

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FORTY-NINTH DAY — THURSDAY, APRIL 14, 2005

The house met at 11:40 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 289).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; 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; 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; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; 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 — Bohac; Driver; Merritt; Olivo; Otto; Reyna.

### LEAVES OF ABSENCE GRANTED

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

### RULES SUSPENDED

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

The motion prevailed.

### **MOTION FOR ONE RECORD VOTE**

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

#### **LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING**

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

(Record 290): 140 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Bohac; Driver; Merritt; Olivo; Otto; Reyna.

Absent — Crownover; Taylor.

#### **STATEMENT OF VOTE**

When Record No. 290 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

**HB 22**

**HB 731**

**HB 828**

**HB 860**

**HB 960**

**HB 1231**

**HB 1331**

**HB 1672**

**HB 1735**

**SB 346**

**HB 1814**

**HB 2171**

**HB 2179**

**HB 2231**

**HB 2377**

**HB 2457**

**HB 2549**

**HB 2659**

**HB 2761**

**HB 2814**

**HB 2913**

**HB 1602**

**SB 234**

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

**HB 202**

**HB 203**

**HB 365**

**HB 422**

**HB 706**

**HB 769**

**HB 950**

**HB 1107**

**HB 1136**

**HB 1549**

**HB 1645**

**HB 1817**

**HB 1905**

**HB 2379**

**HB 2410**

**HB 2453**

**HB 2565**

**HB 2619**

**HB 2645**

**HB 2658** (Keel recorded voting no)

**HB 2870**

**HB 2871**

**HB 2872**

**HB 2949**

**HB 3101**

**HB 3240**

**HB 3475**

#### **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).

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

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

Ways and Means, upon lunch recess today, 3W.9, for a formal meeting, to consider pending business.

Judiciary, upon lunch recess today, Desk 70, for a formal meeting, to consider pending bills.

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

Urban Affairs, upon final adjournment today, Desk 48, for a formal meeting, to consider **SB 245**, **SB 1014**, and pending business.

#### **HB 5, HB 784, & HJR 50 - RECOMMITTED**

Representative J. Keffer moved to recommit **HB 5**, **HB 784**, and **HJR 50** to the Committee on Ways and Means.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Calendars, upon lunch recess today, Desk 49, for a formal meeting, to consider calendars.

Business and Industry, upon final adjournment today, Desk 103, for a formal meeting, to consider pending business.

Culture, Recreation, and Tourism, upon final adjournment today, Desk 66, for a formal meeting.

**RECESS**

At 11:56 a.m., the chair announced that the house would stand recessed until 1:15 p.m. today.

**AFTERNOON SESSION**

The house met at 1:15 p.m. and was called to order by the speaker pro tempore.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 27 ON THIRD READING  
(by Callegari, Bonnen, Peña, et al.)**

**HB 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.

**HB 27** 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 201 ON THIRD 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.

Representative Dutton moved to postpone consideration of **HB 201** until the end of today's calendar.

The motion prevailed.

**HR 737 - ADOPTED  
(by Berman)**

Representative Berman moved to suspend all necessary rules to take up and consider at this time **HR 737**.

The motion prevailed.

The following resolution was laid before the house:

**HR 737**, Remembering Captain Jack Golden on the 60th anniversary of his death.

**HR 737** was read and was unanimously adopted by a rising vote.

**HR 1183 - ADOPTED**  
**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1183**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1183**, Honoring the Senior Citizens Center of Greater Northside Houston on its 35th anniversary.

**HR 1183** was adopted.

**HB 667 ON THIRD 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. (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 THIRD READING**  
**(by Gattis and Rose)**

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

**HB 754** 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 836 ON THIRD READING**  
**(by Gattis, Hopson, et al.)**

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

**HB 836** 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 894 ON THIRD READING****(by Hodge, Branch, Chavez, Anchia, Peña, et al.)**

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

A record vote was requested.

**HB 894** was passed by (Record 291): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; 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; 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; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Bohac; Driver; Merritt; Olivo; Otto; Reyna.

Absent — Edwards.

(Speaker in the chair)

**HB 912 ON THIRD 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.

A record vote was requested.

**HB 912** was passed by (Record 292): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Castro; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar;

Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez 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; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Bohac; Driver; Merritt; Olivo; Otto; Reyna.

Absent — Chavez; Martinez Fischer; Villarreal.

### STATEMENT OF VOTE

When Record No. 292 was taken, my vote failed to register. I would have voted yes.

Martinez Fischer

### HB 1009 ON THIRD 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.

A record vote was requested.

**HB 1009** was passed by (Record 293): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez 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; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Paxton; Peña; Phillips; Pickett; Pitts; Puente;

Quintanilla; Raymond; 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 — Bohac; Driver; Merritt; Olivo; Otto; Reyna.

Absent — Chisum.

### **HB 1438 ON THIRD READING**

**(by Talton)**

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

A record vote was requested.

**HB 1438** was passed by (Record 294): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; 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; 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; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; 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 — Bohac; Driver; Merritt; Olivo; Otto; Reyna.

### **HB 1471 ON THIRD 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. (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 THIRD 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. (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 1604 ON THIRD READING**  
**(by B. Keffer, Hochberg, et al.)**

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

A record vote was requested.

**HB 1604** was passed by (Record 295): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; 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; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; 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; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; 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 — Bohac; Driver; Merritt; Olivo; Otto; Reyna.

Absent — Hardcastle; McCall; Seaman.

**HB 1681 ON THIRD READING**  
**(by McCall)**

**HB 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.

(Bonnen in the chair)

**HB 1681** 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 1697 ON THIRD READING**  
**(by McCall, et al.)**

**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.

**HB 1697** 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 1751 ON THIRD READING**  
**(by Peña)**

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

**HB 1751** 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.)

(Speaker in the chair)

**HB 1939 ON THIRD 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. (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 2921 ON THIRD READING**  
**(by Pitts)**

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

A record vote was requested.

**HB 2921** was passed by (Record 296): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; 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; 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; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; 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 — Bohac; Driver; Merritt; Olivo; Otto; Reyna.

**HB 2987 ON THIRD 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.

A record vote was requested.

**HB 2987** was passed by (Record 297): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; 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; 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; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Orr; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; 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 — Bohac; Driver; Merritt; Olivo; Otto; Reyna.

Absent — Puente.

### STATEMENT OF VOTE

When Record No. 297 was taken, I was temporarily out of the house chamber. I would have voted yes.

Puente

### GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

#### CSHB 135 ON SECOND READING (by Solomons and Jackson)

**CSHB 135**, A bill to be entitled An Act relating to regulation of health spas.

#### Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 135**:

Amend **CSHB 135** as follows:

(1) On page 4, line 7, between "number" and "." add the following:

"or an identification number as provided by subsection (b).".

(2) On page 4, in between lines 7 and 8, insert a new Subsection (b) to read as follows:

"(b) The secretary of state shall adopt procedures for the issuance of an identification number which may be used in a contract for purposes of Subsection (a) by health spas with more than one location in this state.".

(3) On page 4, on line 8, add the following:

"(c) ~~(b)~~ A contract under Subsection (a) constitutes the entire agreement between the seller and purchaser."

(4) On page 6, line 9, strike "Subsection (b)" and substitute "Section 702.301(b)" and strike lines 10 through 13.

Amendment No. 1 was adopted.

**CSHB 135**, 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 248 ON SECOND READING (by Goodman)

**HB 248**, A bill to be entitled An Act relating to the amendment of certain qualified domestic relations orders.

**HB 248** 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 291 ON SECOND READING**  
**(by Goolsby)**

**CSHB 291**, A bill to be entitled An Act relating to victim notification regarding the release of certain defendants following acquittal by reason of insanity.

**CSHB 291** 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 378 ON SECOND READING**  
**(by Talton)**

**CSHB 378**, A bill to be entitled An Act relating to an exemption from the fee for a birth or death record requested by a child fatality review team or the child fatality review team committee.

Representative Talton moved to postpone consideration of **CSHB 378** until 10 a.m. April 20.

The motion prevailed.

**HB 649 ON SECOND READING**  
**(by Krusee)**

**HB 649**, A bill to be entitled An Act relating to participation by the Texas Department of Transportation in the cost of acquiring, constructing, maintaining, or operating a toll facility.

**HB 649 - DEBATE**

REPRESENTATIVE KRUSEE: Thank you, Mr. Speaker, members. This bill would repeal the toll cap, which will allow TxDOT to build more roads and build them more quickly.

REPRESENTATIVE PICKETT: Mr. Speaker?

MR. SPEAKER: For what purpose?

PICKETT: Mr. Speaker, will the gentleman yield?

MR. SPEAKER: Mr. Krusee, do you yield to Mr. Pickett?

KRUSEE: Yes, sir.

MR. SPEAKER: The gentleman yields.

PICKETT: Mr. Krusee, you have a simple one sentence bill here that I'm not sure if the members realize that it has to do with toll projects. And what I want to know is, do you feel that this limit that you would be deleting is something that

we haven't had the ability to see whether or not its had an effect? I mean this was just passed last session. There's a limit of \$800 million and now you are saying no limit.

KRUSEE: Actually, what the house did last time was not put a limit. This is something—and the house was wise not to put a limit on it. The senate unwisely imposed this on us and now we are going back and correcting it. If we don't have this limit we're going to be able to do more roads and build them more quickly and there will, in the future, be more money available for free roads.

PICKETT: But if there's more money available for roads, why does it have to be more toll roads?

KRUSEE: It doesn't have to be more toll roads.

PICKETT: But this section that you are talking about and amending, the Transportation Code, is toll roads.

KRUSEE: There are \$11 billion worth of projects out there now. If they are built, they will pay for their own maintenance. Maintenance costs over the next 30 years are estimated to be about \$25 billion for those roads. That's \$25 billion that will be available to build free roads that otherwise would not be available. With this bill, we'll be able to take the projects that are not scheduled to be built for about 12 years and move them up and get them all done in less than six years.

PICKETT: I don't understand why we would be moving up by just raising the amount of money that you can put into an individual toll?

KRUSEE: Here, I'll give you an example. SH 130, the loop right around Austin, the toll equity amount in that is \$700 million to get that road built. The total cap for the entire state is \$800 million. Now, that doesn't mean we're going to be spending more than \$800 million on toll road equity every single year. What it means is, that some years we need a little bit more than that, some years we need less. For example, you know, this year, I think we're spending, you know, far less, probably less than \$200 million on toll equity. Next year, perhaps we spend \$500 million. Actually, next year I think we need like \$1 billion, but in the years following it goes down to \$500 million or \$300 million, and sometimes less than \$100 million.

PICKETT: But TxDOT is telling us that we had to vote for tolls last session because we didn't have enough money, and in this section of the Transportation Code it says that the department may participate by spending money from any available source. Now, does that mean that in the last few weeks when TxDOT sent out this notice to the 25 districts cutting \$1 billion in projects that they are going to be moving that \$1 billion into toll projects?

KRUSEE: I don't think this has anything to do with the Texas Mobility Fund or what the Bond Review Board did. This just removes the toll equity cap and so that the projects that are in the pipeline we can fund. If we don't pass this, TxDOT is going to have to cancel or postpone projects that are in Houston, that are in Austin, that are in Dallas, all over.

PICKETT: They are going to have to postpone toll projects?

KRUSEE: Yes.

PICKETT: If we don't pass this?

KRUSEE: Yes.

PICKETT: And that's a bad thing?

KRUSEE: If you would like new roads built, and new capacity built—in Houston, in Dallas, all over the state—if you want to save money in the future for free roads, that is a very good thing. Which is why this bill is a very good thing.

PICKETT: But if this is so important why isn't this a bigger deal? Why didn't we hear more about it? Because you're just saying if we don't pass this one sentence bill today raising the cap to being—none—that TxDOT is going to have to postpone all the toll projects—

KRUSEE: Not all of toll projects, but many of them, yes. It is a big deal.

PICKETT: Thank you, Mr. Krusee.

REPRESENTATIVE Y. DAVIS: Mr. Speaker?

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

Y. DAVIS: Would the gentleman yield for a question?

MR. SPEAKER: Mr. Krusee, do you yield to Ms. Davis?

KRUSEE: Yes, sir.

MR. SPEAKER: The gentleman yields.

Y. DAVIS: Chairman Krusee, as I read this bill I'm concerned that what we are about to do is give the toll road a blank check to all highway construction, but is that correct?

KRUSEE: No, it doesn't give a blank check at all.

Y. DAVIS: But doesn't it say that it removes the cap so you can spend any of the money for toll roads and you don't have to pay it back? Isn't that what it says?

KRUSEE: Toll equity does not have to be paid back, that's true. But what has happened is, is that the cities, such as Dallas, have requested that these roads be built. They're being built at a fraction of the price because of the revenue bonds that are being put into it—

Y. DAVIS: You used Dallas, where did Dallas request a road to be built with toll equity?

KRUSEE: I'm sorry?

Y. DAVIS: Okay, you used Dallas as an example. So, tell me what road are we talking about that Dallas has requested to be built with toll money or toll equity?

KRUSEE: I don't have a list of every single road, but I do know that Dallas has \$4 billion worth of projects for which it is asking—

Y. DAVIS: I know we have a lot of projects, and that's why I'm concerned, but are they all going to be toll projects?

KRUSEE: No, they are not. No, they are not all toll projects, not by a long shot. These are projects that have been approved by your MPO and they have requested \$4 billion worth of projects. It takes \$2 billion worth of toll equity to complete those projects. We can complete those projects in the next six years. All of them add additional lanes, additional lanes onto Dallas highways. If this doesn't pass, we won't be able to build those roads or will have to postpone them significantly.

Y. DAVIS: Okay, but Chairman, I'm trying to understand—if I understand this, would this be toll roads that we're building with the toll equity, are we building toll roads?

KRUSEE: Toll equity does its—yes, it is. This is for toll roads and they have already been approved by the cities.

Y. DAVIS: And to the extent that we're talking about building toll roads, are we talking about having the money that is currently for non-toll roads be open to be used on toll roads?

KRUSEE: TxDOT has discretion to spend their money on toll roads, or non-toll roads. If they leverage their money in this way, there will be much more money available for free roads. In the next 30 years, more than \$25 billion is created by passing this bill.

Y. DAVIS: To the extent that we're talking about the same money, you're saying to me—I want to understand this—

KRUSEE: Sure.

Y. DAVIS: For free roads that currently are free roads, does the money that we currently use on free roads, does it get tied up into the toll equity money and go to toll roads? Potentially, is that what we could do here?

KRUSEE: That's a complicated question. Some of the money that could be spent on free roads will be spent on toll equity, but in the future this will free up more than double that amount of money. And it allows for double the amount of lane miles to be built. And again, these are all projects that have already been approved by your cities.

Y. DAVIS: Let me ask you something though, Chairman Krusee, as it relates to the toll roads that you say have already been—that we already approved as cities—how many projects, how many roads are we talking about would not be funded for their construction and repairs if we were to open this up?

KRUSEE: If you don't do this, in Dallas alone there will be—that will have to be cancelled or postponed—\$4 billion worth of projects.

Y. DAVIS: You know, we've had projects that have been postponed for a long time as it relates to money being shifted away from them. Now I'm not sure that gets us where we want to go and I want to understand how that gets us there? Because it would appear to me that any money that we currently would be—that would be allocated for free roads now we're giving them over, access to, the toll equity account, is that correct?

KRUSEE: No, not necessarily because you've really got to look at the table over the long haul. And in the future there's going to be much more money available. We're going to be able to—I mean, Dallas is going to be able to build twice as many roads with this as they otherwise could. And we're moving up the schedule from 12 years to—

Y. DAVIS: But Chairman, let me ask you something. Isn't it true that there is a limited amount of money? Is that true?

KRUSEE: Yes, it is.

Y. DAVIS: Is it true that when you have an amount—if we had capped it at \$800 million, that's where it is now right? And then we're removing the cap, aren't we opening it up, that money, to be actually moved somewhere else totally, right? To be used on toll roads only? Is that correct?

KRUSEE: The toll equity money will be spent on toll roads. Let me give you an example, okay? SH 130 being built around Austin right now is a \$2 billion road. It has—it's badly needed, we can all admit Austin needs a bypass desperately. I-35 is a mess. 130 needs to be built, it costs \$2 billion. Toll revenue is not going to pay for the whole road, so TxDOT put in \$700 million, \$700 million in toll equity and that's what got that road built. What they got for \$700 million of tax money was \$2 billion worth of roads. And a road built now instead of 20 years from now.

Y. DAVIS: But Chairman, in districts like—if districts like my district where they are not going to build a toll road are my projects going to be—are they going to lose potential funding with the money going over to the toll equity account? Because you're not going to be able to do those projects if someone decides they are going to use all of the toll money—

KRUSEE: I understand your concerns but that's just a limited way of looking at it. Consider this, you've got billions—Dallas, their needs right now are \$41 billion worth of roads.

Y. DAVIS: While you're doing that, I'm going to be clear that if we move the cap we don't meet all of Dallas' needs, do we? If we remove the cap that you have proposed in this bill, does it fix all of Dallas' needs?

KRUSEE: No, but—

Y. DAVIS: So—

KRUSEE: —let me answer you. I know you want to lead me down a path, but it doesn't meet all their needs, but it meets a lot more of them than otherwise will be. Same with Houston; same with Dallas there are a lot of roads that you have already approved that may not be built if this doesn't pass.

Y. DAVIS: But right now, right now you have \$800 million, so right now it's a shared responsibility, right? We take care of and build some free roads as well as toll roads. And what you will do now is shift—your bill will have the effect of shifting all the money and resources over to be used for toll roads. Is that correct?

KRUSEE: But it really doesn't shift resources. It allows us to leverage our resources so that many more of your roads can be built. If these roads are built, there will much more money available to build your free system. If these are not built, there will be less money for your free system.

Y. DAVIS: But what I keep hearing you say is that toll money, toll equity, we'll use toll equity to build toll roads and what I don't hear you saying is that the free roads will continue to be built. I hear you saying we will have money later to build free roads. But what my concern is, what happens in regard to those areas of the state that will not be getting toll roads, are we moving all the money over to toll equity and moving the cap and all of those free roads are going to be left secondary—and that's the question.

KRUSEE: And that's a very good question. Actually, the rural areas are going to be the biggest beneficiaries because if these roads aren't built the metropolitan areas will suck up all the money because that's where the money is needed to sustain our economy, in Dallas and Houston, to the extent that these roads will not be built and toll equity is not given, Dallas, and Houston, and Austin, and San Antonio will require much more money. That money—part of that money will come from the rural areas. The rural areas will get less money. Everyone will get less money if we don't pass this.

Y. DAVIS: Let me just raise another point. Would you admit that there are different areas within urban areas—so within an urban area, you are talking about not only the toll projects but you're talking about their free roads and projects that are not going to be toll roads and projects in an urban area? So in fact they will not be sucking up and so what happens is they would not be eligible—they would lose the ability to have this funding source?

KRUSEE: Actually, it's just the opposite. There is going to be more money available for those free roads.

REPRESENTATIVE TURNER: Chairman Krusee, in the last legislative session, we increased the equity gap spending to \$800 million. Is that correct?

KRUSEE: Well, the legislature made it \$800 million. The house actually passed no cap at all. We passed this bill last time.

TURNER: Right, but the cap was the legislature increased it to 800 or made it an 800 cap.

KRUSEE: Yes, sir.

TURNER: And in this bill, what we're doing is we're lifting the cap completely.

KRUSEE: Yes.

TURNER: Which means that whatever—what is it, 17 billion or 19 billion—whatever dollars that are out there are available, that we can go out and provide whatever bonding to build however many toll roads that maybe needed. Is that the effect 649?

KRUSEE: The effect of it is, there have been several roads that have already been approved and are already being built. 130 is one of them. 130 has \$700 million of toll equity going into it. The cap is \$800 million. Other cities have roads that they are constructing too. The schedule for how much equity is paid in a given year goes up and down. It goes up in certain years, it goes way down in other years. So there's an \$800 million cap, but it just doesn't make sense to set it at 800 and say it'll never go above because many years it will be far below, some years it will be a little bit above. Let me give you an example.

TURNER: I know, but let me say this.

KRUSEE: Let me give you an example though. So last year we spent \$500 million. This year we spent 600, way under the cap. Next year, we need to go to a billion. In '08 it goes down to \$600 million, well below the cap.

TURNER: I understand that.

KRUSEE: The average is way below. The average is below the cap.

TURNER: Right, and that's why this year it may be a billion and next year it may be \$600 billion, but presently the law has it at \$800 million. Would it be a fair characterization of **HB 649**, that if you vote for 649, you are essentially voting for an active, aggressive toll road policy for the State of Texas? So anybody who votes for 649, would they not be affirmatively saying that the State of Texas is moving forward, and we are advocating and supporting an aggressive toll road policy?

KRUSEE: No, all you're doing is improving the roads your cities have already approved. If you vote against this you're taking roads off your system.

TURNER: Well, I know but—

KRUSEE: It means less lane miles, and what that means is not only will there be less toll roads, there will be less free roads.

TURNER: I know for example—

KRUSEE: And that's the irony here, is that by spending less than full equity, you get less free roads. It means less money available for free roads if we don't do toll equity.

TURNER: I understand, I know, but in the interim, in this past interim there was a great deal of discussion, for example, in northwest Harris County. Representative Peggy Hamric's district, Representative Corbin Van Arsdale's district, where there was a great deal of discussion on toll roads and many people came out in opposition, for example, against toll roads. Representative Riddle's district as well. There is a great deal of discussion all over the state right now whether or not this state should move forward with an aggressive toll road policy and the implication of that. That discussion is taking place. That's one of the reason's that I asked to extend the time because the way I read 649 is that, if I vote for 649 I am essentially saying to TxDOT that you may aggressively move forward with the expansion and the construction of toll roads whether they are in northwest Harris County or in some other place throughout the State of Texas.

KRUSEE: You know what? Actually not and I'll tell you why. Let me tell you why. The roads that you're talking about, like in Houston, you were talking about a conversion. I think it was 249. In Austin they were talking about a conversion; it was the conversion roads that were unpopular and controversial.

TURNER: Right.

KRUSEE: The thing about those conversion roads, they don't need any toll equity because they're already built.

TURNER: I understand.

KRUSEE: So the toll equity—removing the toll equity gap is not going to allow any conversions because conversions don't require toll equity.

TURNER: But—

KRUSEE: But, but, but here's the caviat.

TURNER: Okay.

KRUSEE: If we don't remove the toll equity cap there's going to be more pressure on your cities to find creative ways—

TURNER: I understand.

KRUSEE: —wait, wait, to find creative ways to build these roads including conversions. Ironically, by voting against this bill you make conversions in your cities more likely.

TURNER: But see, this is my concern.

KRUSEE: The roads you find most controversial, you'll be promoting those.

TURNER: I understand.

KRUSEE: You'll be limiting the choices of your citizens and your mayors and your county commissioners.

TURNER: And I recognize that we need more roads in urban, suburban, and rural Texas. I understand that. I'm in agreement with that. I'm not opposed to that. We need to meet our transportation concerns. But I think the question that's on the floor today is that by voting for 649, we're not increasing the cap by 20 percent or 30 percent or 50 percent. We are totally removing the \$800 million cap so that TxDOT, for example, however much we may love TxDOT, and many of us love TxDOT, but what we are saying is that we are lifting the cap completely, so TxDOT will be given the permission to go out and seek bonding utilizing the \$19 billion that's readily available to them. That's an aggressive position. That's a major policy shift and so, if you are in favor of toll roads; not a problem. But if you are concerned about the proliferation of toll roads, this bill does represent a major policy shift in the State of Texas. Am I not correct?

KRUSEE: No, I don't think you are. I think if you vote for this you are affirming the roads your cities have already passed. If you don't vote for this, you're really putting your cities and your counties in a bind, and you are limiting their choices of what they can do. They will have to look toward really controversial and painful things such as conversions. Mr. Turner, in Houston—

TURNER: Why shouldn't we study this a little bit more before we lift the entire cap? Let me give you a reason why. In Harris County, for example, we need transportation on I-10, from Harris County going towards Katy. We need transportation.

KRUSEE: You vote against this, and you're probably not going to get it.

TURNER: Well, but on that project, we are expending \$1.6 billion more than what was projected. Now, the question should be whether or not we should make money readily available and throw it down the tube or whether or not we should look for cost-efficient, conservative measures by which to achieve the ultimate aim. I don't see this as a conservative measure. I see this as pouring money down and allowing people to spend as much money as they can get. I don't see this as a conservative, cost-efficient measure.

KRUSEE: You know why that road went up so much? \$1.6 billion, because we did it in a traditional method where we just have to bleed out the money a little bit at a time.

TURNER: But this bill does—

KRUSEE: Wait, wait, let me finish this. How much is available this year? Well, we have X amount because Dallas needs some and Houston needs some and Austin needs some and San Antonio needs some. And so, the road cost \$2 billion to build, but we can't give you \$2 billion to build it right now, or no one would have any money.

TURNER: Chairman Krusee?

KRUSEE: Wait, let me finish because you asked a very long question.

TURNER: Alright, fair enough.

KRUSEE: So we just give a little bit of money at a time. And when we stretch out those projects, year after year after year, what happens? The right-of-way cost goes up as our economy approves. And so, we thought the right-of-way costs, we estimated it properly, we thought there were going to be \$500 million. Well, now it costs a \$1 billion because a road instead of, you know, the five years it should've taken us to build it, took us 20 years. You ever drive between here and San Antonio and watch that new lane being built on I-35?

TURNER: Chairman Krusee?

KRUSEE: It has taken 20 years—

TURNER: Chairman Krusee?

KRUSEE: —to build one additional lane on I-35. It is ridiculous.

TURNER: Because this is a major—

KRUSEE: This bill lets us build those roads now. Roads that are more than 12 years from being built now would be finished in less than six.

TURNER: Because this bill represents a major policy shift—because this bill represents a major policy shift and because this bill is asking us to engage in an aggressive, affirmative program for the construction and proliferation of toll roads, will you not be willing to postpone this bill so that we can fully appreciate you asking us to go down the road in building and affirming a proliferation of toll roads in the State of Texas? Will you not be willing to postpone this bill for now?

KRUSEE: You want to postpone new lanes on I-10?

TURNER: If it's cost-efficient, I will postpone it.

KRUSEE: Do you want to postpone new lanes on I-45? Do you want to postpone new lanes in Dallas? You know what your needs are?

TURNER: If it saves us money and achieves the ultimate result.

KRUSEE: Wait, wait, wait.

TURNER: If it's cost prudent, I will postpone it. If it saves us dollars and achieves the ultimate result, I would postpone it. If, if, however, this bill says that I am voting for an aggressive proliferation of toll roads at any cost in the State of Texas, I can't vote with you on it. And I'm asking you, will you agree to postpone it so that we can all try to get on the same page because this bill is a major policy shift in the State of Texas.

KRUSEE: Mr. Speaker, members, first let me address the issue of no notice. There was lots of notice for this. As a matter of fact, TxDOT included this in their recommendations, which they published. Mr. Pickett is a member of the Subcommittee on Transportation on Appropriations, and I think has had every opportunity to be aware of that. We've been talking about it in TxDOT Commission Meetings month after month. This has been going on for a long time.

REPRESENTATIVE MCREYNOLDS: Mr. Speaker?

MR. SPEAKER: For what purpose?

MCREYNOLDS: Will the gentleman yield for a question, please?

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

KRUSEE: Yes, sir.

MR. SPEAKER: The gentleman yields.

MCREYNOLDS: Mike, I think you were busy when I was talking to Mr. Pickett, and I had stood in line a long time waiting to ask you a question. Let's have a dialogue for a moment or two. As I read this bill, we're taking the cap off, I think it's 800 million a year, is that right?

KRUSEE: Yes, it is.

MCREYNOLDS: Okay, and I understand very much the need for toll roads and I voted for toll equity, although with maybe the exception of I-69, I've never had a toll road in my part of the state. Is there a danger here with no cap at all that this ultimately could affect folks who live in places like where I live? In fact, if TxDOT just went hog-wild with this and let's say, spent the budget, would I feel a short-term effect conceivably? Are there safeguards already there? You understand where I am coming from?

KRUSEE: Yes, yes, I do. I would say your safeguard is that you have a very good commissioner in Robert Nichols who is not going to let that happen.

MCREYNOLDS: Yes, I know and I trust him. I have great admiration for him.

KRUSEE: Can I explain what the real danger to you is?

MCREYNOLDS: Yes, please.

KRUSEE: The real danger is, if this doesn't pass, because, as you know, when you need a project in a rural area of the state, you need 5 million here, 20 million for that road.

MCREYNOLDS: Just to do our maintenance and operations.

KRUSEE: Yes, but counting in the millions and tens of millions of dollars. Even in Mr. Isett's district in Lubbock, it doesn't cost that much to build a road relative to what it costs in Dallas, in Houston, in Austin. When we build an interchange that you see up here, those things are \$200 million, \$300 million. Every time one of our cities builds a toll road, it offers up—there's that much more money available to the rural areas. What I'd like to do is just tell you how bad the shortfall is in the big cities for their needs. Austin's needs for the next 20 years are \$20 billion. We have enough tax money to fund 9, their shortfall is \$13 billion. That's going to come out of your district. Dallas' needs are \$41 billion, they only have 19—their shortfall is \$17 billion. The way they make up that shortfall is that they'll build some of the roads that people approve of. New roads are going to be toll roads. But everyone doesn't get on the toll road at once. So you need a little bit of toll equity to help it in the beginning years. And that's what we're doing. SH 130 here, \$2 billion road—there's not going to be enough people driving on it to pay for it in the beginning. So in the beginning, we have to put \$700 million into it, but later on, that falls to almost nothing.

MCREYNOLDS: But let me ask this question of you, Mike. And I think I am representing those—probably no matter where you live in this state. When you take a cap off, that may be scary. Will you accept an amendment to accept a cap of some sort? If you're totally removing the cap, totally, and Mike, I defer to you because you're chair of this committee, and you know a great deal about this. But I noticed there were no witnesses about this. Would you give me a comfort zone—and not just me, I think many members in this house—a comfort zone, a cap of some sort? What's frightening about that? We talk about truth in taxation here, how about truth in spending?

KRUSEE: Here's the problem. If we put a cap on, that's going to limit the amount of money that you have available. Let me put it this way, if you're coming in and you're asking for toll equity of \$500 million, okay? Let's say we're sticking with a cap, by gosh you're not going to have any more of our money to spend on toll roads. If you, say, you don't get to spend \$500 million in toll equity, they'll come back and say, okay, that road actually costs \$2 billion. I don't want 500 million, I want \$2 billion worth of tax money. And that comes out of your county's hide, your district—everyone's districts are hurt. This is the misunderstanding. When you have toll equity, you're asking for less money, not more money. There will be more pressure on the rural areas of this state, the less toll equity money we spend.

REPRESENTATIVE HOMER: Chairman Krusee, you know where I live, up in Northeast Texas. Obviously there is no conventional toll road going to be built anytime soon up there. My question to you is with this legislation. One of the things we are looking into in our area is the new pass-through toll concept of reimbursement from TxDOT. How would that be affected? Could it be positively affected under that? Would there be any more money available under what you're trying to do?

KRUSEE: With the pass-through—and you know we call them pass-through tolls even though no one is tolled at all.

HOMER: Right, right.

KRUSEE: It's a little bit misleading, but you and I understand that. But, the pass-through financing is very valuable to rural areas that cannot do tolls, and will not do tolls. If we repeal the equity cap, there will be more money, much more money available for pass-through financing by the billions—not just the billions, the tens of billions of dollars.

HOMER: Can you explain?

KRUSEE: Sure. Right now the cities have asked for about \$11 billion worth of projects to be financed in this manner. It requires \$5 billion worth of toll equity. If we refuse them the toll equity money of \$5 billion, they will come back and say, "Okay we don't need \$5 billion we need \$11 billion," and that means less money for you. And that's not the end of the story, because—and you've been there when I've given this speech, I remember, Mark—then it comes time to maintain those \$11 billion worth of roads, and it costs twice as much to maintain a road over 20 years as it did to build it. And so not only will those cities be coming in and asking for \$11 billion instead of \$5 billion, then they would say, "Oh, by the way, I need another \$25 billion to maintain it," for a total cost of over \$30 billion that will not be available for pass-through financing and for free road projects in your district and in mine.

REPRESENTATIVE ISETT: Mr. Speaker, does the gentleman yield?

MR. SPEAKER: Mr. Krusee, do you yield to Mr. Isett?

KRUSEE: Yes.

MR. SPEAKER: The gentleman yields.

ISETT: Thank you. Representative Krusee, this is a pretty important bill for all of us, and I appreciate your bringing it to our attention.

KRUSEE: Yes, it is.

ISETT: But I'm not quite there yet in understanding how removing this cap drives money to rural areas. There was a TxDOT official in Lubbock this week, and it was on the front page of the paper, and it said we've started this east-west freeway project, we've made a commitment to building it but if you want it finished, you may have to think about tolling. That to me, in some ways, is kind of backing out of a deal. So—

KRUSEE: May I explain that? You know, you can build that road the same way that all of us in Austin, San Antonio, and Houston, and Dallas have had to build roads. You know for one lane on I-35 between here and San Antonio we waited 20 years. We sit in that traffic and you go down the chute with those cement things—

ISETT: If you want to convince me not to vote for your bill, you can carry this line of—I came to ask you a question and you're ranting about something different. But what I want to know is, if you take away the \$800 million cap, tell me how it frees up money. Because it seems to me that if you take away the \$800 million cap, it means that you can now pour as much money into leveraging those toll projects, leaving even less money available for other roads.

KRUSEE: It means that our cities—if we have a cap and our cities cannot ask for full equity, then they don't just ask for a 100 million, now they have to ask for the full cost of the road. And guess who is going to win those? Our state economy and our state appropriations budget depends on the economies of Dallas and Houston and Austin, and that is where the limited amount of money that we have is going to go. Just to try to fight the losing battle to sustain their economies, and it is going to be a losing battle unless we can do some toll equity here. That money is going to be taken away from Lubbock—it's less money—they're going to ask for two to three times more money if we don't have toll equity.

ISETT: I appreciate that, but my question is how does funding tolls at a higher level to make the equity work free up money for the rest of the state?

KRUSEE: Because otherwise they'll be asking for more. They'll be asking for more now and they'll be requiring more in the future. Houston has a tollway system, they've got that loop that goes around Houston, they've got the Harding Tollway and all that. If those were not toll roads, the money would have to come from you to maintain those roads. And you know what? Just to maintain those roads costs more than taking care of Lubbock for a generation.

ISETT: I appreciate that. I'm still not to the point, I guess, where I understand that if you take away the cap instead of asking for a 100 million, they're going to ask for a billion. And it seems to me that that whole billion is sucked out of the system not leaving an ability to fund anything other than those tolls.

**Amendment No. 1**

Representatives Coleman, McReynolds, Turner, and Kolkhorst offered the following amendment to **HB 649**:

Amend **HB 649** on page 1, lines 6-7 by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 222.103(h), Transportation Code, is amended to read as follows:

(h) Money granted by the department each fiscal year under this section may not exceed \$1 billion [~~\$800 million~~]. This limitation does not apply to money required to be repaid.

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representatives Coleman, Kolkhorst, Turner, McReynolds, Riddle, and Morrison offered the following amendment to **HB 649**:

Amend **HB 649** on page 1, lines 6-7 by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 222.103(h), Transportation Code, is amended to read as follows:

(h) Money granted by the department each fiscal year under this section may not exceed \$1.5 billion [~~\$800 million~~]. This limitation does not apply to money required to be repaid.

Amendment No. 2 was adopted.

**Amendment No. 3**

Representative Pickett offered the following amendment to **HB 649**:

Amend **HB 649** by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 222.103, Transportation Code, is amended by amending Subsections (d) and (e) and adding Subsection (d-1) to read as follows:

(d) ~~The department annually shall publish [On the request of a member of the legislature, the department shall provide the member]~~ a status report on all highway construction projects, by legislative district, that:

(1) are under contract or awaiting funding; and

(2) [The report shall include projects that] would be funded in any manner by [state, federal, or] toll funds.

(d-1) On the request of a member of the legislature, the department shall provide the member a status report on all highway construction projects, by legislative district, that:

(1) are under contract or awaiting funding; and

(2) would be funded in any manner by state, federal, or toll funds.

(e) Not [On the request of a member of the legislature, not] later than the 90th day before the date a loan is granted or an expenditure is made by the department for a project under this section, the department shall notify each

member of the legislature that represents any part of the area affected by the project of the status of the project and how any other project in any other district would be affected.

Amendment No. 3 was adopted.

A record vote was requested.

**HB 649**, as amended, was passed to engrossment by (Record 298): 121 Yeas, 14 Nays, 1 Present, not voting.

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

Nays — Allen, A.; Baxter; Castro; Chavez; Farrar; Herrero; Hilderbran; Jones, D.; Keel; Leibowitz; Moreno, J.; Mowery; Noriega, M.; Smith, T.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bohac; Driver; Merritt; Olivo; Otto; Reyna.

Absent — Burnam; Coleman; Edwards; Grusendorf; Hardcastle; Moreno, P.; Smithee; Zedler.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 298. I intended to vote no.

Escobar

When Record No. 298 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

### HB 1126 ON SECOND READING

(by Uresti)

**HB 1126**, A bill to be entitled An Act relating to exemptions from the law governing emergency medical services for certain transfer vehicles and staff and to the minimum qualifications for obtaining an emergency medical services provider license.

**Amendment No. 1**

Representative Uresti offered the following amendment to **HB 1126**:

Amend **HB 1126** on page 1, line 13 (house committee printing), between "is" and "necessary", by inserting "medically".

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Menendez offered the following amendment to **HB 1126**:

Amend **HB 1126** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 143.005, Local Government Code, is amended to read as follows:

Sec. 143.005. STATUS OF EMPLOYEES IF CHAPTER ADOPTED. (a) Each fire fighter or police officer serving in a municipality that adopts this chapter and who has been in the service of the municipality for more than six months at the time this chapter is adopted and who is entitled to civil service classification has the status of a civil service employee and is not required to take a competitive examination to remain in the position the person occupies at the time of the adoption.

(b) In a municipality that adopts this chapter, an employee of the fire department whose primary duties are to provide emergency medical services for the municipality is considered to be a fire fighter who is a member of the fire department performing fire medical emergency technology, entitled to civil service protection, and covered by this chapter.

Amendment No. 2 was adopted.

**HB 1126**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Howard recorded voting no.)

**HB 1185 ON SECOND READING**  
**(by Smithee and Branch)**

**HB 1185**, A bill to be entitled An Act relating to the extension of the period for which an incomplete improvement on real property owned by a nonprofit organization for use as a school may receive an exemption from ad valorem taxation.

**Amendment No. 1**

On behalf of Representative Branch, Representative Chisum offered the following amendment to **HB 1185**:

Amend **HB 1185** on page 1 by striking lines 6 and 7 and substituting the following:

SECTION 1. Section 11.21, Tax Code, is amended by adding Subsection (a-1) and amending Subsection (g) to read as follows:

(a-1) A person is entitled to an exemption from taxation of the buildings and tangible personal property that the person owns and that are used for a school if:

(1) the school is operated exclusively by an organization or other person that:

(A) is affiliated with or under common control with the person owning the property;

(B) is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code; and

(C) meets the qualifications of Subsection (d);

(2) except as permitted by Subsection (b), the buildings and tangible personal property are used exclusively for educational functions; and

(3) the buildings and tangible personal property are reasonably necessary for the operation of the school.

Amendment No. 1 was adopted.

### REMARKS ORDERED PRINTED

Representative Pickett moved to print remarks by Representative Krusee on **HB 649**.

The motion prevailed.

### HB 1185 - (consideration continued)

#### Amendment No. 2

Representative Zedler offered the following amendment to **HB 1185**:

Amend **HB 1185** by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill appropriately:

SECTION \_\_\_. Section 11.201(a), Tax Code, is amended to read as follows:

(a) If land is sold or otherwise transferred to another person in a year in which the land receives an exemption under Section 11.20(a)(6), an additional tax is imposed on the land equal to the tax that would have been imposed on the land had the land been taxed for each of the seven [~~five~~] years preceding the year in which the sale or transfer occurs in which the land received an exemption under that subsection, plus interest at an annual rate of seven percent calculated from the dates on which the taxes would have become due.

Amendment No. 2 was adopted.

**HB 1185**, 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 2191 ON SECOND READING**  
**(by Wong)**

**HB 2191**, A bill to be entitled An Act relating to providing that the social security number of a living person is excepted from required disclosure under the public information law and may be redacted without the necessity of requesting a decision from the attorney general.

**Amendment No. 1**

Representative Goodman offered the following amendment to **HB 2191**:

Amend **HB 2191** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.147 to read as follows:

Sec. 552.147. SOCIAL SECURITY NUMBERS. (a) Notwithstanding any other law, a person's social security number may not be disclosed to a member of the public by a governmental body in response to a request for the information made under this chapter or another law of this state without the person's written consent. The consent must be given on a clear and understandable form that the attorney general shall prescribe for that purpose. If the consent form is part of a larger document, the consent form must be a separate page of the larger document and the person's signature must appear on that page.

(b) Subsection (a) does not prohibit the disclosure of a person's social security number without the person's consent:

(1) to a federal, state, or local governmental entity for a legitimate governmental purpose;

(2) if the social security number is contained in information that was created, assembled, or first maintained by or for the governmental body before September 1, 2005, and the disclosure of the social security number is not otherwise prohibited by law;

(3) if the social security number is contained in information that is created, assembled, or maintained by or for a district or county clerk and the disclosure of the social security number is not otherwise prohibited by law;

(4) to a private vendor as necessary to allow the vendor to perform a service for the governmental body under a contract with the governmental body;

(5) in connection with the collection of delinquent child support payments; or

(6) if the person whose social security number is disclosed has been convicted of a felony and the disclosure is relevant to establishing the person's identity.

(c) The social security number of a living person that is contained in information described by Subsection (b)(2) or (b)(3) is excepted from the requirements of Section 552.021.

(d) A private vendor that receives a social security number from a governmental body under Subsection (b)(4) may disclose the social security number only as necessary to allow the vendor to perform a service for the governmental body under the contract with the governmental body.

(e) A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G.

SECTION 2. Section 552.024, Government Code, is amended by adding Subsection (g) to read as follows:

(g) Subsection (d) does not authorize the disclosure of a person's social security number to the extent that the person's social security number is prohibited from disclosure under Section 552.147 or other law.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

Amendment No. 1 was adopted.

**HB 2191**, 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 2382 ON SECOND READING**

(by Hegar)

**HB 2382**, A bill to be entitled An Act relating to training requirements for certain chief appraisers of appraisal districts.

**HB 2382** 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 3020 ON SECOND READING**

(by Phillips)

**CSHB 3020**, A bill to be entitled An Act relating to local government authorization of charitable solicitation by a pedestrian.

Representative Phillips moved to postpone consideration of **CSHB 3020** until 10 a.m. April 21.

The motion prevailed.

### **HB 3250 ON SECOND READING**

(by Ritter)

**HB 3250**, A bill to be entitled An Act relating to the acquisition of unemployment compensation experience after the transfer of an employing unit; providing penalties.

### **Amendment No. 1 (Committee Amendment No. 1)**

Representative Ritter offered the following committee amendment to **HB 3250**:

Amend **HB 3250** as follows:

On page 3, line 6, add the following definition.

(6) "Knowingly" means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for the prohibition involved.

On page 3, lines 10 and 11, strike the words "(a) Except as provided by Subsection (b)," and begin the sentence by striking "t" and replacing it with "T".

On page 3, strike lines 17 through 22.

On page 9, strike lines 11-16 and replace with the following:

(b) An employer who commits an offense under this section may be assessed a civil penalty in an amount equal to two percent of wages as defined in Subchapter F, Chapter 201, Labor Code for the year during which the violation occurred and for the three years following that year.

On page 9, line 17, strike "an" and replace with "the".

Amendment No. 1 was adopted.

**HB 3250**, 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.)

### **POSTPONED BUSINESS**

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

#### **HB 201 ON THIRD 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. (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 846 - RECOMMITTED**

Representative Flynn moved to recommit **HB 846** to the Committee on Financial Institutions.

The motion prevailed.

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Pitts requested permission for the conference committee on **SB 1** to meet while the house is in session for the remainder of the session.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

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

**FIVE DAY POSTING RULE SUSPENDED**

Representative Hodge moved to suspend the five day posting rule to allow the Committee on Criminal Jurisprudence, Subcommittee on Procedure, to consider **HB 277**, **HB 838**, and **HB 2754** at 2 p.m. or upon adjournment Monday, April 18, in E2.030.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Criminal Jurisprudence, Subcommittee on Procedure, 2 p.m. or upon adjournment Monday, April 18, E2.030, for a public hearing, to consider **HB 277**, **HB 838**, and **HB 2754**.

**FIVE DAY POSTING RULE SUSPENDED**

Representative McReynolds moved to suspend the five day posting rule to allow the Committee on Public Health, Subcommittee on **HB 2706**, to consider **HB 2706** at 2:30 p.m. or upon adjournment on Monday, April 18, in E2.028.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Health, Subcommittee on **HB 2706**, 2:30 p.m. or upon adjournment Monday, April 18, E2.028, for a public hearing, to consider **HB 2706**.

**PROVIDING FOR ADJOURNMENT**

Representative Dukes moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, April 18 in memory of Boyd Vance of Austin.

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.)

(Delisi in the chair)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 3:17 p.m., adjourned until 10 a.m. Monday, April 18.

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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**

**HR 1165** (By Alonzo), Welcoming students from W. H. Adamson High School to the State Capitol.

To Rules and Resolutions.

**HR 1169** (By Gonzales), Honoring Belinda Cowan on the occasion of her retirement as executive director of the McAllen Boys & Girls Club and for her wide-ranging contributions to her community.

To Rules and Resolutions.

**HR 1170** (By Farrar), In memory of Ana Maria Rodriguez de Lopez of Houston.

To Rules and Resolutions.

**HR 1171** (By Farabee, et al.), Honoring the Texas Alliance of Energy Producers on its 75th anniversary.

To Rules and Resolutions.

**HR 1174** (By Hughes), Honoring retired Lieutenant Colonel Lester Dale Griffith and Joyce Garrett Griffith of Mineola on their 50th wedding anniversary.

To Rules and Resolutions.

**HR 1175** (By Hughes), Honoring the Mineola Memorial Library on the 55th anniversary of its founding.

To Rules and Resolutions.

**HR 1176** (By Hughes), Honoring Julia Odom of Gladewater on her 110th birthday.

To Rules and Resolutions.

**HR 1180** (By Gallego), Congratulating the Monahans High School Lady Lobes volleyball team for winning the UIL 3A state championship.

To Rules and Resolutions.

**HR 1182** (By Seaman), In memory of U.S. Army Private First Class Danny Lamar Anderson of Corpus Christi.

To Rules and Resolutions.

**HR 1184** (By Farabee), Congratulating Bailey Gann of Wichita County on winning the Reserve Champion Lightweight Junior Market Goat prize at the Houston Livestock Show.

To Rules and Resolutions.

**HR 1185** (By Solis), Honoring Jim and Mary King of Brownsville on their 50th anniversary.

To Rules and Resolutions.

**HR 1186** (By Solis), In memory of the Honorable Adolfo G. Betancourt, Sr., of Cameron County.

To Rules and Resolutions.

**HR 1187** (By Solis), Honoring San Benito's veterans of Operation Iraqi Freedom.

To Rules and Resolutions.

**SB 40** to Human Services.

**SB 101** to Defense Affairs and State-Federal Relations.

**SB 274** to Public Education.

**SB 481** to Criminal Jurisprudence.

**SB 566** to Public Health.

**SB 572** to State Affairs.

**SB 690** to State Affairs.

**SB 691** to Public Health.

**SB 695** to Corrections.

**SB 730** to Higher Education.

**SB 742** to Business and Industry.

**SB 848** to Land and Resource Management.

**SB 872** to Public Health.

**SB 882** to Human Services.

**SB 1001** to Public Health.

**SB 1479** to Financial Institutions.

**SCR 28** to Rules and Resolutions.

**SJR 14** to County Affairs.

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

**HB 1202** (By West), Relating to severance tax credits for continued production from marginal gas and oil wells.

To Energy Resources.

#### MESSAGES FROM THE SENATE

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

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Thursday, April 14, 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:

**HCR 10** Uresti SPONSOR: Van de Putte  
Declaring April Child Abuse Prevention Month in Texas.

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 13**

Criminal Jurisprudence - **HB 126, HB 904, HB 1601**

Culture, Recreation, and Tourism - **HB 506, HB 883, HB 943, HB 1011, HB 1959, HB 2024, HB 2032, HB 2208, HB 2555, HB 2900, HB 2940, HCR 71, HCR 93**

Economic Development - **HB 568, HB 720, HB 1188, HB 1253, HB 1659, HB 1745, HB 1937, HB 2961, HB 2962, HJR 80**

Energy Resources - **HB 2161**

Environmental Regulation - **HB 1987, HB 2481**

Judiciary - **HB 2174, HB 3199, HB 3481, HB 3489, SB 348**

Law Enforcement - **HB 808, HB 1081, HB 1589, HB 1688, HB 1695, HB 3353, SB 217**

Natural Resources - **HB 2267**

Public Education - **HB 4, HB 283, HB 316, HB 492, HB 603, HB 1476**

Public Health - **HB 120, HB 1752**

Regulated Industries - **HB 412, HB 1567, HB 2553, HB 3460**

Transportation - **HB 1882**

Urban Affairs - **HB 1167, HB 1956, HB 2892**

**ENGROSSED**

**April 13 - HB 150, HB 307, HB 341, HB 607, HB 617, HB 655, HB 765, HB 835, HB 962, HB 1007, HB 1071, HB 1130, HB 1271, HB 1503, HB 1815, HB 2097, HB 2129**

**ENROLLED**

**April 13 - HCR 87**

**SENT TO THE GOVERNOR**

**April 13 - HCR 8**