

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-THIRD DAY (CONTINUED) — FRIDAY, APRIL 22, 2005

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 372).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; 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.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; McCall; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Mowery; Nixon; Noriega, M.; Oliveira; Orr; Otto; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Olivo; Smithee.

Absent, Excused, Committee Meeting — Gattis; Kolkhorst; Luna; Pitts; Turner.

Absent — Bohac; Chavez; Dunnam; Hegar; Martinez Fischer; McClendon; Morrison; Naishtat; Paxton; Rose; Van Arsdale.

The invocation was offered by Lindell Watson, pastor, Lakeview Church of Nazarene, Tyler, as follows:

Father, you have blessed us in ways too numerous to recall. You have extended to all of us the invitation to be your children through the blood of your son, Jesus Christ. You birthed this republic through the determined efforts of our forefathers, and you have sustained us through the dedicated efforts of those who followed.

We are here today because of the gracious outpouring of your wisdom upon our leaders. We continue to seek your wisdom for our leaders and ourselves. Father, may the decisions made here that directly affect our children and our culture be the decisions you would have us make.

Your word tells us that your understanding has no limit; ours is limited and often biased. May we be wise enough to rely upon your understanding. May integrity and righteousness be the common characteristic of our law makers. May prosperity and abundant life result from the laws passed by these representatives. We do not take your blessings for granted; therefore, we continue to seek your wisdom for our leaders and ourselves. We are dependent upon your continued blessings; therefore, we humbly pray for those who represent us in Jesus' name. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Smithee on motion of Talton.

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **SB 1**:

Gattis on motion of Ritter.

Kolkhorst on motion of Ritter.

Luna on motion of Ritter.

Turner on motion of Ritter.

The following member was granted leave of absence for today to attend a meeting of the conference committee on **SB 1**:

Pitts on motion of Ritter.

(Dunnam now present)

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Geren who presented Dr. Patrick Hanford of Lubbock as the "Doctor for the Day."

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

HR 1290 - ADOPTED
(by Swinford)

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 1290**.

The motion prevailed.

The following resolution was laid before the house:

HR 1290, Commending Dr. Anis A. Ansari of Carrollton for his inspiring patriotism.

HR 1290 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Swinford who introduced Dr. Anis A. Ansari and his daughters, Laila and Sabrina.

HCR 9 - ADOPTED
(by Berman)

Representative Berman moved to suspend all necessary rules to take up and consider at this time **HCR 9**.

The motion prevailed.

The following resolution was laid before the house:

HCR 9, Honoring Green Acres Baptist Church in Tyler on its 50th anniversary.

HCR 9 was adopted.

(Martinez Fischer now present)

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. 30).

LEAVE OF ABSENCE GRANTED

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

Howard on motion of W. Smith.

(Edwards in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 985 (by Guillen), Honoring Tomas Cantu of Fronton on his contributions to the environmental health of the Rio Grande Valley.

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

HR 987 (by Martinez), Honoring Alfredo Gomez of Weslaco for winning the Texas Kids Aviation Art Calendar Contest.

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

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

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

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

HR 993 was withdrawn.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HR 1037 was previously adopted.

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

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

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

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

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

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

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

HR 1049 was previously adopted.

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

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

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

HR 1059 was withdrawn.

HR 1060 was withdrawn.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HCR 110 (by Hopson), Commemorating the 75th anniversary of the discovery of the East Texas Oil Field on October 3, 1930.

HCR 116 (by Burnam), Recognizing May 24, 2005, as Aviation Maintenance Technician Day in Texas.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

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

HR 983 (by Guillen), In memory of Oscar L. Ramirez, Sr., of Roma.

HR 984 (by Guillen), In memory of Domingo Alvarez of Santa Elena.

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

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

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

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

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

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

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

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

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

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

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

HR 1116 (by Denny), In memory of Curtis Lynn Raburn of Denton.

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

HR 1118 (by Merritt and Bonnen), In memory of Odis Ray Hill of Longview.

HR 1124 (by Pitts), In memory of Captain Lyle Gordon.

HR 1127 (by West), In memory of Barnie Ray Jones of Odessa.

HR 1130 (by Quintanilla), In memory of Juan Arturo Saenz of El Paso.

The resolutions were unanimously adopted by a rising vote.

HR 1291 - ADOPTED
(by Dukes)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1291**.

The motion prevailed.

The following resolution was laid before the house:

HR 1291, In memory of longtime Houston resident Frankie Reid Neal Moore.

HR 1291 was unanimously adopted by a rising vote.

HR 1080 - ADOPTED
(by Quintanilla)

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 1080**.

The motion prevailed.

The following resolution was laid before the house:

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

HR 1080 was adopted.

LEAVE OF ABSENCE GRANTED

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

Paxton on motion of Phillips.

(Morrison and Turner now present)

(Speaker pro tempore in the chair)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
SECOND READING

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

CSHB 126 (by Berman), A bill to be entitled An Act relating to the penalty for tampering with a governmental record establishing residency for enrollment in a public school and to residency requirements for public school enrollment.

CSHB 370 (by Farabee), A bill to be entitled An Act relating to deferred disposition of certain traffic offenses by certain holders of out-of-state driver's licenses.

CSHB 468 (by Hegar), A bill to be entitled An Act relating to driver and traffic safety education courses.

CSHB 495 (by Miller and Hupp), A bill to be entitled An Act relating to the student enrollment required for the operation of Texas A&M University–Central Texas as an independent general academic teaching institution.

CSHB 504 (by Callegari), A bill to be entitled An Act relating to an offense involving a motor vehicle with an altered or obscured license plate.

CSHB 526 (by Berman), A bill to be entitled An Act relating to limits placed on coverage amounts of certain group life insurance policies or certificates.

CSHB 546 (by Bailey), A bill to be entitled An Act relating to certain medical examination requirements in connection with an allegation of sexual assault of a child.

(Naishtat and Kolkhorst now present)

HB 594 was withdrawn.

CSHB 632 (by W. Smith), A bill to be entitled An Act relating to the historical advisory board of the San Jacinto Battleground.

CSHB 805 (by Martinez), A bill to be entitled An Act relating to allowing certain emergency and hospital personnel to take the thumbprint of certain people who receive emergency prehospital care.

CSHB 808 (by Driver), A bill to be entitled An Act relating to exempting an accountant from regulation as a private investigator.

HB 841 was deferred until the end of today's Local, Consent, and Resolutions Calendar.

HB 881 (by Seaman), A bill to be entitled An Act relating to the dissolution of the Aransas County Conservation and Reclamation District.

HB 907 (by Campbell), A bill to be entitled An Act relating to the membership of the Critical Infrastructure Protection Council.

HB 956 (by Dunnam), A bill to be entitled An Act relating to the composition of the juvenile board of Leon County.

(Bohac, Chavez, Gattis, Hegar, Rose, and Van Arsdale now present)

CSHB 1018 (by M. Noriega), A bill to be entitled An Act relating to the amount of liability insurance required to be maintained on certain school buses owned by a motor carrier.

CSHB 1186 (by Hartnett), A bill to be entitled An Act relating to testamentary and nontestamentary transfers of property and other benefits.

Amendment No. 1

Representative Hartnett offered the following amendment to **CSHB 1186**:

Amend **CSHB 1186** as follows:

(1) On page 1, line 5, strike "Sections 5(b-2) and (e)," and substitute "Sections 5(b-1), (b-2), and (e)."

(2) On page 1, between lines 6 and 7, insert the following:

(b-1) If the judge of the county court has not transferred a contested probate matter to the district court under this section by ~~at~~ the time a party files a motion for assignment of a statutory probate court judge, the county judge shall grant the motion and may not transfer the matter to district court unless the party withdraws the motion. A party to a proceeding may file a motion for assignment of a statutory probate court judge under this section before the matter becomes a contested probate matter, and the motion is given effect as a motion for assignment of a statutory probate court judge under Subsection (b) of this section

if the matter later becomes contested. A transfer of a contested probate matter to district court under any authority other than the authority provided by this section:

(1) is disregarded for purposes of this section; and

(2) does not defeat the right of a party to the matter to have the matter assigned to a statutory probate court judge in accordance with this section.

Amendment No. 1 was adopted.

CSHB 1191 (by Hartnett), A bill to be entitled An Act relating to guardianship matters and proceedings.

HB 1456 was withdrawn.

HB 1480 (by Gattis), A bill to be entitled An Act relating to the issuance of special license plates to benefit certain programs.

HB 1534 (by Rose), A bill to be entitled An Act relating to the appointment of a sheriff, municipal police officer, and firefighter to the Critical Infrastructure Protection Council.

HB 1586 (by West), A bill to be entitled An Act relating to the transaction of business by the Court of Appeals for the Eleventh Court of Appeals District.

CSHB 1630 (by McReynolds), A bill to be entitled An Act relating to an excused absence from a public institution of higher education for a person called to active military service.

CSHB 1646 (by Hughes), A bill to be entitled An Act relating to the definition of all-terrain vehicle in the certificate of title and the motor vehicle registration laws.

HB 1673 (by R. Cook), A bill to be entitled An Act relating to the procedure for conversion and creation of a special utility district.

HB 1695 (by Hegar), A bill to be entitled An Act relating to the appointment and jurisdiction of cattle rangers.

CSHB 1807 (by Driver), A bill to be entitled An Act relating to the offense of attack on an assistance animal.

HB 1813 (by Pickett), A bill to be entitled An Act relating to historical reenactments on premises permitted or licensed under the Alcoholic Beverage Code.

CSHB 1935 (by J. Keffer), A bill to be entitled An Act relating to the acceptance of credit cards by a water district for the payment of fees and charges imposed by the district.

CSHB 1937 (by Ritter), A bill to be entitled An Act relating to the authority of certain counties to create county assistance districts for certain purposes.

CSHB 1959 (by McReynolds), A bill to be entitled An Act relating to the hunting of deer with dogs and the taking of wildlife resources without the consent of the landowner; providing penalties.

HB 1981 (by Blake and McReynolds), A bill to be entitled An Act relating to the amount of the fee that the Pineywoods Groundwater Conservation District may impose on a well.

HB 1996 (by Hunter), A bill to be entitled An Act relating to the election of directors of the Wes-Tex Groundwater Conservation District.

HB 2068 was previously recommitted to committee.

HB 2069 was previously recommitted to committee.

CSHB 2172 (by West), A bill to be entitled An Act relating to eligibility for a license or registration for an exemption to engage in liquefied petroleum gas-related activities and to disciplinary action against licensees and registrants.

HB 2174 (by Phillips), A bill to be entitled An Act relating to the terms of court of the 15th, 59th, and 336th District Courts.

HB 2195 (by Madden), A bill to be entitled An Act relating to the disclosure of certain confidential health information to the Texas Department of Criminal Justice.

HB 2196 (by Madden), A bill to be entitled An Act relating to the transfer of surplus data processing equipment to the Texas Department of Criminal Justice.

CSHB 2202 was previously recommitted to committee.

HB 2256 (by Gallego), A bill to be entitled An Act relating to the terms of court of the 112th Judicial District.

CSHB 2267 (by W. Smith), A bill to be entitled An Act relating to the powers of the Coastal Water Authority; providing the authority to impose a tax; affecting the authority to issue bonds.

Amendment No. 1

Representative W. Smith offered the following amendment to **CSHB 2267**:

Amend **CSHB 2267** on page 3, line 22, between "Quality" and the period, by inserting:

". The Authority must obtain the approval of the mayor and the city council of the City of Houston before the Authority acquires any water rights".

Amendment No. 1 was adopted.

HB 2298 (by Smithee), A bill to be entitled An Act relating to elimination of certain rate rollbacks for insurance premium rates for windstorm insurance.

HB 2322 was previously recommitted to committee.

HB 2336 (by Corte), A bill to be entitled An Act relating to reimbursement of certain expenses for members of the Texas Military Facilities Commission.

HB 2384 (by Madden and M. Noriega), A bill to be entitled An Act relating to the composition of the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative M. Noriega, Representative Madden offered the following committee amendment to **HB 2384**:

Amend **HB 2384** as follows:

(1) Strike SECTION 1 of the bill and renumber existing SECTIONS accordingly.

(2) On page 2, line 8, strike "Criminal Justice Policy Council" and substitute "Correctional Managed Health Care Committee [~~Criminal Justice Policy Council~~]".

(3) On page 2, line 20, strike "Texas Alliance for the Mentally Ill" and substitute "National [Texas] Alliance for the Mentally Ill of Texas".

(4) On page 2, line 24, strike "[and]" and substitute "and".

(5) On page 2, lines 26-27, strike:

; and

(22) the Correctional Managed Health Care Committee

Amendment No. 1 was adopted.

HB 2428 (by Puente), A bill to be entitled An Act relating to water and energy saving performance standards for commercial prerinse spray valves.

HB 2430 (by Puente and Rose), A bill to be entitled An Act relating to the establishment of a rainwater harvesting evaluation committee.

HB 2584 (by Hilderbran), A bill to be entitled An Act relating to the Kimble County Hospital District of Kimble County, Texas.

Amendment No. 1

Representative Hilderbran offered the following amendment to **HB 2584**:

Amend **HB 2584** on page 1 by striking lines 13 through 21 and substituting the following:

(e) The assessor and collector of taxes is entitled to a reasonable fee that is agreed to by the district as compensation for the person's [his] services [~~of not more than one percent of the total tax collected, but not to exceed \$5,000 in any one fiscal year. The board shall fix the exact amount of compensation. The tax assessor and collector shall deduct this fee from the payments made to the district of the taxes collected, and deposit that amount in the general fund of the county as a fee of office of the tax assessor and collector~~].

Amendment No. 1 was adopted.

HB 2587 (by Hilderbran), A bill to be entitled An Act relating to the Schleicher County Hospital District.

HB 2614 (by Eiland), A bill to be entitled An Act relating to the applicability of certain insurance laws to Lloyd's plans and reciprocal and interinsurance exchanges.

HB 2626 (by W. Smith), A bill to be entitled An Act relating to the penalties and fees imposed by municipalities and counties in relation to certain false alarms.

CSHB 2760 (by Taylor), A bill to be entitled An Act relating to regulation of rates for personal automobile and fire and allied lines insurance policies issued by a county mutual insurance company.

HB 2961 (by Paxton), A bill to be entitled An Act relating to the repeal of certain requirements for the Texas Workforce Commission's administration of federally established day-care programs.

HB 2962 (by Paxton), A bill to be entitled An Act relating to the abolition of the work and family policies advisory committee and the work and family policies fund.

HB 3199 (by Hope), A bill to be entitled An Act relating to the terms of court of the 410th District Court.

HB 3340 (by Hughes), A bill to be entitled An Act relating to surveys accepted for filing in the official records of the General Land Office.

CSHB 3353 (by Driver), A bill to be entitled An Act relating to the continuation of certain offenses and certain statutes involving the interception of certain communications.

HB 3481 (by Hope), A bill to be entitled An Act relating to the appointment of magistrates in the district courts and statutory county courts in Montgomery County.

HB 3489 (by Dawson and Bonnen), A bill to be entitled An Act relating to the creation of an additional statutory county court in Brazoria County.

CSHCR 13 was deferred until the end of today's Local, Consent, and Resolutions Calendar.

HCR 71 (by Bonnen), Designating Texas purple sage (*Leucophyllum frutescens*) as the official State Native Shrub of Texas.

HCR 93 (by R. Cook and Bohac), Designating Schulenburg the Official Home of the Painted Churches of Texas.

SB 235 (T. Smith - House Sponsor), A bill to be entitled An Act relating to the qualifications of bailiffs and grand jury bailiffs for certain courts.

SB 348 (Naishtat - House Sponsor), A bill to be entitled An Act relating to the availability of judges and magistrates for proceedings related to chemically dependent persons.

SB 524 (Frost - House Sponsor), A bill to be entitled An Act relating to the creation of a county court at law in Cass County.

HB 841 was withdrawn.

CSHCR 13 (by Chavez), Memorializing Congress to allow Mexican visitors the same six-month length of stay afforded to Canadian travelers. (Hartnett, Hope, and Riddle recorded voting no.)

(McClendon now present)

HR 1195 - ADOPTED
(by Casteel)

Representative Casteel moved to suspend all necessary rules to take up and consider at this time **HR 1195**.

The motion prevailed.

The following resolution was laid before the house:

HR 1195, Honoring Solomon D. David, Jr., and Nancy David for their invaluable contributions to the New Braunfels community.

HR 1195 was adopted.

HB 3572 - PERMISSION TO INTRODUCE

Representative Hilderbran requested permission to introduce and have placed on first reading **HB 3572**.

Permission to introduce was granted.

(Speaker in the chair)

RULES SUSPENDED

On motion of Representative Chisum and by unanimous consent, the house suspended all necessary rules in order to take up the second reading bills on the April 21 General State Calendar at this time.

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. 7).

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

CSHB 116 ON SECOND READING
(by Geren, Escobar, B. Cook, and Leibowitz)

CSHB 116, A bill to be entitled An Act relating to the establishment of the farm and ranch lands conservation program.

Representative Geren moved to postpone consideration of **CSHB 116** until 10 a.m. April 28.

The motion prevailed.

CSHB 148 ON SECOND READING
(by Harper-Brown)

CSHB 148, A bill to be entitled An Act relating to the probationary period of persons appointed to beginning positions in certain fire or police departments.

Amendment No. 1

Representative Talton offered the following amendment to **CSHB 148**:

Amend **CSHB 148** (House Committee Printing) on page 1, line 12, by striking "who must" and substituting the following:

who:

(1) are not employed by a department in which a collective bargaining agreement or meet-and-confer agreement currently exists or previously existed;
and

(2) must

Amendment No. 1 was adopted.

CSHB 148, 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: Herrero recorded voting no.)

CSHB 214 ON SECOND READING
(by Casteel)

CSHB 214, A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax.

Amendment No. 1

Representative Hilderbran offered the following amendment to **CSHB 214**:

Amend **CSHB 214** on Page 3, Line 14, by adding the following and renumbering the following sections accordingly:

(21) a county that has a population of 25,000 or less, whose territory is less than 750 square miles, and that has two incorporated municipalities, each with a population of 1,200 or less, in which one is located on the Frio River and the other on the Nueces River;

Amendment No. 1 was adopted.

CSHB 214, 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 252 ON SECOND READING
(by Goodman)

CSHB 252, A bill to be entitled An Act relating to the use of parenting plans and parenting coordinators in suits affecting the parent-child relationship.

Amendment No. 1

Representative Goodman offered the following amendment to **CSHB 252**:

Amend **CSHB 252** on page 9, between lines 14 and 15, by inserting the following:

Sec. 153.611. EXCEPTION FOR CERTAIN TITLE IV-D PROCEEDINGS. Notwithstanding any other provision of this subchapter, this subchapter does not apply to a proceeding in a Title IV-D case relating to the determination of parentage or establishment, modification, or enforcement of a child support or medical support obligation.

Amendment No. 1 was adopted.

CSHB 252, 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 360 ON SECOND READING

(by Talton)

HB 360, A bill to be entitled An Act relating to the punishment for the offense of aggravated assault.

Representative Talton moved to postpone consideration of **HB 360** until the end of today's calendar.

The motion prevailed.

CSHB 410 ON SECOND READING

(by Goodman)

CSHB 410, A bill to be entitled An Act relating to the property interests of spouses in connection with certain separate and community property.

CSHB 410 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 412 ON SECOND READING

(by Turner, et al.)

CSHB 412, A bill to be entitled An Act relating to the use of credit scoring and credit history by certain telecommunications and electric service providers.

Amendment No. 1

Representative Turner offered the following amendment to **CSHB 412**:

Amend **CSHB 412** on page 3, line 26-27 by striking subsection "a) A provider of local exchange telephone service" and substituting the following: "a) A provider of basic local telecommunications services and nonbasic network services"

Amend **CSHB 412** on page 4, line 3 by striking subsection "b) A provider of local exchange telephone service" and substituting the following: "b) A provider of basic local telecommunications services and nonbasic network services"

Amend **CSHB 412** on page 4, line 9-10 by striking "a provider of local exchange telephone service" and substituting the following: "a provider of basic local telecommunications services and nonbasic network services"

Amendment No. 1 was adopted.

CSHB 412, 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 568 ON SECOND READING
(by Campbell)

HB 568, A bill to be entitled An Act relating to a project authorized to be undertaken by certain development corporations.

HB 568 was withdrawn.

CSHB 585 ON SECOND READING
(by Corte)

CSHB 585, A bill to be entitled An Act relating to the requirements for the incorporation of a municipality in the extraterritorial jurisdiction of certain existing municipalities.

CSHB 585 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.) (The vote was reconsidered later today and **CSHB 585** was amended and was passed to engrossment.)

HB 614 ON SECOND READING
(by Puente)

HB 614, A bill to be entitled An Act relating to foster care payments for certain children.

Amendment No. 1

Representative Casteel offered the following amendment to **HB 614**:

Amend **HB 614**, on page 1, lines 9 through 11, by striking "after the child becomes 18 years of age if the child is enrolled in an accredited secondary school in a program leading toward a high school diploma" and substituting "until the later of:

(1) the date the child attains the age of 18; or
(2) the date the child graduates from high school or ceases to be enrolled in an accredited secondary school in a program leading toward a high school diploma".

Amendment No. 1 was adopted.

Amendment No. 2

On behalf of Representative Paxton, Representative Phillips offered the following amendment to **HB 614**:

Amend **HB 614**, page 1, line 10 by striking the words "an accredited" and replace with the word "a".

Amendment No. 2 was adopted.

HB 614, 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 629 ON SECOND READING

(by Solomons, et al.)

HB 629, A bill to be entitled An Act relating to notice required for a mechanic's, contractor's, or materialman's lien in certain circumstances.

Amendment No. 1

Representative Solomons offered the following amendment to **HB 629**:

Amend **HB 629** as follows:

(1) On page 1, strike lines 11-19 and substitute the following:

(2) files an affidavit claiming a lien not later than the 30th day after the earlier of the date:

(A) the work is completed;

(B) the original contract is terminated; or

(C) the original contractor abandons performance under the original contract.

(2) On page 1, line 23, between "CONTRACTOR" and the period, insert "OR OWNER".

(3) On page 1, line 24, through page 2, line 1, strike "contractor terminates work or" and substitute "contract is terminated or the original contractor".

(4) On page 3, line 2, between "lien" and "under", insert "to the extent authorized".

Amendment No. 1 was adopted.

HB 629, 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 720 ON SECOND READING

(by Berman)

HB 720, A bill to be entitled An Act relating to the members of a local workforce development board.

HB 720 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 952 ON SECOND READING**(by Delisi)**

CSHB 952, A bill to be entitled An Act relating to a pilot program to provide health services to state employees in state office complexes.

CSHB 952 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 1011 ON SECOND READING**(by Hilderbran)**

HB 1011, A bill to be entitled An Act relating to the removal of the dedication for certain cemeteries.

HB 1011 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 1135 ON SECOND READING**(by Delisi, Naishtat, Luna, Guillen, Coleman, et al.)**

CSHB 1135, A bill to be entitled An Act relating to a Medicaid buy-in program for employed persons with disabilities.

Representative McReynolds moved to postpone consideration of **CSHB 1135** until 10 a.m. April 25.

The motion prevailed.

HB 1179 ON SECOND READING**(by Dutton)**

HB 1179, A bill to be entitled An Act relating to the authority of an associate judge in certain family law cases.

HB 1179 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 1188 ON SECOND READING**(by Hartnett and Anchia)**

CSHB 1188, A bill to be entitled An Act relating to the criteria for designation of a reinvestment zone for purposes of tax increment financing and to the powers of a municipality that has created a reinvestment zone.

CSHB 1188 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.) (The vote was reconsidered later today, and **CSHB 1188** was amended and was passed to engrossment.)

SB 523 ON SECOND READING
(McReynolds - House Sponsor)

SB 523, A bill to be entitled An Act relating to the regional emergency medical dispatch resource center pilot program.

SB 523 was considered in lieu of **HB 1332**.

SB 523 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1332 - LAID ON THE TABLE SUBJECT TO CALL

Representative McReynolds moved to lay **HB 1332** on the table subject to call.

The motion prevailed.

CSHB 1188 - VOTE RECONSIDERED

Representative Hartnett moved to reconsider the vote by which **CSHB 1188** was passed to engrossment.

The motion to reconsider prevailed.

CSHB 1188 ON SECOND READING
(by Hartnett and Anchia)

CSHB 1188, A bill to be entitled An Act relating to the criteria for designation of a reinvestment zone for purposes of tax increment financing and to the powers of a municipality that has created a reinvestment zone.

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 1188**:

Amend **CSHB 1188** by striking page 2, lines 10-13, and substituting the following:

~~[(2) be predominantly open and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the municipality; or]~~

Amendment No. 1 was adopted.

CSHB 1188, 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 1558 ON SECOND READING
(by J. Davis)

CSHB 1558, A bill to be entitled An Act relating to an alternative method of satisfying certain licensing and program participation requirements for assisted living facilities.

Amendment No. 1

Representative J. Davis offered the following amendment to **CSHB 1558**:

Amend **CSHB 1558** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter B, Chapter 247, Health and Safety Code, is amended by adding Section 247.032 to read as follows:

Sec. 247.032. ACCREDITATION SURVEY TO SATISFY INSPECTION REQUIREMENTS. (a) In this section, "accreditation commission" means the Commission on Accreditation of Rehabilitation Facilities or the Joint Commission on Accreditation of Healthcare Organizations.

(b) The department shall accept an accreditation survey from an accreditation commission for an assisted living facility instead of an inspection under Section 247.023 or an annual inspection or survey conducted under the authority of Section 247.027, but only if:

(1) the accreditation commission's standards meet or exceed the requirements for licensing of the executive commissioner of the Health and Human Services Commission for an assisted living facility;

(2) the accreditation commission maintains an inspection or survey program that, for each assisted living facility, meets the department's applicable minimum standards as confirmed by the executive commissioner of the Health and Human Services Commission;

(3) the accreditation commission conducts an on-site inspection or survey of the facility at least as often as required by Section 247.023 or 247.027 and in accordance with the department's minimum standards;

(4) the assisted living facility submits to the department a copy of its required accreditation reports to the accreditation commission in addition to the application, the fee, and any report required for renewal of a license;

(5) the inspection or survey results are available for public inspection to the same extent that the results of an investigation or survey conducted under Section 247.023 or 247.027 are available for public inspection; and

(6) the department ensures that the accreditation commission has taken reasonable precautions to protect the confidentiality of personally identifiable information concerning the residents of the assisted living facility.

(c) The department shall coordinate its licensing activities with each of the accreditation commissions.

(d) Except as specifically provided by this section, this section does not limit the department in performing any power or duty under this chapter or inspection authorized by Section 247.027, including taking appropriate action relating to an assisted living facility, such as suspending or revoking a license, investigating an allegation of abuse, exploitation, or neglect or another complaint, assessing an administrative penalty, or closing the facility.

(e) This section does not require an assisted living facility to obtain accreditation from an accreditation commission.

SECTION 2. This Act takes effect January 1, 2006.

Amendment No. 1 was adopted.

CSHB 1558, 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 1588 ON SECOND READING

(by Driver)

CSHB 1588, A bill to be entitled An Act relating to the qualifications and removal of and continuing education requirements for a constable.

Representative Driver moved to postpone consideration of **CSHB 1588** until 9 a.m. April 26.

The motion prevailed.

CSHB 1676 ON SECOND READING

(by Dukes)

CSHB 1676, A bill to be entitled An Act relating to providing information about Respiratory Syncytial Virus under certain continuing education programs.

Representative Dukes moved to postpone consideration of **CSHB 1676** until 10 a.m. April 26.

The motion prevailed.

HB 1745 ON SECOND READING

(by Seaman)

HB 1745, A bill to be entitled An Act relating to the disqualification of certain temporary employees for unemployment compensation benefits.

Amendment No. 1

Representatives Seaman and Burnam offered the following amendment to **HB 1745**:

Amend **HB 1745** by striking Section 1 of the bill and substituting the following:

SECTION 1. Section 201.091, Labor Code, is amended by adding Subsection (f) to read as follows:

(f) For purposes of this subtitle, an individual who last worked for a temporary help firm is not considered to be unemployed until three business days have passed since the date the individual's last assignment ended.

Amendment No. 1 was adopted.

HB 1745, 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.)

(Geren in the chair)

CSHB 1759 ON SECOND READING**(by Keel)**

CSHB 1759, A bill to be entitled An Act relating to the eligibility for jury-recommended community supervision and to the conditions of community supervision for certain defendants convicted of state jail felonies.

CSHB 1759 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 1820 ON SECOND READING**(by Otto)**

CSHB 1820, A bill to be entitled An Act relating to the requirements for reporting certain information to the attorney general or the legislature.

Amendment No. 1

Representative Otto offered the following amendment to **CSHB 1820**:

Amend **CSHB 1820** as follows:

On page 2, line 5, after "1935" insert ", as amended"

Amendment No. 1 was adopted.

CSHB 1820, 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 1901 ON SECOND READING**(by W. Smith)**

HB 1901, A bill to be entitled An Act relating to the maximum reservation for certain individual projects of a portion of the state ceiling for private activity bonds.

HB 1901 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 1951 ON SECOND READING**(by Dawson and Bonnen)**

HB 1951, A bill to be entitled An Act relating to the creation of a judicial district composed of Brazoria County.

Amendment No. 1

Representative Dawson offered the following amendment to **HB 1951**:

Amend **HB 1951** as follows:

(1) On page 1, strike lines 5-19 and substitute the following:

SECTION 1. Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.556 to read as follows:

Sec. 24.556. 412TH JUDICIAL DISTRICT (BRAZORIA COUNTY). The 412th Judicial District is composed of Brazoria County.

SECTION 2. The 412th Judicial District is created on the effective date of this Act.

(2) Renumber subsequent sections of the bill appropriately.

Amendment No. 1 was adopted.

HB 1951, 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 1958 ON SECOND READING

(by **Haggerty**)

HB 1958, A bill to be entitled An Act relating to the authority of certain persons to bring suit to require an appraisal district or an appraisal review board to comply with the property tax laws.

HB 1958 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 1987 ON SECOND READING

(by **Bonnen**)

CSHB 1987, A bill to be entitled An Act relating to the regulation of underground and aboveground storage tanks.

Amendment No. 1

Representative Bonnen offered the following amendment to **CSHB 1987**:

Amend **CSHB 1987** (House committee printing) as follows:

(1) Add the following appropriately numbered sections to the bill and renumber the subsequent sections accordingly:

SECTION _____. Section 7.156(c), Water Code, is amended to read as follows:

(c) A person commits an offense if the person is an owner or operator of an underground ~~underground~~ storage tank regulated under Chapter 26 into which any regulated substance is delivered ~~[or physically delivers any regulated substance into an underground storage tank regulated under Chapter 26]~~ unless the underground storage tank has been issued a valid, current underground storage tank registration and certificate of compliance under Section 26.346.

SECTION _____. Section 26.351(f), Water Code, is amended to read as follows:

(f) The person performing corrective action under this section, if the release was reported to the commission on or before December 22, 1998, shall meet the following deadlines:

(1) a complete site assessment and risk assessment (including, but not limited to, risk-based criteria for establishing target concentrations), as determined by the executive director, must be received by the agency no later than September 1, 2002;

(2) a complete corrective action plan, as determined by the executive director and including, but not limited to, completion of pilot studies and recommendation of a cost-effective and technically appropriate remediation methodology, must be received by the agency no later than September 1, 2003. The person may, in lieu of this requirement, submit by this same deadline a demonstration that a corrective action plan is not required for the site in question under commission rules. Such demonstration must be to the executive director's satisfaction;

(3) for those sites found under Subdivision (2) to require a corrective action plan, that plan must be initiated and proceeding according to the requirements and deadlines in the approved plan no later than March 1, 2004;

(4) for sites which require either a corrective action plan or groundwater monitoring, a comprehensive and accurate annual status report concerning those activities must be submitted to the agency;

(5) for sites which require either a corrective action plan or groundwater monitoring, all deadlines set by the executive director concerning the corrective action plan or approved groundwater monitoring plan shall be met; and

(6) for sites that require either a corrective action plan or groundwater monitoring, have met all other deadlines under this subsection, and have submitted annual progress reports that demonstrate progress toward meeting closure requirements, a site closure request must be submitted to [requests for all sites where] the executive director [agreed in writing that no corrective action plan was required must be received by the agency] no later than September 1, 2007 [2005]. The request must be complete, as judged by the executive director.

(2) On page 2, line 20, strike "(r) and" and substitute "(d), (r), and".

(3) On page 2, between lines 21 and 22, insert the following:

(d) The commission may use the money in the petroleum storage tank remediation account to pay:

(1) necessary expenses associated with the administration of the petroleum storage tank remediation account and the groundwater protection cleanup program[~~not to exceed an amount equal to: 11.8 percent of the gross receipts of that account for FY02/03; 16.40 percent of the gross receipts of that account for FY04/05; and 21.1 percent of the gross receipts of that account for FY06/07;~~];

(2) expenses associated with investigation, cleanup, or corrective action measures performed in response to a release or threatened release from a petroleum storage tank, whether those expenses are incurred by the commission or pursuant to a contract between a contractor and an eligible owner or operator as authorized by this subchapter; and

(3) subject to the conditions of Subsection (e) [~~of this section~~], expenses associated with investigation, cleanup, or corrective action measures performed in response to a release or threatened release of hydraulic fluid or spent oil from hydraulic lift systems or tanks located at a vehicle service and fueling facility and used as part of the operations of that facility.

Amendment No. 1 was adopted.

CSHB 1987, 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: Y. Davis, Herrero, and Leibowitz recorded voting no.)

HB 2024 ON SECOND READING
(by Hilderbran and Guillen)

HB 2024, A bill to be entitled An Act relating to hunter education.

Amendment No. 1

Representative Phillips offered the following amendment to **HB 2024**:

Amend **HB 2024** (House Committee Printing) as follows:

(1) On page 1, line 6, strike "Subsection (n)" and substitute "Subsections (n) and (o)".

(2) On page 3, between lines 24 and 25, insert the following:

(o) The Subsection (d) requirement that a person complete a training course before the person may hunt does not apply to a person who:

(1) is a member of the United States military forces serving on active duty; or

(2) was honorably discharged from the United States military forces.

Amendment No. 1 was adopted.

HB 2024, 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 2032 ON SECOND READING
(by Hilderbran)

HB 2032, A bill to be entitled An Act relating to the expansion of the operation game thief program to include certain other violations of law.

HB 2032 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 2046 ON SECOND READING**(by Puente)**

HB 2046, A bill to be entitled An Act relating to the applicability of the open meetings law to actions taken by certain directors of a water district; providing a criminal penalty.

HB 2046 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 2096 ON SECOND READING**(by Bonnen)**

CSHB 2096, A bill to be entitled An Act relating to the removal and disposal of certain vessels and structures in certain locations; providing penalties.

CSHB 2096 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.)

(Luna now present)

CSHB 2331 ON SECOND READING**(by Morrison)**

CSHB 2331, A bill to be entitled An Act relating to the emergency possession of certain abandoned children; providing a penalty.

Amendment No. 1

Representative Morrison offered the following amendment to **CSHB 2331**:

Amend **CSHB 2331**, on page 1, line 9, between "provider" and the period, by inserting ", unless it appears that the child has been abused or neglected".

Amendment No. 1 was adopted.

CSHB 2331, 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 2440 ON SECOND READING**(by West)**

HB 2440, A bill to be entitled An Act relating to the regulation by the Railroad Commission of Texas of activities associated with multiple accumulations of hydrocarbons from which production by commingling of hydrocarbons is authorized.

(Speaker in the chair)

HB 2440 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 2491 ON SECOND READING

(by Puente)

HB 2491, A bill to be entitled An Act relating to the transfer of an ad valorem tax lien and to a contract for foreclosure of an ad valorem tax lien.

Representative Puente moved to postpone consideration of **HB 2491** until 10 a.m. April 26.

The motion prevailed.

CSHB 2555 ON SECOND READING

(by Kuempel)

CSHB 2555, A bill to be entitled An Act relating to the humane dispatch of certain game animals and game birds.

CSHB 2555 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 2926 ON SECOND READING

(by Hamric)

HB 2926, A bill to be entitled An Act relating to the procedure for listing property in the appraisal records following certain ad valorem tax sales.

HB 2926 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

POSTPONED BUSINESS

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

HB 360 ON SECOND READING

(by Talton)

HB 360, A bill to be entitled An Act relating to the punishment for the offense of aggravated assault.

HB 360 was read second time earlier today and was postponed until this time.

HB 360 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 585 - VOTE RECONSIDERED

Representative Corte moved to reconsider the vote by which **CSHB 585** was passed to engrossment.

The motion to reconsider prevailed.

CSHB 585 ON SECOND READING

(by Corte)

CSHB 585, A bill to be entitled An Act relating to the requirements for the incorporation of a municipality in the extraterritorial jurisdiction of certain existing municipalities.

Amendment No. 1

Representative Corte offered the following amendment to **CSHB 585**:

Amend **CSHB 585** as follows:

On page 1, line 16 after the word "jurisdiction" add the new language , or the limited purpose annexation area.

Amendment No. 1 was adopted.

CSHB 585, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

POSTPONED BUSINESS

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

SB 245 ON SECOND READING

(Phillips - House Sponsor)

SB 245, A bill to be entitled An Act relating to local government authorization of charitable solicitation by a pedestrian.

SB 245 was considered in lieu of **CSHB 3020**.

SB 245 was read second time.

Amendment No. 1

Representative West offered the following amendment to **SB 245**:

Amend **SB 245** as follows:

1. On Page 1, between lines 6 and 7 insert the following:

Sec. 552.0071. NAME OF ACT. This Act may be cited as the Sean McKinnis Charitable Solicitation Act.

2. On Page 1, line 7, strike 552.0071 and insert in lieu thereof "552.0072"

(Hartnett in the chair)

Amendment No. 1 was adopted.

SB 245, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 3020 - LAID ON THE TABLE SUBJECT TO CALL

Representative Phillips moved to lay **CSHB 3020** on the table subject to call.

The motion prevailed.

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).

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

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

Judiciary, upon first adjournment today, Desk 70, for a formal meeting, to consider pending business.

(Speaker in the chair)

Culture, Recreation, and Tourism, upon first adjournment today, Desk 66, for a formal meeting, to consider pending business.

FIVE DAY POSTING RULE SUSPENDED

Representative Hartnett moved to suspend the five day posting rule to allow the Committee on Judiciary to consider **HB 3570** at 2 p.m. or upon final adjournment, April 25, in E2.028.

The motion prevailed.

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **HB 2446** and **HB 3530** at 2 p.m. or upon final adjournment today.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local Government Ways and Means, upon first adjournment today, Desk 73, for a formal meeting, to consider pending business.

ADJOURNMENT

The speaker announced the house would stand adjourned until 11:45 a.m. today.

The house accordingly, at 11:30 a.m., adjourned until 11:45 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 30**HCR 146, HCR 151****Senate List No. 7****SB 148, SB 239, SB 581****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
Friday, April 22, 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:

SCR 31 Seliger
Recognizing Amarillo and the Texas Panhandle for their observance of National Day of Prayer on May 5, 2005.

Respectfully,
Patsy Spaw
Secretary of the Senate

