

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTIETH DAY — MONDAY, APRIL 18, 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 299).

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; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

The invocation was offered by Tim Harper, youth minister, Emmanuel Baptist Church, Terrell, as follows:

In a book I am reading, the dedication says, "before you were born, God planned this moment for you," as I believe he has for each of you. You are here for a purpose. Let us pray.

Most gracious Heavenly Father, I come before you to thank you for the men and women who have been charged with the duty of managing our great state. And I ask for your guidance in the decisions that are to be made in this place. May you bless the diligence with which each member commits themselves.

Father, thank you for the freedom we enjoy and the freedom to have a representative form of government in which countless men and women, unaware of the hard work and long hours of the representatives, can be confident that their voice is being heard.

Father, I thank you for blessing me. Thank you for blessing the great State of Texas, and thank you for blessing the United States of America. I pray this in the name of my Lord and Savior, Jesus Christ. Amen.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

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. 28).

CAPITOL PHYSICIAN

The speaker recognized Representative Chisum who presented Dr. Tony Hedges of Littlefield as the "Doctor for the Day."

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

HB 1771 - RECOMMITTED

Representative Delisi moved to recommit **HB 1771** to the Committee on Public Health.

The motion prevailed.

HR 46 - ADOPTED

(by Callegari and Eiland)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 46**.

The motion prevailed.

The following resolution was laid before the house:

HR 46, Honoring the life of Dr. Michael Patrick O'Malley.

HR 46 was read and was unanimously adopted by a rising vote.

On motion of Representative Riddle, the names of all the members of the house were added to **HR 46** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Callegari who introduced the family of Dr. Michael Patrick O'Malley.

HR 996 - ADOPTED
(by Hope)

Representative Hope moved to suspend all necessary rules to take up and consider at this time **HR 996**.

The motion prevailed.

The following resolution was laid before the house:

HR 996, Recognizing April 18, 2005, as Conroe Day at the State Capitol.

HR 996 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Hope who introduced a delegation from Conroe.

(Otto in the chair)

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).

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today and the remainder of the week because of a family emergency:

Olivo on motion of M. Noriega.

HR 1170 - ADOPTED
(by Farrar)

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 1170**.

The motion prevailed.

The following resolution was laid before the house:

HR 1170, In memory of Ana Maria Rodriguez de Lopez of Houston.

HR 1170 was read and was unanimously adopted by a rising vote.

(Speaker in the chair)

INTRODUCTION OF GUESTS

The speaker recognized Representative Eissler who introduced the 2005-2006 Bluebonnet Queen, Kathryn Patricia Beal, her parents, Cliffy and B.J. Beal, and her grandparents, Barry and Nancy Beal and Watson and Patty LaFour.

POSTPONED BUSINESS

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

CSSB 217 ON SECOND READING
(Driver - House Sponsor)

CSSB 217, A bill to be entitled An Act relating to reporting the outcome of alcohol and drug tests of holders of commercial driver's licenses.

CSSB 217 was considered in lieu of **CSHB 807**.

CSSB 217 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 807 - LAID ON THE TABLE SUBJECT TO CALL

Representative Driver moved to lay **CSHB 807** on the table subject to call.

The motion prevailed.

CSHB 1364 ON SECOND READING
(by Mowery, Hupp, Hardcastle, McReynolds, Geren, et al.)

CSHB 1364, A bill to be entitled An Act relating to municipal regulation of the discharge of firearms and certain other weapons.

CSHB 1364 was read second time on April 4, postponed until April 11, and was again postponed until 10 a.m. today.

Representative Mowery moved to postpone consideration of **CSHB 1364** until 10 a.m. April 20.

The motion prevailed.

HB 1041 ON SECOND READING
(by Gattis, et al.)

HB 1041, A bill to be entitled An Act relating to vacancies on municipal utility district boards.

HB 1041 was read second time on April 11 and was postponed until 10 a.m. today.

Representative Gattis moved to postpone consideration of **HB 1041** until 10 a.m. April 21.

The motion prevailed.

HB 1284 ON SECOND READING
(by Swinford)

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

HB 1284 was read second time on March 17, postponed until March 30, postponed until April 12, and was again postponed until 10 a.m. today.

Representative Chisum moved to postpone consideration of **HB 1284** until 10 a.m. April 20.

The motion prevailed.

SB 581 ON SECOND READING
(Corte - House Sponsor)

SB 581, A bill to be entitled An Act relating to the powers and duties of the Veterans' Land Board.

SB 581 was considered in lieu of **CSHB 1057**.

SB 581 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1057 - LAID ON THE TABLE SUBJECT TO CALL

Representative Corte moved to lay **CSHB 1057** on the table subject to call.

The motion prevailed.

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.

HB 2392 was read second time on April 13 and was postponed until 10 a.m. today.

HB 2392 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.

CSHB 3016 was read second time on April 13 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Van Arsdale offered the following amendment to **CSHB 3016**:

Amend **CSHB 3016** on page 1, line 8, by striking "shall exclude" and substituting "may not exclude".

Amendment No. 1 - Point of Order

Representative Chisum raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 3 of the House Rules on the grounds that the amendment changes the original purpose of the bill.

The speaker overruled the point of order.

Representative Hill moved to table Amendment No. 1.

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 1 and the vote was announced yeas 72, nays 73.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 300): 68 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Allen, R.; Alonzo; Blake; Burnam; Campbell; Casteel; Castro; Chavez; Chisum; Corte; Delisi; Deshotel; Driver; Dunnam; Eissler; Farabee; Farrar; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hamilton; Hardcastle; Hegar; Herrero; Hill; Hodge; Homer; Hopson; Hunter; Jackson; Jones, D.; Jones, J.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Luna; Martinez Fischer; McClendon; McReynolds; Morrison; Mowery; Naishtat; Pickett; Puente; Quintanilla; Raymond; Ritter; Rose; Seaman; Smith, T.; Strama; Straus; Swinford; Thompson; Turner; Uresti; Veasey; Villarreal.

Nays — Allen, A.; Anchia; Anderson; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Denny; Dutton; Edwards; Escobar; Flynn; Frost; Gattis; Grusendorf; Hamric; Harper-Brown; Hartnett; Hochberg; Hope; Howard; Hughes; Hupp; Isett; Keel; Keffer, B.; Laubenberg; Leibowitz; Madden; Martinez; McCall; Merritt; Miller; Moreno, P.; Nixon; Noriega, M.; Orr; Otto; Paxton; Peña; Phillips; Pitts; Reyna; Riddle; Smith, W.; Smithee; Solomons; Talton; Taylor; Truitt; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Olivo.

Absent — Bailey; Coleman; Davis, Y.; Dukes; Eiland; Elkins; Flores; Hilderbran; Kolkhorst; Menendez; Moreno, J.; Oliveira; Rodriguez; Solis.

STATEMENT OF VOTE

I was shown voting no on Record No. 300. I intended to vote yes.

Martinez

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

LEAVES OF ABSENCE GRANTED

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

Flores on motion of McClendon.

Solis on motion of Uresti.

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

Dukes on motion of McClendon.

Elkins on motion of Merritt.

Y. Davis on motion of Thompson.

Kolkhorst on motion of Geren.

The following members were granted leaves of absence temporarily for today because of important business:

Hilderbran on motion of Corte.

Eiland on motion of McCall.

CSHB 3016 - (consideration continued)

CSHB 3016 - POINT OF ORDER

Representative Van Arsdale raised a point of order against further consideration of **CSHB 3016** under Rule 11, Sections 1 and 3 of the House Rules on the grounds that it violates the order of adoption of amendments.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Health, upon lunch recess today, Desk 39, for a formal meeting, to consider **HB 1771**.

FIVE DAY POSTING RULE SUSPENDED

Representative Solomons moved to suspend the five day posting rule to allow the Committee on Financial Institutions to consider **HB 846** at 2 p.m. or upon adjournment today in E2.012.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Civil Practices, upon lunch recess today, Desk 57, for a formal meeting, to consider pending business.

FIVE DAY POSTING RULE SUSPENDED

Representative Mowery moved to suspend the five day posting rule to allow the Committee on Land and Resource Management to consider **HB 1812** at 8 a.m. April 21 in E2.014.

The motion prevailed.

RECESS

At 11:31 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.

(Kolkhorst and Hilderbran now present)

CSHB 3016 - (pending business)

A point of order against further consideration of **CSHB 3016** was pending prior to lunch recess.

The speaker overruled the point of order, and had read the following statement:

Representative Van Arsdale raises two points of order against **HB 3160**. First, Representative Van Arsdale argues that the bill violates Rule 11, Section 1, in that the several committee amendments were adopted before the committee substitute to the bill was adopted. Second, Representative Van Arsdale argues that the committee substitute that was adopted by the committee changed the original purpose of the bill. The chair overrules both points of order for the following reasons.

The March 31, 2005, minutes indicate that the House Committee on Local Government Ways and Means laid out the committee substitute to **HB 3160** and took an amendment before the committee substitute was adopted.

A committee substitute that is laid out functions as an amendment for purposes of the House Rules. Under our procedures, it is an acceptable, though unusual, practice to take amendments to a substitute prior to adopting the substitute and passing it out of committee. This process is similar to the process that is followed on the house floor in which amendments are taken, followed by amendments to the amendments, and then the original amendment subsequently adopted.

A similar issue arose in 1995 in which a point of order was raised against **HB 1711**, and it was argued that amendments to a bill were adopted during the first committee hearing on the bill and that a complete substitute was adopted during a subsequent committee hearing on the bill. The chair overruled the point of order finding that, in effect, the committee's action in adopting the substitute had overridden the committee's action in adopting the amendment. (See 75 H. J. Regular Session 2519).

Representative Van Arsdale also argues that the changes to **HB 3016** made in committee changed the original purpose of the bill in violation of Rule 11, Section 3, House Rules.

In this instance, the purpose of **HB 3016** is to limit tax liability. Under current law, property that is in the state temporarily is not subject to taxation. The bill as filed extended this tax exemption to drug supplies maintained for less than 60 days. The committee substitute narrowed the exemption to instances where the drugs were needed for "public health demands, emergency treatment, or similar health care needs" and restricted the classes of wholesalers who would be entitled to the exemption. Although the substitute limited the entities that could take advantage of the exemption, it did not change the original purpose of the bill.

Therefore, the points of order are respectfully overruled.

LEAVES OF ABSENCE GRANTED

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

Delisi on motion of T. King.

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

Bailey on motion of Phillips.

CSHB 3016 - (consideration continued)

Amendment No. 2

Representative Talton offered the following amendment to **CSHB 3016**:

Amend **CSHB 3016** on page 1, lines 16-17, by striking "emergency treatment, or similar health care needs" and substituting "or emergency treatment".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Taylor offered the following amendment to **CSHB 3016**:

Amend **CSHB 3016** on page 1, lines 16-17, by striking "public health demands, emergency treatment, or similar health care needs" and substituting "general public health care emergency needs".

Amendment No. 3 was withdrawn.

(Y. Davis now present)

Amendment No. 2 - Vote Reconsidered

Representative Talton moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

Amendment No. 2 was withdrawn.

Amendment No. 4

Representative Taylor offered the following amendment to **CSHB 3016**:

Amend **CSHB 3016** on page 1, lines 16-17, by striking "public health demands, emergency treatment, or similar health care needs" and substituting "general public health care emergency needs".

(Swinford in the chair)

AMENDMENT NO. 4 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE TAYLOR: Mr. Speaker, members. Like I said earlier, this is a draft that defines what was already in the bill to be general public health care emergency needs, to address the type of needs that the author of the bill had spoken of earlier.

REPRESENTATIVE HILL: Mr. Taylor, can you explain to the body the term general public health care emergency needs? What do you see that as?

TAYLOR: Well, first of all, if I could talk about the way it was drafted, it said health demands and I felt like that was too broad because that kind of included anything in the world would be a public health demand—Pepto-Bismol, aspirin,

etc. So I wanted to define it to include things that a pharmaceutical distributor would hold as a resource for the large scale type things—the anthrax, the small pox, maybe a potential virus of some sort. It's a general thing—more of a broad area of the population would be affected by this. They need to have large amounts of this so they can hold and reserve.

HILL: Would you acknowledge that it would deal with anything that dealt with a natural disaster?

TAYLOR: Yes. Sure.

HILL: Flu epidemics or any of those kinds of things, biological attacks or anything of that nature.

TAYLOR: Right, I was trying to come up with the wording, and that's why I came up with general. It's not just one person having a health care emergency. It would be a general health care emergency of the type you're talking about—a hurricane, a tornado, etc.

HILL: Thank you.

TAYLOR: And, members, I think the amendment is acceptable to the author.

REPRESENTATIVE GATTIS: I have some concerns with the word general, but I think we've kind of lined some of those out. What you're talking about is real disaster emergency issues.

TAYLOR: Exactly, not just an individual showing up with an emergency.

GATTIS: That's not going to include that allergy season is approaching so we need a lot of allergy medicine on store—those types of things. We're talking about natural disaster or terrorist attacks.

TAYLOR: I don't think that would qualify as an emergency.

GATTIS: Those types of things we're talking about—natural disaster or terrorist attacks.

TAYLOR: Yes, sir.

REMARKS ORDERED PRINTED

Representative Gattis moved to print remarks between Representative Taylor and Representative Hill and Representative Taylor and Representative Gattis.

The motion prevailed.

Amendment No. 4 was adopted.

A record vote was requested.

CSHB 3016, as amended, was passed to engrossment by (Record 301): 84 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Allen, R.; Alonzo; Anderson; Baxter; Blake; Branch; Burnam; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Davis, Y.; Denny; Deshotel; Driver; Dunnam; Dutton; Eissler; Farabee; Frost; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Griggs; Grusendorf; Guillen;

Haggerty; Hamilton; Hardcastle; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Hunter; Jackson; Jones, D.; Jones, J.; Keel; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Morrison; Mowery; Naishtat; Orr; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rose; Smith, T.; Solomons; Swinford(C); Thompson; Truitt; Turner; Uresti; Veasey; Villarreal; Vo; Wong.

Nays — Allen, A.; Anchia; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Crabb; Crownover; Davis, J.; Dawson; Escobar; Farrar; Flynn; Gattis; Goolsby; Hamric; Harper-Brown; Hartnett; Hochberg; Howard; Hughes; Hupp; Isett; Keffer, B.; Kolkhorst; Leibowitz; Miller; Moreno, J.; Moreno, P.; Noriega, M.; Otto; Paxton; Phillips; Pitts; Riddle; Smith, W.; Smithee; Strama; Straus; Talton; Taylor; Van Arsdale; West; Woolley; Zedler.

Present, not voting — Mr. Speaker; Nixon.

Absent, Excused — Bailey; Delisi; Dukes; Eiland; Elkins; Flores; Olivo; Solis.

Absent — Castro; Chavez; Coleman; Edwards; Gallego; Herrero; Oliveira; Rodriguez; Seaman.

STATEMENTS OF VOTE

When Record No. 301 was taken, I was temporarily out of the house chamber. I would have voted yes.

Dukes

When Record No. 301 was taken, I was temporarily out of the house chamber meeting with constituents from Del Rio regarding water district legislation. I would have voted yes.

Gallego

When Record No. 301 was taken, I was in the house but away from my desk. I would have voted no.

Herrero

When Record No. 301 was taken, I was absent because I was not on the floor. Had I been present I would have voted yes.

Seaman

I was shown voting no on Record No. 301. I intended to vote yes.

Strama

I was shown voting no on Record No. 301. I intended to vote yes.

Straus

I was shown voting yes on Record No. 301. I intended to vote no.

Wong

(Dukes now present)

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 135 ON THIRD READING
(by Solomons and Jackson)**

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

HB 135 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 248 ON THIRD READING
(by Goodman)**

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

A record vote was requested.

HB 248 was passed by (Record 302): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Escobar; Farabee; Farrar; 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.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Nixon; Noriega, M.; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Bailey; Delisi; Eiland; Elkins; Flores; Olivo; Solis.

Absent — Castro; Coleman; Keel; Martinez; Naishtat; Oliveira; Rodriguez.

STATEMENT OF VOTE

When Record No. 302 was taken, my vote failed to register. I would have voted yes.

Keel

HB 291 ON THIRD READING

(by Goolsby)

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

HB 291 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 649 ON THIRD 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.

A record vote was requested.

HB 649 was passed by (Record 303): 126 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eissler; Escobar; Farabee; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; 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; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Baxter; Farrar; Herrero; Hodge; Keel; Leibowitz; Noriega, M.

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

Absent, Excused — Bailey; Delisi; Eiland; Elkins; Flores; Olivo; Solis.

Absent — Castro; Chavez; Coleman; Driver; Martinez Fischer; Oliveira; Rodriguez; Strama.

STATEMENT OF VOTE

When Record No. 303 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

HB 1126 ON THIRD 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.

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

HB 1185 ON THIRD 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.

HB 1185 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 2191 ON THIRD 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 Wong offered the following amendment to **HB 2191**:

Amend **HB 2191** on third reading as follows:

(1) strike SECTIONS 1 and 2 of the bill and substitute the following:

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

Sec. 552.147. EXCEPTION: SOCIAL SECURITY NUMBER OF LIVING PERSON. (a) The social security number of a living person is excepted from the requirements of Section 552.021.

(b) 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.

(2) renumber SECTIONS of the bill appropriately.

Amendment No. 1 was adopted.

(Elkins now present)

A record vote was requested.

HB 2191, as amended, was passed by (Record 304): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Escobar; Farabee; Farrar; 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; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Strama; Straus; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Bailey; Delisi; Eiland; Flores; Olivo; Solis.

Absent — Burnam; Hardcastle; Oliveira; Rodriguez; Smithee.

STATEMENTS OF VOTE

When Record No. 304 was taken, I was in the house but away from my desk. I would have voted yes.

Burnam

When Record No. 304 was taken, I was in the house but away from my desk. I would have voted yes.

Smithee

HB 2382 ON THIRD READING (by Hegar)

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

A record vote was requested.

HB 2382 was passed by (Record 305): 136 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; 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.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — King, T.

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

Absent, Excused — Bailey; Delisi; Eiland; Flores; Olivo; Solis.

Absent — Burnam; Denny; Gattis; Oliveira; Rodriguez.

STATEMENT OF VOTE

When Record No. 305 was taken, I was in the house but away from my desk. I would have voted yes.

Burnam

HB 3250 ON THIRD 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.

HB 3250 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:

CSHB 1015 ON SECOND READING
(by Truitt, Solomons, and Hamric)

CSHB 1015, A bill to be entitled An Act relating to the continuation and functions of the Texas State Board of Examiners of Psychologists.

(Speaker in the chair)

CSHB 1015 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 1155 ON SECOND READING
(by Truitt, Solomons, and Hamric)

HB 1155, A bill to be entitled An Act relating to the continuation and functions of the Texas State Board of Examiners of Dietitians.

HB 1155 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 1435 ON SECOND READING
(by Hamric, Solomons, Truitt, and Dunnam)

HB 1435, A bill to be entitled An Act relating to the administration and functions of the Texas State Board of Podiatric Medical Examiners.

Representative Hamric moved to postpone consideration of **HB 1435** until 10 a.m. April 25.

The motion prevailed.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 5).

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

HB 56 ON SECOND READING
(by Denny)

HB 56, A bill to be entitled An Act relating to the offense of tampering with a direct recording electronic voting machine; providing criminal penalties.

Amendment No. 1

Representatives Hochberg and Thompson offered the following amendment to **HB 56**:

Amend **HB 56** as follows:

- (1) On page 1, line 13, strike the colon.
- (2) On page 1, line 14, strike "(1)".
- (3) On page 1, line 18, strike "(A)" and substitute "(1)".
- (4) On page 1, line 19, strike "(B)" and substitute "(2)".
- (5) On page 1, line 21, strike "(C)" and substitute "(3)".
- (6) On page 1, line 23, strike "(D)" and substitute "(4)".
- (7) On page 1, line 24, strike "; and" and substitute a period.
- (8) Strike the language on page 2 of the bill and on page 3, lines 1 and 2.
- (9) On page 3, line 3, strike "(d)" and substitute "(c)".
- (10) On page 3, line 5, strike "(b)(1)" and substitute "(b)".
- (11) On page 3, line 7, strike "(e)" and substitute "(d)".
- (12) On page 3, line 9, strike "(f)" and substitute "(e)".

Amendment No. 1 was adopted.

HB 56, 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 57 ON SECOND READING

(by Denny)

CSHB 57, A bill to be entitled An Act relating to the dates on which elections may be held and certain procedures involving the uniform election held in May.

CSHB 57 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: Truitt recorded voting no.)

(P. King in the chair)

HB 311 ON SECOND READING

(by McReynolds)

HB 311, A bill to be entitled An Act relating to the prosecution and punishment of the offense of making a false report to a peace officer or law enforcement employee.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Veasey, Representative McReynolds offered the following committee amendment to **HB 311**:

Amend **HB 311** in SECTION 1 of the bill by striking proposed Section 37.08(d), Penal Code, and substituting the following:

(d) [(e)] An offense under Subsection (a) is a Class A misdemeanor. An offense under Subsection (b) [this section] is a Class B misdemeanor.

Amendment No. 1 was adopted.

HB 311, 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 348 ON SECOND READING
(by Chisum)

HB 348, A bill to be entitled An Act relating to limiting the authority of a property owner to erect a gate on certain third-class and neighborhood roads.

HB 348 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 383 ON SECOND READING
(by Dutton, et al.)

HB 383, A bill to be entitled An Act relating to the right of certain persons to discipline a child.

Amendment No. 1

Representative Dutton offered the following amendment to **HB 383**:

Amend **HB 383** by striking page 1, lines 6-8, and substituting the following:

(e) Only the following persons may use corporal punishment for the reasonable discipline of a child:

(1) a parent of the child;

(2) a stepparent of the child who has the duty of control and reasonable discipline of the child; and

(3) an individual who is a guardian of the child and who has the duty of control and reasonable discipline of the child.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE TALTON: Representative Dutton, let me make sure—when you put the amendment on, will that amendment prohibit teachers from using corporal punishment on the kids in public and private schools?

REPRESENTATIVE DUTTON: I believe that the current law actually prohibits that. What this amendment does is simply make it a little bit more clearer that those people do not have standing in order to do that.

TALTON: I thought, right now, that the law is whatever that school decides on their policy.

DUTTON: I'm sorry. I couldn't understand you.

TALTON: I think current law is that each school district decides their own policy regarding corporal punishment, isn't that what current law is?

DUTTON: Well, but they have to have permission from the parent.

TALTON: Right, and your bill will make it so that not even with permission from the parent, they will not be able to do that, is that correct?

DUTTON: No, still it doesn't take that away.

TALTON: Okay, let me make sure that I understand, so if the parents give permission to do corporal punishment in either a public or private school then they can still do that?

DUTTON: Yes, under the amendment, that is correct.

TALTON: Okay.

Amendment No. 1 was adopted.

REMARKS ORDERED PRINTED

Representative Talton moved to print remarks between Representative Dutton and Representative Talton.

The motion prevailed.

HB 383, 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: Frost and M. Noriega recorded voting no.)

CSHB 571 ON SECOND READING (by Hegar and Howard)

CSHB 571, A bill to be entitled An Act relating to the establishment of auxiliary county facilities in the unincorporated area of a county.

CSHB 571 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 634 ON SECOND READING (by Baxter, Rose, et al.)

CSHB 634, A bill to be entitled An Act relating to requiring public officials to receive training in the requirements of the open meetings and public information laws.

Representative Baxter moved to postpone consideration of **CSHB 634** until 10 a.m. April 25.

The motion prevailed.

(Speaker in the chair)

HB 678 ON SECOND READING (by Goodman)

HB 678, A bill to be entitled An Act relating to the accrual of interest on overdue child support.

HB 678 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: Castro recorded voting no.)

CSHB 758 ON SECOND READING
(by Denny, Rodriguez, and Hegar)

CSHB 758, A bill to be entitled An Act relating to a pilot program allowing for countywide voting locations in certain elections.

(Goodman in the chair)

Amendment No. 1

Representative Bohac offered the following amendment to **CSHB 758**:

Amend **CSHB 758** as follows:

1. In SECTION 1, amend Section 43.007 by inserting new section (c) after line 19:

(c) In conducting the pilot program, the secretary of state shall provide for an audit of the Direct Recording Electronic voting units before and after the election, and during the election to the extent such an audit is practicable.

2. Renumber the subsequent subsections accordingly.

Amendment No. 1 was adopted.

CSHB 758, 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 856 ON SECOND READING
(by Callegari)

CSHB 856, A bill to be entitled An Act relating to the general powers, authority, and directors of the West Harris County Regional Water Authority.

CSHB 856 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 878 ON SECOND READING
(by Talton)

HB 878, A bill to be entitled An Act relating to the placement of public school students who engage in conduct that contains the elements of certain sexual offenses.

Amendment No. 1

Representative Farrar offered the following amendment to **HB 878**:

Amend **HB 878** by creating Subsection (a) and adding Subsection (b) as follows:

Sec. 37.0071. (a) RESTRICTING PLACEMENT OF STUDENTS WHO ENGAGE IN CERTAIN CONDUCT. ~~Notwithstanding any other provision of this subchapter~~ Except as provided by Subsection (b), and without regard to whether the following conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property, as student may not be placed in a regular classroom or on a regular campus while the student is enrolled in a school district in this state if the student:

(1) has been adjudicated under Section 54.03, Family Code, as having engaged in conduct that contains the elements of the offense of:

(A) indecency with a child under Section 21.11, Penal Code;

(B) sexual assault under Section 22.011, Penal Code; or

(C) aggravated sexual assault under Section 22.021, Penal Code;

(2) has been placed on deferred prosecution under Section 53.03, Family Code, for conduct that contains the elements of an offense specified under Subdivision (1); or

(3) has been placed on probation under Section 54.04(d)(1), Family Code, for conduct that contains the elements of an offense specified under Subdivision (1).

(b) The principal of the campus to which the student would be assigned if they had not been displaced under Subdivision (1) may decide to admit the student to the regular campus and place them in a regular classroom if the student receives counseling from a licensed professional counselor while enrolled in the school district and the principal reasonably believes the student will not be a threat to the other students at the campus.

Amendment No. 1 was withdrawn.

Representative Talton moved to postpone consideration of **HB 878** until the end of today's calendar.

The motion prevailed.

HB 942 ON SECOND READING (by Geren)

HB 942, A bill to be entitled An Act relating to the registration of antique boats with the Parks and Wildlife Department.

HB 942 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 1088 ON SECOND READING (by Thompson)

CSHB 1088, A bill to be entitled An Act relating to an automobile club membership offered in connection with a loan.

CSHB 1088 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. Rose recorded voting no.)

HB 1215 ON SECOND READING

(by Morrison)

HB 1215, A bill to be entitled An Act relating to the degree programs offered by the University of Houston-Victoria.

HB 1215 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 1262 ON SECOND READING

(by Farabee)

HB 1262, A bill to be entitled An Act relating to the collection and dissemination by the Department of Public Safety of information relating to certain threats against detention officers.

HB 1262 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 1304 ON SECOND READING

(by Wong)

CSHB 1304, A bill to be entitled An Act relating to sanitation requirements for certain barbering and cosmetology services.

A record vote was requested.

CSHB 1304 was passed to engrossment by (Record 306): 121 Yeas, 14 Nays, 3 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Baxter; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; Escobar; Farabee; Farrar; Flynn; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Griggs; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Herrero; Hill; Hochberg; Homer; Hope; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laney; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Orr; Otto; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna;

Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Anderson; Corte; Frost; Guillen; Hamilton; Harper-Brown; Hegar; Hilderbran; Hodge; Hopson; Jackson; King, T.; Kolkhorst; Laubenberg.

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

Absent, Excused — Bailey; Delisi; Eiland; Flores; Olivo; Solis.

Absent — Bonnen; Campbell; Howard; Merritt; Oliveira; Peña.

STATEMENT OF VOTE

I was shown voting yes on Record No. 306. I intended to vote no.

Hupp

HB 1347 ON SECOND READING

(by Isett)

HB 1347, A bill to be entitled An Act relating to the power of a local authority to enforce compliance with a traffic-control signal on a highway under its jurisdiction by a photographic traffic signal enforcement system.

HB 1347 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: Driver, Harper-Brown, Hill, Jackson, D. Jones, Madden, McCall, and Wong recorded voting no.)

CSHB 1457 ON SECOND READING

(by Delisi)

CSHB 1457, A bill to be entitled An Act relating to drug compounding by a pharmacy for a practitioner's office use and to distribution of compounded and prepackaged drugs to pharmacies under common ownership.

Representative Laubenberg moved to postpone consideration of **CSHB 1457** until 10 a.m. April 25.

The motion prevailed.

HB 1685 ON SECOND READING

(by Dukes)

HB 1685, A bill to be entitled An Act relating to the establishment of an interagency coordinating council for the prevention of child abuse and neglect.

Amendment No. 1

Representative Dukes offered the following amendment to **HB 1685**:

Amend **HB 1685** as follows:

(1) On page 1, line 13, between "prevention of" and "child abuse", insert "and early intervention in".

(2) On page 2, line 1, strike "and".

(3) On page 2, line 2, strike the period and substitute "; and".

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

(10) the Texas Department of Housing and Community Affairs.

(5) On page 2, line 16, between "prevention" and "policies", insert "and early intervention".

(6) On page 2, line 22, between "prevention" and "programs", insert "and early intervention".

Amendment No. 1 was adopted.

HB 1685, 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: Flynn and Zedler recorded voting no.)

HB 2131 ON SECOND READING

(by Phillips and Hardcastle)

HB 2131, A bill to be entitled An Act relating to the demonstration of financial assurance by a local government in relation to the operation of a municipal solid waste landfill facility.

HB 2131 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.)

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).

(Speaker in the chair)

HB 2194 ON SECOND READING

(by Madden)

HB 2194, A bill to be entitled An Act relating to the review of the results of competency examinations in criminal cases by the Texas Correctional Office on Offenders with Medical or Mental Impairments.

HB 2194 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 2199 ON SECOND READING

(by Madden)

HB 2199, A bill to be entitled An Act relating to the salaries of a county elections administrator and the administrator's employees.

HB 2199 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 2274 ON SECOND READING

(by B. Cook)

HB 2274, A bill to be entitled An Act relating to the continuation and functions of the Texas Guaranteed Student Loan Corporation.

HB 2274 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 2405 ON SECOND READING

(by Keel)

HB 2405, A bill to be entitled An Act relating to prohibiting a person not entitled to receive an early voting ballot by mail from casting that ballot; providing a criminal penalty.

Amendment No. 1

Representative Keel offered the following amendment to **HB 2405**:

Amend **HB 2405** (committee printing) on page 1 by striking lines 13-16 and substituting the following:

(g) A person commits an offense if, with the intent that an unlawful ballot be cast, the person returns a marked early voting ballot by mail as provided by Section 86.006 with the knowledge that the ballot is from a person who is not entitled to receive an early voting ballot to be voted by mail. An offense under this subsection is a Class B misdemeanor.

Amendment No. 1 was adopted.

Amendment No. 2

Representative J. Jones offered the following amendment to **HB 2405**:

Amend **HB 2405** by adding the following appropriately numbered section and by renumbering the remaining sections as appropriate:

SECTION ____ . Section 86.002, Election Code, is amended by adding Subsection (h) to read as follows:

(h) The clerk shall include with the balloting materials a notice in a form prescribed by the secretary of state:

(1) informing the voter of the categories of persons who are eligible to vote by mail; and

(2) stating that the voter should not cast the ballot unless the voter or a person authorized by this code to assist the voter requested the ballot.

Amendment No. 2 was adopted.

Representative Keel moved to postpone consideration of **HB 2405** until 11 a.m. tomorrow.

The motion prevailed.

CSHB 2650 ON SECOND READING
(by Krusee)

CSHB 2650, A bill to be entitled An Act relating to local government participation in the financing of turnpike projects.

(Morrison in the chair)

CSHB 2650 - DEBATE

REPRESENTATIVE PICKETT: Mr. Krusee, I appreciate the dialogue we had last week and here again is a bill that I am concerned about that has to do with tolls. This particular one that you bring before us, it says, is to allow a local government to enter into agreement, I guess with TxDOT, for a percentage of the revenue. What do you perceive a percentage of the revenue to be and, if this is something that TxDOT is going to negotiate, how do we know what that percentage is going to be?

REPRESENTATIVE KRUSEE: What I would assume, for example, is when TxDOT or RMA is building a road, comes to your city or county and they say, You know what, this road is going to cost a billion dollars and we don't have a billion dollars. If you would pay 200 million in right-of-way costs, then we'll build it. And so your city and your county are routinely passing bonds backed by their property taxes to provide right-of-way costs for building roads. And so that money goes into your property taxes and your property taxes go up to pay for that road, and you pay off that money for the next twenty-some-odd years. Well, if it's a turnpike, that is a revenue generating road, and so I thought there was an opportunity for the city and the county and your taxpayers to be paid back for the money they invest in the road. That's what this is about.

PICKETT: But this doesn't say that the percentage that the city or county is going to receive is going to go back into that toll project.

KRUSEE: No. The city or the county would put money into the road, they would give it to TxDOT—We're going to help you build this road, and what TxDOT can do is say, We'll negotiate to pay you back over time. So that you get all your money back, and then when it comes time 20 years down the line to build the next road, you don't have to issue bonds anymore, you don't have to increase taxes next time.

PICKETT: But what is the city or the county going to do with the money? Because this bill says that TxDOT, if you do a toll project, to sweeten the pot, we're going to give your city or county a percentage. Your bill doesn't say that it is going to go into the toll—the bill doesn't say where that money is going to go to for that city or county. Is this just a way to get a city to agree to a toll by giving up a percentage?

KRUSEE: No, it's entirely permissive. The city or county can do it or not do it. Right now they can't be paid back. That money is just lost and your property taxes go up. This is a way for them to be paid back over time by TxDOT.

PICKETT: Okay, right now we can create a Regional Ability Authority. That Regional Ability Authority is going to initiate a toll. TxDOT puts in some money, private entity can put in some money, county can put in some money. What you're bringing before us says to entice a city or county, we're going to offer them a percentage if they'll agree to this toll. That part's correct.

KRUSEE: I don't think it has anything, the bill doesn't say anything about enticement. And it's not about an enticement. It's about saving taxpayers money. You can have the money paid back to you and then use it in a revolving fund so that in the future, when our kids come along, you don't have to raise taxes again and again and again.

PICKETT: Okay, explain to me when it says, and I'm reading directly from the bill, "A local government may enter into an agreement with the department—the department is TxDOT—under which the local government assists in the financing of the construction, maintenance, and operation of a turnpike project located in the government's jurisdiction in return for a percentage of the revenue."

KRUSEE: Right, the revenue refers to the toll proceeds.

PICKETT: I thought the toll proceeds should go for the toll project?

KRUSEE: They'll go into the toll—there's lots of things that go into a project. The project is a highway. So there's construction, there's right-of-way costs, there's operations, there's maintenance, there's all sorts of things. TxDOT often asks the local governments to participate in paying for those costs, to participate in financing a road.

PICKETT: But your bill does not say that the city or county puts it back into this toll project.

KRUSEE: I'm sorry, I guess I'm not understanding your point.

PICKETT: It does not say it'll put it back in. In fact, if you read it says, "Revenue received by a local government under an agreement under this section must be used for transportation purposes." So they can use it for anything that is transportation related, not even that toll. So on top of the toll—

KRUSEE: The city or the county, when they get their money back, they may then use it for transportation projects. Because it's going to be 20 years later, and now it's going to be time to build a new road and now they're going to be able to have a fund to do that. They're going to be able to do that instead of raising taxes.

PICKETT: Okay, the selling point is first off, on the toll—was we don't have enough money to do the whole project, so toll a portion of it. So now we've tolled a portion of it and this bill does not say that this percentage—of which there's no amount in your bill, that TxDOT negotiates—ever has to go into the

toll. So how do we know that this is a good financing tool for the city if they're just told, look, if you will sell your constituents on a toll, we'll give you a percentage? You don't have to use it on this toll.

KRUSEE: No city would enter into an agreement unless that percentage was fixed, and that's what the negotiating issue is all about between the cities and the department. Let's negotiate what the percentage is so we can get our money back. Let me give you an example. The Austin Region desperately needed to build SH 130, everybody was in favor of building SH 130 as a toll project, even toll opponents, everybody is for it. Toll bonds couldn't fund the whole thing, so TxDOT put in \$700 million, the local cities and counties put in \$500 million. All that money is gone, they raised our property taxes to get that money for 130 built. They've raised our taxes and we'll never get it back. Under this bill, we could have said to TxDOT we'll put our \$500 million in, but we would like to be repaid at some point so we could use it for a future generation's transportation project.

PICKETT: But Chairman Krusee, using your same example, now there's more money not going into a toll project under the scenario you just gave on your bill.

KRUSEE: I don't understand that, I don't understand where you're coming from, Mr. Pickett. All it says is that eventually the money may be paid back to the city and the county. We can finally get our right-of-way money back.

PICKETT: Okay, then I'll just keep it simple. Does this bill require a city or a county who enters into this agreement with TxDOT to put it into this toll project or not?

KRUSEE: If you want your money paid back—

PICKETT:—Mr. Krusee, it's yes or no—

KRUSEE:—It's not yes or no, Mr. Pickett, and I'm sorry, I'm really having trouble following your question here. And I wish you had come and spoken to me earlier. I went back there right before this bill came up to talk to you and you had every opportunity, you had the entire day. If you really wanted to know what was going on and how this worked, and how to make this work, you had every opportunity to do so. This is merely an opportunity for people to lower their property taxes in the future, for cities and counties to be paid back. If you don't want this bill, it just means that that opportunity is gone, and your property taxes are going up to pay for roads.

PICKETT: I don't want to deny the members of this body the discussion between you and I. If you're going to make a great point, then you need to make it in front of the body. If I have a problem with the bill, I need to tell the entire body what I think is wrong with it. And Mr. Krusee, I asked just a direct question, under this bill that you have, where it says TxDOT is now going to pay a city or a county a percentage that they negotiate, because we don't know what it will be, does that city or county have to take that percentage and put it into this toll project?

KRUSEE: No.

PICKETT: Thank you.

REPRESENTATIVE KOLKHORST: Chairman Krusee, let me see if I get this right. In listening to your exchange, and a follow-up to Carter Casteel's question; in ways, wouldn't I see this as an incentive to get cities to participate in a toll road if I get to share in the profits?

KRUSEE: You could look at it that way, but you know, we—last session, we gave farmers the right to have participation payments in toll roads. And that was something they welcomed and they didn't consider it an incentive, they considered it an opportunity. You know, just like people do when people own—when oil is discovered on your land. You consider that an opportunity to get royalty payments for the oil that comes out of your land. What if we denied people the right to get royalties for the mineral rights on their land? That would be awful. Well, that's what this is. Basically, something of value is being built in your city and your county and we're giving your city and county the right to participate.

KOLKHORST: Okay, but let me ask you this question. And maybe I'm just old-fashioned, but I just don't want to see a Texas where every time I drive down the road I'm tossing coins—which is the best case scenario, the worst case being something on my windshield that somebody can track me everywhere I go—but my deal is this, in saying that my city now has a revenue generator similar to what we've voted down I don't know how many times with the red light bill in this house to say TxDOT can come to them and say, "Hey, if you'll make this a tolling project, we'll make it a revenue generator for you," whereas that road may have never been a tolling project consideration by any of my county judges or mayors. Follow me on this, for one more second too—

KRUSEE: You know it's difficult to follow you on it because there is nothing that allows tracking of people on roads.

KOLKHORST: That's a side point.

KRUSEE: Then why did you bring it up?

KOLKHORST: I just don't want tolling everywhere I go and my question is, is that I guess every road that will ever be built now is going to be a toll project, am I correct on that?

KRUSEE: That is hyperbole. That is not true. That's not true at all and, as we explained last time, the building of some roads allows for more free roads to be built. And this allows even more because when you're paid back these right-of-way costs, you can build a free road with them, it's your choice.

KOLKHORST: Let me ask you a question, do we have anything in code today that says that you can't toll existing lanes? Do we have anything?

KRUSEE: Yes, ma'am.

KOLKHORST: We do? In code today? Because I know I got 5 million e-mails saying don't toll my existing lanes that I've already paid for.

KRUSEE: We have a process where that must be approved by county commissioner's court. That of course, Ms. Kolkhorst, has nothing to do with this bill. You're trying to lead us down another path. It's hyperbole—we're going to track people? That has nothing to do with this bill. Conversions have nothing to do with this bill.

KOLKHORST: Tolling, throwing quarters, let's stay with throwing quarters.

KRUSEE: Throwing quarters has nothing to do with this bill.

KOLKHORST: How else you going to toll me? Don't I have to pay to get on a toll project? Maybe I'm just dumb, but I don't know, how else do you get on a tolling project? You pay to get on a toll road—

KRUSEE: What this bill has to do with is whether your cities and counties have the opportunity to be paid back that money and avoid future tax increases. If you want to deny your cities and counties that opportunity, if you're going to deny your taxpayers that ability to be paid back and to avoid future tax increases and to have more choices in the future so that maybe, Ms. Kolkhorst, 20 years from now our kids don't have to build a toll because they've been paid back their right-of-way money. And they can do whatever they want to do instead of being put in the position we're in right now where we don't have money because the legislature won't vote for a tax increase.

KOLKHORST: Let me ask you this question. Let's take Mopac out here, could this bill apply to Mopac in existing lanes? Can this bill apply to an existing lane?

KRUSEE: I don't see how it could be, the city and the county would all have to approve and the commissioner's court would have to approve it. That would be very difficult.

KOLKHORST: Okay.

KRUSEE: Let me further answer, I'm sorry, Ms. Kolkhorst your question took me unawares a little bit, but I'm giving that a little bit further thought. When you do a conversion you don't need anymore financing. You're not going to the city and the county and saying we want you to participate financially in this. Because you don't need any right-of-way, the right-of-way is already there—everything is already there. And so I can say that, no, this would not apply to any conversions anywhere in Texas.

KOLKHORST: Okay, but if it were expanding a particular project, and we're going to have to move utilities, there's participation there is potential for having to buy in.

KRUSEE: If your city or county are being asked to provide money to TxDOT to build the road that they want built, and by the way, usually it's your city or county that is begging TxDOT to build it. We in Williamson and Travis were begging TxDOT to build 130 as a toll project. We said we want it so much we'll give you \$500 million if you do it. And this bill just says that we can get that money back for the first time. So this isn't going to happen—

KOLKHORST: And I see that as a positive, Chairman Krusee. I trust you and I hear you, and that's why I want to have this exchange. I also have to say I don't know who is going to be elected to county judge spots and commissioner's courts. And I could also see this as an incentive to do tolling projects. I've had that recent experience in District 13 on a tiny little farm-to-market road that was potentially thought of as being tolled. And I had to laugh—I fell out of my chair laughing. How do you toll a road that 40 people go on a day—it was crazy.

KRUSEE: Ms. Kolkhorst, it's not an incentive, it's just a fact of life. If something is revenue producing, you can be paid back. If it's not revenue producing, you can't be. You've never been able to be paid back, well now you can. Wouldn't you like that opportunity? Why would you deny yourself that opportunity when you have it for the first time?

KOLKHORST: Depends on the project. Thank you, Mr. Krusee.

A record vote was requested.

CSHB 2650 was passed to engrossment by (Record 307): 85 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Dawson; Denny; Deshotel; Driver; Dukes; Eissler; Farabee; Flynn; Frost; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Harper-Brown; Hartnett; Hegar; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Madden; Martinez; McCall; McClendon; McReynolds; Miller; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pitts; Puente; Reyna; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Baxter; Bohac; Burnam; Castro; Chavez; Coleman; Corte; Davis, Y.; Dunnam; Dutton; Edwards; Elkins; Escobar; Farrar; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Hamilton; Hardcastle; Herrero; Hilderbran; Hochberg; Hodge; Jones, J.; Keel; King, T.; Kolkhorst; Laney; Leibowitz; Luna; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Mowery; Naishtat; Noriega, M.; Peña; Pickett; Quintanilla; Raymond; Rodriguez; Solomons; Thompson; Turner; Uresti; Veasey; Vo.

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

Absent, Excused — Bailey; Delisi; Eiland; Flores; Olivo; Solis.

Absent — Anchia; Merritt; Riddle.

HB 2653 ON SECOND READING
(by Krusee)

HB 2653, A bill to be entitled An Act relating to the use of tax increment financing to pay certain costs associated with certain transportation or transit projects.

HB 2653 - DEBATE

REPRESENTATIVE HILDERBRAN: Thank you, Mike. I've got a few questions for you. I see, I think, where you are going with this and I can appreciate part of it, but I do have some concerns. You're wanting to keep a project from being delayed or prevented from happening—you're wanting to have some resources to do more mitigation, am I right?

REPRESENTATIVE KRUSEE: That's exactly right. That's a good way to put it.

HILDERBRAN: And we have all kinds of projects, usually endangered species problems that cause us to mitigate in order to do a highway or even a private enterprise project sometimes. So, it's not uncommon? We've had to do it quite a bit here in the 90s, here in this area.

KRUSEE: That's a very good example.

HILDERBRAN: Well, let me tell you where I'm concerned about. You also may recall, not too many years ago, when the City of Austin—which, by the way, has local representatives, too, as the previous questioner mentioned about these local investments boards—and they passed bonds for the voters to pass them in Travis County—City of Austin, not Travis County—to buy property outside of the City of Austin and outside of Travis County for environmental purposes, for wildlife refuge, for other purposes, and it took property that otherwise would be on the tax rolls in Hays County—and in other counties and certainly outside the City of Austin and Travis County—it took that property off the tax rolls, causing the tax payers in the remaining property that stayed in private hands to go up. Because you had a smaller number of tax payers, smaller number of property paying taxes and being valued, it made all the rest of the folks go up. So, in Hays County in the school district, all those school board elections, all those school bonds, all those property taxes, went up for those citizens out there because this property came off the tax rolls for environmental purposes, not as good of a reason that you are doing it, but the same thing, am I right?

KRUSEE: You're exactly right and I live here in Central Texas. I was aware of that happening. I had the same concerns as you did. And that's why, in this bill, I took care of that.

HILDERBRAN: Tell me how you did that.

KRUSEE: You can't go into another county and buy—you can't go and buy land in another county. It's got to be in this county. It's got to be benefitting the people of your county.

HILDERBRAN: Okay, that's adds some good protection. I'm glad you did that because that was a big concern—going outside the county.

KRUSEE: It was for me too.

HILDERBRAN: Am I correct though, that this property wants this investment? This tax increment district acquires this property for, I think, probably good reasons, I think—

KRUSEE: From a willing seller.

HILDERBRAN: —the purpose, your objective, is pretty good, but it does come off the tax rolls, right, in Travis County?

KRUSEE: Yes, sir.

HILDERBRAN: Is this limited to Travis County?

KRUSEE: No.

HILDERBRAN: Do you know how many of these—tell me, describe for me, I didn't get to read all the text in the digest, but describe for me what the tax increment districts, who would this cover? What increase?

KRUSEE: I think cities and counties across Texas—

HILDERBRAN: So all cities and counties.

KRUSEE: —all cities and counties as I understand it are allowed to enter in—

HILDERBRAN: Okay. And if they do it, they'll vote locally—or will the board make that decision— or will it be voted by the—

KRUSEE: Yes, sir, the board does make the decision and Mr. Puente made sure that the city was going to appoint the board.

HILDERBRAN: Okay, thank you very much.

KRUSEE: Thank you.

REPRESENTATIVE SOLOMONS: Mike, does—is there a power of eminent domain permitted in this?

KRUSEE: No, sir, there is not. You may not go out and simply condemn someone's property for open space. It must come from a willing seller.

SOLOMONS: Okay, so there is absolutely no power of eminent domain involved in this?

KRUSEE: No power of eminent domain.

SOLOMONS: Thanks.

Amendment No. 1

Representative Puente offered the following amendment to **HB 2653**:

Amend **HB 2653** on page 2, line 23, between "zone" and "or", by inserting ", if all of the members of the board are appointed by the municipality that creates the zone,".

Amendment No. 1 was adopted.

HB 2653, 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: Baxter, Bohac, R. Cook, Corte, Hilderbran, and Kolkhorst recorded voting no.)

CSHB 2989 ON SECOND READING
(by Nixon)

CSHB 2989, A bill to be entitled An Act relating to the applicability of limitations provisions for governmental entities.

(Eiland now present)

(Speaker in the chair)

REMARKS ORDERED PRINTED

Representative Kolkhorst moved to print remarks between Representative Krusee and Representative Pickett and Representative Krusee and Representative Kolkhorst regarding **CSHB 2650**.

The motion prevailed.

Representative Kolkhorst moved to print remarks between Representative Krusee and Representative Solomons and Representative Krusee and Representative Hilderbran regarding **HB 2653**.

The motion prevailed.

CSHB 2989 - (consideration continued)

Amendment No. 1

Representative Leibowitz offered the following amendment to **CSHB 2989**:

Amend **CSHB 2989** as follows:

(1) On page 1, line 7, strike "this state or" and substitute "~~this state or~~".

(2) On page 1, line 16, after the period, insert the following:

A right of action of this state is not barred by any statute of limitation.

Amendment No. 1 was adopted.

CSHB 2989 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ROSE: Just to clarify your intent, Mr. Nixon, it's not your intent to affect in any way the collection of delinquent property taxes by county or city governments in this bill?

REPRESENTATIVE NIXON: Absolutely not. In fact, limitations never runs against taxes. This doesn't affect those limitations. I don't care how late the taxes are, you can always collect—

ROSE: Or school districts?

NIXON: —back taxes for any governmental entity.

REMARKS ORDERED PRINTED

Representative Rose moved to print remarks between Representative Nixon and Representative Rose.

The motion prevailed.

A record vote was requested.

CSHB 2989, as amended, failed to pass to engrossment by (Record 308): 40 Yeas, 94 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Bohac; Bonnen; Brown, B.; Callegari; Corte; Crabb; Davis, J.; Denny; Driver; Elkins; Flynn; Frost; Gattis; Grusendorf; Hilderbran; Hunter; Hupp; Isett; Keel; Krusee; Kuempel; Madden; Morrison; Mowery; Nixon; Reyna; Rose; Solomons; Strama; Straus; Swinford; Talton; Van Arsdale; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Blake; Branch; Brown, F.; Campbell; Casteel; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Crownover; Davis, Y.; Dawson; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Escobar; Farabee; Farrar; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Griggs; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Hughes; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, T.; Kolkhorst; Laney; Laubenberg; Leibowitz; Luna; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Seaman; Smith, T.; Smith, W.; Smithee; Taylor; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal; Vo.

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

Absent, Excused — Bailey; Delisi; Flores; Olivo; Solis.

Absent — Anchia; Burnam; Chisum; Gallego; Howard; King, P.; Merritt; Pitts; West.

STATEMENTS OF VOTE

I was shown voting no on Record No. 308. I intended to vote yes.

Eissler

When Record No. 308 was taken, I was in the house but away from my desk. I would have voted no.

Gallego

When Record No. 308 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

HB 3036 ON SECOND READING (by Deshotel)

HB 3036, A bill to be entitled An Act relating to the number, terms, and removal of directors of certain development corporations.

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 3036 - (consideration continued)**Amendment No. 1**

Representative Deshotel offered the following amendment to **HB 3036**:

Amend **HB 3036** as follows:

- (1) On page 1, line 9, strike "three [~~five~~]" and substitute "five".
- (2) On page 2, line 2, strike "number and".

Amendment No. 1 was adopted.

HB 3036, 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.)

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

CSHCR 37
(by Delisi)

CSHCR 37, Memorializing Congress to increase the presence of federal health and human services agencies, improve coordination of health and human services programs, and increase related funding in Texas.

CSHCR 37 was adopted.

HCR 63
(by M. Noriega, Herrero, et al.)

HCR 63, Memorializing Congress to repeal the Government Pension Offset provision and the Windfall Elimination Provision of the Social Security Act.

HCR 63 was adopted.

HCR 69
(by Chavez)

HCR 69, Requesting the U.S. Congress to enact the Agricultural Job Opportunity, Benefits, and Security Act to significantly reform immigration law as it relates to agriculture.

Representative Chavez moved to postpone consideration of **HCR 69** until 10 a.m. April 25.

The motion prevailed.

HCR 88
(by Crabb)

HCR 88, Urging the Supreme Court of Texas and the Court of Criminal Appeals of Texas, as necessary, to develop rules relating to the random assignment to courts of appeals of cases pending or on appeal from counties with overlapping appellate jurisdictions and relating to determining the court of appeals precedent applicable in such randomly assigned cases.

HCR 88 was adopted.

POSTPONED BUSINESS

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

**HB 878 ON SECOND READING
(by Talton)**

HB 878, A bill to be entitled An Act relating to the placement of public school students who engage in conduct that contains the elements of certain sexual offenses.

HB 878 was read second time earlier today and was postponed until this time.

Representative Farabee moved to postpone consideration of **HB 878** until 10 a.m. tomorrow.

The motion prevailed.

**HR 1171 - ADOPTED
(by Farabee, et al.)**

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 1171**.

The motion prevailed.

The following resolution was laid before the house:

HR 1171, Honoring the Texas Alliance of Energy Producers on its 75th anniversary.

HR 1171 was adopted.

**PROVIDING FOR A LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR**

Representative Reyna moved to set a local, consent, and resolutions calendar for 9 a.m. Friday, April 22.

(Farabee in the chair)

The motion prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative Keel moved to suspend the five day posting rule to allow the Committee on Criminal Jurisprudence, Subcommittee on Procedure, to consider **HB 2343**, **HB 2929**, and **HB 3396** at 2 p.m. or upon adjournment Wednesday, April 20 in E1.026.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

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

Permission to meet was granted.

(Speaker in the chair)

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** today in E2.016.

The motion prevailed.

Representative Solomons moved to suspend the five day posting rule to allow the Committee on Financial Institutions to consider **SB 709** at 2 p.m. or upon adjournment today in E2.012.

The motion prevailed.

Representative Hilderbran moved to suspend the five day posting rule to allow the Committee on Culture, Recreation, and Tourism to consider **HB 2648** and the bills posted for tomorrow's meeting to be moved to a meeting to be held Wednesday, April 20 at 3 p.m. or upon adjournment in JHR 120.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Agriculture and Livestock, upon adjournment today, Desk 25, for a formal meeting, to consider pending business.

Public Health, Subcommittee on **HB 2706**, upon adjournment today, E2.016, for a public hearing, to consider **HB 2706**.

Financial Institutions, 2 p.m. or upon adjournment today, E2.012, for a public hearing, to consider **SB 709**.

Land and Resource Management, upon adjournment today, Desk 74, for a formal meeting, to consider **SB 848**.

Local and Consent Calendars, 4 p.m. or upon adjournment today, E2.024, for a formal meeting, to consider a local and consent calendar.

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

Culture, Recreation, and Tourism, 3 p.m. or upon adjournment Wednesday, April 20, JHR 120, for a public hearing, to consider **HB 2648** and the bills posted for the April 19th meeting.

(Seaman in the chair)

PROVIDING FOR ADJOURNMENT

Representative Harper-Brown moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Allene Barr White of Temple.

The motion prevailed.

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

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. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Flynn in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 5:33 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3544 (By Pitts), Relating to the creation of the Ellis County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3545 (By Wong), Relating to the Buffalo Bayou Management District and the creation of the East Montrose Management District and the Fourth Ward Management District out of part of the territory of the Buffalo Bayou Management District; authorizing taxes and bonds.

To Urban Affairs.

HB 3546 (By Otto), Relating to the creation of the East Montgomery County Municipal Utility Districts Nos. 5, 6, and 7; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3547 (By B. Brown), Relating to the creation of an additional county court at law in Kaufman County.

To Judiciary.

HB 3548 (By Gattis), Relating to the creation of the Williamson County Municipal Utility District No. 16; providing authority to impose a tax and issue bonds.

To Natural Resources.

HB 3549 (By Gattis), Relating to the creation of the Williamson County Municipal Utility District No. 21; providing authority to impose a tax and issue bonds.

To Natural Resources.

HB 3550 (By Bailey), Relating to the powers and duties of the Aldine Improvement District; providing authority to impose a tax and issue bonds.

To Urban Affairs.

HB 3551 (By Howard), Relating to the addition of road district powers to the Fort Bend County Municipal Utility District No. 134.

To Natural Resources.

HB 3552 (By B. Brown), Relating to development regulations for certain unincorporated areas associated with the watersheds of Cedar Creek Lake, the Trinity River, and the East Fork of the Trinity River; providing a penalty.

To County Affairs.

HB 3553 (By Luna), Relating to the boundaries of and prohibited acts in the Nine-Mile Hole State Scientific Area; providing a penalty.

To Culture, Recreation, and Tourism.

HB 3554 (By Howard), Relating to the creation of the Imperial Redevelopment District; providing authority to impose taxes and standby fees and issue bonds; granting the power of eminent domain.

To Urban Affairs.

HB 3555 (By Callegari), Relating to the Harris County Board of Protective Services for Children and Adults.

To Human Services.

HB 3556 (By B. Brown), Relating to the creation of Las Lomas Municipal Utility District No. 4 of Kaufman County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3557 (By Talton), Relating to statutory probate court associate judges in certain courts in Harris County.

To Judiciary.

HR 1188 (By Berman), Honoring Willie and Faye Freeman of Tyler on the occasion of their 50th wedding anniversary.

To Rules and Resolutions.

HR 1189 (By Goolsby), Honoring Jim R. Phillips on his nomination for the Texas Association of Broadcasters' 2005 Pioneer Broadcaster of the Year Award.

To Rules and Resolutions.

HR 1190 (By Alonzo), Welcoming students from the University of North Texas Roberto R. Alonzo Bilingual/ESL Education Scholars Program to the State Capitol.

To Rules and Resolutions.

HR 1191 (By Martinez Fischer), Honoring the life of Irene G. Henry of San Antonio.

To Rules and Resolutions.

HR 1192 (By Kolkhorst), Honoring Coach Bob Brock of Sam Houston State University on his 800th career victory.

To Rules and Resolutions.

HR 1193 (By Dukes), Honoring the Texas Music Museum for its contributions to the cultural fabric of the state.

To Rules and Resolutions.

SB 45 to Human Services.

SB 51 to Pensions and Investments.

SB 52 to Human Services.

SB 55 to Juvenile Justice and Family Issues.

SB 60 to Criminal Jurisprudence.

SB 90 to Juvenile Justice and Family Issues.

SB 91 to Criminal Jurisprudence.

SB 123 to Environmental Regulation.

SB 166 to Criminal Jurisprudence.

SB 248 to Agriculture and Livestock.

SB 265 to Insurance.

SB 291 to Judiciary.

SB 314 to Law Enforcement.

SB 331 to Natural Resources.

SB 363 to Natural Resources.

SB 374 to Natural Resources.

SB 396 to Corrections.

SB 468 to County Affairs.

SB 485 to Environmental Regulation.

SB 500 to Insurance.

SB 502 to Higher Education.

SB 509 to Natural Resources.

SB 616 to Local Government Ways and Means.

SB 619 to Transportation.

SB 678 to Transportation.

SB 686 to Licensing and Administrative Procedures.

SB 706 to Urban Affairs.

SB 736 to County Affairs.
SB 787 to Urban Affairs.
SB 829 to County Affairs.
SB 839 to Natural Resources.
SB 846 to Business and Industry.
SB 863 to Defense Affairs and State-Federal Relations.
SB 874 to Human Services.
SB 883 to Natural Resources.
SB 884 to Natural Resources.
SB 885 to Natural Resources.
SB 886 to Natural Resources.
SB 887 to Natural Resources.
SB 889 to Natural Resources.
SB 890 to Civil Practices.
SB 891 to Natural Resources.
SB 898 to Local Government Ways and Means.
SB 955 to Defense Affairs and State-Federal Relations.
SB 983 to Appropriations.
SB 993 to Urban Affairs.
SB 1006 to Criminal Jurisprudence.
SB 1053 to Public Health.
SB 1060 to Transportation.
SB 1061 to Transportation.
SB 1062 to Transportation.
SB 1065 to Natural Resources.
SB 1074 to Transportation.
SB 1131 to Transportation.
SB 1211 to Public Health.
SB 1217 to Defense Affairs and State-Federal Relations.
SB 1258 to Transportation.
SB 1303 to Law Enforcement.
SB 1330 to Public Health.
SB 1342 to Defense Affairs and State-Federal Relations.
SB 1373 to Judiciary.

SB 1378 to Public Health.

SB 1430 to Border and International Affairs.

SB 1435 to County Affairs.

SB 1437 to County Affairs.

SB 1447 to Regulated Industries.

SB 1480 to Defense Affairs and State-Federal Relations.

SB 1485 to State Affairs.

SB 1494 to Regulated Industries.

SB 1495 to Regulated Industries.

SB 1524 to Public Health.

SB 1563 to Business and Industry.

SB 1570 to Ways and Means.

SB 1593 to Business and Industry.

SB 1620 to Judiciary.

SIGNED BY THE SPEAKER

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

Senate List No. 5

SB 234, SB 346

House List No. 28

HCR 10, HCR 142

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 18, 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 60** Lucio
Relating to the punishment for a capital offense.
- SB 250** West, Royce
Relating to the information contained on a driver's license or personal identification certificate.
- SB 327** Zaffirini
Relating to the installation, copying, or use of computer software for unauthorized purposes; providing a penalty.
- SB 443** Staples
Relating to the regulation of industrialized buildings.
- SB 480** Hinojosa
Relating to the authority of a city to take certain actions with regard to certain pipelines.
- SB 574** Armbrister
Relating to requirements for the issuance of land development permits by political subdivisions.
- SB 575** Armbrister
Relating to notice to a surface owner by an oil or gas well operator of certain oil and gas operations.
- SB 726** Deuell
Relating to the authority of a dental hygienist to administer fluoride varnish.
- SB 743** Fraser
Relating to independent organizations in ERCOT and their regulation and certification by the Public Utility Commission of Texas; providing an administrative penalty.
- SB 827** Zaffirini
Relating to systems for identifying colonias and for tracking the progress of state-funded projects that benefit colonias and the submission of a related report to the legislature.
- SB 1103** Eltife
Relating to the powers and duties of the General Land Office and the disposition of certain unsurveyed public school land.
- SB 1567** Williams
Relating to the amount of longevity and hazardous duty pay for certain state employees.
- SJR 21** Averitt
Proposing a constitutional amendment authorizing the legislature to define rates of interest for commercial loans.
- SJR 40** Eltife
Proposing a constitutional amendment clearing land titles by relinquishing and releasing any state claim to sovereign ownership or title to interest in certain land.

Respectfully,
 Patsy Spaw
 Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Monday, April 18, 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 141 Guillen SPONSOR: Zaffirini
 Commemorating the opening of the Fidel and Andrea R. Villarreal Elementary School in Zapata County and honoring the memory of Fidel and Andrea R. Villarreal.

Respectfully,
 Patsy Spaw
 Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Monday, April 18, 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 114 Van de Putte
 Relating to the removal of a member of a junior college district board of trustees for failure to attend board meetings.

SB 263 Williams
 Relating to use of certain information relating to tax audits; providing penalties.

SB 369 Barrientos
Relating to the prohibition of signs on Farm-to-Market Road 3238.
Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 14

Agriculture and Livestock - **HB 3226, SB 407**

Business and Industry - **HB 255, HB 511, HB 698, HB 1430, HB 1855**

Corrections - **HB 681, HB 2077**

Criminal Jurisprudence - **HB 1701**

Economic Development - **HB 2316, HB 2755**

Environmental Regulation - **HB 1900**

Judiciary - **HB 1153, HB 3485, HJR 87**

Licensing and Administrative Procedures - **HB 2243, HB 3033, SB 571, SB 877**

Public Health - **HB 1316**

Regulated Industries - **HB 2201, HB 2644**

State Affairs - **HB 46, HB 858, HB 916, HB 1080, HB 1368, HB 2018, HB 2019, HB 2840, HB 3227**

Urban Affairs - **HB 159, HB 1157, HB 2661, HB 2799**

April 15

Business and Industry - **HB 1021, HB 1344, HB 1833, HB 2013**

Civil Practices - **HB 371, HB 1690**

Corrections - **HB 1093, HB 1653**

Criminal Jurisprudence - **HB 83, HB 85, HB 94, HB 1662, HB 1692, HB 1778, HB 2275, HB 2294, HB 2296, HB 2485, HB 2885, HB 3265, HJR 56**

Culture, Recreation, and Tourism - **HB 944, HB 2685, HB 3062**

Defense Affairs and State-Federal Relations - **SB 581**

Environmental Regulation - **HB 1609, HB 1899, HB 1991, HB 2456**

Financial Institutions - **HB 694, HB 2218, HB 2581**

Higher Education - **HB 295, HB 381, HB 868, HB 1172, HB 1409, HB 1725, HB 1737, HB 1829, HB 2333, HB 2808**

Judiciary - **HB 788, HB 1238, HB 1884, HB 1997, HB 2111, HB 2200, HB 2414, HB 2518**

Land and Resource Management - **HB 2833**

Law Enforcement - **HB 703, HB 1345, HB 1831, HB 2293, HB 2574**

Licensing and Administrative Procedures - **HB 2438**

Natural Resources - **HB 1599, HB 2241, HB 2423, HB 2679, SB 692**

Regulated Industries - **HB 989**

State Affairs - **HB 2017, HJR 6**

Transportation - **HB 1036, HB 1118, HB 1244, HB 1248, HB 1403, HB 2071, HB 2136, HB 2348, HB 2654, HB 2655, HB 2656, HB 2828, HB 2891, HB 3253, HJR 79, SB 129**

ENGROSSED

April 14 - HB 22, HB 27, HB 202, HB 203, HB 365, HB 422, HB 706, HB 731, HB 754, HB 769, HB 828, HB 836, HB 860, HB 894, HB 912, HB 950, HB 960, HB 1231, HB 1438, HB 1471, HB 1544, HB 1602, HB 1604, HB 1672, HB 1681, HB 1697, HB 1751, HB 1817, HB 1905, HB 1939, HB 2171, HB 2179, HB 2377, HB 2379, HB 2410, HB 2453, HB 2549, HB 2565, HB 2619, HB 2658, HB 2761, HB 2814, HB 2870, HB 2871, HB 2872, HB 2921, HB 2949, HB 2987, HB 3475, HCR 24, HCR 30

April 15 - HB 201, HB 667, HB 1009, HB 1107, HB 1136, HB 1331, HB 1549, HB 1645, HB 1735, HB 1814, HB 2231, HB 2457, HB 2645, HB 2659, HB 2913, HB 3101, HB 3240

ENROLLED

April 14 - HCR 10, HCR 62, HCR 107, HCR 125, HCR 126, HCR 129, HCR 134, HCR 142

SENT TO THE GOVERNOR

April 15 - HCR 62, HCR 87, HCR 107, HCR 125, HCR 126, HCR 129, HCR 134

SIGNED BY THE GOVERNOR

April 15 - HCR 8

