 267

HB 258

HB 503

HB 598

HB 993

HB 994

HB 1062

HB 1063

HB 1201

HB 1224

HB 1225

HB 1412

HB 1470

HB 1657

HB 2108

HB 2212

HB 2272

HB 2441

HB 1339

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

HB 604

HB 646

HB 780

HB 1045

HB 1142

HB 1350

HB 1501

HB 1509

HB 1622

HR 1015 - ADOPTED
(by Straus)

Representative Straus moved to suspend all necessary rules to take up and consider at this time **HR 1015**.

The motion prevailed.

The following resolution was laid before the house:

HR 1015, In memory of Robert S. Morris of San Antonio.

HR 1015 was read and was unanimously adopted by a rising vote.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 1015** as signers thereof.

(Speaker in the chair)

**EMERGENCY CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 10 ON THIRD READING
(by Pitts and Denny)**

HB 10, A bill to be entitled An Act relating to making supplemental appropriations and reductions in appropriations.

A record vote was requested.

HB 10 was passed by (Record 262): 144 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Alonzo; Davis, Y.; Noriega, M.; Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gonzalez Toureilles.

The speaker stated that **HB 10** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

STATEMENT OF VOTE

I was shown voting yes on Record No. 262. I intended to vote no.

Burnam

COMMITTEE GRANTED PERMISSION TO MEET

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

Permission to meet was granted.

FIVE DAY POSTING RULE SUSPENDED

Representative Hughes moved to suspend the five day posting rule to allow the Committee on Elections, Subcommittee on Campaign Finance, to consider previously posted business 15 minutes after final adjournment today in E2.012.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

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

Elections, Subcommittee on Campaign Finance, 15 minutes after final adjournment today, E2.012, for a public hearing, to consider previously posted business.

Juvenile Justice and Family Issues, upon final adjournment today, E1.014, for a formal meeting, to consider pending business.

Urban Affairs, upon final adjournment today, Desk 48, for a formal meeting, to consider pending bills.

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

Defense Affairs and State-Federal Relations, 12 p.m. today, E2.010, for a public hearing, to consider pending business and previously posted items.

Insurance, Subcommittee on Life and Health Insurance, 1:15 p.m. today, E2.028, for a public hearing.

PROVIDING FOR ADJOURNMENT

Representative Bonnen 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. Monday, April 11.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Jackson in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 11:46 a.m., adjourned until 10 a.m. Monday, April 11.

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 3522 (By Taylor), Relating to the creation of the West Ranch Management District; providing authority to impose a tax and issue a bond or similar obligation and granting a limited power of eminent domain.

To Urban Affairs.

HB 3524 (By Gattis), Relating to the creation of the Williamson County Municipal Utility District No. 19; providing authority to impose a tax and issue bonds.

To Natural Resources.

HB 3526 (By Hochberg), Relating to the creation of the Greater Sharpstown Management District; providing authority to levy an assessment, impose a tax and issue a bond or similar obligation.

To Urban Affairs.

HB 3529 (By Vo), Relating to the creation of the International Management District; providing authority to levy an assessment, impose taxes and issue bonds.

To Urban Affairs.

SB 359 to Business and Industry.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 1874 (By Otto), Relating to the application of the motor vehicle sales tax emissions reduction surcharge on certain recreational vehicles.

To Ways and Means.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 6

Criminal Jurisprudence - **HB 197**

Elections - **HB 1706**

Environmental Regulation - **HB 2131, HB 2949**

Government Reform - **HB 1459**

Insurance - **HB 1602, HB 2171, HB 2565, HB 2761, HB 2870, HB 2871, HB 2872**

Land and Resource Management - **HB 585, HB 2619, HB 2748, HB 2921, HB 3101, HJR 82**

Law Enforcement - **HB 264, HB 1438**

Licensing and Administrative Procedures - **HB 1549, HB 1817**

Natural Resources - **HB 828**

Public Health - **HB 836, HB 1155, HB 1435, HB 1457, HB 1604, HB 1771**

State Affairs - **HB 860, HB 2191, HB 2377, HB 2379**

Transportation - **HB 754, HB 1672, HB 1814, HB 2137, HB 2659, HB 2705, HB 2958, HB 3020, SB 280**

Ways and Means - **HB 726, HB 809, HB 1185, HB 1528, HB 2080, HJR 32**

ENGROSSED

April 6 - HB 25, HB 157, HB 207, HB 417, HB 484, HB 551, HB 773, HB 872, HB 918, HB 933, HB 1025, HB 1076, HB 1162, HB 1170, HB 1328, HB 1367, HB 1489, HB 1596, HB 1924, HB 2104, HB 2273, HB 2307

SENT TO THE GOVERNOR

April 6 - HCR 74, HCR 127, HCR 139, HCR 140

