

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FORTY-EIGHTH DAY — WEDNESDAY, APRIL 13, 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 278).

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; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; 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 — Noriega, M.; Olivo.

Absent — Rose.

The invocation was offered by Kevin King, pastor, First United Methodist Church, Jacksonville, as follows:

Most wise and loving God, giver of all wisdom and bestower of justice. Give to us now that wisdom we need to make just choices and the courage to stay resolute to our convictions. Yet help us to remain humble, that may we be able to hear you clearly today as we decide what to do and what to say.

Help us to not forget the poor, the children, the voiceless, the hurting, and the hungry, and forgive us when we do. Let us be ever thankful for the gracious lives you have given us and be mindful of the responsibilities that come with those gifts. Empower us so we may act justly, forgive wholly, and love deeply. These things we pray. Amen.

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

**LEAVE OF ABSENCE GRANTED**

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

M. Noriega on motion of Burnam.

**CAPITOL PHYSICIAN**

The speaker recognized Representative Baxter who presented Dr. Michael Lifshen of Austin as the "Doctor for the Day."

The house welcomed Dr. Lifshen and thanked him for his 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).

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 26).

**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.

(Homer in the chair)

**INTRODUCTION OF GUESTS**

The chair recognized Representative Truitt who introduced members of the Carroll High School football team and their coach, Todd Dodge.

**HR 1056 - ADOPTED  
(by Zedler)**

Representative Zedler moved to suspend all necessary rules to take up and consider at this time **HR 1056**.

The motion prevailed.

The following resolution was laid before the house:

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

**HR 1056** was read and was adopted.

**FIVE DAY POSTING RULE SUSPENDED**

Representative Delisi moved to suspend the five day posting rule to allow the Committee on Public Health to consider **HB 1718** at 2 p.m. or upon final recess today, E2.036, for a public hearing.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Health, 2 p.m. or upon final recess today, E2.036, for a public hearing, to consider **HB 1718** as well as other previously posted items.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Martinez who introduced Olga H. Maldonado, chief of police of the city of Mercedes, and other citizens of Mercedes.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Denny who introduced Eddie Gossage, president and general manager of Texas Motor Speedway, Mike Moncrief, mayor of Fort Worth, and Mary Horn, Denton County judge.

(Speaker in the chair)

### **HR 1161 - ADOPTED (by Farabee)**

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 1161**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1161**, Honoring the artist and illustrator Charles Shaw for his contributions to the arts and literature in Texas.

**HR 1161** was adopted.

### **HR 1172 - ADOPTED (by Woolley)**

Representative Woolley moved to suspend all necessary rules to take up and consider at this time **HR 1172**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1172**, Commending all those associated with Youth Financial Literacy Month.

**HR 1172** was adopted.

On motion of Representative Chavez, the names of all the members of the house were added to **HR 1172** as signers thereof.

### **HR 579 - ADOPTED (by Keel and Rodriguez)**

Representative Keel moved to suspend all necessary rules to take up and consider at this time **HR 579**.

The motion prevailed.

The following resolution was laid before the house:

**HR 579**, In memory of U.S. Marine Lance Corporal Nicholas Samuel Valdez Perez of Austin.

**HR 579** was read and was unanimously adopted by a rising vote.

On motion of Representative McReynolds, the names of all the members of the house were added to **HR 579** as signers thereof.

(Woolley in the chair)

**HR 948 - ADOPTED**  
**(by R. Allen)**

Representative R. Allen moved to suspend all necessary rules to take up and consider at this time **HR 948**.

The motion prevailed.

The following resolution was laid before the house:

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

(Speaker in the chair)

**HR 948** was read and was adopted.

(Woolley in the chair)

**HR 962 - ADOPTED**  
**(by Seaman, Luna, and Herrero)**

Representative Seaman moved to suspend all necessary rules to take up and consider at this time **HR 962**.

The motion prevailed.

The following resolution was laid before the house:

**HR 962**, In memory of U.S. Marine Reserves Corporal Zachary Alan Kolda of Corpus Christi and Austin.

**HR 962** was read and was unanimously adopted by a rising vote.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Seaman who introduced the family of Corporal Zachary Alan Kolda.

**HR 1119 - ADOPTED**  
**(by Homer and Denny)**

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HR 1119**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1119**, In memory of Dr. James Perry Addison of Paris.

**HR 1119** was read and was unanimously adopted by a rising vote.

On motion of Representative B. Brown, the names of all the members of the house were added to **HR 1119** as signers thereof.

**HB 3552 - PERMISSION TO INTRODUCE**

Representative B. Brown requested permission to introduce and have placed on first reading **HB 3552**.

Permission to introduce was granted.

**GENERAL STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 280 ON THIRD 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.

A record vote was requested.

**SB 280** was passed by (Record 279): 143 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; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Naishtat; Nixon; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Zedler.

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

Absent, Excused — Noriega, M.; Olivo.

Absent — Krusee; Mowery; Rose.

(Speaker in the chair)

**POSTPONED BUSINESS**

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

**HB 1271 ON THIRD READING  
(by Bohac, et al.)**

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

**HB 1271** was read third time on April 12 and was postponed until 10 a.m. today.

**Amendment No. 1**

Representative Deshotel offered the following amendment to **HB 1271**:

Amend **HB 1271**, 2nd Reading Engrossment as follows:

(1) On page 1, line 24, strike "and shall send notice of the" and substitute a period.

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

(3) On page 2, between lines 5 and 6 insert the following:

(d) The voter registrar shall notify each person contained on a list sent to the registrar under Subsection (b) at the address shown on the person's jury summons that the person is being placed on the county's suspense list of registered voters because of the person's excuse or disqualification from jury service based on non-residence in the county. The notice must include information describing how the person may be removed from the suspense list and restored to regular voter registration in the county.

Amendment No. 1 was adopted.

**HB 1271**, as amended, 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 857 ON SECOND READING  
(by Talton and Hunter)**

**HB 857**, A bill to be entitled An Act relating to the authority of a municipality to require the removal of certain vehicles from a freeway without the consent of the owner or person in charge of the vehicle.

**HB 857** was read second time on March 30, postponed until April 6, and was again postponed until 10 a.m. today.

Representative Talton moved to postpone consideration of **HB 857** until 10 a.m. April 27.

The motion prevailed.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 962 ON THIRD 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 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.)

(Krusee in the chair)

**HB 150 ON THIRD READING**  
**(by Reyna, Castro, and Gonzales)**

**HB 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.

A record vote was requested.

**HB 150** was passed by (Record 280): 143 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; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Naishtat; Nixon; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; 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; Krusee(C).

Absent, Excused — Noriega, M.; Olivo.

Absent — Martinez Fischer; Mowery; Rose.

(Speaker in the chair)

**HB 307 ON THIRD READING**  
**(by Goodman, et al.)**

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

**HB 307** 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 341 ON THIRD 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. (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 617 ON THIRD READING**  
(by McCall and Gallego)

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

**HB 617** 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 655 ON THIRD READING**  
(by Goolsby and Branch)

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

A record vote was requested.

**HB 655** was passed by (Record 281): 142 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; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; 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; Naishtat; Nixon; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Noriega, M.; Olivo.

Absent — Flynn; Martinez Fischer; Mowery; Rose; Truitt.

**STATEMENT OF VOTE**

When Record No. 281 was taken, I was in the house but away from my desk. I would have voted yes.

Flynn

(Rose now present)



**HB 765 ON THIRD READING****(by Menendez)**

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

**HB 765** 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 835 ON THIRD 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. (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 THIRD 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.

A record vote was requested.

**HB 1007** was passed by (Record 282): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; 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; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; 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 — Noriega, M.; Olivo.

Absent — Alonzo; Driver; Eiland; Krusee; Martinez Fischer.

**STATEMENT OF VOTE**

When Record No. 282 was taken, my vote failed to register. I would have voted yes.

Alonzo

**HB 1071 ON THIRD 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. (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 1130 ON THIRD READING**

(by B. Cook, Hupp, Peña, Chisum, Giddings, et al.)

**HB 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.

**Amendment No. 1**

Representative Hartnett offered the following amendment to **HB 1130**:

Amend **HB 1130** on third reading as follows:

(1) In added Section 35.581(c)(2), Business & Commerce Code, after the semicolon, strike "or".

(2) In added Section 35.581(c)(3), Business & Commerce Code, between "utility" and the period, insert the following:  
; or

(4) a person with respect to a loan transaction, if the person is not engaged in the business of making loans

Amendment No. 1 was adopted.

**HB 1130**, as amended, 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 1503 ON THIRD 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.

**HB 1503** 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 1815 ON THIRD 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.

A record vote was requested.

**HB 1815** was passed by (Record 283): 141 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; 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; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Oliveira; 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.

Nays — Baxter; Hochberg; Keel.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Noriega, M.; Olivo.

Absent — Alonzo; Crabb; Grusendorf.

**STATEMENT OF VOTE**

When Record No. 283 was taken, my vote failed to register. I would have voted yes.

Alonzo

**HB 2097 ON THIRD 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.

**HB 2097** 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 2129 ON THIRD READING****(by Bonnen)**

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

A record vote was requested.

**HB 2129** was passed by (Record 284): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; 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; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; 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 — Noriega, M.; Olivo.

Absent — Alonzo.

### STATEMENT OF VOTE

When Record No. 284 was taken, my vote failed to register. I would have voted yes.

Alonzo

### 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. 2).

### HB 607 ON THIRD READING (by Giddings and Gonzalez Toureilles)

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

**HB 607** 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.)

### MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

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

**HB 784 ON SECOND READING****(by Bohac, Howard, Nixon, Kolkhorst, Callegari, et al.)**

**HB 784**, A bill to be entitled An Act relating to providing tax relief and protection for ad valorem tax payers.

Representative Bohac moved to postpone consideration of **HB 784** until 10 a.m. April 19.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Criminal Jurisprudence, upon lunch recess today, Desk 59, for a formal meeting, to consider pending business.

**RECESS**

At 11:47 a.m., the speaker announced that the house would stand recessed until 1 p.m. today.

**AFTERNOON SESSION**

The house met at 1 p.m. and was called to order by the speaker.

**SB 1 - REQUEST OF SENATE GRANTED**

On motion of Representative Pitts, the house granted the request of the senate for the appointment of a conference committee on **SB 1**.

**SB 1 - MOTION TO INSTRUCT CONFERENCE COMMITTEE**

Representative Menendez moved to instruct to the conference committee on **SB 1** as follows:

To include in the conference committee report on **SB 1** language that brings the tax-free stipend for health insurance for all school employees, excluding administrators, back up to \$1,000.

**ANSWER TO PARLIAMENTARY INQUIRY  
REGARDING "BINDING NATURE" OF  
INSTRUCTIONS TO CONFERENCE COMMITTEE**

During the debate, a question regarding the binding nature of instructions to conference committees was raised by several members. The chair was asked whether the Menendez motion to instruct was binding on the house conferees and the chair answered that such a motion was "a binding resolution on the conference committee and there is precedent in the past to show that." Mr. Dunnam then sought clarification of the chair's position and read a statement that referred to a question on this issue that was raised by Mr. Kuempel during the 78th Legislature, 3rd Called Session. Mr. Dunnam stated that "Representative Kuempel made a parliamentary inquiring (sic) and asked if instructions to conferees were binding, and the chair informed Mr. Kuempel on the tape that instructions were not binding."

At this time, the chair will clarify these statements, both of which were incomplete, for the members.

### 1. Clarification of Chair's Position

Rule 13, Section 8, House Rules, allows instructions to be made to conference committees and provides procedures for doing such. Though these instructions are typically viewed as an expression of the house's will on a particular issue, house precedent makes it clear that these instructions may not be in violation of House Rules. See 45 H.J. Reg. 3056 (1937) and 52 H.J. Reg. 2578. In that sense, a motion to instruct is "binding" on the house conferees and not mere puffery without consequence.

In all instances, the chair has both the general duty to enforce the rules and the responsibility to strictly construe limitations on conference committees. And in this instance, the chair could have been asked to determine whether the Menendez instruction was in order because the effect of that instruction was to instruct the house conference committee to violate Rule 13, Section 9(b) of the House Rules.

### 2. Clarification of Mr. Kuempel's Inquiry

The chair has reviewed the parliamentary inquiry cited by Mr. Dunnam in which he indicated that Representative Kuempel asked whether "instructions to conferees were binding." This statement is an inaccurate description of the parliamentary inquiry. Mr. Kuempel, in fact, asks a different question: "Are instructions binding on the house?" The presiding officer answered that they were not. This statement is correct. The house could take action subsequent to a motion to instruct. For instance, the house could reconsider the vote on the motion to instruct and any limitation on a conference committee, either established by house rule or otherwise, may be suspended by a vote of the house.

### STATEMENT BY REPRESENTATIVE DUNNAM

Representative Dunnam submitted the following statement regarding the answer to the parliamentary inquiry:

Under the ancient practice of the house and well-established congressional precedent, instructions to conferees have never been considered as binding. The reason why instructions cannot be considered binding is "because the House cannot instruct the managers on the part of the Senate" and thereby compel the specific action of members of the other body. Deschler-Brown Ch. 33, § 12.2.

The speaker specifically overruled a point of order on this matter in 1929. During the 1st Called Session of the 41st Legislature, the house was considering the report of a conference committee to which it had previously given instructions. 59 TEX. LEGIS. MANUAL 363 (1959). Mr. Hopkins raised a point of order against the further consideration of the conference report on the grounds that the conferees "had violated the instructions given it by the House." *Id.* Mr. Speaker Barron overruled the point of order. *Id.*

If instructions were binding on the conferees, the speaker would have been compelled to sustain the point of order. As explained by C.R. Granberry, the House Parliamentarian at the time of the 1929 precedent and editor of the 1959 manual, "[i]t has often been held that a conference report should not be ruled out on a point of order that instructions had been disobeyed" and in any event, it is "a matter for the House, not the Speaker, to decide". *Id.*

Based on the foregoing, the speaker correctly replied, in response to Mr. Kuempel's parliamentary inquiry during the 3rd Called Session of the 78th Legislature, that instructions to conferees are not binding. Although Mr. Kuempel's terminology may be less than exact, it is clear from the context in which the inquiry was made that Mr. Kuempel was asking about the binding

nature of instructions on conferees, not the house itself. This is evident because Mr. Kuempel made the inquiry between the adoption of Mr. Mabry's motion to instruct and the rejection of Mr. Garza's motion to instruct. See 78 H.J. 3d C.S. 233-234; Videorecorded Debate on Tex. **HB 3** on the Floor of the House, 78th 3d C.S. at 50:20, 50:48 (Sept. 25, 2003), available at <http://www.house.state.tx.us/media/chamber/78.htm>.

Mr. Granberry also noted in the 1959 manual the congressional precedent that "[a]lthough a conference report may be in disregard of the instructions given the managers, yet it may not be ruled out on a point of order." 59 TEX. LEGIS. MANUAL at 366 (citing 5 Hinds § 6395). This congressional precedent has appeared in the Texas Legislative Manual since annotations were first added by former Speaker Austin Kennedy. *E.g.*, 33 TEX. LEGIS. MANUAL § 534 (1913). It appears in the current edition. Rules of the House at 190, 79 TEX. LEGIS. MANUAL (2005). The congressional precedent has been repeatedly reviewed and upheld. *E.g.*, Deschler-Brown Ch. 33, § 12.3, 12.7; 8 Cannon §§ 3246-3248.

The practice of the Federal House of Representatives is mirrored in that of the United States Senate, where conference committee reports may be received even if the report violates the "instructions given to the conferees." FLOYD M. RIDDICK & ALAN S. FRUMIN, RIDDICK'S SENATE PROCEDURE, S. DOC. NO. 101-28, at 480 (1992)(citing THOMAS P. CLEAVES, CLEAVES' MANUAL OF THE LAW AND PRACTICE IN REGARD TO CONFERENCES AND CONFERENCE REPORTS § 26, reprinted in SENATE MANUAL, at 181, S. DOC. NO. 96-1 (1979)). Riddick specifically notes that "[c]onferees are not bound by instructions; 'the conferees could even ignore the instructions,' and the report would not be subject to a point of order." *Id.* (citing 123 CONG. REC. 35906-35907 (1977); 118 CONG. REC. 43871-43872 (1970); 118 CONG. REC. 9999 (1970); 112 CONG. REC. 22664 (1966)).

Although instructions are not binding, the house still may not instruct conferees to take action in violation of the rules, such as including matter in the conference committee report that was not in disagreement between the houses. See 52 H.J. Reg. 2578 (1951); 45 H.J. Reg. 3056 (1937). The cases from the 52nd and 45th Legislatures deal only with the permissible scope of instructions to be given, not the consequences of conferees disobeying proper instructions.

As a matter of parliamentary law, instructions cannot be binding because there is no penalty for non-compliance with the instructions since a point of order will not lie against the conference committee report on these grounds. To hold otherwise contravenes over 90 years of well-settled Texas and congressional precedent.

A record vote was requested.

The motion to instruct the conference committee was lost by (Record 285): 51 Yeas, 94 Nays, 1 Present, not voting.

Yeas — Allen, A.; Alonzo; Burnam; Casteel; Castro; Coleman; Cook, R.; Davis, Y.; Deshotel; Dunnam; Edwards; Escobar; Farabee; Farrar; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Hamilton; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Hughes; Hunter; Jones, D.; Jones, J.; Keel; King, T.; Leibowitz; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Oliveira; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Strama; Thompson; Veasey; Villarreal; Vo.

Nays — Allen, R.; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chavez; Chisum; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Flores; Flynn; Frost; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hope; Howard; Hupp; Isett; Jackson; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Martinez; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Noriega, M.; Olivo.

Absent — Baxter; Reyna.

### STATEMENT OF VOTE

I was shown voting no on Record No. 285. I intended to vote yes.

Anchia

### SB 1 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1**: Pitts, chair; Luna; Turner; Gattis; and Kolkhorst.

### LEAVE OF ABSENCE GRANTED

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

Reyna on motion of Nixon.

### MAJOR STATE CALENDAR (consideration continued)

### HB 1006 ON SECOND READING (by Isett, Bohac, Eissler, Gattis, Crabb, et al.)

**HB 1006**, A bill to be entitled An Act relating to certain limitations on the ad valorem tax rates of certain taxing units.

#### Amendment No. 1

Representative Isett offered the following amendment to **HB 1006**:

Amend **HB 1006** as follows:

(1) on page 3 line 21 strike Section 3 subsection (d) and replace with the following:

(d) The governing body of a taxing unit other than a school district and other than a county or municipality to which Subsection (g) applies may not adopt a tax rate that exceeds the lower of the rollback tax rate or 103 percent of the effective tax rate calculated as provided by this chapter until the governing body has held a public hearing on the proposed tax rate and has otherwise complied with Sections [Section] 26.06 and [Section] 26.065. The governing body of a taxing unit to which this subsection applies shall reduce a tax rate set



by law or by vote of the electorate to the lower of the rollback tax rate or 103 percent of the effective tax rate and may not adopt a higher rate unless it first complies with Section 26.06.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representatives R. Cook, Baxter, Ritter, and Isett offered the following amendment to **HB 1006**:

Amend **HB 1006** as follows:

(1) On page 1, line 19, between "=" and "(EFFECTIVE" and substitute "ANY RATE EQUAL TO OR GREATER THAN".

(2) On page 1, at the end of line 20, add "BUT NOT EXCEEDING (EFFECTIVE MAINTENANCE AND OPERATIONS RATE x 1.05) + CURRENT DEBT RATE".

(3) On page 1, between lines 20 and 21, insert the following:

(3) "Super rollback tax rate" means a rate expressed in dollars per \$100 of taxable value calculated according to the following formula:

SUPER ROLLBACK TAX RATE = ANY RATE EQUAL TO OR GREATER THAN (EFFECTIVE MAINTENANCE AND OPERATIONS RATE x 1.05) + CURRENT DEBT RATE

(4) On page 1, line 24, strike "and" and substitute "[and]".

(5) On page 2, line 1, between "rate" and "for", insert ", and super rollback tax rate".

(6) On page 2, line 6, between "=" and "(EFFECTIVE", insert "ANY RATE EQUAL TO OR GREATER THAN".

(7) On page 2, at the end of line 7, add "BUT NOT TO EXCEED (EFFECTIVE MAINTENANCE AND OPERATIONS RATE x 1.05) + CURRENT DEBT RATE - SALES TAX GAIN RATE".

(8) On page 2, strike line 12, and substitute:

current total value and  
SUPER ROLLBACK RATE = ANY RATE EQUAL TO OR EXCEEDING (EFFECTIVE MAINTENANCE AND OPERATIONS RATE x 1.05) + CURRENT DEBT RATE - SALES TAX GAIN RATE

where "sales tax gain rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the revenue that will be generated by the additional sales and use tax in the following year as calculated under Subsection (d) by the current total value.

(9) On page 2, strike line 15 and substitute "sales and use tax the rollback tax rate and super rollback rate for the unit are [is] calculated".

(10) On page 2, line 18, between "=" and "[LAST", insert "ANY RATE EQUAL TO OR GREATER THAN".

(11) On page 2, at the end of line 20, add "BUT NOT TO EXCEED (LAST YEAR'S MAINTENANCE AND OPERATIONS EXPENSE x 1.05) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE) + CURRENT DEBT RATE - SALES TAX REVENUE RATE".

(12) On page 3, strike line 1, and substitute "total value and  
SUPER ROLLBACK RATE = ANY RATE EQUAL TO OR GREATER THAN (LAST YEAR'S MAINTENANCE AND OPERATIONS EXPENSE X 1.05) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE) + CURRENT DEBT RATE - SALES TAX REVENUE RATE

where "last year's maintenance and operations expense" means the amount spent for maintenance and operations from property tax and additional sales and use tax revenues in the preceding year, and "sales tax revenue rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the revenue that will be generated by the additional sales and use tax in the current year as calculated under Subsection (d) by the current total value.

(13) On page 3, line 9, between "=" and "[("LAST", insert "ANY RATE EQUAL TO OR GREATER THAN".

(14) On page 3, at the end of line 11, add "BUT NOT TO EXCEED (LAST YEAR'S MAINTENANCE AND OPERATIONS EXPENSE x 1.05) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE) + CURRENT DEBT RATE".

(15) On page 3, line 18, strike the period and substitute "and"

(16) On page 3, between lines 18 and 19, insert the following:  
SUPER ROLLBACK TAX RATE = ANY RATE EQUAL TO OR GREATER THAN (LAST YEAR'S MAINTENANCE AND OPERATIONS EXPENSE X 1.05) / (CURRENT TOTAL VALUE - NEW PROPERTY VALUE) + CURRENT DEBT RATE

where "sales tax loss rate" means a number expressed in dollars per \$100 of taxable value, calculated by dividing the amount of sales and use tax revenue generated in the last four quarters for which the information is available by the current total value and "last year's maintenance and operations expense" means the amount spent for maintenance and operations from property tax and additional sales and use tax revenues in the preceding year.

(17) Strike page 9, line 18 through page 14, line 2, and substitute the following:

SECTION 6. The heading to Section 26.07, Tax Code, is amended to read as follows:

Sec. 26.07. ELECTION TO REPEAL INCREASE OF TAXING UNIT OTHER THAN SCHOOL DISTRICT.

SECTION 7. Section 26.07, Tax Code, is amended by amending Subsections (a)-(d) and adding Subsections (a-1) and (b-1) to read as follows:

(a) If the governing body of a taxing unit other than a school district adopts a tax rate that exceeds the rollback tax rate or super rollback tax rate calculated as provided by this chapter, the qualified voters of the taxing unit by rollback petition may require that a rollback ~~an~~ election be held to determine whether or not to reduce the tax rate adopted for the current year to the rollback tax rate calculated as provided by this chapter.

(a-1) If the governing body of a taxing unit other than a school district adopts a tax rate that exceeds the super rollback tax rate calculated as provided by this chapter, the qualified voters of the taxing unit by super rollback petition may require that a super rollback election be held to determine whether or not to reduce the tax rate adopted for the current year to the rollback tax rate calculated as provided by this chapter.

(b) A rollback petition is valid only if:

(1) it states that it is intended to require an election in the taxing unit on the question of reducing the tax rate for the current year;

(2) it is signed by a number of registered voters of the taxing unit equal to at least 10 percent of the number of registered voters of the taxing unit who voted in the most recent gubernatorial election according to the most recent official list of registered voters; and

(3) it is submitted to the governing body on or before the 90th day after the date on which the governing body adopted the tax rate for the current year.

(b-1) A super rollback petition is valid only if:

(1) it states that it is intended to require an election in the taxing unit on the question of reducing the tax rate for the current year;

(2) it is signed by a number of registered voters of the taxing unit equal to at least five percent of the number of registered voters of the taxing unit who voted in the most recent gubernatorial election according to the most recent official list of registered voters; and

(3) it is submitted to the governing body on or before the 90th day after the date on which the governing body adopted the tax rate for the current year.

(c) Not later than the 20th day after the day a rollback petition under Subsection (a) or a super rollback petition under Subsection (a-1) is submitted, the governing body shall determine whether or not the petition is valid and pass a resolution stating its finding. If the governing body fails to act within the time allowed, the petition is treated as if it had been found valid.

(d) If the governing body finds that the rollback or super rollback petition is valid (or fails to act within the time allowed), it shall order that an election be held in the taxing unit on a date not less than 30 or more than 90 days after the last day on which it could have acted to approve or disapprove the petition. A state law requiring local elections to be held on a specified date does not apply to the election unless a specified date falls within the time permitted by this section. At the election, the ballots shall be prepared to permit voting for or against the proposition: "Reducing the tax rate in (name of taxing unit) for the current year from (the rate adopted) to (the rollback tax rate calculated as provided by this chapter)."

(18) On page 16, lines 6 and 7, strike "VOTE ON TAX RATE [TAXPAYERS' RIGHT TO ROLLBACK ELECTION]" and substitute "TAXPAYERS' RIGHT TO ROLLBACK ELECTION".

(19) On page 16, strike lines 9 through 12, and substitute:

"than three [eight] percent, the qualified voters of the district by petition may require that an election be held to determine whether to reduce the operation and maintenance tax rate to the rollback tax rate under Section 49.236(d), Water Code."

(20) On page 17, strike lines 5 through 8, and substitute the following:

"older, the qualified voters of the district by petition may require that an election be held to determine whether [~~or not~~] to reduce the tax rate adopted for the current year to the rollback tax rate in accordance with the procedures provided by".

(21) Renumber existing Sections of the bill accordingly.

(Straus in the chair)

### **Amendment No. 3**

Representatives Madden, Denny, and Isett offered the following amendment to Amendment No. 2:

Amend the Cook amendment to **HB 1006** by striking page 5, lines 14 through 18, and substituting the following:

unit on the next uniform election [a] date prescribed by Section 41.001, Election Code, that is not less than 45 [30 or more than 90] days after the [last] day on which the governing body adopted the proposed tax rate and that affords

~~enough time to hold the election in the manner provided by law [it could have acted to approve or disapprove the petition. A state law requiring local elections to be held on a specified date does not apply to the election unless a specified date falls within the time permitted by this section].~~

(Speaker in the chair)

Amendment No. 3 was adopted.

#### **Amendment No. 4**

Representative Gattis offered the following amendment to Amendment No. 2:

Amend the Cook amendment to **HB 1006** on page 6 by striking lines 1 through 7 and substituting the following:

(20) Strike page 16, line 25, through page 17, line 18, and substitute the following:

(d) If the governing body of a district adopts a combined debt service, operation and maintenance, and contract tax rate that would impose more than 1.03 ~~[1.08]~~ times the amount of tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, the qualified voters of the district by petition may require that an election be held to determine whether ~~[or not]~~ to reduce the tax rate adopted for the current year to the rollback tax rate in accordance with the procedures provided by Section 26.07 ~~[Sections 26.07(b)(g) and 26.081]~~, Tax Code. For purposes of Section 26.07, Tax Code, ~~[Sections 26.07(b)(g) and this subsection]~~, the rollback tax rate is the current year's debt service and contract tax rates plus the operation and maintenance tax rate that would impose 1.03 ~~[1.08]~~ times the amount of the operation and maintenance tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, and the super rollback tax rate is the current year's debt service and contract tax rates plus the operation and maintenance tax rate that would impose 1.05 times the amount of the operation and maintenance tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older.

Amendment No. 4 was adopted.

#### **Amendment No. 5**

Representative Villarreal offered the following amendment to Amendment No. 2:

Amend the Cook amendment to **HB 1006** as follows:

(1) On page 4, strike lines 17 and 18, and substitute "registered voters of the taxing unit according to the most recent".

(2) On page 4, strike lines 29 and 30, and substitute "registered voters of the taxing unit according to the most recent".

**LEAVE OF ABSENCE GRANTED**

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

Menendez on motion of Raymond.

**HB 1006 - (consideration continued)**

Representative Isett moved to table Amendment No. 5.

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 5 and the vote was announced yeas 70, nays 75.

A verification of the vote was requested and was granted.

The roll of those voting nay was again called and the verified vote resulted, as follows (Record 286): 70 Yeas, 75 Nays, 1 Present, not voting.

Yeas — Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Deshotel; Eiland; Eissler; Elkins; Flynn; Gattis; Goolsby; Grusendorf; Hamilton; Hamric; Hegar; Hochberg; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Merritt; Miller; Morrison; Nixon; Orr; Otto; Paxton; Phillips; Pitts; Riddle; Ritter; Rose; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Turner; Van Arsdale; Wong; Woolley; Zedler.

Nays — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Branch; Burnam; Campbell; Casteel; Castro; Chavez; Coleman; Crownover; Davis, Y.; Driver; Dukes; Dunnam; Dutton; Edwards; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Griggs; Guillen; Haggerty; Hardcastle; Harper-Brown; Hartnett; Herrero; Hilderbran; Hill; Hodge; Homer; Hunter; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Moreno, J.; Moreno, P.; Mowery; Naishtat; Oliveira; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Seaman; Smith, T.; Smith, W.; Solis; Strama; Thompson; Truitt; Uresti; Veasey; Villarreal; Vo; West.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Menendez; Noriega, M.; Olivo; Reyna.

By unanimous consent, the house dispensed with the verification of those voting yea.

The speaker stated that the motion to table Amendment No. 5 was lost by the above vote.

A record vote was requested.

The vote of the house was taken on the adoption of Amendment No. 5 and the vote was announced yeas 71, nays 74.

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 287): 73 Yeas, 72 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Bailey; Blake; Burnam; Casteel; Castro; Chavez; Coleman; Crownover; Davis, Y.; Driver; Dukes; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hardcastle; Harper-Brown; Herrero; Hill; Hodge; Homer; Hughes; Hunter; Jones, J.; King, T.; Laney; Laubenberg; Leibowitz; Luna; Martinez; McCall; McClendon; McReynolds; Miller; Moreno, J.; Moreno, P.; Mowery; Naishtat; Oliveira; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Rodriguez; Seaman; Smith, T.; Smith, W.; Solis; Strama; Thompson; Truitt; Uresti; Veasey; Villarreal; Vo; West.

Nays — Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Deshotel; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Flynn; Gattis; Grusendorf; Hamilton; Hamric; Hartnett; Hegar; Hilderbran; Hochberg; Hope; Hopson; Howard; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Madden; Martinez Fischer; Merritt; Morrison; Nixon; Orr; Otto; Paxton; Phillips; Riddle; Ritter; Rose; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Turner; Van Arsdale; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Menendez; Noriega, M.; Olivo; Reyna.

The speaker stated that Amendment No. 5 was adopted by the above vote.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 287. I intended to vote yes.

Hope

I was shown voting yes on Record No. 287. I intended to vote no.

McCall

#### REASON FOR VOTE

My vote indicates a desire to advance truth in taxation principles.

Branch

#### 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. 3).

#### HB 1006 - (consideration continued)

Amendment No. 2, as amended, was adopted. (Crabb, Denny, Elkins, Phillips, Solomons, Talton, and Woolley recorded voting no.)

**REASON FOR VOTE**

I believe that we need truth in taxation and my votes on this bill indicate that we should promote these principles.

Solomons

**Amendment No. 6**

Representatives Otto and Hope offered the following amendment to **HB 1006**:

Amend **HB 1006**, on page 4, line 8, between "taxes" and "in an amount", by inserting "for maintenance and operations".

Amendment No. 6 was adopted.

**Amendment No. 7**

Representative Hill offered the following amendment to **HB 1006**:

Amend **HB 1006** in SECTION 6 by adding the following new subsection (e) to Section 26.07, Tax Code, as amended by the bill:

(e) The effective maintenance and operations rate and the rollback rate for a taxing unit are increased by the rate that, if applied to the total current value, would impose an amount of taxes equal to the amount the taxing unit will spend out of its funds to pay for the ratification election required under this section.

**HB 1006 - POINT OF ORDER**

Representative Y. Davis raised a point of order against further consideration of **HB 1006** under Rule 4, Section 18(a)(1) of the House Rules on the grounds that the committee minutes inaccurately reflect the meeting time of the March 16, 2005 meeting of the Ways and Means Committee.

The speaker sustained the point of order.

The ruling precluded further consideration of **HB 1006**.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 27 ON SECOND READING  
(by Callegari, Bonnen, and Peña)**

**CSHB 27**, A bill to be entitled An Act relating to the penalties for intoxication assault and intoxication manslaughter and to the sentencing of defendants convicted of those offenses.

(Baxter in the chair)

**CSHB 27** 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 201 ON SECOND READING**  
**(by Goodman, et al.)**

**HB 201**, A bill to be entitled An Act relating to the eligibility of a spouse for spousal maintenance in a suit for dissolution of a marriage.

**HB 201** 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 303 ON SECOND READING**  
**(by McClendon and Guillen)**

**CSHB 303**, A bill to be entitled An Act relating to efficiently administering and electronically monitoring certain veterans' and dependents' tuition exemptions at institutions of higher education.

Representative McClendon moved to postpone consideration of **CSHB 303** until 10 a.m. April 21.

The motion prevailed.

**HB 667 ON SECOND READING**  
**(by J. Jones and Casteel)**

**HB 667**, A bill to be entitled An Act relating to security fees in certain civil and criminal cases.

**HB 667** 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 754 ON SECOND READING**  
**(by Gattis and Rose)**

**HB 754**, A bill to be entitled An Act relating to transportation of loose materials.

**HB 754** 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 836 ON SECOND READING**  
**(by Gattis and Hopson)**

**CSHB 836**, A bill to be entitled An Act relating to certain requirements concerning the filling of a prescription.

**CSHB 836** 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 894 ON SECOND READING**  
**(by Hodge, Branch, Anchia, Peña, et al.)**

**CSHB 894**, A bill to be entitled An Act relating to permitting samples of produce at certain municipally owned farmers' markets.

**Amendment No. 1**

Representative Hodge offered the following amendment to **CSHB 894**:

Amend **CSHB 894** by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Chapter 437, Health and Safety Code, is amended by adding Section 437.020 to read as follows:

Sec. 437.020. PRODUCE SAMPLES AT MUNICIPALLY OWNED FARMERS' MARKETS. (a) Except as provided by Subsection (b):

(1) this chapter does not regulate the provision of samples of produce to consumers at a municipally owned farmers' market; and

(2) a rule adopted under state law may not regulate the provision of samples of produce to consumers at a municipally owned farmers' market.

(b) Produce samples may only be distributed at a municipally owned farmers' market if the following sanitary conditions exist:

(1) produce samples must be kept in approved, clean, and covered containers;

(2) produce samples must be distributed in a sanitary manner;

(3) clean, disposable plastic gloves must be used when cutting produce samples;

(4) produce intended for sampling must be washed in potable water of any soil or other material so that it is wholesome and safe for consumption;

(5) potable water must be available for hand washing and sanitizing as approved by the local or state enforcement agency;

(6) potentially hazardous cut produce, as determined by rule of the department, must be maintained at or below 41 degrees Fahrenheit, and produce samples must be disposed of within two hours after cutting;

(7) utensil and hand washing water must be disposed of in a facility connected to the public sewer system or in a manner approved by the local or state enforcement agency; and

(8) utensils and cutting surfaces must be smooth, nonabsorbent, and easily cleaned or disposed of as approved by the local or state enforcement agency.

**Amendment No. 2**

Representative Hodge offered the following amendment to Amendment No. 1:

Amend the Hodge floor amendment to **CSHB 894**, on page 1, line 22, by striking "of" and substituting "to remove".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

**CSHB 894**, 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 912 ON SECOND READING**

**(by Isett)**

**HB 912**, A bill to be entitled An Act relating to the maximum cost of certain awards presented to state agency employees for professional achievement or outstanding service.

**HB 912** 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 1009 ON SECOND READING**

**(by Corte, M. Noriega, Guillen, et al.)**

**HB 1009**, A bill to be entitled An Act relating to the authority of a port authority, a navigation district, or certain other persons to use electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate for port security purposes.

**HB 1009** 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 1438 ON SECOND READING**

**(by Talton)**

**HB 1438**, A bill to be entitled An Act relating to continuing education for peace officers.

**HB 1438** 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 1471 ON SECOND READING**

**(by Hegar)**

**HB 1471**, A bill to be entitled An Act relating to the collection and administration of an occupation tax owed to a county.

**HB 1471** 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 1544 ON SECOND READING**  
**(by Dawson and Coleman)**

**HB 1544**, A bill to be entitled An Act relating to removal of corneal tissue from a decedent.

**HB 1544** 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)

**CSHB 1604 ON SECOND READING**  
**(by B. Keffer and Hochberg)**

**CSHB 1604**, A bill to be entitled An Act relating to the period in which a birth certificate must be filed or a birth reported.

**CSHB 1604** 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 1681 ON SECOND READING**  
**(by McCall)**

**CSHB 1681**, A bill to be entitled An Act relating to the imposition of sanctions on an inmate who refuses to cooperate in the taking of a sample or specimen to create a DNA record.

**CSHB 1681** 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 1697 ON SECOND READING**  
**(by McCall)**

**HB 1697**, A bill to be entitled An Act relating to the use of gifts to fund technology workforce development grants and to the evaluation of the technology workforce development grant program.

**Amendment No. 1**

Representative McCall offered the following amendment to **HB 1697**:

Amend **HB 1697** on page 1, line 20, by striking "applied for and".

Amendment No. 1 was adopted.

**HB 1697**, 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 1704 ON SECOND READING**  
**(by Kuempel)**

**HB 1704**, A bill to be entitled An Act relating to the approval of certain permit applications by local governments.

Representative Kuempel moved to postpone consideration of **HB 1704** until 10 a.m. April 20.

The motion prevailed.

**CSHB 1751 ON SECOND READING**  
**(by Peña)**

**CSHB 1751**, A bill to be entitled An Act relating to the procedures governing the payment of restitution by criminal defendants.

**CSHB 1751** 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 1939 ON SECOND READING**  
**(by Ritter)**

**HB 1939**, A bill to be entitled An Act relating to certain disqualifications for unemployment compensation benefits for assigned employees of staff leasing services companies.

**HB 1939** 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 2392 ON SECOND READING**  
**(by Hill)**

**HB 2392**, A bill to be entitled An Act relating to the property tax situs and rendition requirements for motor vehicles located at a place of business of a wholesale motor vehicle auction.

Representative Hill moved to postpone consideration of **HB 2392** until 10 a.m. April 18.

The motion prevailed.

**CSHB 2921 ON SECOND READING**  
**(by Pitts)**

**CSHB 2921**, A bill to be entitled An Act relating to the condemnation of certain property for railroad purposes.

**Amendment No. 1**

Representative McReynolds offered the following amendment to **CSHB 2921**:

Amend **CSHB 2921** on page 1, line 11, between "less" and the period, by inserting "that does not contain a portion of a national forest".

Amendment No. 1 was adopted.

**CSHB 2921**, 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 2987 ON SECOND READING**

(by Nixon)

**HB 2987**, A bill to be entitled An Act relating to funding advanced in connection with a lawsuit that is at a rate above the usurious interest prohibition.

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

Representative Nixon offered the following amendment to **HB 2987**:

Amend **HB 2987** (Committee printing) on page 1 as follows:

- (1) On line 6, strike "151" and substitute "148".
- (2) On line 7, strike "151." and substitute "148.".
- (3) On line 9, strike "151.001." and substitute "148.001.".

Amendment No. 1 was adopted.

**HB 2987**, 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 3016 ON SECOND READING**

(by Hill)

**CSHB 3016**, A bill to be entitled An Act relating to the determination of the market value of certain drug supplies for ad valorem property tax purposes.

Representative Hill moved to postpone consideration of **CSHB 3016** until 10 a.m. April 18.

The motion prevailed.

### **FIVE DAY POSTING RULE SUSPENDED**

Representative Corte moved to suspend the five day posting rule to allow the Committee on Defense Affairs and State-Federal Relations to consider **HB 1853** and **SB 581**.

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Law Enforcement, upon final recess today, Desk 56, for a formal meeting.

Judiciary, upon final recess today, Desk 70, for a formal meeting, to consider pending business.

Energy Resources will reconvene 30 minutes after final recess today, E1.014, for a public hearing.

County Affairs will reconvene upon final recess today, E2.016, for a public hearing, to consider previously posted bills.

### **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 **HB 1006** upon final adjournment tomorrow in 3W.9.

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Ways and Means, upon final adjournment tomorrow, 3W.9, for a formal meeting, to consider **HB 1006**.

Human Services, upon final recess today, Desk 31, for a formal meeting, to consider committee business.

Juvenile Justice and Family Issues, 4:30 p.m. today, E2.014, for a public hearing.

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

State Affairs will reconvene 30 minutes after final recess today, JHR 140.

### **FIVE DAY POSTING RULE SUSPENDED**

Representative Woolley moved to suspend the five day posting rule to allow the Committee on Land and Resource Management to consider **SB 734** at 8 a.m. tomorrow in E2.014.

The motion prevailed.

### **HR 1177 - ADOPTED (by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 1177**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1177**, Honoring Edgar Clark III of DeSoto on his many accomplishments.

**HR 1177** was adopted.

### PROVIDING FOR RECESS

Representative Hardcastle moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. tomorrow in memory of Nona Webb of Vernon.

The motion prevailed.

(Eissler in the chair)

### RESOLUTIONS REFERRED TO COMMITTEES

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

### RECESS

In accordance with a previous motion, the house, at 4:01 p.m., recessed until 9 a.m. tomorrow.

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### ADDENDUM

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### 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

**HCR 4** (By Isett), Congratulating Dr. Richard Michael Bennett on his retirement as principal of Monterey High School in Lubbock.

To Rules and Resolutions.

**HR 1084** (By Chavez), Congratulating Mark Miramon of El Paso for completing his Eagle Scout project.

To Rules and Resolutions.

**HR 1085** (By Chavez), Commending Afamia El-Nakat of El Paso on her commitment to environmental services.

To Rules and Resolutions.

**HR 1086** (By Chavez), Honoring Marce Galaviz on his career in broadcasting.

To Rules and Resolutions.

**HR 1087** (By Chavez), Congratulating Lisa Corinne Mason of El Paso on her graduation with honors from New Mexico State University.

To Rules and Resolutions.

**HR 1088** (By Chavez), Commending El Paso city employee Manny Grado for helping to make his community a better place in which to live.

To Rules and Resolutions.

**HR 1089** (By Chavez), Congratulating Megan Connor of El Paso on winning first place in the Charolais steer division at the Houston Livestock Show.

To Rules and Resolutions.

**HR 1090** (By Chavez), Honoring Charles Roark for his work with Hospice El Paso.

To Rules and Resolutions.

**HR 1091** (By Chavez), Honoring Shamaley Ford of El Paso on achieving a top ranking in the nation among Ford dealers.

To Rules and Resolutions.

**HR 1092** (By Chavez), Honoring Teo Garcia of El Paso for his receipt of the Martin Luther King, Jr., Humanitarian Award.

To Rules and Resolutions.

**HR 1093** (By Chavez), Recognizing Johnny "Natural" Najera of El Paso for his accomplishments in the music industry.

To Rules and Resolutions.

**HR 1094** (By Chavez), Commending Mickey Loweree for her significant contributions to the El Paso community.

To Rules and Resolutions.

**HR 1095** (By Chavez), Congratulating Malena Field for her appointment to the editorial board of the El Paso Times.

To Rules and Resolutions.

**HR 1096** (By Chavez), Congratulating Sydney Witte of El Paso on winning first place in the Reserve Breed Champion Market Hog category at the Houston Livestock Show.

To Rules and Resolutions.

**HR 1097** (By Chavez), Honoring Shay Lyn Mulligan of El Paso for her service as Safety Patrol captain at Mitzi Bond Elementary School.

To Rules and Resolutions.

**HR 1098** (By Chavez), Congratulating Cindy Anaya of El Paso on winning first place at the regional cook-off at The Art Institute's Best Teen Chef 2005 scholarship competition.

To Rules and Resolutions.

**HR 1099** (By Chavez), Honoring Travis Kirchner and the Poki Roni Ranch of El Paso.

To Rules and Resolutions.

**HR 1100** (By Chavez), Honoring Dia de los Ninos/Dia de los Libros in El Paso on April 30, 2005.

To Rules and Resolutions.



**HR 1101** (By Chavez), Honoring the newspaper and yearbook staffs of Burges High School on winning Silver Crown Awards from the Columbia Scholastic Press Association.

To Rules and Resolutions.

**HR 1102** (By Chavez), Congratulating Justin Churchman of El Paso for being invited to attend the Junior National Young Leaders Conference.

To Rules and Resolutions.

**HR 1103** (By Chavez), Commending the Marquez family of El Paso and Fast Lube, Inc.

To Rules and Resolutions.

**HR 1104** (By Chavez), Honoring Sparks Housing Development Corporation on its 15th anniversary.

To Rules and Resolutions.

**HR 1105** (By Chavez), Commending Erica Corral of El Paso for her academic achievements.

To Rules and Resolutions.

**HR 1106** (By Chavez), Commending Jessica Corral of El Paso for her academic achievements.

To Rules and Resolutions.

**HR 1107** (By Chavez), Honoring Our Lady of Mount Carmel Catholic school in El Paso for 87 years of service.

To Rules and Resolutions.

**HR 1108** (By Chavez), Honoring Carlos Portillo, Jr., of El Paso for earning straight A's.

To Rules and Resolutions.

**HR 1109** (By Jackson), Congratulating Kimberly and Robert Ray Faust, Jr., on the birth of their son, Caden Robert Faust.

To Rules and Resolutions.

**HR 1110** (By Craddick), Honoring Lyn Sockwell of Midland on being named the 2004 Safety Person of the Year by the Association of Energy Service Companies.

To Rules and Resolutions.

**HR 1112** (By Farabee), Congratulating Sydney Matlock of Wichita Falls on winning the 2005 Scripps-Howard Regional Spelling Bee.

To Rules and Resolutions.

**HR 1113** (By Farabee), Honoring the Wichita Falls Kiwanis Club for promoting literacy and the joy of reading through its "Read Around the World" program for children.

To Rules and Resolutions.

**HR 1115** (By Denny, Solomons, and Crownover), In memory of Dr. H. M. Burgess of Denton County.

To Rules and Resolutions.

**HR 1116** (By Denny), In memory of Curtis Lynn Raburn of Denton.  
To Rules and Resolutions.

**HR 1117** (By Merritt), In memory of Judge Marcus Fay Vasocu of Longview.

To Rules and Resolutions.

**HR 1118** (By Merritt), In memory of Odis Ray Hill of Longview.  
To Rules and Resolutions.

**HR 1120** (By Hopson), Welcoming the Jacksonville Leadership Institute to the State Capitol on April 28, 2005.

To Rules and Resolutions.

**HR 1121** (By Geren), Recognizing April 20, 2005, as Barnett Shale Day at the State Capitol.

To Rules and Resolutions.

**HR 1122** (By Pitts), Honoring Fred Bryant of Waxahachie on his receipt of the Carnegie Medal.

To Rules and Resolutions.

**HR 1123** (By Pitts), Honoring Chris Frost of Waxahachie for his heroic rescue of his neighbor's infant son.

To Rules and Resolutions.

**HR 1124** (By Pitts), In memory of Captain Lyle Gordon.  
To Rules and Resolutions.

**HR 1126** (By Bohac), Honoring Venturetech of Houston on the occasion of its 25th anniversary.

To Rules and Resolutions.

**HR 1127** (By West), In memory of Barnie Ray Jones of Odessa.  
To Rules and Resolutions.

**HR 1128** (By Dunnam), Commending the Baylor University Bob Bullock Scholars Program and its participants.

To Rules and Resolutions.

**HR 1130** (By Quintanilla), In memory of Juan Arturo Saenz of El Paso.  
To Rules and Resolutions.

**HR 1131** (By Chavez), Congratulating Jaime Reza on earning the Assembly/Packaging Department Employee of the Year Award from the El Paso Lighthouse for the Blind.

To Rules and Resolutions.

**HR 1132** (By Chavez), Congratulating Ester Munoz on earning the State Contracts Department Employee of the Year Award from the El Paso Lighthouse for the Blind.

To Rules and Resolutions.

**HR 1133** (By Chavez), Congratulating Victor Galviz on earning the Federal Contracts Department Employee of the Year Award from the El Paso Lighthouse for the Blind.

To Rules and Resolutions.

**HR 1134** (By Chavez), Congratulating Nicole Hollins on her receipt of the Martin Luther King, Jr., Humanitarian Award for her volunteerism in the El Paso community.

To Rules and Resolutions.

**HR 1135** (By Chavez), Honoring Vanessa Romero of Montwood High School in El Paso for her success in the sport of track and field.

To Rules and Resolutions.

**HR 1136** (By Chavez), Congratulating Brit Lopez of Coronado High School in El Paso for his accomplishments on the soccer field.

To Rules and Resolutions.

**HR 1137** (By Chavez), Congratulating Laura Perales of El Paso for her success in the sport of softball.

To Rules and Resolutions.

**HR 1138** (By Chavez), In memory of James Celaya of El Paso.

To Rules and Resolutions.

**HR 1139** (By Chavez), Congratulating Cinda Abeyta of El Paso on her receipt of the Martin Luther King, Jr., Humanitarian Award for her volunteerism.

To Rules and Resolutions.

**HR 1140** (By Chavez), Congratulating John McCain on earning the Volunteer of the Year Award from the El Paso Lighthouse for the Blind.

To Rules and Resolutions.

**HR 1141** (By Chavez), Congratulating Maria de la Liz Ramirez on earning the Supervisor of the Year Award from the El Paso Lighthouse for the Blind.

To Rules and Resolutions.

**HR 1142** (By Chavez), Congratulating Preston "Rusty" Hooten on earning the Professional Staff Excellence Award from the El Paso Lighthouse for the Blind.

To Rules and Resolutions.

**HR 1143** (By Chavez), Honoring the 60th anniversary of the Segura-McDonald VFW Post No. 5615.

To Rules and Resolutions.

**HR 1144** (By Truitt), Honoring the men of C Company, 506th Regiment, 101st Airborne Division, who courageously served this country during World War II.

To Rules and Resolutions.

**HR 1145** (By Truitt), Congratulating the Colleyville Covenant Christian Academy boys basketball team for winning the TAPPS Class 2A championship title.

To Rules and Resolutions.

**HR 1146** (By Truitt), Congratulating the Grapevine Faith Christian boys basketball team for winning the TAPPS Class 3A state championship title.

To Rules and Resolutions.

**HR 1147** (By Martinez), Honoring Socorro Cano for her volunteer work with Mercedes schools.

To Rules and Resolutions.

**HR 1148** (By Martinez), Congratulating Maria Elena Betancourt-Delgado of Donna on being recognized in Who's Who Among America's Teachers in 2004-2005.

To Rules and Resolutions.

**HR 1149** (By Martinez), Honoring Maria del Carmen Torres for her volunteer work with Mercedes schools.

To Rules and Resolutions.

**HR 1150** (By Gallego), In memory of Manuel "Cougar" Fierro, Jr., of Alpine.

To Rules and Resolutions.

**HR 1151** (By Gallego), In memory of Maria Belia Gordon of Alpine.

To Rules and Resolutions.

**HR 1152** (By Gallego), In memory of Ronnie McFadin of Del Rio.

To Rules and Resolutions.

**HR 1153** (By Gallego), Honoring native Texan Juan Ramos on his 2004 retirement from the National Institute of Mental Health.

To Rules and Resolutions.

**HR 1154** (By Gallego), In memory of Jimmy Owens of Forney.

To Rules and Resolutions.

**HR 1155** (By Gallego), In memory of James Humphrey Marshall III, former superintendent of the Alpine ISD.

To Rules and Resolutions.

**HR 1156** (By Gallego), In memory of Guy C. "Woody" Woodruff of Alpine.

To Rules and Resolutions.

**HR 1157** (By Gallego), In memory of Freddy Cordova.

To Rules and Resolutions.

**HR 1158** (By Frost), In memory of Wilbert Andrew "Big Daddy" Griffin of Texarkana.

To Rules and Resolutions.

**HR 1159** (By A. Allen), Honoring the Empowering Teen Leaders group on its visit to the State Capitol.

To Rules and Resolutions.

**HR 1160** (By A. Allen), In memory of Ruth Ella Gee Byrd of Houston.

To Rules and Resolutions.

**HR 1162** (By Coleman), Recognizing the National Day of Silence on April 13, 2005, for its efforts to raise awareness of the silencing of lesbian, gay, bisexual, and transgender students in high schools and colleges.

To Rules and Resolutions.

**HR 1163** (By A. Allen), Recognizing Waymaker Life Strategies, Inc., and the Houston's Youth Program for Enrichment Freedom School program.

To Rules and Resolutions.

**HR 1164** (By A. Allen), Honoring Willie Richard Dean III on his receipt of the Sammy Award for Outstanding First Year Student Leader from Sam Houston State University.

To Rules and Resolutions.

#### **SIGNED BY THE SPEAKER**

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

#### **House List No. 26**

#### **HCR 8**

#### **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

Wednesday, April 13, 2005

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

**THE SENATE HAS PASSED THE FOLLOWING MEASURES:**

#### **SB 101** Van de Putte

Relating to efficiently administering and electronically monitoring certain veterans' and dependents' tuition exemptions at institutions of higher education.

**SB 566** Deuell  
Relating to a Medicaid buy-in program for employed persons with disabilities.

**SB 690** Zaffirini  
Relating to the requirement to post meetings of a governmental body under the open meetings law in certain circumstances.

**SB 691** Madla  
Relating to the creation and functions of an arthritis control and prevention program.

**SB 872** Nelson  
Relating to a study regarding the impact of niche hospitals on other general hospitals and to certain reports and disclosure requirements regarding niche hospitals.

**SB 1001** Madla  
Relating to the provision of health care in medically underserved communities.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Wednesday, April 13, 2005 - 2

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 62** Hughes SPONSOR: Eltife  
In memory of Dr. Edmund Whetstone Robb, Jr., of Marshall.

**HCR 87** Homer SPONSOR: Eltife  
Designating March 2, 2005, as Mount Pleasant/Titus County Day at the State Capitol.

**HCR 107** Cook, Robby SPONSOR: Gallegos  
Recognizing Wildfire Awareness Week, April 4 through 8, 2005.

**HCR 125** Hartnett SPONSOR: Shapiro  
In memory of former State Representative Frederick Joseph Agnich of Dallas.

**HCR 126** Craddick SPONSOR: Seliger  
In memory of Clayton McKinney of Midland, retired Texas Ranger and chief deputy of the Midland County Sheriff's Office.

**HCR 129** Hilderbran SPONSOR: Fraser  
Recognizing the 125th anniversary of the Y. O. Ranch.

**HCR 134** Hilderbran SPONSOR: Fraser  
Congratulating the mock trial team of Tivy High School in Kerrville for winning the state championship.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, April 13, 2005 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 481** Wentworth  
Relating to creating an offense for the unauthorized operation of a recording device in a motion picture theater.

**SB 572** Barrientos  
Relating to the development and implementation of personnel policies and procedures for certain state agencies.

**SB 848** Shapiro  
Relating to the approval of certain permit applications by local governments.

**SB 882** Lucio  
Relating to the Texas Council on Autism and Pervasive Developmental Disorders.

**SB 890** Williams  
Relating to the amount of recovery in a civil action.

**SCR 28** Nelson  
Recognizing Texas Motor Speedway.

**SJR 14** Seliger  
Proposing a constitutional amendment allowing Potter or Randall County to abolish and reinstate the office of constable in the county or in a precinct of the county.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**April 12**

Business and Industry - **HB 629, HB 853, HB 1578, HB 2930**

Defense Affairs and State-Federal Relations - **HB 907, HB 1534, HB 2336, HB 2340, HB 2604**

Elections - **HB 2511**

Energy Resources - **HB 2161, HB 2172, HB 2440**

Insurance - **HB 2298, HB 2614**

Juvenile Justice and Family Issues - **HB 252, HB 261, HB 410**

Land and Resource Management - **HB 2096**

Law Enforcement - **HB 1588, HB 1807**

Local Government Ways and Means - **HB 121, HB 879, HB 1734, HB 1958, HB 2491, HB 2926, HB 3173, HB 3202, HB 3351**

Public Health - **HB 880, HB 952, HB 1676, HB 1677, HB 2475**

**ENGROSSED**

**April 12 - HB 178, HB 233, HB 340, HB 345, HB 550, HB 654, HB 824, HB 900, HB 975, HB 1116, HB 1528, HB 1540, HB 1587, HB 1938, HB 2228, HB 2795**

**ENROLLED**

**April 12 - HCR 8**

**RECOMMENDATIONS FILED WITH THE SPEAKER**

**April 12 - HB 2639**