

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SEVENTH DAY — TUESDAY, APRIL 12, 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 268).

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; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; 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 — Olivo.

Absent — Martinez Fischer.

The invocation was offered by Dr. Robert Allen, senior minister, First United Methodist Church, Wichita Falls, as follows:

Eternal God, we know you as one who created us and continues to create through us. We come before you today in a spirit of gratitude. We are grateful for the gift of life you have given to each of us. We are grateful for the friendships that we share. We are grateful for the beauty of your world with the flowers blooming and the trees blossoming. We are grateful for the freedom that we experience in this great nation and this great state.

We come before you today requesting your special watch and care over the men and women who wear the uniform of our nation. Even now, many serve in harm's way in places like Iraq and Afghanistan. As they seek to protect our freedoms, remind them that they are not alone because of your loving presence.

Remind them, O God, that regardless of our political opinions, they have our support, respect, and prayers that they may bring to an end this conflict and return home safely to their families.

Today, O God, we pray for the men and women who serve as our elected leaders in this house of representatives. You know the important decisions they must make for the people of this state. Give them the courage to rise above the differences which are created by political parties. Strengthen them to have the personal integrity to do what is right instead of what is politically expedient. Give to them backbones instead of wishbones as they seek to make decisions which will affect the men, women, and children of this great state. We pray this in that name which is sacred to us all. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Casteel who presented Dr. Beverly Nuckols of New Braunfels as the "Doctor for the Day."

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

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

REGULAR ORDER OF BUSINESS SUSPENDED

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

(Pitts in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 4).

(Veasey in the chair)

HR 1129 - ADOPTED (by Flores, Martinez, and Gonzales)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 1129**.

The motion prevailed.

The following resolution was laid before the house:

HR 1129, Honoring the residents of Pharr, San Juan, and Alamo on the occasion of PSJA Day on April 12, 2005, at the State Capitol.

HR 1129 was read and was adopted.

On motion of Representative Martinez, the names of all the members of the house were added to **HR 1129** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representatives Martinez, Flores, and Gonzales who introduced a delegation from Pharr, San Juan, and Alamo.

HR 1114 - ADOPTED

(by Eissler)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 1114**.

The motion prevailed.

The following resolution was laid before the house:

HR 1114, Recognizing April 12, 2005, as Junior Achievement Day at the State Capitol.

(Harper-Brown in the chair)

HR 1114 was read and was adopted.

HR 1001 - ADOPTED

(by Hardcastle)

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 1001**.

The motion prevailed.

The following resolution was laid before the house:

HR 1001, Recognizing April 14, 2005, as Fire Ant Prevention Day in Texas.

HR 1001 was read and was adopted.

HR 750 - ADOPTED

(by Baxter)

Representative Baxter moved to suspend all necessary rules to take up and consider at this time **HR 750**.

The motion prevailed.

The following resolution was laid before the house:

HR 750, Honoring Dr. Gerald Mann on his retirement as senior pastor of Riverbend Church in Austin.

HR 750 was read and was adopted.

On motion of Representative Laney, the names of all the members of the house were added to **HR 750** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Baxter who introduced Dr. Gerald Mann.

HR 1125 - ADOPTED
(by Isett)

Representative Isett moved to suspend all necessary rules to take up and consider at this time **HR 1125**.

The motion prevailed.

The following resolution was laid before the house:

HR 1125, Honoring the Texas Tech Alumni Association and recognizing April 12, 2005, as Red and Black Day at the State Capitol.

(Speaker in the chair)

HR 1125 was read and was adopted.

HR 1036 - ADOPTED
(by Hamilton)

Representative Hamilton moved to suspend all necessary rules to take up and consider at this time **HR 1036**.

The motion prevailed.

The following resolution was laid before the house:

HR 1036, Congratulating the Kountze High School Lions basketball team for winning the UIL 2A state championship.

(Isett in the chair)

HR 1036 was adopted.

POSTPONED BUSINESS

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

HB 962 ON SECOND READING
(by Krusee)

HB 962, A bill to be entitled An Act relating to requiring the Texas Department of Transportation to include in the statewide transportation improvement program a list of transportation projects that the department considers to be eligible for tolling or feasible for tolling.

HB 962 was read second time on March 29 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Krusee offered the following amendment to **HB 962**:

Amend **HB 962** on page 1 by striking lines 9 through 18 and substituting:

Sec. 362.902. INCLUSION OF TOLL PROJECTS IN UNIFIED TRANSPORTATION PROGRAM. The department shall adopt and include in the unified transportation program of the department a list of transportation projects in each department district that the department considers to be eligible and feasible for tolling. A transportation project that is included in the list is not required to be operated as a toll project.

Amendment No. 1 was adopted.

HB 962, 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.)

SB 280 ON SECOND READING
(Bailey - House Sponsor)

SB 280, A bill to be entitled An Act relating to an injunction to prevent violations by automotive wrecking and salvage yards in certain counties.

SB 280 was considered in lieu of **HB 414**.

SB 280 was read second time.

Amendment No. 1

Representative Geren offered the following amendment to **SB 280**:

Amend **SB 280** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill appropriately:

SECTION___. Section 396.001, Transportation Code, is amended to read as follows:

Sec. 396.001. DEFINITIONS. In this chapter:

(1) "Automotive wrecking and salvage yard" means an outdoor place where a person stores three or more wrecked vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in ~~an~~ automotive repair or rebuilding ~~business~~.

Amendment No. 1 was adopted.

SB 280, as amended, 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 414 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bailey moved to lay **HB 414** on the table subject to call.

The motion prevailed.

HB 1284 ON SECOND READING
(by Swinford)

HB 1284, A bill to be entitled An Act relating to the exception from required public disclosure of a photograph of a peace officer.

HB 1284 was read second time on March 17, postponed until March 30, and was again postponed until 10 a.m. today.

Representative Swinford moved to postpone consideration of **HB 1284** until 10 a.m. April 18.

The motion prevailed.

HB 1324 ON SECOND READING
(by Peña, Raymond, Hodge, Escobar, and Farrar)

HB 1324, A bill to be entitled An Act relating to the punishment for the offense of burglary of vehicles.

HB 1324 was read second time on March 30 and was postponed until 10 a.m. today.

Representative Peña moved to postpone consideration of **HB 1324** until 10 a.m. April 19.

The motion prevailed.

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 178 ON THIRD READING
(by Denny)

HB 178, A bill to be entitled An Act relating to the use of electronically readable information from a driver's license or personal identification card in an election.

HB 178 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HERRERO: Madam Chairwoman, I looked at the bill and it is my understanding from questioning that was posed yesterday, that it was not intended to prohibit people from voting if they do not possess or have a driver's license or ID. Is that correct?

REPRESENTATIVE DENNY: That's correct. They would vote a provisional ballot under current law. All this bill does is restore the law as it was prior to last session—a law that was enacted in 1995 allowing the voting clerks to scan the driver's license to get your name and address off the back of it to speed up the process, instead of them having to manually enter on the keyboard with their fingers the name and address. This is just to speed up that process. That is all it does.

HERRERO: It is to make it more efficient, is that correct?

DENNY: That is correct. That is all it does.

HERRERO: It is not intended to prohibit a person just because they do not have a driver's license or ID for voting?

DENNY: No, not at all. That provision is already in the law to take care of that. They sign in on the affidavit and they vote a provisional ballot, and this doesn't touch any of the law in that regard. All this does is allow the voting clerk to be added as the governmental entity able to scan that information on machines that they currently have available, that they are not currently allowed to use.

HERRERO: Right, and in addition to a driver's license and an ID there are other forms of identification that a person can use that would help identify that person. This bill does not—

DENNY: This bill doesn't touch any of that.

HERRERO: Alright. Thank you.

DENNY: Yes, absolutely.

REMARKS ORDERED PRINTED

Representative Herrero moved to print remarks between Representative Herrero and Representative Denny.

The motion prevailed.

HB 178 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CHAVEZ: Thank you so much, Mary. What I'm concerned with is that you've got in early voting judges who take this as biblical. They sit there and decide that what it states in the bill, as you have written, that people are going to have to have a driver's license in order to vote. I've had a lot of elderly citizens in my district who haven't had a driver's license in 10 or 15 years. And this, the way it can be misinterpreted by those people who run the elections. I have an amendment that would just simply state that an election officer could not reject a voter who is eligible—who is otherwise eligible, to vote based on what we have in current statute.

REPRESENTATIVE DENNY: Yes, Ms. Chavez. This in no way affects that. If they have their voter registration card, they're eligible to vote and they do not need a driver's license. And this does not affect any provision in current law regarding that at all. This is just—we're not changing current law at all. Currently, if you don't have your voter registration card, you have to have a photo ID and this only allows the early voting clerks to scan rather than manually enter that information. That's all it does.

CHAVEZ: Okay, currently you don't have to have a photo ID.

DENNY: You don't if you have your voter registration card, and this doesn't touch that.

CHAVEZ: Right.

DENNY: This is just for the people that have to have—currently when you have to have a photo ID, this allows them to scan it rather than manually enter it. That's all it does.

CHAVEZ: Currently, you don't have to have a photo ID if I have a voter registration card, and if my seniors that live in public housing are going out there to vote and they haven't driven in 10 or 15 years, all they have is their voter card that they've been receiving in the mail.

DENNY: Yeah, and that's all they need. It doesn't touch that at all.

CHAVEZ: Right, but the reality in the precinct on the day of election—you have people who sit there and are going to interpret and say, "No you don't have a driver's license, you can't vote."

DENNY: No ma'am, this only affects early voting. This has nothing to do with election day voting.

CHAVEZ: Right, and a lot of people take vans and busses to go out and vote, helping people to go out and vote, and when they get there, they don't have a driver's license.

DENNY: They don't need a driver's license if they've got their voter registration card. So this doesn't affect that at all. All this does, as we clarified yesterday, is for those people that currently have the driver's license and show it, it just allows the voting clerk to swipe the card instead of manually entering the information that's on the front of the card. That's all it does.

CHAVEZ: Okay, well I have some language that would clarify the intent of your bill. And I'd like to run it by.

DENNY: It's perfectly clear right now and that's why I wasn't going to accept your amendment, because all we're doing is making it so they can swipe the card to read the electronic information which is the name and address.

CHAVEZ: Right, but when the Secretary of State does the training for election judges and for Democratic and Republic chairmen statewide, they go over all the bills that are passed in relation to elections, and I think if we are able to add this amendment, it will be real clear that they cannot reject a voter who doesn't have a driver's license.

DENNY: But, Ms. Chavez, this is only during early voting and your Republican and Democratic county chairmen do not have anything to do with early voting. That is run by the counties.

CHAVEZ: It doesn't say anything about early voting.

DENNY: It does in the previous section of the election code that this section is in.

REPRESENTATIVE COLEMAN: Chairwoman Denny, you and I had a discussion yesterday about your intent with this bill in terms of it doesn't change the law that says that you have to use a driver's license to vote, does it?

DENNY: No, sir. Not at all.

COLEMAN: That's not your intention?

DENNY: No, sir. Not at all.

COLEMAN: And when this bill goes over to the senate, you will not allow a change that makes that possible when it comes back?

DENNY: No. Not at all. All we're trying to do is allow them to swipe the driver's license like it's done in convenience stores now and in so many places so that we can save time and not have a build up of lines.

COLEMAN: So this applies to early vote when you have a polling place that has multiple variable ballots. It allows them to swipe that in to pull up the right ballots to ease the line. Is that correct?

DENNY: Yes, sir.

COLEMAN: But if somebody came without their driver's license and just their voter registration card, clerks would type in their name and it would act just in the same way.

DENNY: Right, because all they have to type in then is their voter registration number because you've got your card.

COLEMAN: Right, and the idea is to make sure that in the use of this particular legislation that the driver's license is only used to speed up the process, not as a requirement for identification to vote.

DENNY: Absolutely. That is exactly right.

COLEMAN: Okay, thank you.

Amendment No. 1

Representative Chavez offered the following amendment to **HB 178**:

Amend **HB 178**, 2nd Reading Engrossment, on page 1, between lines 13 and 14, by inserting the following:

(c) This section does not authorize an election officer to reject a voter who is otherwise eligible to vote solely because the voter does not present a driver's license or personal identification card for proof of identification.

(Speaker in the chair)

Amendment No. 1 was withdrawn.

REMARKS ORDERED PRINTED

Representative Chavez moved to print remarks between Representative Denny and Representative Chavez.

The motion prevailed.

REMARKS ORDERED PRINTED

Representative Herrero moved to print remarks between Representative Denny and Representative Coleman.

The motion prevailed.

HB 178 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Castro and Chavez recorded voting no.)

HB 233 ON THIRD READING**(by Martinez, Escobar, Gonzales, Peña, et al.)**

HB 233, A bill to be entitled An Act relating to the securing by municipal police officers of a scene to which the municipality's emergency ambulance service responds.

A record vote was requested.

HB 233 was passed by (Record 269): 146 Yeas, 0 Nays, 1 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; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; 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; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Olivo.

Absent — Chavez; Martinez Fischer.

STATEMENT OF VOTE

When Record No. 269 was taken, I was in the house but away from my desk. I would have voted yes.

Chavez

HB 340 ON THIRD READING**(by Seaman and Herrero)**

HB 340, A bill to be entitled An Act relating to the authority of a navigation district to establish a volunteer police reserve force.

Amendment No. 1

Representatives Harper-Brown and Keel offered the following amendment to **HB 340**:

Amend **HB 340** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill accordingly:

SECTION ____. Article 2.122, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) The following named criminal investigators of the United States shall not be deemed peace officers, but shall have the powers of arrest, search and seizure as to felony offenses only under the laws of the State of Texas:

(1) Special Agents of the Federal Bureau of Investigation;

(2) Special Agents of the Secret Service, except as provided by Subsection (g);

(3) Special Agents of the United States Customs Service;

(4) Special Agents of Alcohol, Tobacco and Firearms;

(5) Special Agents of Federal Drug Enforcement Agency;

(6) Inspectors of the United States Postal Service;

(7) Special Agents of the Criminal Investigation Division and Inspectors of the Internal Security Division of the Internal Revenue Service;

(8) Civilian Special Agents of the United States Naval Investigative Service;

(9) Marshals and Deputy Marshals of the United States Marshals Service;

(10) Special Agents of the United States Immigration and Naturalization Service; and

(11) Special Agents of the United States Department of State, Bureau of Diplomatic Security.

(g) Notwithstanding Subsection (a), a Special Agent of the Secret Service actively providing protection to or investigating a threat against a person as authorized under 18 U.S.C. Section 3056(a) is not a peace officer under the laws of this state, except that the agent has the powers of arrest, search, and seizure as to any offense under the laws of this state.

Amendment No. 1 was adopted.

A record vote was requested.

HB 340, as amended, was passed by (Record 270): 146 Yeas, 0 Nays, 1 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; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds;

Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Olivo.

Absent — Edwards; Martinez Fischer.

(Van Arsdale in the chair)

HB 345 ON THIRD READING

(by Solomons)

HB 345, A bill to be entitled An Act relating to the disclosure of certain information provided on a voter registration application.

A record vote was requested.

HB 345 was passed by (Record 271): 144 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; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; 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; 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; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Olivo.

Absent — Edwards; Hughes; Martinez Fischer.

HB 550 ON THIRD READING**(by Phillips)**

HB 550, A bill to be entitled An Act relating to the preparation of a presentence report in a felony case.

HB 550 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 654 ON THIRD READING**(by Goolsby)**

HB 654, A bill to be entitled An Act relating to professional liability insurance for volunteer health care providers.

A record vote was requested.

HB 654 was passed by (Record 272): 142 Yeas, 0 Nays, 3 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; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; 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; 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; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Chavez; Van Arsdale(C).

Absent, Excused — Olivo.

Absent — Castro; Jackson; Martinez Fischer; Swinford.

HB 824 ON THIRD READING**(by Talton and Riddle)**

HB 824, A bill to be entitled An Act relating to a requirement that appraisal review board members complete a training and education course annually.

HB 824 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 900 ON THIRD READING

(by Chavez, Woolley, Veasey, B. Cook, Castro, et al.)

HB 900, A bill to be entitled An Act relating to the requirement that workforce development programs provide training in financial literacy.

A record vote was requested.

HB 900 was passed by (Record 273): 146 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; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; 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; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Olivo.

Absent — Martinez Fischer.

HB 975 ON THIRD READING

(by Madden)

HB 975, A bill to be entitled An Act relating to a deposition taken of a witness in a criminal action.

HB 975 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1116 ON THIRD READING
(by Solomons, Hamric, Truitt, and Dunnam)

HB 1116, A bill to be entitled An Act relating to the governmental entities subject to the sunset review process.

HB 1116 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Martinez Fischer now present)

HB 1271 ON THIRD READING
(by Bohac)

HB 1271, A bill to be entitled An Act relating to the voter registration of certain persons disqualified from jury service.

Representative Bohac moved to postpone consideration of **HB 1271** until 10 a.m. tomorrow.

The motion prevailed.

HB 1528 ON THIRD READING
(by Woolley, Menendez, et al.)

HB 1528, A bill to be entitled An Act relating to the expiration of the other events trust fund established to support local efforts to recruit or retain certain sports events.

HB 1528 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1540 ON THIRD READING
(by Bonnen)

HB 1540, A bill to be entitled An Act relating to the regulation by the Texas Commission on Environmental Quality of the idling of a motor vehicle while the driver is using the vehicle's sleeper berth.

HB 1540 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HOCHBERG: Thank you, Chairman Bonnen. I just wanted to clarify that this bill only pertains to actions of the commission and would not in any way prevent a municipality from prohibiting idling in a residential neighborhood or prohibit a deed restriction from making the same sort of restriction.

REPRESENTATIVE BONNEN: It would not undo a deed restriction that already exists. I'm not certain in the case of a municipality, but anything that is already in existence, it would not undo that.

HOCHBERG: And would not, other than commission regulation—would not prohibit anything in the future. Is that correct?

BONNEN: Correct.

HOCHBERG: Thank you.

REMARKS ORDERED PRINTED

Representative Hochberg moved to print remarks between Representative Bonnen and Representative Hochberg.

The motion prevailed.

HB 1540 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Burnam recorded voting no.)

HB 1587 ON THIRD READING

(by West)

HB 1587, A bill to be entitled An Act relating to liability and validation issues of the Downtown Midland Management District.

A record vote was requested.

HB 1587 was passed by (Record 274): 142 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; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; 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; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; 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; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Olivo.

Absent — Edwards; Howard; Madden; Mowery; Phillips.

HB 1938 ON THIRD READING
(by Ritter, Menendez, Anchia, and Branch)

HB 1938, A bill to be entitled An Act relating to the award of a grant and reporting requirements under the Texas Enterprise Fund.

HB 1938 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Branch recorded voting yes; Callegari and Miller recorded voting no.)

HB 2228 ON THIRD READING
(by McCall, Hegar, Woolley, Eiland, Keel, et al.)

HB 2228, A bill to be entitled An Act relating to the creation of the offense of online sexual solicitation of a minor.

A record vote was requested.

HB 2228 was passed by (Record 275): 146 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; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; 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; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Olivo.

Absent — Edwards.

HB 2795 ON THIRD READING
(by Hartnett)

HB 2795, A bill to be entitled An Act relating to certain appointments made by the governor and the chief justice of the supreme court.

HB 2795 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

RECESS

At 11:26 a.m., the chair announced that the house would stand recessed until 12:45 p.m. today.

AFTERNOON SESSION

The house met at 12:45 p.m. and was called to order by the speaker.

HR 1046 - ADOPTED

(by Orr)

Representative Orr moved to suspend all necessary rules to take up and consider at this time **HR 1046**.

The motion prevailed.

The following resolution was laid before the house:

HR 1046, Recognizing April 12, 2005, as REALTOR[®] Appreciation Day at the Capitol.

HR 1046 was read and was adopted.

On motion of Representative Riddle, the names of all the members of the house were added to **HR 1046** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Orr who introduced members of the Texas Association of REALTORS[®].

CONSTITUTIONAL AMENDMENTS CALENDAR

HOUSE JOINT RESOLUTIONS

SECOND READING

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

HJR 35 ON SECOND READING

(by Bohac, Crabb, Talton, Woolley, Nixon, et al.)

HJR 35, A joint resolution proposing a constitutional amendment authorizing the legislature to limit the maximum average annual increase in the appraised value of real property for ad valorem tax purposes to five percent or more.

Amendment No. 1

Representative Villarreal offered the following amendment to **HJR 35**:

Amend **HJR 35** by striking page 1, line 5.

AMENDMENT NO. 1 - DEBATE

REPRESENTATIVE VILLARREAL: Thank you, Mr. Speaker and members. Let me be clear about what this amendment does. The affect of this amendment is to vote down this bill. The affect of this amendment is to strike the enabling clause, thereby killing the legislation as it has come to this house floor. Why am I offering this amendment? Fundamentally, **HJR 35** is wrong for our state. There are amendments that have been pre-filed that have attempted to fix the HJR. But their fix represents a fix that is not of substance to the amendment to make it right, to make this policy good for our state and allow us to walk out of this chamber with our head held high. Instead it is a fix for the process to let the HJR sneak out of here and into the senate. I am also offering this amendment because I believe it represents an opportunity. It is an opportunity for each and every house member to take a good vote to join a broad coalition of interests from the Texas Association of Business who oppose this HJR all the way to the Center for Public Policy Priorities. It is an opportunity to join a vast collection of interest that really represent the broad interest of our public citizenry. And this amendment, that I offer, represents a vote that will not only allow you to cast something good and allow you to join a great group of folks, but it will also—and this is important members—it will also save you from having to vote on some—basically take some bad votes and go home and have to explain the complexity of voting for a semi-maybe better amendment—that maybe put a hat and lipstick on the pig but still made you kiss the pig at the end of the day.

REPRESENTATIVE HOWARD: Mr. Speaker?

VILLARREAL: —and so members I ask that we complete—

MR. SPEAKER: Mr. Howard, for what purpose?

HOWARD: Will the gentleman yield for a question?

MR. SPEAKER: Mr. Villarreal, will you yield?

VILLARREAL: I will be happy to yield after I finish this statement.

MR. SPEAKER: Not at this time, Mr. Howard.

VILLARREAL: And so members I ask you to vote for my amendment and put to rest once and for all the debate that has been happening in our offices, in our committees, in the hallways about how bad **HJR 35** is. As you know this bill, this HJR, was supposed to be heard weeks ago and it got pulled because there wasn't support. I know that the opposition has just grown since then and, instead of wasting our valuable time on the house floor, I ask for your vote for this amendment to finish the debate and allow us to move forward on bills that are good for this state and will allow us to walk out of this chamber with our heads held high.

HOWARD: Mr. Speaker?

MR. SPEAKER : Mr. Howard, for what purpose?

HOWARD: Will the gentleman yield for a question?

MR. SPEAKER: Villarreal, will you yield?

VILLARREAL: Yes, Mr. Speaker.

MR. SPEAKER: The gentleman yields.

HOWARD: Mr. Villarreal, I am really interested to know how you know what every amendment up there says and how this body feels about every amendment. Do you realize how many amendments we had last week on our appropriations bill? Do you remember how many amendments there were?

VILLARREAL: There were over 200 amendments.

HOWARD: That's right there were over 210 amendments. Do you know? Did you read every one of them? Did you know what they said? Did you know that was putting lipstick on the pig on every one of those?

VILLARREAL: I can tell you, Representative Howard, that in committee when we heard **HJR 35** we heard hours and hours of testimony that explained how this HJR is not a tax reduction, but a tax shift to the working and middle class homeowners. We heard how two neighbors in similar homes will face different tax burdens. We heard from Dr. Ray Perryman how this will hurt our economy. And, members, you have that book that represents his research—

HOWARD: Mr. Villarreal, the question was, do you know what the amendments are? You know you heard the debate. Guess what? All of us are not on that committee. Do you realize that we might like to hear the debate? I think that you had a bill up here a couple of weeks ago and it had a lot of amendments, and you wanted to hear every one of those amendments. You wanted to debate every one of those amendments. Do you not feel like that is the process that we are about?

VILLARREAL: You ask a very good question, Representative Howard. And I have to let, let me try to paint a picture of how this HJR—

HOWARD: I would like you to answer my question and not—

VILLARREAL: —and I will and I am going to answer it.

HOWARD: I ask the questions back here. You answer them up there.

VILLARREAL: This HJR was barely voted out of committee and by members who voted to send it to the house floor with very heavy hearts, knowing that they would be bringing an HJR that would force members to vote on some bad policy.

HOWARD: So you are telling me that you can tell—

VILLARREAL:—I—

HOWARD: —how the heart felt—

VILLARREAL:— and this is —

HOWARD: —for every member on that committee. And you know I have served on committees for 11 years here, and I have heard a lot of votes. And I have never had every member of a committee come up to me and say, you know I voted for this and you know I never really wanted to my heart was down, but I voted for it just to get it out of here. You know, I have never heard that. Have you heard that? You heard that on your committee?

VILLARREAL: Yes. Actually, yes I have. And—

HOWARD: You heard on every committee member that heard this bill? Is that right?

VILLARREAL: Yes, and I will—two reasonable minds can disagree, but let me tell you, let me describe to you—

HOWARD: Is that right? Every member, every member said that they voted it out with a heavy heart? Is that correct?

VILLARREAL: Let me describe my judgment call.

HOWARD: Is that right? Every member said they voted it out with a heavy heart?

VILLARREAL: Let me just describe my judgment call, and let me just offer my, how I made this judgment. My judgment call is this: I am offering this, committee will cut off debate and that is at a cost to the discussion. But, here is the benefit that I have had to weigh. And that is the benefit of saving members of this body from voting on, taking on some really bad votes to make a fundamentally wrong policy proposal a little bit less stinky to pass out of this house.

HOWARD: Do you think that some of us may think that some of those amendments are good?

VILLARREAL: And if you do not share my judgment call then you can vote against this amendment, and that's fair.

HOWARD: That's right, and I will get the votes for those amendments if we defeat your amendment, and I would hope that the body would. And at least share in the debate on this bill. This is a very important issue to my district. I think it is a very important issue to the state, and it's one that needs to be addressed and I would hope so too, and I wish you would withdraw your amendment. Thank you.

VILLARREAL: The last reason, and I handed out this green sheet that only lists four. And I will be happy to take your next question, but let me just finish. But the last point, that we didn't hear in committee that we only learned after it left committee, was how much it would cost the State of Texas, \$1.17 billion, that's almost half of the amount of money we were hoping to put aside for education. We learned about that with the fiscal note, and I offered it here in this summary sheet.

REPRESENTATIVE TALTON: Mr. Speaker?

MR. SPEAKER: For what purpose, Mr. Talton?

TALTON: For questions.

MR. SPEAKER: Gentleman yield?

VILLARREAL: Yes.

MR. SPEAKER: Gentleman yields.

TALTON: Thank you. Representative Villarreal, you understand that some of our areas have been hit pretty hard on appraised values?

VILLARREAL: Yes, I do.

TALTON: And right now in our state, what we have is a real property values and real property taxes, is that correct? Basically, that is one of the main things that is driving the schools and the other governmental entities.

VILLARREAL: Actually, what we learned in committee was what has driven the increase in property taxes is a rise in the tax rate of the education portion of the property tax, and as you know, that has been due to the state pulling back, having less money to spend at the state level. But I'll give you—let's put that aside and let's focus on the rise in appraised values because that is important and that is true. Appraised values are growing. However, **HJR 35** does not reduce the tax liability across the board. It dampens the growth of appraised values for homes that are rapidly growing in appraised value while local governments and also state government continues to need to pay for the same level of services. The trash still needs to get picked up, the police still need pay, and taxes still need to be raised and in effect what happens is there is a tax shift going on from those houses that are rapidly growing in appraised values to those that aren't, those are the working middle class homeowners—

TALTON: Yeah but, you said on Ways and Means that—

CHAIR (Branch in the chair): Representative Nixon raises a point of order. The gentleman's time is expired. The point of order is well taken and sustained.

CHAIR: The chair recognizes Representative Nixon.

REPRESENTATIVE NIXON: Thank you. Mr. Speaker and members, what this amendment by Mr. Villarreal does is simply strike the enabling clause. If this amendment were to go on, the bill dies. The debate is over. The real question before us is are we going to allow ourselves to debate this bill? Representative Howard and some others have brought up some very good reasons as why we should be able to. I think we should be able to debate this bill. I think Mr. Bohac has worked hard on this as well as a lot of other members. You can vote against it, but it is really bad form. I don't know that in six sessions that we have ever once voted to strike an enabling clause on anyone's legislation. Accordingly, the bill got out of committee, it got voted out of Calendars, it has come to floor of the house, it is not time to strike the enabling clause, it is time to continue on debating good sound public policy. Let us engage in that debate accordingly, I move to table.

CHAIR: The chair recognizes Representative Villarreal to close.

VILLARREAL: Members, I ask that you vote against the motion to table, and vote with a broad coalition from the Texas Association of Business to the Center for Public Policy Priorities against **HJR 35**.

MR. SPEAKER: There being 66 ayes and 77 nays the motion to table fails. Chair recognizes Mr. Bohac.

REPRESENTATIVE BOHAC: Members, I am rising to speak against this amendment. I think it sets a terrible precedent for this body. I think it is a sad day for tax payers all across the state of Texas because they, at the very least, that unpaid citizen lobby deserves to have this bill debated on this house floor. They don't come up here and write us a check like some of these paid lobbyists do, but their voices matter. When you vote, members I ask you to allow this process to proceed. Let the amendments be played out. That makes the bill stronger and stronger and stronger just like **HB 2** was made stronger with amendments, just like **HB 3** was made stronger. Any of those bills in their solarity may not have been passed. Members, I am appealing to the respect of this body, on behalf of the taxpayers of this state, to please vote against this amendment and allow the process to proceed.

MR. SPEAKER: Chair recognizes Mr. Bonnen.

REPRESENTATIVE BONNEN: Mr. Speaker, members, I am one of the unfortunate members of the legislature that has a couple of amendments up here today. This is my fifth term, and I only remember a very few times where we have not allowed the respect to each of our colleagues to have—I have said I have remembered a very few times Terry—of when we have not allowed our colleagues the opportunity to debate and discuss a bill. That is what we are asking for. We simply want the chance for the amendments that are here on the dais to be heard. We want the chance for this issue that has been very hotly discussed outside of this chamber to get that debate inside the chamber here today. I will not belabor the point, but let's show each other the respect that we have been showing each other all session long which is to speak and debate these issues.

MR. SPEAKER: Chair recognizes Mr. Coleman, for what purpose?

REPRESENTATIVE COLEMAN: Will chairman yield for a question?

BONNEN: I'd be glad to yield.

MR. SPEAKER: Gentleman yields.

COLEMAN: I understand what you have just said; however, do you not believe that vote expresses the will of the house in terms that this is an HJR?

BONNEN: I fully understand what that vote says. What I am saying is let's not set the precedent that when we have members who want to discuss an issue and debate an issue this session that we not allow that. I would respectfully ask all of you to allow us the opportunity to engage in the ideas and the issues of this appraisal cap and move forward.

REPRESENTATIVE TURNER: Mr. Speaker? Mr. Speaker?

MR. SPEAKER: Mr. Turner?

TURNER: How you doing Mr. Speaker?

MR. SPEAKER: Fine, Mr. Turner, I thought your back mic privileges were up for this session? I can tell you your front mic are.

TURNER: It was only temporary, Mr. Speaker.

MR. SPEAKER: I knew it. I knew it.

TURNER: Just a few questions, if the gentleman will yield?

MR. SPEAKER: Mr. Bonnen, do you yield to Mr. Turner?

BONNEN: I yield as long as Mr. Turner realizes he is out of sermons. He has used up his sermons for this session.

MR. SPEAKER: The gentleman yields questionably.

TURNER: Thank you, Mr. Bonnen, I am slowly feeling one coming on.

BONNEN: If that's the case, I may need to yield the mic.

TURNER: I am certainly moved by what you are saying. I know there are other amendments up on the desk which indicates there are still some concerns with **HJR 35**, is that what you are saying?

BONNEN: Well you can call it concerns, you call it interesting discussion, interesting debate, what I call it is the process. That is the process that we have all shown up here in Austin to do this session, and I think we have been very respectful of each other all session long and I simply ask that we all continue that mutual respect that I think makes this body the great body that it is.

TURNER: And it is quite clear that the house is still divided on **HJR 35**, would it not be with all due respect to Representative Bohac, who I have a lot of respect for. Would it not then be in the best interest of the house and the best interest of those who wish to still debate **HJR 35**, if we were simply to recommit **HJR 35** to committee? To allow the committee to continue to work on **HJR 35**? That way it allows those who have amendments and those who still want to work on **HJR 35**.

BONNEN: Speaker Turner, I think that is a reasonable request because most of the requests you make are reasonable. With that said though, we are here today for the second time with the opportunity of **HJR 35** before us on the house floor. My belief, my desire, my opinion and it's simply that, is that we take the issue up and we debate these issues like we do everyday in this great chamber and we have those discussions with all 150 members available to participate and be a part of that. As you well know, Mr. Speaker, in the committee process it is more restrictive simply because you only have nine members on the Ways and Means Committee.

TURNER: Mr. Chairman, would you not agree that in order for **HJR 35** to be successful it will take 100 votes—not 76 but 100 votes—by virtue of what just took place it is quite obvious that we are a long way from, we don't have 76, but what I am saying to you is—

BONNEN: With all due respect, Mr. Turner, have you read my amendments? They will get us to 100.

TURNER: Out of respect—

BONNEN: They will get us to 100.

TURNER: I understand. I voted not to table the amendment. I voted not to table Mike's amendment, I would certainly would vote with you to send **HJR 35** back to committee to allow it to continue to be dealt with.

BONNEN: Speaker Turner, if you vote with me now, later we will consider that if it is not going the way it needs to go.

TURNER: No, because Mr. Chairman and the reason why I stand before you in the past I too have had bills, I think even in your committee, that didn't see the light of day. They did not come out of your committee, I understand, but sometimes the clouds will surface—will rise. And sometimes the—

BONNEN: —But—but Speaker Turner, to Representative Bohac's credit and to the committee's credit—

TURNER: And that's why I'm—

BONNEN: —they have sent this bill out of committee twice now. Today is the day to debate and address this issue. And you may correct, Speaker. It may end here. It may end here. But if we send to the committee, this will continue and continue and continue. I believe that we need to have a full debate on the issue with all 150 members—

TURNER: For whatever it's worth—

BONNEN: —engaged and then it will end. Right here—

TURNER: —for whatever it's worth—

BONNEN: —one way or another. But I respect your opinion.

TURNER: —for whatever it's worth, I recommend that the motion be to send it back to committee, for whatever it's worth.

BONNEN: I appreciate that.

REPRESENTATIVE WOOLLEY: Mr. Speaker?

MR. SPEAKER: Ms. Woolley, for what purpose?

WOOLLEY: Will the gentleman yield for a question?

MR. SPEAKER: Mr. Bonnen, do you yield to Ms. Woolley?

BONNEN: I would be glad to yield for a question.

MR. SPEAKER: The gentleman yields.

WOOLLEY: Chairman Bonnen, it—this has been very important in our area, hasn't it?

BONNEN: It is vitally important to my constituents. I know it is to your constituents. I know you've signed on to one of the amendments that I have up here that we'd like to discuss; that, I believe, could go on this bill and may get it to 100 votes. But we won't know that if we don't stay here and give it its full opportunity on the floor here today. We won't know the answer to those questions.

WOOLLEY: I don't know if you know how many phone calls and e-mails and letters I have received, but it's been between 300 and 400. I think my constituents would like to see the debate on the issue, so I will be voting with you.

BONNEN: Chairman Woolley, I appreciate your mentioning that. This is an issue that I have heard about. It was an issue in the campaign both—my Democrat and myself the Republican—candidates for this state rep. position last election—both supported appraisal caps as being done. This is an issue that the people in our communities very much want to see us fully debate and discuss, and you and I cast a vote to support this issue, and I greatly appreciate you getting up and showing your support of your constituents in your support of Representative Bohac and all of us, and having our day on the house floor to debate this issue in full.

WOOLLEY: Thank you.

BONNEN: Thank you.

REPRESENTATIVE OTTO: Mr. Speaker?

MR. SPEAKER: Mr. Otto, for what purpose?

OTTO: Will the gentleman yield for a question?

BONNEN: I would be glad to yield.

MR. SPEAKER: The gentleman yields.

OTTO: Is this—is this as important in your district as it is in my district? To have the opportunity to have this debate about whether or not we ought to look at appraisal caps?

BONNEN: It's very important. And let's be real clear. If we do not show the respect to each other to debate this issue here today and we put Representative Villarreal's amendment on right now, we're done. It is over. And your constituents and my constituents, like the retired teacher who called my office and said, "State representatives just drive back and forth to Austin and go up there and who knows what you do? But you sure don't take care of the issues that I'm thinking about." This is one of the issues that gentleman was calling about. He wants to see a full discussion of the issues here today as do your constituents. Voting on the Villarreal amendment is that opportunity. Right here, right now. I don't think it's something that we want to do as a greater body.

OTTO: It's not what my voters want us to do, I can assure you.

BONNEN: Mine neither.

MR. SPEAKER: Mr. Hill?

REPRESENTATIVE HILL: Thank you, Mr. Speaker and members. First of all, I want to applaud Mr. Villarreal's courage for offering the amendment. And I also want to applaud the courage of each one of you that voted with Mr. Villarreal. This issue is not new, it's not something that has just come up on this body today. This issue has been alive and been debated for two years. This is part of the

process. Mr. Villarreal has offered an amendment. It is part of the process. You have spoken on his amendment. It is not something that we need to delay. The time to kill a snake is when you've got the hoe in your hand.

MR. SPEAKER: The chair recognizes Mr. Miller. Mr. Miller?

REPRESENTATIVE MILLER: Members, I would like to have this debate and this discussion. There are some amendments that I have not seen. I do not have any myself. I would like to see what they are. I might possibly want to vote for this bill if those amendments go on. I haven't seen them. My constituents, some have demanded that I support this bill, some have demanded that I do not support it. I would like to see the full debate and then make up my mind on the final form of the bill. Voting for this amendment will not allow you to do that. After we have the debate, if you should give us that privilege, you will have the opportunity after it's amended to still vote the bill down if it does not please you or your constituents. I would ask that you give the respect to Representative Bohac and the hard work that he has done on that. I'm not asking that you support the bill, but that you support and respect the process that we have here in the house.

MR. SPEAKER: The chair recognizes Ms. Casteel.

REPRESENTATIVE CASTEEL: Mr. Speaker, members, I'm speaking in favor of killing this bill. That's the best way I know to say it. Let me tell you why. Number one, I didn't get any money from a lobbyist to be against this resolution for caps. What I did here is for my counties. And many of you know that I served as a county judge. And my county has told me—and my counties in the rest of my district and other people that I've served with throughout the state have said if you put caps on counties—and it's the same for cities, 'cause folks, they're not the people that have been hurting us. It's the school districts and we've taken care of that in **HB 2** and **HB 3**.

NIXON: Mr. Speaker?

CASTEEL: Not yet, just a minute.

NIXON: Thank you.

CASTEEL: But counties and cities have continued to carry the bucket of water for the state for years. On small amounts of taxes and being given many unfunded mandates—my county came forth and did indigent health care and our local tax payers paid for it. We didn't get any money. We got an unfunded mandate for indigent defense and we should do those things. I'm not saying they are bad. But we didn't get any money from up here and when you put a cap on a county or a city and you send us an unfunded mandate, then we've got to decide well, what service do we cut out that's necessary for our citizens? So this is bad public policy. You know, I thought to myself, in my little own common sense way of thinking, I would love to go back to 1966 when I made \$300 a month teaching school and could go to the grocery store and get a sack of groceries for the month for \$5 or \$10. I would love to have had somebody put caps on

everything in 1966 except letting me keep making the money that I make today. Well, I'd be in great shape. But what about the people who would be delivering those services? This is bad public policy. Now I'll yield.

MR. SPEAKER: Mr. Nixon, for what purpose?

NIXON: For a question.

MR. SPEAKER: Ms. Casteel, do you yield to Mr. Nixon? The lady yields.

NIXON: Ms. Casteel, I appreciate and understand the sentiment that you bring in your argument. And in fact, well, your argument directly relates to the author's perfecting amendment. The very next amendment that we will get to, if we have the opportunity. What you have done is really bring to light in your statements against the bill and your public policy reasons is to why we should continue discussing the bill and why we should continue having this debate. The very first amendment, Ms. Casteel, takes out cities and counties.

CASTEEL: Well—

NIXON: The very first amendment deals with the issue that you are discussing and the very first amendment gives local control back to the cities and counties. Now, you and I are having this debate on an amendment that simply strikes the enabling cause. Wouldn't it be more appropriate for us to have this debate on the amendments themselves? I mean, we are debating this bill right now, why don't we go ahead and debate the bill?

CASTEEL: Let me give two comments. One, Representative Hill is right. I'm from West Texas. When there's a rattlesnake biting at you, you get him while he's there—you don't wait until he gets a snap at you. Number two—

NIXON: Alright, let's put the—

CASTEEL: No, let me answer. You asked me and let me answer you. I listened. I'm bad for interrupting, but I'm going to answer your question. The second thing is, there is another old saying in West Texas, "You can put lipstick on a pig and give it a purse, it's still a pig." You can't fix this. If you say to me, "Carter, you be county judge, you be commissioner—now you vote." Well that's just passing the buck. All you're doing is trying to divide and conquer. It is bad public policy, not for us to do what we should be doing here and I still urge you to vote against caps. And vote for—

NIXON: Do you understand that you are one, now debating analyses—

CASTEEL: I understand.

NIXON: —and secondly—

CASTEEL: Well, you asked me a question so I answered it.

NIXON: —we're arguing over analyses, but we ought to be arguing over the details of the amendment, and quite frankly, I think that if you had an opportunity to look at the very first amendment, it would take care of your concerns and I would ask you, Ms. Casteel, if you would think again and reconsider your vote and allow us to have the full debate on all of the amendments. And at the end of

the day, if you don't like it, you know, you are free to vote how you choose and you are free to vote your conscience and your district. But I think it is appropriate for us to have the debate, specifically that you and I are having now, on the very next amendment.

CASTEEL: Well, I don't—I've looked, and in all fairness to Mr. Bohac, whom I have respect for, and Martha Wong—I've looked at those bills, but that amendment isn't going to take care of fire districts, of the hospital districts, of all the other districts—you're coming up with a two-tiered tax system. You know, our governor has done a great job about developing this economy in this state, getting people to come here, and we're getting ready to foul it up. So I say support Mr. Villarreal's amendment.

NIXON: Ms. Carter, do you know that this amendment, or this bill, doesn't really even apply to the other taxing entities that you thought of?

CASTEEL: Well, good.

NIXON: And you know that any of those taxing entities have the authority to raise their taxes at any time. What we're really trying to get to, the heart of the issue, is—how are we going to use property taxes in the future? Are we going to have taxing entities responsive to their citizens or are we going—'cause right now with the way the cap is, they can just continue to raise the cap, I mean, they can raise—they don't need to raise rates because the appraisals keep going up.

CASTEEL: Well, but there is a system and you and I both know that what happens is, that a county or a city can raise no more money than they raised the last year. So, if in fact your appraisals go up, your effective tax rate goes down. So that you generate the same amount of money that you generated last year and then there's some little systems in there that say if you go above that, up to 3 percent you have to—over 3 percent you have to post, 7.99 percent there's a rollback.

BONNEN: Mr. Speaker? Would the lady yield for a question?

CASTEEL: I yield.

MR. SPEAKER: The lady yields, Mr. Bonnen.

BONNEN: Thank you. Members, I want to ask a question. I believe that what just occurred between Representative Nixon and my good friend, Judge Casteel—who does a great job in this chamber, you do. That's why you were freshman of the year. I believe what just occurred, though, is a testament to the fact that we should be voting against the Villarreal amendment because what that was—it sounded like a debate on the closing of this bill. It sounded to me like the desire of people to debate this issue. It wasn't about closing down the debate, it was having the debate. And I believe that you would agree with me that that clearly illustrates the need to vote this amendment down and have debate on this bill.

CASTEEL: No, don't misunderstand. I must not have been speaking clearly. Vote for shutting down. Vote for Villarreal's amendment. And as our Chairman Hill said, "when there's a snake ready to bite at you, get him with the hoe at the very first chance you get."

OTTO: Mr. Speaker?

MR. SPEAKER: Mr. Otto, for what purpose?

OTTO: I would like to ask that all debate between the front and back mic on this amendment be reduced to writing and recorded in the journal.

MR. SPEAKER: Members, you have heard the motion. Is there objection? The chair recognizes Mr. Leibowitz.

REPRESENTATIVE LEIBOWITZ: Mr. Speaker, members, I believe that we should let the process work. Originally when I was approached on whether I would support an appraisal cap bill, my response was: What does it cover? I was told that it was covering everything across the board, and I said I've filed a bill that only addresses primary homesteads—primary residential homesteads—and that is all that I will support. Ultimately as it worked its way through, as you'll see from the amendments that are going to be presented here in a little while, that's going to be the ultimate result. It's going to address residential properties only, no commercial. Candidly, increasing homestead exemptions would have been the best approach, but that was voted down here in the last couple of weeks. So the next best alternative is to put appraisal caps on residential property. I want to tell you all that I wholeheartedly, emphatically, and sincerely believe to the core of my very being and to the marrow of my bones that the founding fathers of this country did not intend for us to spend 30 years of our adult lives paying for our homes and then after we're retired on fixed incomes, after we've paid for our homes, that we have to perpetually rent them back from the government at ever increasing rental rates until the day we or they take our homes away from us. I just don't believe that. When I was on the campaign trail, the common theme over and over again from my district was, asking Mr. Smith and Mr. Gonzales what you're having trouble with, and what their answer was that they were having problems with property taxes and with medicine. That after they pay for property taxes and after they pay for medicine, there's not very much left. These people need some sort of relief. 150,000 people, that's how many people each one of us represents in this chamber. 150,000 people are represented by each chair in this chamber. And our people are choking on property taxes, and they need some sort of relief.

I'm reminded, in closing, about a poem Robert Frost wrote. He said it was the road not taken, and the last three lines of that poem read as follows: "Two roads diverged in a wood, and I, I took the one less traveled by and that has made all the difference." I believe our lives are full of crossroads whether they be personal or whether they be professional or political. And Robert Frost told us today we're at a crossroads. Are we going to be timid souls and take the well-beaten path or are we going to take the path less travelled? Are we going to stay in our comfort zone or are we going to roar like a lion? And give the people

that we represent—we're going to strike a blow for justice and break the yoke of slavery that the people we represent have around their necks with respect to the property taxes on their homes. This tax slavery is unreasonable, it's unbearable, and it's unfair. We need to let the process work. We're to debate the issues and that's what we need to do here today, ladies and gentleman. And I'm going to ask you to vote with me, and let the process work through the system and vote against Mike's amendment. And I yield.

MR. SPEAKER: The gentleman yields, Ms. Woolley.

WOOLLEY: Representative, it sounds to me like, and see if I'm hearing this clearly, that your constituents feel the same way that I do. They expect us to debate this bill and come to a resolution on it.

LEIBOWITZ: Absolutely.

WOOLLEY: And you have had the same problem that I've had in mine with high, high appraisals that are running people out of their homes.

LEIBOWITZ: Yes, ma'am. And the homeowners that we represent—we don't represent the person that owns a 70-story skyscraper in Houston—we represent homeowners. And they're bearing an unreasonably disproportionate share of the property tax system in this state right now.

WOOLLEY: And you agree with me that they deserve for us to hear the debate and take an honest vote and let the process happen?

LEIBOWITZ: Absolutely. Every single family represented by those 150,000 people that each of us represents wants us to debate this issue.

REPRESENTATIVE HODGE: Mr. Speaker?

MR. SPEAKER: Ms. Hodge, for what purpose?

HODGE: Will the gentleman yield just for one question?

LEIBOWITZ: Yes, sir.

MR. SPEAKER: The gentleman yields.

HODGE: Representative, you've done a great job representing your constituents with your concerns. But the very same people standing back here at this mic, asking for relief for their constituents, asking for tax relief on this bill, are these not the same people who voted on a tax bill that put an unfair tax burden on those same citizens that you speak of in this bill?

LEIBOWITZ: In what respect, ma'am?

HODGE: In the tax bill, sir, that we voted on on this floor where we gave tax relief to 20 percent of the Texans and we put the tax burden on 80 percent of Texans. And those are the people that you and I represent.

LEIBOWITZ: That's correct, and we're still trying to give them tax relief, but this is the problem, ladies and gentlemen. You know everyone tells us that the democratic process and the manner in which we debate these issues is like

making sausage. The problem is that we all have a different recipe for the sausage. So we have to hear the debate and then decide on the final passage once all the amendments have been addressed.

REPRESENTATIVE BERMAN: Mr. Speaker?

MR. SPEAKER: For what purpose?

BERMAN: Does the gentleman yield?

MR. SPEAKER: Do you yield, Mr. Leibowitz?

LEIBOWITZ: Yes, sir.

MR. SPEAKER: The gentleman yields.

BERMAN: Mr. Leibowitz, do you know that I've heard from a lot of people from my district on this issue, as I am sure you have? And the only people who have told me to vote against caps were individuals who were affiliated with local government. I have over 40,000 homeowners in my district with homes ranging from \$40,000 to \$500,000, and every word I've gotten from my homeowners is that we want caps because if you don't cap the tax cuts that you're going to give us that within five years, within just five years, we'll be paying just as much—as many taxes at \$1.00 as we have been at \$1.50. So without the tax caps, why even cut the property taxes by one third? Is that true?

LEIBOWITZ: That is correct, sir. And if we don't address that, all they're going to do is keep raising the appraisals. I have represented over 250 people pro bono at the Bexar County Appraisal District, and sometimes there is no rhyme or reason as to how these appraisals are raised, they're just raised. We need to nip it in the bud, and we need to take the burden of unfair taxation off the homeowner's shoulders.

BERMAN: You're very correct. Do you know that from 1994 until today, the appraised values of the homes in my district have gone up 72 percent? Does that sound reasonable?

LEIBOWITZ: It's extremely unreasonable, and we've got to debate these issues this afternoon. We are at a crossroads, ladies and gentlemen, and ask you all to vote against this amendment and allow us to continue the debate.

MR. SPEAKER: The chair recognizes Mr. McReynolds.

REPRESENTATIVE MCREYNOLDS: Members, I cannot move to recommit this bill, and I believe down to my toenails that that's what needs to be done. Let me tell you why. This bill two years ago came before the Local Ways and Means Committee. We heard at least 12 hours with a lot of disruption, a lot of passion as you are hearing on the mic right now. We thought it was wise after hearing a little of this, we actually voted on this, so this isn't new. We listened for a couple of days last summer to testimony in our Ways and Means Committee. We listened very carefully. And you know, Gary, in that two days, not one person for appraisal caps showed up. It's open to the public, it's open to all Texans. All Texans can come and testify, we want you to come and testify, it's important that you testify. We wrote an interim report and in that interim report, we didn't

recommend going here. And now this bill has come to us, it's been pulled down, and it's back before us, and we're saying let the process take place. The process has taken place. We want to write this bill on the floor. Why didn't we write it in committee? We had two committees that have seen it, listened to it, and heard it. Now, however you feel about this bill is your business, between you and your constituents, your conscience and your heart. Do what you think is right, that's why we were elected to do what we do. But the idea that we come to this point and we can't even recommit the bill back to committee with all of these amendments where we could perfect the bill that you might be interested in or not interested in, that's a bad argument. The bill has problems. California went this way—Prop 13 in California—not good, not good. We just voted out property tax relief and yet we are hung up here. Now, I've heard from more than just my commissioners, and my city counselors, and my mayors. I've heard from taxpayers, there is a regressivity in this bill beyond a question of a doubt. If you're paying 100 percent, God bless you, but the guy that gets a 3 percent cap or a 5 percent cap or even a 10 percent cap has a long time to get caught up with you. So I rise to say that I voted a green light before because I've never voted to cut off the process in the Texas House, but I'll tell you what, I'm going to vote for Mr. Villarreal's amendment at this point because we won't recommit the bill to get it correct for all of us. That having been said, I'll leave the speaker.

MR. SPEAKER: The chair recognizes Ms. Riddle.

REPRESENTATIVE RIDDLE: Thank you, Mr. Speaker and members. Very calmly, I would like to remind all of us that when we come to either the front mic or the back mic and when we sit at our desk and vote, we are allowing the voices of our constituents to be heard. That's the process. To cut this process off without debate is to put masking tape over the mouths of our constituents—of your constituents and of mine. We're not allowed to talk about the issues that we debated over regarding—does this affect the market value of property or not. We must allow this debate to continue. And I ask all of you to reconsider and vote against this amendment. Let the process continue and let the debate occur.

MR. SPEAKER: The chair recognizes Mr. Howard.

HOWARD: Members, I don't have much of a voice, and I'm going to be brief. I've been here a long time, some of you have been here a little longer. Every one of us has the ability to call for the vote on a bill. We were here last week until 3 o'clock in the morning. I didn't enjoy being here, I didn't feel very good, I know a lot of you didn't either. We went through 110 amendments. We had over an hour of debate on some of those amendments. I didn't want to hear that debate, but I did. I sat in my chair for the whole time. And let me applaud you, you sat in your chairs too and you listened to that debate and you voted on those amendments. Most of you didn't like that bill when it got to the floor, but at about 2:30 in the morning, when we took that final vote, that bill passed with about 134 votes because those amendments had been proposed and some had been defeated and some had been put on the bill to make it a better bill. And I think that's what we're about. We're about a body to represent our districts, to hear the debate. I don't know what's in these amendments, but I do know that I

support the ability for every taxing district to raise their taxes any time they want to. And they have that ability. All they have to do is raise their rate. What I'm opposed to is the automatic increases of the appraisal districts. I would ask you to just let the process work. Thank you.

MR. SPEAKER: The chair recognizes Mr. Callegari.

REPRESENTATIVE CALLEGARI: Members and Mr. Speaker, I just want to repeat what Mr. Howard and previous speakers have said. We've patiently waited through some of the other bills that we've had, allowed people to have their say, allowed the debate. I think the process needs to work, and we need to debate this bill just like we do any other. Thank you.

MR. SPEAKER: The chair recognizes Mr. Villarreal.

VILLARREAL: The process is important. The process we're taking is coming right out of our rule book that we adopted at the beginning of this session. I'm so proud of what the process has resulted in thus far, and I ask you to vote with me. And, Mr. Speaker, show me voting for working class and middle class homeowners, show me voting for equity, show me voting for economy, and, Mr. Speaker, show me for killing this snake while we have the hoe in our hands. Show me voting aye, Mr. Speaker.

LEAVES OF ABSENCE GRANTED

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

Laubenberg on motion of Dawson.

Homer on motion of Farabee.

HJR 35 - (consideration continued)

(Branch in the chair)

Representative Nixon moved to table Amendment No. 1.

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 1 and the vote was announced yeas 69, nays 73.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 276): 66 Yeas, 77 Nays, 2 Present, not voting.

Yeas — Allen, A.; Anderson; Baxter; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Denny; Dutton; Eissler; Elkins; Farrar; Flynn; Gattis; Goodman; Goolsby; Grusendorf; Hamilton; Hamric; Hegar; Herrero; Hilderbran; Hochberg; Hope; Howard; Hupp; Isett; Jackson; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Leibowitz; McClendon; McReynolds; Merritt; Miller; Moreno, J.; Nixon; Otto; Paxton; Phillips; Pitts; Puente; Reyna; Riddle; Rose; Seaman; Smith, W.; Strama; Straus; Talton; Taylor; Van Arsdale; Vo; Wong; Woolley; Zedler.

Nays — Allen, R.; Alonzo; Anchia; Bailey; Blake; Burnam; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Crownover; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Escobar; Farabee; Flores; Frost; Geren; Giddings; Gonzales; Gonzalez Toureilles; Griggs; Guillen; Haggerty; Hardcastle; Harper-Brown; Hartnett; Hill; Hodge; Hopson; Hunter; Jones, D.; Jones, J.; Keel; King, T.; Kuempel; Laney; Luna; Madden; Martinez; Martinez Fischer; McCall; Menendez; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Oliveira; Orr; Peña; Pickett; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Smithee; Solis; Solomons; Swinford; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal; West.

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

Absent, Excused — Homer; Laubenberg; Olivo.

Absent — Gallego; Hughes.

(Speaker in the chair)

The speaker stated that the motion to table Amendment No. 1 was lost by the above vote.

STATEMENTS OF VOTE

When Record No. 276 was taken, my vote failed to register. I would have voted no.

Gallego

I was shown voting no on Record No. 276. I intended to vote yes.

Guillen

I was shown voting yes on Record No. 276. I intended to vote no.

McClendon

REMARKS ORDERED PRINTED

Representative Otto moved to print remarks on Amendment No. 1.

The motion prevailed.

A record vote was requested.

Amendment No. 1 was adopted by (Record 277): 81 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Allen, R.; Alonzo; Anchia; Blake; Branch; Burnam; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crownover; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Eiland; Escobar; Farabee; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Griggs; Guillen; Haggerty; Hardcastle; Harper-Brown; Hartnett; Hill; Hodge; Hopson; Hunter; Jones, D.; Jones, J.; Keel; King, T.; Kuempel; Laney; Luna; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Morrison; Mowery; Naishtat; Noriega, M.; Oliveira; Orr;

Peña; Pickett; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Smith, T.; Smithee; Solomons; Straus; Swinford; Thompson; Truitt; Turner; Veasey; Villarreal; West.

Nays — Allen, A.; Anderson; Bailey; Baxter; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Corte; Crabb; Davis, J.; Dawson; Dutton; Edwards; Eissler; Elkins; Farrar; Flynn; Gattis; Goodman; Grusendorf; Hamilton; Hamric; Hegar; Herrero; Hilderbran; Hochberg; Hope; Howard; Hughes; Hupp; Isett; Jackson; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Leibowitz; Martinez; Miller; Moreno, J.; Nixon; Otto; Paxton; Phillips; Pitts; Puente; Riddle; Rose; Seaman; Smith, W.; Solis; Strama; Talton; Taylor; Uresti; Van Arsdale; Vo; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Homer; Laubenberg; Olivo.

STATEMENT OF VOTE

I was shown voting yes on Record No. 277. I intended to vote no.

Guillen

Representative Bohac moved to recommit **HJR 35** to the Committee on Ways and Means.

HJR 35 - POINT OF ORDER

Representative Hill raised a point of order against further consideration of **HJR 35** under Rule 8, Section 1 of the House Rules on the grounds that the joint resolution does not contain an enacting clause.

The speaker sustained the point of order.

The ruling precluded further consideration of **HJR 35**.

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

HB 134 ON SECOND READING (by Rose and Naishtat)

HB 134, A bill to be entitled An Act relating to permissible uses of money in the comprehensive rehabilitation fund.

Representative Rose moved to postpone consideration of **HB 134** until 10 a.m. April 25.

The motion prevailed.

CSHB 150 ON SECOND READING
(by Reyna, Castro, and Gonzales)

CSHB 150, A bill to be entitled An Act relating to the eligibility of a person to be appointed to serve on certain civil service commissions.

Amendment No. 1

On behalf of Representative Reyna, Representative Bailey offered the following amendment to **CSHB 150**:

Amend **CSHB 150** (house committee printing) as follows:

(1) On page 1, line 6, strike "(c-1) and (c-2)" and substitute "(c-1), (c-2), and (c-3)".

(2) On page 1, between lines 18 and 19, insert the following:

(c-3) Subsections (c-1) and (c-2) do not apply to a municipality with a population of 1.5 million or more.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Luna offered the following amendment to **CSHB 150**:

Amend **CSHB 150** on line 18 to read as follows:

commission- or a joint appointment to both a commission and a municipality's civil service board for employees other than police officers and firefighters.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Luna offered the following amendment to **CSHB 150**:

Amend **CSHB 150** (house committee printing) as follows:

(1) On page 1, line 17, strike "on the" and substitute "on".

(2) On page 1, strike line 18 and substitute the following:

(1) the commission; or

(2) the commission and the municipality's civil service board for employees other than police officers and fire fighters through a joint appointment to the commission and board.

Amendment No. 3 was adopted.

CSHB 150, 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.)

CSHB 307 ON SECOND READING
(by Goodman, et al.)

CSHB 307, A bill to be entitled An Act relating to court-ordered representation in suits affecting the parent-child relationship.

CSHB 307 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 341 ON SECOND READING
(by Seaman and Bohac)

HB 341, A bill to be entitled An Act relating to regulation of motor carriers transporting household goods.

HB 341 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 607 ON SECOND READING
(by Giddings and Gonzalez Toureilles)

CSHB 607, A bill to be entitled An Act relating to the delivery of blank check forms; providing a civil penalty.

Representative Giddings moved to postpone consideration of **CSHB 607** until the end of today's calendar.

The motion prevailed.

CSHB 617 ON SECOND READING
(by McCall and Gallego)

CSHB 617, A bill to be entitled An Act relating to contributions of certain members of the Judicial Retirement System of Texas Plan Two.

Amendment No. 1

Representative McCall offered the following amendment to **CSHB 617**:

Amend **CSHB 617** by inserting the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill appropriately:

(1) SECTION 2. Subchapter B, Chapter 840, Government Code, is amended by adding Section 840.1027 to read as follows:

Sec. 840.1027. CONTRIBUTIONS AFTER ATTAINING RULE OF 70.

(a) Notwithstanding Section 840.102(h), a judicial officer who is a member of the retirement system and who has served at least 12 years on an appellate court and the sum of the member's age and amount of service credited in the retirement system equals or exceeds the number 70 may elect to make contributions for each subsequent year of service credit that the member accrues by filing an application with the retirement system.

(b) A member who elects to make contributions under Subsection (a) shall contribute six percent of the member's state compensation for each payroll period in the manner provided by Sections 840.102(b)-(f). Section 840.105 does not apply to a contribution under this section.

(c) A member may not make contributions under this section for more than 10 years of subsequent service credit that the member accrues.

(2) SECTION 3. Subchapter B, Chapter 839, Government Code, is amended by amending Subsection 839.102(a) and adding Subsection 839.102(f) to read as follows:

(a) Except as provided by Subsections (b), ~~(c)~~, and (f), the standard service retirement annuity is an amount equal to 50 percent of the state salary being paid at the time the member retires to a judge of a court of the same classification as the last court to which the retiring member was elected or appointed.

(f) The service retirement annuity of a member qualifying for retirement under Section 839.101(a)(4) is the applicable state salary under Subsection (a) multiplied by a percentage amount that is the sum of 50 percent plus the product of two percent multiplied by the number of years of subsequent service credit the member accrues under Section 840.1027. After including any increase under Subsection (b), the service retirement annuity under this subsection may not be an amount that is greater than 80 percent of the applicable salary under Subsection (a).

Amendment No. 1 was adopted.

CSHB 617, 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.)

CSHB 655 ON SECOND READING (by Goolsby and Branch)

CSHB 655, A bill to be entitled An Act relating to liability insurance for volunteer health care providers.

Amendment No. 1

Representative Goolsby offered the following amendment to **CSHB 655**:

Amend **CSHB 655** by adding the following SECTIONS to the bill, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 156.002, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) A retired physician whose only practice is voluntary medical care for a disaster relief organization is exempt from the registration permit fee requirement.

SECTION _____. The change in law made by Section 156.002(c), Occupations Code, as added by this Act applies only to a registration permit fee that becomes due on or after the effective date of this Act. A registration permit fee that becomes due before that date is governed by the law in effect on the date the fee became due, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

CSHB 655, 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.)

CSHB 765 ON SECOND READING

(by Menendez)

CSHB 765, A bill to be entitled An Act relating to certificate of insurance and notice of coverage requirements for certain group health insurance policies.

Amendment No. 1

Representative Rose offered the following amendment to **CSHB 765**:

Amend **CSHB 765** by inserting the following appropriately numbered SECTION and renumbering SECTIONS of the bill appropriately:

SECTION _____. Subchapter E, Chapter 1251, Insurance Code, is amended by adding Section 1251.202 to read as follows:

Sec. 1251.202. NOTICE REGARDING CERTAIN EMPLOYER HEALTH BENEFIT PLANS. (a) In this section, "standard health benefit plan" means a plan offered under Article 3.80, Article 20A.09N, or Chapter 1507.

(b) If an employer offers to employees a standard health benefit plan, the employer shall:

(1) provide a copy of the disclosure statement provided to the employer by the plan issuer under Section 6, Article 3.80, Article 20A.09N(g), Section 1507.006, or Section 1507.056 to:

(A) each employee:

(i) before the employee initially enrolls in the plan, unless the employee received notice under Paragraph (B) on or after the 90th day before the date the employee initially enrolls; and

(ii) not later than the 30th day before the date the employee renews enrollment in the plan; and

(B) each prospective employee before the prospective employee is hired by the employer; and

(2) obtain a copy of the notice signed by the employee or prospective employee at the time the notice is provided.

(c) The employer must:

(1) retain the signed disclosure statement in the employer's records; and

(2) on request of the commissioner, provide the signed disclosure statement to the department.

Amendment No. 1 was adopted.

CSHB 765, 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 835 ON SECOND READING**(by Gattis)**

HB 835, A bill to be entitled An Act relating to the creation of an additional judicial district in Williamson County.

HB 835 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 1007 ON SECOND READING**(by Ritter, Guillen, Menendez, et al.)**

HB 1007, A bill to be entitled An Act relating to certain low-interest home loan programs administered by the Texas State Affordable Housing Corporation.

HB 1007 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 1057 ON SECOND READING**(by Corte)**

CSHB 1057, A bill to be entitled An Act relating to the powers and duties of the Veterans' Land Board.

Representative Corte moved to postpone consideration of **CSHB 1057** until 10 a.m. April 18.

The motion prevailed.

HB 1071 ON SECOND READING**(by Uresti)**

HB 1071, A bill to be entitled An Act relating to the format in which certain reports of political contributions and expenditures are filed.

HB 1071 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 1130 ON SECOND READING**(by B. Cook, Hupp, Peña, Chisum, Giddings, et al.)**

CSHB 1130, A bill to be entitled An Act relating to the adoption of a privacy policy by a person who requires the disclosure of an individual's social security number; providing a civil penalty.

CSHB 1130 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 1503 ON SECOND READING**(by J. Davis)**

HB 1503, A bill to be entitled An Act relating to the additional exit conference required following inspection, survey, or investigation of certain facilities.

Amendment No. 1

Representative J. Davis offered the following amendment to **HB 1503**:

Amend **HB 1503** by adding the following SECTION, appropriately numbered, and renumbering subsequent SECTIONS:

SECTION __. Sections 252.044(b) and (c), Health and Safety Code, are amended to read as follows:

(b) At the conclusion of an inspection, survey, or investigation under this chapter, the department or the department's representative conducting the inspection, survey, or investigation shall discuss the violations with the facility's management in an exit conference. The department or the department's representative shall leave a written list of the violations with the facility and the person designated by the facility to receive notice under Section 252.066 at the time of the exit conference. If the department or the department's representative discovers any additional violations during the review of field notes or preparation of the official final list, the department or the department's representative shall give the facility an additional exit conference regarding the additional violations. An additional exit conference must be held in person and may not be held over the telephone, by email, or by fax.

(c) The facility shall submit a plan to correct the violations to the regional director not later than the 10th working day after the date the facility receives the final official statement of violations.

Amendment No. 1 was adopted.

HB 1503, 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.)

(J. Davis in the chair)

HB 1815 ON SECOND READING**(by Krusee, Strama, Naishtat, Rodriguez, and Dukes)**

HB 1815, A bill to be entitled An Act relating to term limitations for members of boards of certain metropolitan rapid transit authorities.

HB 1815 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: Baxter and Keel recorded voting no.)

HB 2097 ON SECOND READING
(by Chisum and Keel)

HB 2097, A bill to be entitled An Act relating to the authority of a home-rule municipality to prohibit public nuisances.

Amendment No. 1

On behalf of Representative Seaman, Representative Chisum offered the following amendment to **HB 2097**:

Amend **HB 2097** as follows:

(1) On page 1, line 10, between "is" and "within", insert ":

(A)".

(2) On page 1, line 10, between "waterway" and the period, insert the following:

; and

(B) located in a county that does not border the Gulf of Mexico

Amendment No. 1 was adopted.

Amendment No. 2

Representative Casteel offered the following amendment to **HB 2097**:

Amend **HB 2097** as follows:

(1) On page 1, line 10, between "is" and "within", insert ":

(A)".

(2) On page 1, line 10, between "waterway" and the period, insert the following:

; and

(B) not located in a county in which a park and recreation district has been created under Chapter 324, Local Government Code

(Elkins in the chair)

Amendment No. 2 was adopted.

HB 2097, 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.)

CSHB 2129 ON SECOND READING
(by Bonnen)

CSHB 2129, A bill to be entitled An Act relating to energy-saving measures that reduce the emission of air contaminants.

Amendment No. 1

Representative Merritt offered the following amendment to **CSHB 2129**:

Amend **CSHB 2129** (House committee printing) as follows:

(1) On page 3, line 4, strike "and".

(2) On page 3, between lines 4 and 5, insert the following:

- (8) a distributed energy generation technology program; and
 (3) On page 3, line 5, strike "(8)" and substitute "(9)".

Amendment No. 1 was adopted.

CSHB 2129, 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.)

(Speaker in the chair)

POSTPONED BUSINESS

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

CSHB 607 ON SECOND READING **(by Giddings and Gonzalez Toureilles)**

CSHB 607, A bill to be entitled An Act relating to the delivery of blank check forms; providing a civil penalty.

CSHB 607 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Elkins offered the following amendment to **CSHB 607**:

Amend **CSHB 607** as follows:

- (1) On page 2, between lines 24, insert the following:

(g) This section applies only to an addressee located in the delivery area of a courier. This section does not require a courier to deliver a check form to an addressee who is not located in the delivery area of the courier.

(2) On page 2, between lines 24 and 25, add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly.

SECTION _____. The changes in law made by Section 35.395, Business & Commerce Code, as added by this Act, do not apply to the delivery of check forms if the addressee uses a check form order form that does not include an option to select a signature requirement and submits the order form before June 1, 2006.

Amendment No. 1 was adopted.

CSHB 607, 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.)

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Edwards moved to set a congratulatory and memorial calendar for 9 a.m. Thursday, April 14.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Edwards requested permission for the Committee on Rules and Resolutions to meet while the house is in session, during bill referral today, in 2W.25, for a formal meeting, to consider the calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, during bill referral today, 2W.25, for a formal meeting, to consider the calendar.

FIVE DAY POSTING RULE SUSPENDED

Representative J. Keffer moved to suspend the five day posting rule to allow the Committee on Ways and Means to consider **HJR 3**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, upon final recess tomorrow, E2.010, for a public hearing, to consider **HJR 3**.

PROVIDING FOR ADJOURNMENT

Representative Hardcastle 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 Bruce Street, Sr., of Graham.

The motion prevailed.

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

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. 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.)

(Deshotel in the chair)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

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

ADJOURNMENT

In accordance with a previous motion, the house, at 3:26 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 3513 (By Luna), Relating to the creation of the Corpus Christi Aquifer Storage and Recovery Conservation District; granting the power of eminent domain.

To Natural Resources.

HB 3514 (By Eissler), Relating to the powers and duties of the Southwest Montgomery County Improvement District.

To County Affairs.

HB 3515 (By Casteel), Relating to the composition of the Comal County Juvenile Board.

To Juvenile Justice and Family Issues.

HB 3516 (By Coleman), Relating to the creation of the Harris County Improvement District No. 8; providing authority to impose a tax and issue bonds.

To County Affairs.

HB 3517 (By Coleman), Relating to the creation of the Harris County Improvement District No. 7; providing authority to impose a tax and issue bonds.

To County Affairs.

HB 3518 (By Coleman), Relating to the creation of the Harris County Improvement District No. 6; providing authority to impose a tax and issue bonds.

To County Affairs.

HB 3519 (By Naishtat), Relating to the appointment of temporary justices of the peace in certain counties.

To Judiciary.

HB 3520 (By T. King), Relating to the distribution of assessments charged by Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

To Natural Resources.

HB 3521 (By Taylor), Relating to the powers of the Galveston County Municipal Utility District No. 51, including powers related to the construction, maintenance, operation, and financing of roads or turnpikes.

To Natural Resources.

HB 3523 (By Denny), Relating to the creation of the Smiley Road Water Control and Improvement District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3525 (By P. King), Relating to the creation, administration, powers, duties, functions, operations, and financing of the Parker County Special Utility District; providing authority to issue bonds.

To Natural Resources.

HB 3527 (By Haggerty), Relating to the ability of certain water supply or sewer service corporations to dissolve and transfer assets to a municipality.

To Natural Resources.

HB 3528 (By Bailey), Relating to property exemptions in, and the validation of certain acts of, the Greater Greenspoint Management District of Harris County.

To Urban Affairs.

HB 3530 (By Geren), Relating to the creation of the City of Fort Worth Municipal Utility District No. 2 of Tarrant County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3531 (By Jackson), Relating to the Dallas County district and county courts administration and court services.

To Judiciary.

HB 3532 (By Strama), Relating to the creation of the Pflugerville Municipal Management District No. 1; providing authority to impose a tax and issue bonds.

To Urban Affairs.

HB 3533 (By Gonzalez Toureilles), Relating to the powers and duties of the Karnes County Hospital District.

To County Affairs.

HB 3534 (By Denny), Relating to the creation of the Denton County Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3535 (By Denny), Relating to the creation of the City of Fort Worth Municipal Utility District No. 1 of Denton County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3536 (By J. Davis), Relating to the creation of the NASA Area Management District; providing authority to levy assessments, impose taxes and issue bonds.

To Urban Affairs.

HB 3537 (By J. Keffer), Relating to the board of directors of the Palo Pinto County Hospital District.

To County Affairs.

HB 3538 (By Gallego), Relating to the territory of the Culberson County Groundwater Conservation District.

To Natural Resources.

HB 3539 (By Hupp), Relating to the composition of the board of directors of the Saratoga Underground Water Conservation District.

To Natural Resources.

HB 3540 (By Pitts), Relating to certain fiscal matters affecting governmental entities.

To Appropriations.

HB 3541 (By R. Cook), Relating to the powers and duties of magistrates in Brazos County.

To Judiciary.

HB 3542 (By R. Cook), Relating to the composition of the juvenile board of Fayette County.

To Juvenile Justice and Family Issues.

HB 3543 (By Farabee), Relating to the appointment of the superintendent of juvenile detention facilities in Wichita County.

To Juvenile Justice and Family Issues.

HCR 137 (By Martinez), Urging the U.S. Congress to press for NAFTA reforms to provide preference protections for produce grown in South Texas and marketed in the same area.

To Economic Development.

HCR 138 (By Martinez), Memorializing Congress and the Department of Veterans Affairs to support the veterans of South Texas by building a veterans hospital in Weslaco, Texas.

To Defense Affairs and State-Federal Relations.

HCR 143 (By Burnam), Encouraging managers of Texas public pension funds to divest their portfolios of any stock in publicly-traded companies doing business in Sudan.

To Pensions and Investments.

HR 7 (By Hill), Honoring the members of the Richardson Republican Women's Club for their contributions to their community and state.

To Rules and Resolutions.

HR 982 (By Delisi), In memory of Dr. Harry A. Wilmer II of Salado.

To Rules and Resolutions.

HR 983 (By Guillen), In memory of Oscar L. Ramirez, Sr., of Roma.
To Rules and Resolutions.

HR 984 (By Guillen), In memory of Domingo Alvarez of Santa Elena.
To Rules and Resolutions.

HR 985 (By Guillen), Honoring Tomas Cantu of Fronton on his contributions to the environmental health of the Rio Grande Valley.
To Rules and Resolutions.

HR 986 (By Martinez), Honoring Sebastian Zarate of Laredo for his contributions to the breeding and training of Azteca horses.
To Rules and Resolutions.

HR 987 (By Martinez), Honoring Alfredo Gomez of Weslaco for winning the Texas Kids Aviation Art Calendar Contest.
To Rules and Resolutions.

HR 988 (By Martinez), Honoring members of the Pharr-San Juan-Alamo Independent School District for their participation in the UIL State Wrestling Championships in Austin.
To Rules and Resolutions.

HR 989 (By Martinez), Commending Jannice Vela of Weslaco for supporting the U.S. troops in Iraq and Afghanistan through the "Project for the Troops."
To Rules and Resolutions.

HR 990 (By Martinez), Commending Jena Segura of Weslaco for supporting the U.S. troops in Iraq and Afghanistan through the "Project for the Troops."
To Rules and Resolutions.

HR 991 (By Martinez), Congratulating James Bowie Elementary School in the Pharr-San Juan-Alamo Independent School District on being named an "exemplary" school by the Texas Education Agency and featured as a High Performing School on the National Just for the Kids website.
To Rules and Resolutions.

HR 993 (By Dukes), Commending the Travis County foster care system and area foster families.
To Rules and Resolutions.

HR 994 (By Dukes), Honoring the American Society of Safety Engineers for promoting workplace health and safety on the occasion of North American Occupational Safety and Health Week, May 2-7, 2005.
To Rules and Resolutions.

HR 996 (By Hope), Recognizing April 18, 2005, as Conroe Day at the State Capitol.
To Rules and Resolutions.

HR 997 (By Chavez), Congratulating the communication department of the Socorro Independent School District on its honors received from the Texas School Public Relations Association.

To Rules and Resolutions.

HR 998 (By Chavez), Congratulating the communication department of the Canutillo Independent School District on its awards from the Texas School Public Relations Association.

To Rules and Resolutions.

HR 1002 (By W. Smith), Honoring Paul D. Cook of Austin for his exemplary service to the Texas Board of Professional Engineers.

To Rules and Resolutions.

HR 1003 (By W. Smith), Commending Robert Gillette of Baytown for his exceptional public service.

To Rules and Resolutions.

HR 1004 (By W. Smith), Commending Jim Nichols, P.E., for his years of service as chairman and board member for the Texas Board of Professional Engineers.

To Rules and Resolutions.

HR 1010 (By B. Brown), Honoring U.S. Marine Lance Corporal Richard Nolan of Terrell for his courageous service in behalf of his country.

To Rules and Resolutions.

HR 1011 (By B. Brown), Honoring participants in the American Rodeo Experience tour of China.

To Rules and Resolutions.

HR 1012 (By B. Brown), Honoring the Reverend Donald Royce Hickman of Athens for his service as Pastor of the Day.

To Rules and Resolutions.

HR 1013 (By B. Brown), Congratulating Native Texan Jamie Foxx on his successful acting career.

To Rules and Resolutions.

HR 1014 (By Straus), Congratulating John Heard for being named a top youth volunteer in Texas for 2005 in the 10th annual Prudential Spirit of Community Awards.

To Rules and Resolutions.

HR 1016 (By Goolsby), Honoring Wayne James of Arlington on his retirement from the Texas Lathing and Plastering Contractors Association.

To Rules and Resolutions.

HR 1017 (By Swinford and Chisum), Honoring the Frank Phillips College Lady Plainsmen volleyball team on its outstanding achievements.

To Rules and Resolutions.

HR 1018 (By Dunnam), In memory of Michael Stanislav of Waco.

To Rules and Resolutions.

HR 1019 (By Hopson), Honoring Janie and Troy Brown of Longview on the birth of their daughter, Emma Grace Brown.

To Rules and Resolutions.

HR 1020 (By Craddick), Recognizing the centennial of Lamesa becoming the county seat of Dawson County.

To Rules and Resolutions.

HR 1021 (By Craddick), Honoring Gayle and Nova Reeves of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1022 (By Craddick), Honoring Warren and Carol Hastings of Midland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1023 (By Craddick), Honoring Dean and Frances Penick of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1024 (By Craddick), Honoring Audie and Betty Porter on the occasion of their 50th wedding anniversary.

To Rules and Resolutions.

HR 1025 (By Craddick), Honoring Homer and Theresa Lowe of Midland on the occasion of their 60th wedding anniversary.

To Rules and Resolutions.

HR 1026 (By R. Cook), Recognizing the 13th Annual State Noodle Cook-off on May 21, 2005, at the 2005 Lee County Fair.

To Rules and Resolutions.

HR 1027 (By Naishtat), In memory of Robert Anthony Proffitt of Liberty Hill.

To Rules and Resolutions.

HR 1029 (By Hilderbran), In memory of Bill J. Immel of Kerrville.

To Rules and Resolutions.

HR 1030 (By Hilderbran), In memory of Clayborne Edwin Kruckemeyer of Mason.

To Rules and Resolutions.

HR 1031 (By Hilderbran), In memory of John Richard "Jack" Furman III of Kerrville.

To Rules and Resolutions.

HR 1032 (By Frost), Honoring Veloria Nanze-Demery of Atlanta on being named a Businesswoman of the Year by the National Republican Congressional Committee.

To Rules and Resolutions.

HR 1033 (By Frost), In memory of Sybil Prange of New Boston.

To Rules and Resolutions.

HR 1034 (By Solis), Congratulating the Honorable Moises V. Vela of Harlingen on the dedication of the Moises V. Vela Elementary School.

To Rules and Resolutions.

HR 1037 (By Hamilton), Honoring Wayne Prouse of Orange County for his many contributions to his community.

To Rules and Resolutions.

HR 1038 (By Haggerty), In memory of Arthur Ortiz, Jr.

To Rules and Resolutions.

HR 1039 (By Hunter), Congratulating the Abilene Wylie Bulldogs' football team on their 3A Division I State Championship win.

To Rules and Resolutions.

HR 1040 (By Van Arsdale), Endorsing the American Kennel Club Canine Good Citizen program and encouraging participation in the program.

To Rules and Resolutions.

HR 1041 (By Gattis), Congratulating Jim Jackson of Rockdale on his horse being named a 2004 Texas champion by the Texas Thoroughbred Association.

To Rules and Resolutions.

HR 1042 (By Dutton), Honoring Pinecrest Presbyterian Church of Houston on its 80th anniversary.

To Rules and Resolutions.

HR 1043 (By Dutton), Honoring Dr. A. Louis Patterson, Jr., for 35 years of leadership with Mount Corinth Missionary Baptist Church in Houston.

To Rules and Resolutions.

HR 1044 (By Dutton), Honoring George Bud Easter Johnson of Houston on his professional accomplishments and civic service.

To Rules and Resolutions.

HR 1048 (By Solis), Recognizing April 7, 2005, as World Health Day 2005.

To Rules and Resolutions.

HR 1049 (By Geren), Recognizing the University of North Texas Health Science Center on the success of its doctor and master of public health programs and congratulating all those associated with these outstanding programs.

To Rules and Resolutions.

HR 1050 (By Taylor), Congratulating the Friendswood High School Academic Decathlon Team on winning the State Academic Decathlon Championship and welcoming its members to the State Capitol.

To Rules and Resolutions.

HR 1053 (By Denny), Congratulating Clarence and Dorothy Scharbauer of Pilot Point on producing two of the leading Texas stallions of 2004.

To Rules and Resolutions.

HR 1054 (By Laney), In memory of John Russell Bender of New Orleans, Louisiana.

To Rules and Resolutions.

HR 1056 (By Zedler), Honoring Charles and Alice Hughes of Austin on the occasion of their 40th wedding anniversary and respective birthdays.

To Rules and Resolutions.

HR 1057 (By Hopson), Honoring Charles Pierce Brooks on his first birthday.

To Rules and Resolutions.

HR 1058 (By Howard), Honoring Dr. Don K. Hamblen and Beverly Hamblen of Richmond on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1059 (By Keel), Congratulating Robert Jackson of Austin on his design of the Warren Skaaren Environmental Learning Center at Westcave Preserve, which was granted the Award of Excellence at the National American Institute of Architects/Committee on Architecture for Education Conference in Washington, D.C.

To Rules and Resolutions.

HR 1060 (By Keel), Honoring the members of the James Bowie High School Outdoor Performing Ensemble of Austin on their victory at the 2004 Fiesta Bowl National Band Championship and their record of achievement.

To Rules and Resolutions.

HR 1061 (By Goolsby), Honoring John and Jackie Gilbert of Helotes on their 55th wedding anniversary.

To Rules and Resolutions.

HR 1062 (By Gallego), In memory of Warden John Newell of Richardson.

To Rules and Resolutions.

HR 1063 (By Gallego), In memory of Scott Alan Scown of Alpine.

To Rules and Resolutions.

HR 1064 (By Gallego), In memory of Andrea Ellington Basile.

To Rules and Resolutions.

HR 1065 (By Gallego), In memory of George H. O'Brien, Jr., of Midland.

To Rules and Resolutions.

HR 1066 (By Gallego), In memory of John B. Burling, Jr., of Alpine.

To Rules and Resolutions.

HR 1067 (By Gallego), In memory of Frank David Cobos of Alpine.

To Rules and Resolutions.

HR 1068 (By Gallego), In memory of William C. Donohoo of Alpine.

To Rules and Resolutions.

HR 1069 (By Dutton), Honoring Houston Astros great James Rodney "J. R." Richard.

To Rules and Resolutions.

HR 1070 (By Dutton), Honoring George Thomas of Houston for his career accomplishments in public broadcasting.

To Rules and Resolutions.

HR 1071 (By Martinez), Commemorating the opening of the new Alamo Public Library.

To Rules and Resolutions.

HR 1072 (By Hilderbran), Honoring U.S. Army Specialist Ryan L. Crunk of Kerrville for his service in Iraq and his receipt of the Purple Heart.

To Rules and Resolutions.

HR 1073 (By Frost), In memory of Judge William L. Peek, Jr. of Texarkana.

To Rules and Resolutions.

HR 1074 (By Callegari), Recognizing May 1, 2005, as Cold War Victory Day.

To Defense Affairs and State-Federal Relations.

HR 1075 (By Castro), Honoring David A. Marquez de la Plata of San Antonio on attaining the Eagle Scout insignia.

To Rules and Resolutions.

HR 1076 (By Castro), Honoring Stephen Richard Weatherholtz of San Antonio on attaining the Eagle Scout insignia.

To Rules and Resolutions.

HR 1077 (By Castro), Honoring Ameen Hadi Al-Bahloly of San Antonio on becoming an Eagle Scout.

To Rules and Resolutions.

HR 1078 (By Castro), Honoring Lawrence James Seay of San Antonio on attaining the Eagle Scout insignia.

To Rules and Resolutions.

HR 1079 (By Quintanilla), In memory of Angela Bosquez of Tornillo.

To Rules and Resolutions.

HR 1080 (By Quintanilla), Recognizing April 27, 2005, as Women's Global Charter for Humanity Day.

To Rules and Resolutions.

HR 1081 (By Uresti), Commemorating the "Spring Fest-Blue Star Salute" taking place on May 14, 2005, in Converse.

To Rules and Resolutions.

SB 11 to Defense Affairs and State-Federal Relations.

SB 32 to Higher Education.

SB 34 to Higher Education.

SB 37 to Criminal Jurisprudence.

SB 46 to Human Services.

SB 47 to Public Health.

- SB 56** to Criminal Jurisprudence.
- SB 87** to Civil Practices.
- SB 96** to State Affairs.
- SB 149** to Business and Industry.
- SB 171** to Regulated Industries.
- SB 183** to Border and International Affairs.
- SB 187** to Human Services.
- SB 188** to Public Education.
- SB 189** to Public Education.
- SB 221** to Public Education.
- SB 255** to Government Reform.
- SB 282** to Ways and Means.
- SB 307** to Judiciary.
- SB 310** to Pensions and Investments.
- SB 338** to Ways and Means.
- SB 355** to Natural Resources.
- SB 393** to Juvenile Justice and Family Issues.
- SB 424** to Public Health.
- SB 428** to Natural Resources.
- SB 429** to Natural Resources.
- SB 461** to State Affairs.
- SB 492** to Public Health.
- SB 495** to Business and Industry.
- SB 506** to Insurance.
- SB 511** to Higher Education.
- SB 522** to Pensions and Investments.
- SB 527** to Higher Education.
- SB 547** to Natural Resources.
- SB 554** to Civil Practices.
- SB 568** to Public Health.
- SB 581** to Defense Affairs and State-Federal Relations.
- SB 587** to State Affairs.
- SB 599** to Criminal Jurisprudence.
- SB 602** to Culture, Recreation, and Tourism.

SB 627 to Human Services.
SB 637 to Transportation.
SB 644 to Civil Practices.
SB 651 to Criminal Jurisprudence.
SB 672 to Juvenile Justice and Family Issues.
SB 693 to Natural Resources.
SB 709 to Financial Institutions.
SB 716 to Urban Affairs.
SB 718 to County Affairs.
SB 732 to Law Enforcement.
SB 734 to Land and Resource Management.
SB 747 to Public Health.
SB 766 to Licensing and Administrative Procedures.
SB 777 to Public Education.
SB 796 to Licensing and Administrative Procedures.
SB 807 to Financial Institutions.
SB 810 to Licensing and Administrative Procedures.
SB 812 to Human Services.
SB 821 to Transportation.
SB 851 to Public Education.
SB 866 to Law Enforcement.
SB 876 to Business and Industry.
SB 903 to Law Enforcement.
SB 907 to Criminal Jurisprudence.
SB 910 to Criminal Jurisprudence.
SB 945 to Transportation.
SB 961 to Public Education.
SB 963 to Public Education.
SB 986 to Natural Resources.
SB 988 to Financial Institutions.
SB 1014 to Urban Affairs.
SB 1088 to Pensions and Investments.
SB 1641 to Transportation.
SCR 7 to Judiciary.

SCR 25 to Culture, Recreation, and Tourism.

SCR 26 to Rules and Resolutions.

SJR 17 to Criminal Jurisprudence.

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

HJR 75 (By Eiland), Proposing a constitutional amendment allowing the legislature to authorize the creation of perpetual trusts.

To Financial Institutions.

SIGNED BY THE SPEAKER

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

Senate List No. 4

SB 267

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

Monday, April 11, 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:

HCR 8 Merritt SPONSOR: Brimer
Designating April 29, 2005, as Dale Earnhardt Day in Texas and paying special tribute to his life.

SB 40 Zaffirini
Relating to permanency planning procedures for children residing in state institutions.

SB 274 Barrientos
Relating to funding of the Communities In Schools program.

SB 695 Ogden
Relating to the forfeiture of good conduct time from inmates who file frivolous applications for writ of habeas corpus.

SB 730 West, Royce
Relating to the establishment of a law school in the City of Dallas by the University of North Texas System.

SB 742 Duncan
Relating to disqualification for eligibility for workers' compensation benefits of certain professional athletes.

SB 1479 Shapleigh
Relating to deferred presentment transactions of certain military personnel or their spouses.

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 1
Senate Conferees: Ogden - Chair/Averitt/Duncan/Whitmire/Zaffirini
Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 11

Civil Practices - **HB 2039, HB 2070**

Environmental Regulation - **HB 2510**

Financial Institutions - **HB 846**

Human Services - **HB 920, HB 1558, HB 1912, HB 1970, HB 2331, HB 3235, SB 6**

Insurance - **HB 526, HB 1018, HB 2760**

Juvenile Justice and Family Issues - **HB 240, HB 384, HB 418, HB 440, HB 614, HB 657, HB 798, HB 999, HB 1059, HB 1174, HB 1175, HB 1179, HB 1182**

Land and Resource Management - **HB 1603, HB 2217, HB 3017, HB 3340**

Natural Resources - **HB 387, HB 1673, HB 1981, HB 1996, HB 2045, HB 2046, HB 2428, HB 2430**

Public Health - **HB 567, HB 1135, HB 2680, HR 257**

Transportation - **HB 1646**

Urban Affairs - **HB 148, HB 1213, HB 1606, HB 1820**

SIGNED BY THE GOVERNOR

**April 11 - HCR 42, HCR 67, HCR 74, HCR 114, HCR 118, HCR 119,
HCR 123, HCR 127, HCR 130, HCR 139, HCR 140**

