

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-FIFTH DAY — MONDAY, APRIL 25, 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 391).

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; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; 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; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Nixon; Oliveira; Smithee.

Absent — Flores; Hartnett; Uresti.

The invocation was offered by Carl Todi, senior pastor, Trinity Church, Lubbock.

The speaker recognized Representative Isett 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 illness:

Oliveira on motion of McReynolds.

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

Nixon on motion of Denny.

The following member was granted leave of absence temporarily for today to attend a funeral:

Smithee on motion of Berman.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Hope who presented Dr. Gregg Hallbauer of Conroe as the "Doctor for the Day."

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

(Woolley 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).

HR 1227 - ADOPTED

(by Zedler)

Representative Zedler moved to suspend all necessary rules to take up and consider at this time **HR 1227**.

The motion prevailed.

The following resolution was laid before the house:

HR 1227, Commending the Shaken Baby Alliance of Fort Worth during Child Abuse Prevention Month for its work toward eradicating Shaken Baby Syndrome.

HR 1227 was read and was adopted.

HR 1245 - ADOPTED

(by Hill)

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 1245**.

The motion prevailed.

The following resolution was laid before the house:

HR 1245, Honoring the L. V. Berkner High School Concert Band on receiving a 2004 Sudler Flag of Honor from the John Philip Sousa Foundation.

HR 1245 was adopted.

HR 1231 - ADOPTED
(by Farabee)

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 1231**.

The motion prevailed.

The following resolution was laid before the house:

HR 1231, Honoring the Wichita Falls Boys & Girls Clubs on their 76th anniversary.

HR 1231 was adopted.

HR 1335 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 1335**.

The motion prevailed.

The following resolution was laid before the house:

HR 1335, Honoring the elementary school guidance counselors of the Rio Grande City Independent School District on the occasion of their visit to the State Capitol.

HR 1335 was read and was adopted.

HR 935 - ADOPTED
(by Hilderbran)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HR 935**.

The motion prevailed.

The following resolution was laid before the house:

HR 935, In memory of Walter B. Hailey, Jr., of Hunt.

HR 935 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The chair recognized Representative Hilderbran who introduced the family of Walter B. Hailey, Jr.

(Speaker in the chair)

HR 1336 - ADOPTED
(by Harper-Brown)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1336**.

The motion prevailed.

The following resolution was laid before the house:

HR 1336, Honoring members of the Irving Girls Cheerleader Association (IGCA) on their many accomplishments.

HR 1336 was read and was adopted.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 1336** as signers thereof.

SCR 31 - ADOPTED
(Craddick - House Sponsor)

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **SCR 31**.

The motion prevailed.

The following resolution was laid before the house:

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

SCR 31 was adopted.

POSTPONED BUSINESS

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

SB 187 ON SECOND READING
(Rose, Naishtat, and J. Davis - House Sponsors)

SB 187, A bill to be entitled An Act relating to permissible uses of money in the comprehensive rehabilitation fund.

SB 187 was considered in lieu of **HB 134**.

SB 187 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.)

HB 134 - LAID ON THE TABLE SUBJECT TO CALL

Representative Rose moved to lay **HB 134** on the table subject to call.

The motion prevailed.

(Uresti now present)

SB 402 ON SECOND READING
(Hamric - House Sponsor)

SB 402, A bill to be entitled An Act relating to the administration and functions of the Texas State Board of Podiatric Medical Examiners; providing an administrative penalty.

SB 402 was considered in lieu of **HB 1435**.

SB 402 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.)

HB 1435 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hamric moved to lay **HB 1435** on the table subject to call.

The motion prevailed.

CSHB 634 ON SECOND READING

(by Baxter, Rose, Branch, 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.

CSHB 634 was read second time on April 18 and was postponed until 10 a.m. today.

Representative Baxter moved to postpone consideration of **CSHB 634** until 10 a.m. May 2.

The motion prevailed.

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.

CSHB 1457 was read second time on April 18 and was postponed until 10 a.m. today.

Representative Delisi moved to postpone consideration of **CSHB 1457** until 10 a.m. April 27.

The motion prevailed.

SB 566 ON SECOND READING

(Delisi - House Sponsor)

SB 566, A bill to be entitled An Act relating to a Medicaid buy-in program for employed persons with disabilities.

SB 566 was considered in lieu of **CSHB 1135**.

SB 566 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 1135 - LAID ON THE TABLE SUBJECT TO CALL

Representative Delisi moved to lay **CSHB 1135** on the table subject to call.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Eiland on motion of McCall.

HB 183 - VOTE RECONSIDERED

Representative F. Brown moved to reconsider the vote by which **HB 183** was passed.

The motion to reconsider prevailed.

HB 183 ON THIRD READING

(by F. Brown, Anchia, Callegari, McClendon, and Gonzalez Toureilles)

HB 183, A bill to be entitled An Act relating to the prosecution of offenses involving the use of safety belts and child passenger safety seat systems.

Amendment No. 1

Representative F. Brown offered the following amendment to **HB 183**:

Amend **HB 183** on third reading, as amended by FA No. 1 by Gonzales and FA No. 2 by Hegar, as follows:

(1) On page 1, line 9, (House Committee Report) strike "eight" and substitute "six".

(2) On page 1, line 19 (House Committee Report), strike "eight" and substitute "six".

(3) On page 1, line 21 (House Committee Report), strike "57" and substitute "51".

(4) On page 1, line 22 (House Committee Report), between "height" and "to", insert "or 80 pounds or more".

(5) In Section 545.4121(b), Transportation Code, as added by FA No. 2 by Hegar, strike Section 545.4121(b) (2), Transportation Code, and substitute "(2) who is six years of age or younger or who is less than 51 inches in height and less than 80 pounds."

Amendment No. 1 was adopted.

A record vote was requested.

HB 183, as amended, was passed by (Record 392): 92 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Anderson; Bailey; Baxter; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, R.; Corte; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dunnam; Dutton; Edwards; Elkins; Farabee; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Haggerty; Hamric; Hardcastle; Hegar; Herrero; Hill; Hochberg; Homer; Jackson; Jones, J.; Keffer, J.; King, P.; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Moreno, J.; Morrison; Mowery; Naishtat; Noriega, M.; Olivo; Otto; Peña; Phillips; Pickett;

Quintanilla; Ritter; Rodriguez; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley.

Nays — Allen, R.; Berman; Cook, B.; Crabb; Crownover; Denny; Dukes; Eissler; Escobar; Flynn; Frost; Grusendorf; Guillen; Hamilton; Harper-Brown; Hilderbran; Hodge; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Jones, D.; Keel; Keffer, B.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Merritt; Miller; Moreno, P.; Orr; Paxton; Puente; Raymond; Reyna; Riddle; Rose; Swinford; Talton; Taylor; Turner; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Nixon; Oliveira; Smithee.

Absent — Farrar; Flores; Hartnett; Isett; Krusee; Menendez; Pitts.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 392. I intended to vote no.

Blake

I was shown voting yes on Record No. 392. I intended to vote no.

Corte

I was shown voting no on Record No. 392. I intended to vote yes.

Rose

LEAVES OF ABSENCE GRANTED

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

Pitts on motion of Solomons.

The following member was granted leave of absence temporarily for today because of appropriations business:

Luna on motion of Solomons.

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

Menendez on motion of Pickett.

POSTPONED BUSINESS (consideration continued)

CSHB 1546 ON SECOND READING (by McClendon, Krusee, Herrero, and Hamric)

CSHB 1546, A bill to be entitled An Act relating to the administration and use of the Texas rail relocation and improvement fund and the issuance of obligations for financing the relocation, construction, reconstruction, acquisition, improvement, rehabilitation, and expansion of certain rail facilities.

CSHB 1546 was read second time on April 20 and was postponed until 11 a.m. today.

Amendment No. 1

Representative McClendon offered the following amendment to **CSHB 1546**:

Amend **CSHB 1546** as follows:

(1) On page 4, strike lines 12-16 and substitute:

(A) relieve congestion on public highways;

(B) enhance public safety;

(2) On page 9, strike lines 3-6 and substitute "facilities takes effect. If that".

Amendment No. 1 was adopted.

Representative McClendon moved to postpone consideration of **CSHB 1546** until the end of today's calendar.

The motion prevailed.

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.

HCR 69 was laid before the house on April 18 and was postponed until 10 a.m. today.

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

The motion prevailed.

MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING

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

CSSB 407 ON SECOND READING
(B. Cook - House Sponsor)

CSSB 407, A bill to be entitled An Act relating to the continuation and functions of the State Board of Veterinary Medical Examiners.

CSSB 407 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.)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Juvenile Justice and Family Issues, upon lunch recess today, Desk 115, for a formal meeting, to consider pending business.

FIVE DAY POSTING RULE SUSPENDED

Representative Keel moved to suspend the five day posting rule to allow the Committee on Criminal Jurisprudence, Subcommittee on Enhancements, to consider **HB 2911** at 2 p.m. or upon final adjournment, April 28 in E2.028.

The motion prevailed.

RECESS

At 11:51 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.

POSTPONED BUSINESS

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

HB 1396 ON SECOND READING

(by Zedler)

HB 1396, A bill to be entitled An Act relating to a pilot program for language interpreter services under the medical assistance program.

HB 1396 was read second time on April 19 and was postponed until 1 p.m. today.

Representative Zedler moved to postpone consideration of **HB 1396** until 1 p.m. May 2.

The motion prevailed.

CONSTITUTIONAL AMENDMENTS CALENDAR

HOUSE JOINT RESOLUTIONS

SECOND READING

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

HJR 6 ON SECOND READING

(by Chisum, Hartnett, Hopson, Howard, McReynolds, et al.)

HJR 6, A joint resolution proposing a constitutional amendment providing that marriage in this state consists only of the union of one man and one woman.

Amendment No. 1

Representative Coleman offered the following amendment to **HJR 6**:

Amend **HJR 6** by striking page 1, line 3.

(Hartnett now present)

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Chisum offered the following amendment to **HJR 6**:

Amend **HJR 6** as follows:

(1) On page 1, line 6, between "32," and "Marriage", insert "(a)".

(2) On page 1, between lines 7 and 8, insert the following:

(b) This state or a political subdivision of this state may not create or recognize any legal status identical or similar to marriage.

SECTION 2. This state recognizes that through the designation of guardians, the appointment of agents, and the use of private contracts, persons may adequately and properly appoint guardians and arrange rights relating to hospital visitation, property, and the entitlement to proceeds of life insurance policies without the existence of any legal status identical or similar to marriage.

(3) On page 1, line 8, strike "2" and substitute "3".

(4) On page 1, line 13, between "woman" and the period, insert the following:

"and prohibiting this state or a political subdivision of this state from creating or recognizing any legal status identical or similar to marriage".

(Flores now present)

Amendment No. 3

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

Strike Section 2, lines 4–20 of the Chisum Amendment and insert the following language:

SECTION 2. Nothing in this Constitution shall preclude the Legislature from establishing a civil contract or a statutory form or statutory forms of recognition granting persons of the same gender the same or similar, in whole or in part, rights, duties, and responsibilities of marriage, including requirements for court ordered dissolution."

Representative Chisum moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 393): 98 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gallego; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; Martinez; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Olivo; Orr;

Otto; Paxton; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farrar; Flores; Giddings; Gonzales; Gonzalez Toureilles; Herrero; Hochberg; Hodge; Keel; Leibowitz; Martinez Fischer; McClendon; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Puente; Rodriguez; Solis; Strama; Thompson; Turner; Veasey; Villarreal; Vo; Wong.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Luna; Menendez; Nixon; Oliveira; Pitts; Smithee.

Absent — Bonnen; Jones, J.; Peña; Uresti.

STATEMENT OF VOTE

When Record No. 393 was taken, I was temporarily out of the house chamber. I would have voted yes.

Bonnen

Amendment No. 4

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

Amend Floor Amendment 2 to **HJR 6**, House Committee Printing by inserting the following at the end of Subsection (b):

This section may not be construed to prohibit the recognition of any contractual relationship currently available.

On page 1, strike lines 8-13.

Amendment No. 4 was withdrawn.

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. 8).

HJR 6 - (consideration continued)

Amendment No. 5

Representatives Farrar and Alonzo offered the following amendment to Amendment No. 2:

Amend Floor Amendment 2 to **HJR 6**, House Committee Printing by inserting the following at the end of Subsection (b):

This section may not be construed to prohibit the recognition of any contractual relationship currently available in Texas.

On page 1, strike lines 8-13.

Representative Chisum moved to table Amendment No. 5.

A record vote was requested.

The motion to table prevailed by (Record 394): 96 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Olivo; Orr; Otto; Paxton; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farrar; Giddings; Gonzales; Gonzalez Tourelles; Herrero; Hochberg; Hodge; Hunter; Jones, J.; Keel; Leibowitz; Martinez; Martinez Fischer; McClendon; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Puente; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo; Wong.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Luna; Menendez; Nixon; Oliveira; Pitts; Smithee.

Absent — Gallego; Peña.

STATEMENT OF VOTE

When Record No. 394 was taken, I was temporarily out of the house chamber, meeting with constituents from Uvalde regarding water. I would have voted no.

Gallego

A record vote was requested.

Amendment No. 2 was adopted by (Record 395): 98 Yeas, 41 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gallego; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; Martinez; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Olivo; Orr;

Otto; Paxton; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Farrar; Flores; Giddings; Gonzales; Gonzalez Toureilles; Herrero; Hochberg; Hodge; Keel; Leibowitz; Martinez Fischer; McClendon; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Puente; Rodriguez; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo; Wong.

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

Absent, Excused — Eiland; Luna; Menendez; Nixon; Oliveira; Pitts; Smithee.

Absent — Casteel; Peña.

STATEMENTS OF VOTE

When Record No. 395 was taken, I was in the house but away from my desk. I would have voted yes.

Casteel

I was shown voting yes on Record No. 395. I intended to vote no.

Gallego

A record vote was requested.

The vote of the house was taken on the adoption of **HJR 6** and the vote was announced yeas 102, nays 29.

A verification of the vote was requested and was granted.

The roll of those voting yea was again called and the verified vote resulted, as follows (Record 396): 101 Yeas, 29 Nays, 8 Present, not voting.

Yeas — Mr. Speaker(C); Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gattis; Geren; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Olivo; Orr; Otto; Paxton; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Farrar; Gallego; Herrero; Hochberg; Hodge; Martinez Fischer; McClendon; Moreno, J.; Moreno, P.; Naishtat; Noriega, M.; Puente; Rodriguez; Strama; Thompson; Veasey; Villarreal; Vo.

Present, not voting — Castro; Chavez; Giddings; Gonzales; Jones, J.; Leibowitz; Turner; Wong.

Absent, Excused — Eiland; Luna; Menendez; Nixon; Oliveira; Pitts; Smithee.

Absent — Flores; Martinez; Peña; Solis; Uresti.

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

The speaker stated that **HJR 6**, as amended, was adopted by the above vote.

STATEMENTS OF VOTE

When Record No. 396 was taken, I was in the house but away from my desk. I would have voted yes.

Flores

I was shown voting present, not voting on Record No. 396. I intended to vote yes.

Leibowitz

When Record No. 396 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez

I was excused on April 25, 2005 to be with my father in the hospital. Had I been present, I would have voted yes on **HJR 6**.

Nixon

REASONS FOR VOTE

I strongly support the institution of marriage and believe that our government should support efforts to strengthen this important bond between a man and a woman. I also believe individuals should have their rights protected when entering into civil agreements and contracts. The Chisum Amendment that was added to the bill puts into question the consideration and protection of civil unions between men and women. Since this proposed constitutional amendment now includes the prohibition of such arrangements, I could not in good conscience vote in favor of **HJR 6**.

Castro

My intention was to vote for **HJR 6** as filed and as it was presented to the full house for consideration and action. I strongly support the institution of marriage and believe that our government should support efforts to strengthen this important bond between a man and a woman. However, I also believe individuals should have the right and their rights protected when entering into

civil agreements and contracts. The Chisum Amendment that was added to the bill puts into question the consideration and protection of civil unions. Since this proposed constitutional amendment now includes the prohibition of such arrangements, I could not in good conscience vote in favor of **HJR 6**.

Chavez

I fully agree that the institution of marriage should be limited to one man and one woman. I supported the Defense of Marriage Act, which is current Texas law. If that were the issue before us today, I would vote the same way again. However, in its continuing zeal to protect the institution of marriage, the legislature now infringes on the contractual rights of both men and women. For example, common-law marriages between men and women are in essence civil unions—but the Chisum Amendment bans civil unions between men and women—and not solely between individuals of the same sex. This is an unnecessary and improper governmental intrusion into the rights of individuals.

Dunnam and Gallego

My intention was to vote for **HJR 6** as passed by the State Affairs Committee. I believe in the institution of marriage and that it is between a woman and a man. My support of this HJR is in keeping with my faith. I support language that states "marriage in this state shall consist of the union of one man and one woman" being placed on the ballot in November.

The additional language and the issues associated with that language I could not support as language that should be put in the Texas Constitution. There is language in the family code that deals with the issues of common law and civil unions and that is the proper place.

Giddings

I believe in marriage being between a man and a woman, and I would have preferred to have voted simply on that, especially since that is existing law. But Representative Chisum added a ban on civil unions—possibly even common law marriages—even though he denies that. I do not believe in banning civil unions. For that reason, I voted in favor of the amendments that would have protected these unions. Because **HJR 6** was too vague and went too far, I could not, in good conscience, vote for it. Because I believe in marriage between a man and a woman, I didn't vote against it. Instead, I joined several of my colleagues in entering a vote of present, not voting.

Gonzales

This HJR limits the rights of men and women to contract with each other if the agreement or agreements they sign are "similar" to marriage, even if the agreements are between one man and one woman. That provision goes well beyond the original proposal, which was simply to define marriage. There was no justification offered as to why we would want to limit agreements between a man and a woman in our Constitution.

Hochberg

I voted against **HJR 6** because I believe the State of Texas already recognizes a marriage as only between a man and a woman. While children in hardworking Texas families are going without health insurance and the number of students who receive the Texas Grant—the real Texas Enterprise Fund—has been cut, the Texas House of Representatives should not waste valuable time and state resources to pointlessly change the Texas Constitution.

When I ran for office I promised to focus on education, health care, and economic development. I will not vote for meaningless legislation while these truly important issues are not being given adequate consideration.

Vo

STATEMENT BY REPRESENTATIVE HARTNETT

Remarks on the floor today by opponents of **HJR 6** run contrary to their votes in favor of my amendment to **HB 1245** on April 2, 2001 (Journal page 919), which was very similar to **HJR 6**.

LEAVE OF ABSENCE GRANTED

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.

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative Reyna moved to set a local, consent, and resolutions calendar for 9 a.m. April 29.

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. 2).

CSHJR 54 ON SECOND READING (by McClendon and Krusee)

CSHJR 54, A joint resolution proposing a constitutional amendment creating the Texas rail relocation and improvement fund and authorizing grants of money and issuance of obligations for financing the relocation, construction, reconstruction, acquisition, improvement, rehabilitation, and expansion of certain rail facilities.

Amendment No. 1

Representative McClendon offered the following amendment to **CSHJR 54**:

Amend **CSHJR 54** as follows:

- (1) On page 2, strike lines 3-7 and substitute:
 - (1) relieving congestion on public highways;
 - (2) enhancing public safety;

(2) On page 5, strike lines 17-22 and substitute "rehabilitation, and expansion of rail facilities."

Amendment No. 1 was adopted.

Amendment No. 2

Representative McClendon offered the following amendment to **CSHJR 54**:

Amend **CSHJR 54** as follows:

- (1) On page 3, line 18, strike "(g)" and substitute "(f)".
- (2) On page 3, line 20, strike "(e)" and substitute "(d)".
- (3) On page 4, line 26, strike "(g)" and substitute "(f)".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Y. Davis offered the following amendment to **CSHJR 54**:

Amend **CSHJR 54** (committee printing) on page 2, between lines 26 and 27, by inserting:

(c-1) If proceeds of obligations are to be used for a project located in the planning area of a metropolitan planning organization, the project must first be approved by the policy board of the metropolitan planning organization.

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Y. Davis offered the following amendment to **CSHJR 54**:

Amend **CSHJR 54** (committee printing) on page 3, between lines 3 and 4, by inserting:

(d-1) Proceeds of obligations may not be used to relocate an existing rail line unless the governing bodies of a majority of the total number of counties and municipalities in which the relocated rail line will be located have first approved the relocation.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of appropriations business:

Kolkhorst on motion of Solomons.

Gattis on motion of Solomons.

Turner on motion of Solomons.

CSHJR 54 - (consideration continued)

Representative McClendon moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 397): 72 Yeas, 55 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Castro; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Eissler; Elkins; Farabee; Flores; Flynn; Geren; Giddings; Gonzales; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Hamilton; Hamric; Hegar; Herrero; Hill; Hope; Howard; Hupp; Isett; Jackson; King, T.; Krusee; Kuempel; Laubenberg; McCall; McClendon; Merritt; Mowery; Otto; Peña; Phillips; Puente; Raymond; Reyna; Rose; Seaman; Smith, W.; Solis; Strama; Straus; Talton; Taylor; Uresti; Van Arsdale; Villarreal; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Baxter; Blake; Burnam; Chavez; Coleman; Cook, B.; Cook, R.; Davis, Y.; Dunnam; Dutton; Edwards; Escobar; Farrar; Frost; Gonzalez Toureilles; Haggerty; Hardcastle; Harper-Brown; Hartnett; Hodge; Homer; Hopson; Jones, D.; Jones, J.; Keel; Keffer, B.; King, P.; Laney; Leibowitz; Madden; Martinez; Martinez Fischer; McReynolds; Moreno, J.; Moreno, P.; Morrison; Naishtat; Noriega, M.; Olivo; Paxton; Pickett; Quintanilla; Riddle; Ritter; Rodriguez; Smith, T.; Solomons; Swinford; Thompson; Truitt; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Eiland; Gattis; Kolkhorst; Luna; Menendez; Nixon; Oliveira; Pitts; Smithee; Turner.

Absent — Casteel; Chisum; Crownover; Gallego; Hilderbran; Hochberg; Hughes; Hunter; Keffer, J.; Miller; Orr.

STATEMENTS OF VOTE

When Record No. 397 was taken, I was in the house but away from my desk. I would have voted yes.

Casteel

When Record No. 397 was taken, I was in the house but away from my desk. I would have voted yes.

Crownover

When Record No. 397 was taken, I was temporarily out of the house chamber, meeting with constituents with respect to water district legislation. I would have voted yes.

Gallego

When Record No. 397 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

Amendment No. 5

Representative T. King offered the following amendment to **CSHJR 54**:

Amend **CSHJR 54** (committee printing) on page 2, between lines 9 and 10, by inserting:

(b-1) The fund may also be used to provide a method of financing the construction of railroad underpasses and overpasses, if the construction is part of the relocation of a rail facility.

Amendment No. 5 was adopted.

A record vote was requested.

CSHJR 54, as amended, was adopted by (Record 398): 107 Yeas, 24 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anchia; Anderson; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chavez; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Edwards; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Harper-Brown; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Keffer, B.; King, P.; King, T.; Kuempel; Laubenberg; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miller; Morrison; Mowery; Naishtat; Olivo; Orr; Otto; Paxton; Peña; Phillips; Puente; Raymond; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Uresti; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Coleman; Davis, Y.; Dunnam; Dutton; Farrar; Hardcastle; Hartnett; Hodge; Jones, D.; Jones, J.; Keel; Laney; Leibowitz; Moreno, J.; Moreno, P.; Noriega, M.; Pickett; Quintanilla; Reyna; Riddle; Ritter; Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Eiland; Gattis; Kolkhorst; Luna; Menendez; Nixon; Oliveira; Pitts; Smithee; Turner.

Absent — Baxter; Chisum; Gallego; Jackson; Keffer, J.; Krusee; Van Arsdale.

STATEMENTS OF VOTE

When Record No. 398 was taken, I was temporarily out of the house chamber, meeting with constituents with respect to water district legislation. I would have voted yes.

Gallego

When Record No. 398 was taken, I was in the house but away from my desk. I would have voted yes.

Krusee

I was shown voting no on Record No. 398. I intended to vote yes.

Leibowitz

CSHJR 87 ON SECOND READING
(by Farabee)

CSHJR 87, A joint resolution proposing a constitutional amendment relating to the membership of the State Commission on Judicial Conduct.

(Keel in the chair)

A record vote was requested.

CSHJR 87 was adopted by (Record 399): 131 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.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; 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; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Mowery; Naishtat; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Bailey; Eiland; Gattis; Kolkhorst; Luna; Menendez; Nixon; Oliveira; Pitts; Smithee; Turner.

Absent — Burnam; Davis, Y.; Hughes; Miller; Morrison; Riddle.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

CSHB 371 ON SECOND READING
(by Farabee and Campbell)

CSHB 371, A bill to be entitled An Act relating to liquidated damages for violating certain requirements relating to executory contracts for the conveyance of certain real property.

Amendment No. 1

Representative Miller offered the following amendment to **CSHB 371**:

Amend **CSHB 371** with the following:

(1) Insert the following in Section 2 (c)(1)(B)(i), after the word "statement" and before the semicolon:

"at the purchaser's request and sent certified mail"

Representative Farabee moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Elkins offered the following amendment to **CSHB 371**:

Amend **CSHB 371** by striking page 1, line 13 through page 2, line 1, and substitute:

(c) A seller who fails to comply with Subsection (a) is liable to the purchaser for:

~~(1) liquidated damages in the amount of \$250 [a day for each day after January 31 that the seller fails to provide the purchaser with the statement; and~~
~~(2) reasonable attorney's fees].~~

Representative Farabee moved to table Amendment No. 2.

The motion to table prevailed.

Representative Farabee moved to postpone consideration of **CSHB 371** until the end of today's calendar.

The motion prevailed.

HB 418 ON SECOND READING

(by Turner)

HB 418, A bill to be entitled An Act relating to an exception to the 72-hour waiting period for a marriage ceremony for certain individuals.

(Bonnen in the chair)

HB 418 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.)

LEAVE OF ABSENCE GRANTED

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

McClendon on motion of Solomons.

CSHB 440 ON SECOND READING

(by Dutton)

CSHB 440, A bill to be entitled An Act relating to the modification or enforcement of a child support order during the obligor's confinement in jail or prison.

Amendment No. 1

Representative Thompson offered the following amendment to **CSHB 440**:

Amend **CSHB 440** on page 1, following line 10, by adding Subsection (f) to read as follows:

"(f) The obligor is not entitled to a waiver in subsection (a) (1) if the obligor is incarcerated for an act of family violence as defined by Section 71.004, Family Code, or for violation of a protective order as defined by Title 4, Subtitle B, Family Code or citation of contempt."

Amendment No. 1 was adopted.

Amendment No. 2

Representative Thompson offered the following amendment to **CSHB 440**:

Amend **CSHB 440** on page 1, following line 10, by adding Subsection (f) to read as follows:

"(f) The incarceration of an obligor for failure to comply with a child support order is not a material and substantial change in circumstances for purposes of subsection (a) (1). During incarceration for failure to comply with a child support order, the court shall not order that the obligor's child support obligation be abated, reduced or suspended."

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).

CSHB 440 - (consideration continued)

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Thompson offered the following amendment to **CSHB 440**:

Amend **CSHB 440** on page 1, following line 10, by adding Subsection (f) to read as follows:

"(f) All accruing interest for an obligor's child support obligation shall be suspended during an obligor's incarceration in a local, state, or federal jail or prison."

Amendment No. 3 was adopted.

CSHB 440, 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: Harper-Brown, Phillips, and Truitt recorded voting no.)

CSHB 480 ON SECOND READING

(by Keel)

CSHB 480, A bill to be entitled An Act relating to the towing and storage of certain vehicles; providing a penalty.

Amendment No. 1

Representative Casteel offered the following amendment to **CSHB 480**:

Amend **CSHB 480** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION __. Subchapter D, Chapter 2303, Occupations Code, is amended by adding Section 2303.159 to read as follows:

Sec. 2303.159. FORMS OF PAYMENT OF CHARGES. (a) The operator of a vehicle storage facility shall accept payment by an electronic check, debit card, or credit card for any charge associated with delivery or storage of a vehicle.

(b) In this section, "vehicle storage facility" includes a governmental vehicle storage facility as defined by Section 2303.155.

Amendment No. 1 was adopted.

CSHB 480, 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 587 ON SECOND READING

(by Rose)

HB 587, A bill to be entitled An Act relating to the installment payment of ad valorem taxes by certain veterans.

Representative Rose moved to postpone consideration of **HB 587** until 10 a.m. April 28.

The motion prevailed.

HB 798 ON SECOND READING

(by Uresti)

HB 798, A bill to be entitled An Act relating to release of a child taken into protective custody by a law enforcement or juvenile probation officer.

Amendment No. 1

Representative Uresti offered the following amendment to **HB 798**:

Amend **HB 798** as follows:

(1) On page 1, line 8, between the period and "A", insert "(a)".

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

(b) A child-placing agency or other authorized person who takes possession of a child under this section shall:

(1) immediately notify the Department of Family and Protective Services that the agency or other authorized person has taken possession of the child; and

(2) with the assistance of the law enforcement or juvenile probation officer who releases the child to the agency or other authorized person, complete a form prescribed by the Department of Family and Protective Services that contains basic information regarding the child and the circumstances under which the officer took possession of the child and promptly submit the completed form to the department.

Amendment No. 1 was adopted.

HB 798, 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 850 ON SECOND READING
(by B. Brown)

CSHB 850, A bill to be entitled An Act relating to professional health care liability insurance coverage information provided by a nursing home.

CSHB 850 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 916 ON SECOND READING
(by Woolley)

HB 916, A bill to be entitled An Act relating to creating the Governor's Health Care Coordinating Council.

HB 916 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: Thompson recorded voting no.)

CSHB 1036 ON SECOND READING
(by Rose)

CSHB 1036, A bill to be entitled An Act relating to conflicts of interest of policy board members of metropolitan planning organizations; providing a criminal penalty.

CSHB 1036 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 1189 ON SECOND READING
(by Hartnett and Alonzo)

HB 1189, A bill to be entitled An Act relating to the creation of two additional criminal judicial districts composed of Dallas County.

HB 1189 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 1213 ON SECOND READING
(by Harper-Brown)

HB 1213, A bill to be entitled An Act relating to fitness incentive pay for certain fire fighters and police officers.

HB 1213 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 1316 ON SECOND READING

(by Zedler)

CSHB 1316, A bill to be entitled An Act relating to immunization requirements for children in regulated child-care facilities.

(Smithee and Eiland now present)

(Speaker in the chair)

A record vote was requested.

CSHB 1316 was passed to engrossment by (Record 400): 85 Yeas, 48 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Baxter; Bohac; Bonnen; Branch; Brown, B.; Burnam; Callegari; Casteel; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gonzales; Gonzalez Toureilles; Griggs; Grusendorf; Guillen; Haggerty; Hamric; Hilderbran; Hill; Hochberg; Homer; Hopson; Jones, D.; Jones, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Martinez; Martinez Fischer; McCall; McReynolds; Morrison; Naishtat; Noriega, M.; Olivo; Orr; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Smith, T.; Solis; Strama; Thompson; Truitt; Uresti; Veasey; Villarreal; Vo; West; Wong; Zedler.

Nays — Berman; Blake; Brown, F.; Campbell; Chisum; Corte; Crabb; Denny; Driver; Eissler; Elkins; Geren; Goodman; Hamilton; Hardcastle; Harper-Brown; Hartnett; Herrero; Hodge; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; Leibowitz; Madden; Merritt; Miller; Moreno, J.; Mowery; Otto; Paxton; Riddle; Seaman; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Van Arsdale; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Kolkhorst; Luna; McClendon; Menendez; Nixon; Oliveira; Pitts; Turner.

Absent — Anderson; Giddings; Goolsby; Hegar; Moreno, P.; Phillips.

STATEMENTS OF VOTE

When Record No. 400 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

I was shown voting no on Record No. 400. I intended to vote yes.

Blake

When Record No. 400 was taken, I was in the house but away from my desk. I would have voted no.

Hegar

I was shown voting yes on Record No. 400. I intended to vote no.

Hilderbran

HB 1368 ON SECOND READING
(by R. Allen)

HB 1368, A bill to be entitled An Act relating to the confidentiality of and access to certain personal information in instruments recorded with a county clerk.

Representative R. Allen moved to postpone consideration of **HB 1368** until 10 a.m. April 28.

The motion prevailed.

CSHB 1418 ON SECOND READING
(by Gonzalez Toureilles and Herrero)

CSHB 1418, A bill to be entitled An Act relating to the justice court technology fund and to requiring the assessment of a technology fee on conviction of certain misdemeanor offenses.

Amendment No. 1

Representative Gonzalez Toureilles offered the following amendment to **CSHB 1418**:

Amend **CSHB 1418** as follows:

1. Strike SECTION 1 in its entirety and replace with the following:

SECTION 1. Articles 102.0173 (a) and (d), Code of Criminal Procedure, are amended to read as follows:

(a) The commissioners court of a county by order shall ~~may~~ create a justice court technology fund. A defendant convicted of a misdemeanor offense in justice court shall pay a \$4 justice court technology fee as a cost of court for deposit in the fund and may require a defendant convicted of a misdemeanor offense in justice court to pay a technology fee not to exceed \$4 as a cost of court.

(d) A fund designated by this article may be used only to finance:

(1) the cost of continuing education and training for justice court judges and clerks regarding technological enhancements for justice courts; and

(2) the purchase and maintenance of technological enhancements for a justice court, including:

- (A) [(+)] computer systems;
- (B) [(=)] computer networks;
- (C) [(=)] computer hardware;
- (D) [(+)] computer software;
- (E) [(=)] imaging systems;
- (F) [(=)] electronic kiosks;

(G) [(7)] electronic ticket writers; and
(H) [(8)] docket management systems.

2. After SECTION 1, insert SECTION 2 as follows:

SECTION 2. Section 102.101, Government Code is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT. A clerk of a justice court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Conduct Procedure)...\$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure)...\$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure)...one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure)...\$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure)...~~[not to exceed]~~ \$4; and
- (6) a court cost on conviction in Comal County (§152.0522, Human Resources Code)... \$1.50.

3. Renumber subsequent sections accordingly.

Amendment No. 1 was adopted.

CSHB 1418, 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: Keel recorded voting no.)

CSHB 1430 ON SECOND READING
(by McCall, Hochberg, Peña, and Zedler)

CSHB 1430, A bill to be entitled An Act relating to the installation, copying, or use of computer software for unauthorized purposes; providing penalties.

CSHB 1430 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 1483 ON SECOND READING
(by Frost and Guillen)

HB 1483, A bill to be entitled An Act relating to the method of payment for a concealed handgun license and the fee for a duplicate or modified license.

Amendment No. 1

Representative Frost offered the following amendment to **HB 1483**:

Amend **HB 1483** (house committee report) as follows:

(1) On page 1, line 9, between "order." and "Checks", insert "A person who pays a fee required by this subchapter by cash must pay the fee in person.".

(2) On page 1, line 11, between "~~department].~~" and "A", insert "A person whose payment for a fee required by this subchapter is dishonored or reversed must pay any future fees required by this subchapter by cashier's check or money order made payable to the "Texas Department of Public Safety."".

(3) On page 2, strike lines 24-25 and substitute "SECTION 3. Section 411.181, Government Code, is amended by amending Subsection (d) and adding Subsection (i) to read as follows:".

(4) On page 2, immediately after line 27, at the end of amended Section 411.181(d), Government Code, insert the following new subsection:

(i) A license holder whose application fee for a duplicate license under this section is dishonored or reversed may reapply for a duplicate license at any time, provided the application fee and a dishonored payment charge of \$25 is paid by cashier's check or money order made payable to the "Texas Department of Public Safety."

(5) On page 3, strike lines 1-2 and substitute "SECTION 4. Section 411.184, Government Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:".

(6) On page 3, between lines 19 and 20, insert the following new subsection:

(e) A license holder whose application fee for a modified license under this section is dishonored or reversed may reapply for a modified license at any time, provided the application fee and a dishonored payment charge of \$25 is paid by cashier's check or money order made payable to the "Texas Department of Public Safety."

(7) On page 3, line 21, between "for" and "license", strike "a" and substitute "an original, renewed, duplicate, or modified".

Amendment No. 1 was adopted.

HB 1483, 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 1599 ON SECOND READING (by Callegari)

HB 1599, A bill to be entitled An Act relating to a conservation and reclamation district's use of money received under a contract with a municipality.

HB 1599 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 1688 ON SECOND READING (by Dutton, Olivo, and Hegar)

HB 1688, A bill to be entitled An Act relating to the employment of school district peace officers and the enforcement of certain violations under a student code of conduct.

HB 1688 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: Anderson recorded voting no.)

HB 1708 ON SECOND READING
(by Baxter)

HB 1708, A bill to be entitled An Act relating to the applicability of state ethics laws to and indemnification of directors of regional mobility authorities; providing penalties.

Amendment No. 1

Representative Phillips offered the following amendment to **HB 1708**:

Amend **HB 1708** as follows:

(1) On page 1, line 10, strike "(c) or (d)" and substitute "(c), (d), or (e)".

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

(e) Subsection (a) does not apply to an authority if each county that is a part of the authority has a population of less than 200,000. The commissioners courts of the counties that are a part of an authority to which this subsection applies may jointly adopt a process that requires the directors of the authority to disclose personal financial activity as specified by the commissioners courts.

(3) On page 2, line 6, strike "(e)" and substitute "(f)".

Amendment No. 1 was adopted.

HB 1708, 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 1747 ON SECOND READING
(by J. Keffer, Frost, and B. Cook)

CSHB 1747, A bill to be entitled An Act relating to the creation of and funding for the Texas Entrepreneurship Network.

Representative J. Keffer moved to postpone consideration of **CSHB 1747** until the end of today's calendar.

The motion prevailed.

CSHB 1833 ON SECOND READING
(by Chisum)

CSHB 1833, A bill to be entitled An Act relating to disclosures required for the creation of certain consumer contracts solicited by mail; providing a civil penalty.

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 1833**:

Amend **CSHB 1833** as follows:

(1) On page 1, lines 14 and 15, between "Finance Code," and "that sends", insert "or an authorized lender as defined in Section 341.001, Finance Code,".

(2) On page 1, line 15, between "an" and "account", insert "existing or prospective".

Amendment No. 1 was adopted.

CSHB 1833, 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 1900 ON SECOND READING
(by Bonnen)

CSHB 1900, A bill to be entitled An Act relating to the assessment and regulation of emissions events.

Representative Bonnen moved to postpone consideration of **CSHB 1900** until 10 a.m. April 27.

The motion prevailed.

HB 1991 ON SECOND READING
(by Talton)

HB 1991, A bill to be entitled An Act relating to an exception to the prohibition against commingling used oil with solid waste if the commingling is incident to the dismantling of scrap, used, or obsolete metals.

Representative Talton moved to postpone consideration of **HB 1991** until 10 a.m. April 27.

The motion prevailed.

HB 2077 ON SECOND READING
(by Kolkhorst)

HB 2077, A bill to be entitled An Act relating to the prohibition of wireless communications devices in correctional facilities operated by or under contract with the Texas Department of Criminal Justice; providing penalties.

HB 2077 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 2137 ON SECOND READING
(by Phillips)

CSHB 2137, A bill to be entitled An Act relating to the construction or improvement of buildings by the Texas Department of Transportation.

CSHB 2137 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 2137** was passed to engrossment by Record No. 401.)

HB 2208 ON SECOND READING

(by Phillips)

HB 2208, A bill to be entitled An Act relating to the creation of a cultural and fine arts district program by the Texas Commission on the Arts.

HB 2208 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 2275 ON SECOND READING

(by B. Cook)

HB 2275, A bill to be entitled An Act relating to the forfeiture of certain contraband used in the commission of certain felony intoxication offenses.

HB 2275 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 2296 ON SECOND READING

(by R. Cook)

CSHB 2296, A bill to be entitled An Act relating to the reduction of a state jail felony prosecution to a misdemeanor prosecution.

CSHB 2296 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: Anderson recorded voting no.)

HB 2316 ON SECOND READING

(by Miller)

HB 2316, A bill to be entitled An Act relating to member restrictions for commissioners of the Texas Workforce Commission.

Representative Miller moved to postpone consideration of **HB 2316** until 10 a.m. May 4.

The motion prevailed.

HB 2333 ON SECOND READING

(by Morrison)

HB 2333, A bill to be entitled An Act relating to the qualifications of and training and continuing education for certain officials and personnel of career schools or colleges.

HB 2333 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 2370 ON SECOND READING
(by McReynolds, Blake, and Hughes)

CSHB 2370, A bill to be entitled An Act relating to the regulation of poultry facilities.

CSHB 2370 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 2423 ON SECOND READING
(by Puente)

HB 2423, A bill to be entitled An Act relating to discrimination by a groundwater conservation district against landowners whose land is enrolled or participating in a federal conservation program.

Amendment No. 1

Representative Puente offered the following amendment to **HB 2423**:

Amend **HB 2423** as follows:

- (1) On page 2, line 16, strike "(h), (i), and (j)" and substitute "(h) and (i)".
- (2) On page 3, strike lines 1-8.
- (3) On page 3, line 10, strike "a groundwater conservation district" and substitute "the Hudspeth County Underground Water Conservation District No. 1".
- (2) On page 3, between lines 14 and 15, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. (a) Except as provided by Section 5 and Subsection (b) of this section, the changes in law made by this Act apply only to a rule adopted by a groundwater conservation district on or after the effective date of this Act or to a permit issued or an application filed pursuant to a rule adopted on or after the effective date of this Act.

(b) The changes in law made by this Act apply to:

- (1) an application filed with the Hudspeth County Underground Water Conservation District No. 1 that is pending on the effective date of this Act; or
- (2) a permit decision by the Hudspeth County Underground Water Conservation District No. 1 that is not final on the effective date of this Act.

Amendment No. 1 was adopted.

HB 2423, 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 2137 - VOTE RECONSIDERED

Representative Phillips moved to reconsider the vote by which **CSHB 2137** was passed to engrossment.

The motion to reconsider prevailed.

(Luna now present)

**CSHB 2137 ON SECOND READING
(by Phillips)**

CSHB 2137, A bill to be entitled An Act relating to the construction or improvement of buildings by the Texas Department of Transportation.

A record vote was requested.

CSHB 2137 was passed to engrossment by (Record 401): 81 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Allen, R.; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crownover; Davis, J.; Dawson; Delisi; Denny; Dutton; Edwards; Eissler; Frost; Geren; Goodman; Goolsby; Griggs; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; Kruse; Leibowitz; Luna; Madden; Martinez; McCall; McReynolds; Miller; Morrison; Mowery; Orr; Otto; Paxton; Phillips; Puente; Reyna; Riddle; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Grusendorf; Guillen; Herrero; Hochberg; Homer; Hopson; Jones, J.; Keel; Kuempel; Laney; Laubenberg; Martinez Fischer; Merritt; Moreno, J.; Naishtat; Noriega, M.; Olivo; Peña; Quintanilla; Raymond; Ritter; Rodriguez; Solis; Strama; Thompson; Uresti; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Gattis; Kolkhorst; McClendon; Menendez; Nixon; Oliveira; Pitts; Turner.

Absent — Anderson; Chavez; Crabb; Driver; Eiland; Hodge; King, T.; Moreno, P.; Pickett; Solomons.

STATEMENTS OF VOTE

When Record No. 401 was taken, my vote failed to register. I would have voted yes.

Anderson

I was shown voting yes on Record No. 401. I intended to vote no.

Baxter

I was shown voting yes on Record No. 401. I intended to vote no.

Bonnen

I was shown voting yes on Record No. 401. I intended to vote no.

Branch

I was shown voting yes on Record No. 401. I intended to vote no.

Leibowitz

I was shown voting yes on Record No. 401. I intended to vote no.

Straus

HB 2661 ON SECOND READING (by Krusee)

HB 2661, A bill to be entitled An Act relating to the use of competitive sealed proposals for certain construction projects.

HB 2661 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: Keel recorded voting no.)

FIVE DAY POSTING RULE SUSPENDED

Representative Talton moved to suspend the five day posting rule to allow the Committee on Urban Affairs to consider **HB 3560** at 8 a.m. tomorrow in E1.026.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Urban Affairs, 8 a.m. tomorrow, E1.026, for a public hearing, to consider **HB 3560** and posted bills.

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

State Affairs, 30 minutes after adjournment today, E2.010, for a public hearing, to consider prior posted bills.

COMMITTEES GRANTED PERMISSION TO MEET

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

Permission to meet was granted.

Representative Denny requested permission for the Committee on Elections to meet while the house is in session, during bill referral, in 3N.3, for a formal meeting, to consider pending business.

Permission to meet was granted.

Representative Bonnen requested permission for the Committee on Environmental Regulation to meet while the house is in session, during bill referral today, in E2.020, for a formal meeting, to consider pending business.

Permission to meet was granted.

FIVE DAY POSTING RULE SUSPENDED

Representative Delisi moved to suspend the five day posting rule to allow the Committee on Public Health to consider **HB 1502** on Thursday, April 28.

The motion prevailed.

Representative Keel moved to suspend the five day posting rule to allow the Committee on Criminal Jurisprudence, Subcommittee on Procedure, to consider **HB 2906** at 2 p.m. or upon adjournment, April 27 in JHR 110.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

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

Elections, during bill referral today, 3N.3, for a formal meeting, to consider pending business.

Environmental Regulation, during bill referral today, E2.020, for a formal meeting, to consider pending business.

Public Health, 8 a.m. or upon final adjournment Thursday, April 28, E2.030, for a public hearing, to consider **HB 1502** and other posted bills.

Criminal Jurisprudence, Subcommittee on Procedure, 2 p.m. or upon adjournment April 27, JHR 110, for a public hearing, to consider **HB 2906**.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Edwards moved to set a congratulatory and memorial calendar for 9 a.m. Friday, April 29.

The motion prevailed.

PROVIDING FOR ADJOURNMENT

Representative Farrar 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 Natalia Palomo Martinez of Houston.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Swinford in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 6:58 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 3571 (By Puente), Relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority.

To Natural Resources.

HB 3572 (By Hilderbran), Relating to the possession of certain dangerous wild animals by a licensed trapper.

To Culture, Recreation, and Tourism.

HB 3573 (By West), Relating to the authority of certain counties to impose a hotel occupancy tax.

To Ways and Means.

HB 3574 (By Giddings), Relating to the creation of the Dallas County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 3575 (By Corte), Relating to an exemption from regulation for certain nonprofit agricultural research projects.

To Natural Resources.

HB 3576 (By Mowery), Relating to the powers, duties, administration, governance, and functions of the Benbrook Water and Sewer Authority.
To Natural Resources.

HB 3577 (By Eiland), Relating to the creation of the Galveston County Municipal Utility District No. 67; providing authority to impose a tax and issue bonds; granting the power of eminent domain.
To Natural Resources.

HCR 144 (By R. Allen), Expressing legislative support for the USA PATRIOT Act.
To Defense Affairs and State-Federal Relations.

HCR 145 (By Kuempel), Honoring Sally Ann Reynolds, former director of the Legislative Reference Library for her remarkable career in state government.
To Rules and Resolutions.

HCR 147 (By Craddick), Honoring Kathryn Patricia Beal, the 2005 Bluebonnet Queen.
To Rules and Resolutions.

HCR 149 (By Olivo), Honoring Willie Thomas of Booth for his induction into the Texas Rodeo Cowboy Hall of Fame.
To Rules and Resolutions.

HCR 152 (By Olivo), Encouraging the State Board of Education to ensure that public schools teach students about Hispano contributions to the development of Texas and the United States and that all of the state's history and government textbooks include such information.
To Public Education.

HCR 153 (By Dutton), Requesting the Texas Legislative Council to schedule a revision of the Family Code during the 2005-2006 interim.
To Juvenile Justice and Family Issues.

HCR 154 (By Pitts), Designating the Lake Whitney area as the Getaway Capital of Texas.
To Culture, Recreation, and Tourism.

HR 1194 (By Crownover), Commemorating the opening and dedication of the Presbyterian Hospital of Denton in April 2005.
To Rules and Resolutions.

HR 1196 (By Baxter), Honoring U.S. Marine Lance Corporal Brian Evans of Austin.
To Rules and Resolutions.

HR 1197 (By Flynn), Congratulating Crystal Hocutt on her graduation as valedictorian of the Celeste High School Class of 2005.
To Rules and Resolutions.

HR 1198 (By Zedler), Recognizing the Children's Legal Services of Houston's Kids Clothesline Project and National Youth Service Day 2005.
To Rules and Resolutions.

HR 1199 (By Chavez), Honoring Carmenita Littlejohn of El Paso for her heroism.

To Rules and Resolutions.

HR 1200 (By Chavez), Honoring Robert Andrew Tarango of El Paso for his heroism.

To Rules and Resolutions.

HR 1201 (By Chavez), Honoring Gloria Aguilera Terry on her contributions to the El Paso community as executive director of the Center Against Family Violence.

To Rules and Resolutions.

HR 1202 (By Chavez), Honoring Ted Bender for his role in ending enforced segregation in El Paso.

To Rules and Resolutions.

HR 1203 (By Chavez), Honoring Ruben Vogt of Canutillo for his selection as a Truman Scholar.

To Rules and Resolutions.

HR 1204 (By Chavez), Congratulating David Nabhan on winning the 2005 El Paso Times Spelling Bee.

To Rules and Resolutions.

HR 1205 (By Chavez), Honoring Ted Marquez on his contributions to his community as manager of the Traffic Engineering Division of the City of El Paso.

To Rules and Resolutions.

HR 1206 (By Chavez), Honoring Alfredo Aguirre, Alejandro Gutierrez, Albert Rosales, and Saul Sanchez-Lira of El Paso for their heroism.

To Rules and Resolutions.

HR 1207 (By Chavez), Honoring Gloria Ramos of El Paso for her heroism.

To Rules and Resolutions.

HR 1208 (By Chavez), Honoring El Paso police officer Jaime Esparza for his heroism.

To Rules and Resolutions.

HR 1209 (By Chavez), Honoring Retired Major General Edward Greer of El Paso for his service to his community and to his country.

To Rules and Resolutions.

HR 1210 (By Chavez), Honoring Alicia Chacon, former El Paso County Judge, for her exemplary career in public service.

To Rules and Resolutions.

HR 1211 (By Chavez), In memory of former El Paso mayor Thomas D. Westfall.

To Rules and Resolutions.

HR 1212 (By Chavez), Honoring Ouisa Davis of El Paso on her achievements as executive director of Diocesan Migrant and Refugee Services.

To Rules and Resolutions.

HR 1215 (By Laubenberg), Recognizing the city of Rockwall for its rich history as a favored wedding locale.

To Rules and Resolutions.

HR 1216 (By Laubenberg), Honoring Wylie ISD superintendent Dr. John Fuller on being named the 2004 Superintendent of the Year for Region 10.

To Rules and Resolutions.

HR 1217 (By Castro), Celebrating the 100th anniversary of Ferdinand Herff, Jr., Elementary School in San Antonio.

To Rules and Resolutions.

HR 1218 (By Hunter), Commending Dr. Charles Nelson as the author of the tribute to the Texas Choral Directors in "Lest We Forget" and for his lifetime achievements as amusic scholar, teacher, and vocal performer.

To Rules and Resolutions.

HR 1219 (By Hunter), Honoring Bobby Morrow for his lifetime achievements upon the golden anniversary of his three gold medal victories in the Olympic Games.

To Rules and Resolutions.

HR 1224 (By Giddings, Y. Davis, J. Jones, and Hodge), In memory of James Norman Whitlow of Dallas.

To Rules and Resolutions.

HR 1225 (By Giddings), Congratulating "Insights" on the occasion of its 25th anniversary.

To Rules and Resolutions.

HR 1226 (By P. King), Honoring Dr. Tom Annunziato, of Fort Worth and Weatherford, for his notable service to his community.

To Rules and Resolutions.

HR 1232 (By T. King), Honoring Dale L. Bates of San Angelo for his contributions to promoting weather modification technologies in Texas.

To Rules and Resolutions.

HR 1233 (By T. King), Honoring CASSE, Inc., and its board of directors for their service to the citizens of Maverick County.

To Rules and Resolutions.

HR 1234 (By T. King), Congratulating musician Gerardo Lopez of Eagle Pass on being selected to participate in the "Nuevas Voces de America" television program.

To Rules and Resolutions.

HR 1235 (By R. Cook), Congratulating Elm Grove Baptist Church on its sesquicentennial.

To Rules and Resolutions.

HR 1237 (By Anderson), Honoring Derrick Johnson of Waco for winning the 2004 Bronko Nagurski Trophy and the 2004 Dick Butkus Award.

To Rules and Resolutions.

HR 1238 (By Gonzales), Congratulating Oscar Rodriguez on his selection as superintendent of the Mission Consolidated Independent School District.

To Rules and Resolutions.

HR 1239 (By Gonzales), Congratulating Miriam M. Barrientos on being named 2004 Youth of the Year for the Boys and Girls Club of McAllen.

To Rules and Resolutions.

HR 1240 (By M. Noriega), Honoring Louis and Bertie Pedraza of Houston on their 50th anniversary.

To Rules and Resolutions.

HR 1241 (By Quintanilla), In memory of John Henry Hill of El Paso.

To Rules and Resolutions.

HR 1242 (By Edwards), Directing the Office of the Attorney General of Texas to conduct a study to ensure that high gasoline prices in Texas are not the result of consumer fraud and to provide information to help Texas consumers find the lowest possible price for gasoline in their community.

To Ways and Means.

HR 1243 (By Laubenberg), Recognizing May 3, 2005, as Texas Heart Healthy Day at the State Capitol and commending AstraZeneca for its efforts to promote awareness of cardiovascular disease.

To Rules and Resolutions.

HR 1246 (By Eissler), Congratulating The Woodlands Highsteppers on being named Grand Champions at the Champion Dance Nationals Drill Team Contest.

To Rules and Resolutions.

HR 1247 (By Hughes and Merritt), Honoring Gene Keenon of Laird Hill on his receipt of the Regional Committee Service Award from the East Texas Council of Governments.

To Rules and Resolutions.

HR 1248 (By Hughes), Honoring Don and Pauletta McConathy of Mineola on the occasion of their 50th wedding anniversary.

To Rules and Resolutions.

HR 1250 (By Naishtat), Honoring David Wofford on his retirement from the State Board of Medical Examiners.

To Rules and Resolutions.

HR 1251 (By Naishtat), Recognizing the Uncompromising Courage art exhibition held at the State Capitol on April 7-11, 2005.

To Rules and Resolutions.

HR 1252 (By Hopson), Honoring Ennis and Mildred Bolton of Jacksonville on the occasion of their 63rd wedding anniversary.

To Rules and Resolutions.

HR 1254 (By Crabb), Honoring the Kingwood Mustangs boys' basketball team for winning the 2005 UIL 5A state championship.

To Rules and Resolutions.

HR 1255 (By Crabb), Congratulating the Kingwood High School girls' cross-country team on winning the UIL 5A State Championship.

To Rules and Resolutions.

HR 1256 (By Crabb), Congratulating the Kingwood High School boys' swim team on winning the UIL 5A state championship.

To Rules and Resolutions.

HR 1257 (By Crabb), Commending the Leadership Officers Training Corps at Alice Johnson Junior High School in Channelview for its efforts to help its members develop strong leadership skills, good study habits, and self-confidence.

To Rules and Resolutions.

HR 1259 (By Naishtat), Honoring Viola White House of Austin on her 104th birthday.

To Rules and Resolutions.

HR 1260 (By Castro), Honoring the brave citizens who served this nation in World War II.

To Rules and Resolutions.

HR 1261 (By Castro), Congratulating Arnulfo Vasquez of the Edgewood School District Disciplinary Alternative Education Program on receiving the Trinity Prize for Excellence in Teaching from Trinity University.

To Rules and Resolutions.

HR 1262 (By Castro), Honoring Kevin Joseph Colson of San Antonio on his 54th birthday.

To Rules and Resolutions.

HR 1263 (By Castro), Congratulating Tricia Najera of Blattman Elementary School on earning the Trinity Prize for Excellence in Teaching from Trinity University.

To Rules and Resolutions.

HR 1264 (By Castro), Honoring Jason David Summerville on his May 2005 graduation from St. Edward's University.

To Rules and Resolutions.

HR 1265 (By Quintanilla), In memory of Margarita Rodriguez of Tornillo.

To Rules and Resolutions.

HR 1266 (By Gallego), In memory of Jimmie L. Rose of Fort Davis.

To Rules and Resolutions.

HR 1267 (By Gallego), In memory of Dorothy Buhler Crawford of El Paso.

To Rules and Resolutions.

HR 1268 (By Gallego), Commending Gilberto Velasco of Presidio on his service to his community and this state.

To Rules and Resolutions.

HR 1269 (By Gallego), In memory of Alpine native Tom Connor, Jr.
To Rules and Resolutions.

HR 1270 (By Craddick), Honoring Pete and Violet Hammond of Midland on their 50th anniversary.
To Rules and Resolutions.

HR 1271 (By Hopson), Honoring Harold and Anita Small of Jacksonville on the occasion of their 50th wedding anniversary.
To Rules and Resolutions.

HR 1276 (By Krusee), Commending students from Stony Point High School for their exceptional showing at the SkillsUSA state competition.
To Rules and Resolutions.

HR 1277 (By Krusee), Commending the Scientific Research, Engineering, and Technical Services Showcase team from Stony Point High School for presenting a solar car and earning a first-place gold medal and trophy at the SkillsUSA state competition.
To Rules and Resolutions.

HR 1279 (By Madden), Honoring Marlene Mottwiler Horner of Dallas on the occasion of her 70th birthday.
To Rules and Resolutions.

HR 1280 (By Madden), Honoring Lee Nguyen of Plano on being named the 2004 Gatorade National High School Player of the Year.
To Rules and Resolutions.

HR 1281 (By McClendon), Honoring the Reverend Kenneth A. Allen for his exceptional tenure with Mount Zion First Baptist Church in San Antonio.
To Rules and Resolutions.

HR 1282 (By McClendon), Recognizing the Convoy of Hope on the occasion of its outreach in San Antonio on May 21, 2005.
To Rules and Resolutions.

HR 1284 (By Farabee), Congratulating Shawn Hutchinson of Iowa Park on winning the 2005 Jefferson Award for Outstanding Community Service.
To Rules and Resolutions.

HR 1285 (By Farabee), Congratulating Archer County on the occasion of the rededication of its courthouse on May 12, 2005.
To Rules and Resolutions.

HR 1286 (By Farabee), Honoring Heather Schreiber on her basketball career at The University of Texas at Austin.
To Rules and Resolutions.

HR 1287 (By Craddick), Honoring State Representative Sid Miller on winning the United States Calf Roping Association World Championship and setting a world record.
To Rules and Resolutions.

HR 1288 (By Craddick), Honoring Representative Jim Keffer of Eastland on being named president of the American Foundry Society.

To Rules and Resolutions.

HR 1289 (By Wong), Congratulating Mark Twain, Oran Roberts, and River Oaks Elementary Schools in Houston on their selection as International Baccalaureate Elementary Schools.

To Rules and Resolutions.

HR 1292 (By Dutton), Congratulating Dr. Doris M. Jackson of Houston on her receipt of the Elva K. Steward Alumni of the Year Award.

To Rules and Resolutions.

HR 1293 (By Dutton), Congratulating Chester Smith of Houston on leading the Wheatley High School boys basketball team to the state tournament for the ninth time.

To Rules and Resolutions.

HR 1294 (By Dutton), In memory of Janice Gibson of Houston.

To Rules and Resolutions.

HR 1295 (By Ritter, et al.), Congratulating Dr. Sharon E. Jarvis, assistant professor of communication studies at The University of Texas at Austin, for receiving the Friar Centennial Teaching Fellowship for 2005.

To Rules and Resolutions.

HR 1299 (By Burnam), Recognizing May 24, 2005, as Aviation Maintenance Technician Day in Texas.

To Rules and Resolutions.

SB 14 to Insurance.

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

SB 1263 to Law Enforcement.

SIGNED BY THE SPEAKER

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

Senate List No. 8

SB 101, SB 235, SB 348, SB 523, SB 524

MESSAGES FROM THE SENATE

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

Message No. 1MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Monday, April 25, 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 330 Deuell
Relating to stroke treatment and the designation of certain facilities as stroke facilities.

SB 343 Brimer
Relating to county authority to regulate the placement of water wells in unincorporated areas of the county; providing a penalty.

SB 533 Fraser
Relating to this state's goal for renewable energy.

SB 567 Deuell
Relating to requiring a taxing unit to include in the public notice of a hearing on the adoption of an ad valorem tax rate certain information relating to the taxing unit's budget and appraisal roll.

SB 684 Lucio
Relating to authorizing certain counties and municipalities to regulate land development; providing a penalty.

SB 896 Carona
Relating to the powers and duties of and the appointment of certain election officers.

SB 1229 Fraser
Relating to the powers and duties of the Texas Workforce Commission, including the administration of unemployment compensation; providing a penalty.

SB 1282 Armbrister
Relating to insurance and regulatory requirements for certain amusement rides.

SB 1481 Shapleigh
Relating to loans for economic development and infrastructure projects to assist defense communities affected by military base realignment.

SB 1655 Staples
Relating to settlement and discovery in property tax appeals.

SB 1714

Van de Putte

Relating to the operation of certain employment programs for veterans of the armed forces of the United States.

SCR 14

Wentworth

Granting certain persons permission to sue the State of Texas, The University of Texas Medical Branch at Galveston, and the Anatomical Board of the State of Texas.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 25, 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 110

Hopson

SPONSOR: Eltife

Commemorating the 75th anniversary of the discovery of the East Texas Oil Field on October 3, 1930.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 217 (30 Yeas, 0 Nays)

SB 734 (30 Yeas, 0 Nays)

SB 848 (29 Yeas, 1 Nay)

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 25, 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 100 Ellis
Relating to a request for placement of a security freeze on a consumer file maintained by a consumer reporting agency.

SB 785 Fraser
Relating to the regulation of quarries; providing penalties.

SB 788 Williams
Relating to eligibility for certain unemployment compensation benefits.

SB 1193 Wentworth
Relating to the service areas of the Alamo Community College District and the Austin Community College District.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 22

Agriculture and Livestock - **HB 1808, HB 3318**

Border and International Affairs - **HB 1561, HB 2796, HB 3280, HB 3384**

Business and Industry - **HB 1353**

County Affairs - **HB 2120, HB 3118**

Culture, Recreation, and Tourism - **HCR 124, SCR 25**

Elections - **HB 1209, HB 1799, HB 1972, HB 1994, HB 2280, HB 2465**

Financial Institutions - **HB 1547, HB 1582**

Judiciary - **SB 368**

Natural Resources - **HB 812, HB 813, HB 1141, HB 1346, HB 1462, HB 2079, HB 3029, HB 3477, HB 3479, HB 3490**

Public Health - **SB 402, SB 566**

Transportation - **HB 1977, HB 2422, HB 2630, HB 3189**

ENGROSSED

April 22 - HB 360, HB 720, HB 858, HB 881, HB 907, HB 943, HB 956, HB 1011, HB 1179, HB 1480, HB 1534, HB 1586, HB 1673, HB 1695, HB 1813, HB 1901, HB 1958, HB 1981, HB 2032, HB 2046, HB 2174, HB 2195, HB 2196, HB 2256, HB 2298, HB 2336, HB 2428, HB 2430, HB 2440, HB 2587, HB 2614, HB 2626, HB 2885, HB 2926, HB 2961, HB 2962, HB 3199, HB 3265, HB 3340, HB 3489, HCR 71, HCR 93

ENROLLED

April 22 - HCR 146, HCR 151

