

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SEVENTH DAY (CONTINUED) — FRIDAY, MAY 13, 2005

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

The roll of the house was called and a quorum was announced present (Record 651).

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; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; 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; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Hope; Phillips.

Absent, Excused, Committee Meeting — Luna; Pitts.

Absent — Castro; Martinez Fischer.

The invocation was offered by Scott Dennis, pastor, Westoak Woods Baptist Church, Austin, as follows:

God our Father, we stand in desperate need of you today. On our own we lack the wisdom needed to deal justly with the important issues with which we are faced. On behalf of these ladies and gentlemen, I ask that you would bless them with clarity of speech as they offer their thoughts and opinions on what is right and wrong; with acute hearing as they listen and focus on giving others the same respect that they wish to receive; with the knowledge of the truth so they would be able to accurately perceive the world in which they lead, live, and love; with empathy for their brothers and sisters so they could more fully comprehend the effects of the business at hand; with a hunger for justness as they strive to lead

our state in a manner that would reflect your grace and mercy; and with Godly wisdom, given only by your providence, that they would be able to set aside the folly of this world and take upon themselves the truest treasure of Solomon.

It is obvious that we are not alone here. We do not desire to be alone. Emmanuel, our God with us. We ask that you would accomplish these things in your power, in your timing, in your will, and because of your name. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Phillips on motion of Harper-Brown.

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

Luna on motion of Solomons.

Pitts on motion of Solomons.

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

Hope on motion of Hardcastle.

CAPITOL PHYSICIAN

The speaker recognized Representative Homer who presented Dr. Lee Schreiber of Bonham as the "Doctor for the Day."

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

HR 1647 - ADOPTED (by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 1647**.

The motion prevailed.

The following resolution was laid before the house:

HR 1647, Honoring the 25th anniversary of the Van Zandt County Genealogical Society.

HR 1647 was adopted.

HR 1286 - READ (by Farabee)

The chair laid out and had read the following previously adopted resolution:

HR 1286, Honoring Heather Schreiber on her basketball career at The University of Texas at Austin.

INTRODUCTION OF GUESTS

The speaker recognized Representative Farabee who introduced Heather Schreiber, her parents, and Coach Jody Conradt.

LEAVE OF ABSENCE GRANTED

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

Hodge on motion of Denny.

HR 1648 - ADOPTED (by Bonnen)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 1648**.

The motion prevailed.

The following resolution was laid before the house:

HR 1648, Honoring James A. Barnett, Jr., mayor of Freeport, on the occasion of his retirement.

HR 1648 was adopted.

HR 1649 - ADOPTED (by Bonnen)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 1649**.

The motion prevailed.

The following resolution was laid before the house:

HR 1649, Honoring the children of O. M. Roberts Elementary School in Lake Jackson for their outstanding tsunami-relief effort.

HR 1649 was adopted.

HR 1359 - ADOPTED (by Eissler)

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 1359**.

The motion prevailed.

The following resolution was laid before the house:

HR 1359, In memory of Virgil Dugan of Tomball.

HR 1359 was read and was unanimously adopted by a rising vote.

HR 1356 - ADOPTED
(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 1356**.

The motion prevailed.

The following resolution was laid before the house:

HR 1356, Congratulating L. C. Richards of Rockdale on being named the 10,000th Professional Miner.

HR 1356 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gattis who introduced L.C. Richards, his wife Georgia, and representatives of Alcoa.

(Edwards in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 10 (by Dutton), Recognizing the Houston Minority Business Council's EXPO 2005 to be held on September 15, 2005.

HR 1333 (by Keel), Honoring Vivian Leigh Lewis of Austin for 30 years of service as a social worker.

HR 1338 (by Hughes), Commending Brother James Renfro, Sr., for his 50 years of service as a minister.

HR 1339 (by Hughes), Honoring Karla Tate Doss on her retirement from the U.S. District Clerk's Office for the Eastern District of Texas, Marshall Division.

HR 1342 (by Hopson), Honoring Kyle Stacy of Jacksonville for his heroism.

HR 1343 (by Hopson), Honoring Faith Smith of Jacksonville for her heroism.

HR 1347 (by F. Brown, Dukes, Homer, Gattis, et al.), Honoring the students from the Texas A&M Public Policy Internship Program on their service throughout the 79th Legislature.

HR 1350 (by Alonzo), Honoring John Parker of Dallas on the occasion of his retirement from Sunset High School.

HR 1354 (by Martinez), Honoring Enrique Gonzales on his retirement as assistant chief of the Weslaco Police Department.

HR 1356 was previously adopted.

HR 1358 (by Bonnen), Honoring Jeffrey Effenberger of Sweeny on his receipt of the 2004 Rural Heroism Award from the Texas Department of Agriculture.

HR 1360 (by Hopson), Honoring Larry Morgan on his service to the Jacksonville community as president of the city's chamber of commerce and chief executive officer of economic development.

HR 1362 (by Hopson), Commemorating the 50th anniversary of the David Crockett Chapter of the Daughters of the Republic of Texas on May 5, 2005.

HR 1363 (by Farabee), Honoring Lila Arnold of Jefferson Elementary on being named the Wichita Falls Independent School District Teacher of the Year for 2005.

HR 1369 was withdrawn.

HR 1376 was withdrawn.

HR 1378 (by Frost), Congratulating Becky Pierce on being named the Texas Nursing Student of the Year.

HR 1388 (by Uresti), Recognizing the Texas recipients of the Medal of Honor and the Family and Friends of the Congressional Medal of Honor.

HR 1391 (by Raymond), Recognizing District Attorney Joe Rubio for his outstanding service to Laredo.

HR 1394 (by Flynn), Congratulating the Texas A&M–Commerce Lions basketball team on its outstanding season.

HR 1395 (by Giddings), Congratulating William T. Solomon on his receipt of the 76th Annual Linz Award.

HR 1397 (by Solomons), Recognizing October 31–November 4, 2005, and November 6–10, 2006, as Municipal Courts Week in Texas.

HR 1398 (by Craddick), Honoring Arvin and Betty Kilpatrick of Midland on their 50th wedding anniversary.

HR 1399 (by Craddick), Congratulating Rachel and Gene Abbott of Midland on their 55th wedding anniversary.

HR 1400 (by Wong), Honoring the birth of Natalie Caitlin Gee to Andy and Cindy Gee of Houston.

HR 1404 (by Castro), Honoring Master Sergeant Janet M. Schwanke of San Antonio on the occasion of her retirement from the United States Air Force.

HR 1407 (by Naishtat), Commending Pillow Elementary School on being named a national Blue Ribbon School.

HR 1408 (by McClendon), Celebrating the 70th birthday of Josephine Elois Davis Hadley of San Antonio.

HR 1409 (by Martinez), Honoring U.S. Army First Sergeant Leonel Garcia, Jr., of Mercedes for his service to his country.

HR 1410 (by Burnam), Recognizing Will Harrell on his fifth anniversary as executive director of the American Civil Liberties Union of Texas.

HR 1411 (by Driver), Honoring Officer Bobby Jenkins of the Rowlett Police Department for his heroism.

HR 1415 (by Y. Davis), Honoring Ola Mae Archie Williams of Dallas on her recognition as a Godly Woman—Living Legacy by the Women and Girls' Conference of the Missionary Baptist General Convention of Texas.

HR 1427 (by Baxter), Honoring the fifth-grade teachers at Cedar Creek Elementary School in Austin.

HR 1435 (by Chavez), Honoring El Paso Writers' League president Donna Munch.

HR 1436 (by Chavez), Honoring El Paso native Rudy Tellez for his career and accomplishments in television.

HR 1437 (by Chavez), Honoring Wayne Weaver of El Paso for his commitment to animal rescue.

HR 1438 (by Chavez), Honoring Monica Saenz of Houston for being named the 2005 Young Engineer of the Year by the Society of Women Engineers—Houston Area.

HR 1439 (by Chavez), Honoring Bill Barry of El Paso for his achievements in the sport of running.

HR 1440 (by Chavez), Honoring University of Texas at El Paso senior defensive tackle Chris Mineo for making the 36th Rotary Lombardi Award watch list.

HR 1441 (by Chavez), Honoring Tressa Yocum of El Paso for her athletic achievements.

HR 1442 (by Chavez), Honoring Patricia Arellano of El Paso for her accomplishments as a teacher.

HR 1443 (by Chavez), Honoring Selena Renee Solis of El Paso for her heroism.

HR 1444 (by Chavez), Honoring Ingrid Phillips of El Paso for her exceptional volunteerism.

HR 1446 (by Chavez), Honoring Betty Barrie on her myriad achievements and congratulating her on her continued participation in the El Paso Senior Games.

HR 1447 (by Chavez), Honoring Cruz Hernandez and Javier Martinez of El Paso for their heroism.

HR 1448 (by Chavez), Honoring Sam Casper of El Paso on the occasion of his retirement.

HR 1450 (by Bailey), Honoring La Rosa Family Services of Houston on its 10th anniversary.

HR 1453 (by Corte), Welcoming the Friendship Force Club of Manawatu, New Zealand, to San Antonio.

HR 1455 was withdrawn.

HR 1458 (by Peña), Honoring Vanessa Alejandro of Edinburg for her first-place finish in the 2004 national mariachi competition held at Walt Disney World.

HR 1459 (by Peña), Honoring the Edcouch-Elsa High School football team for its outstanding 2004 season.

HR 1460 (by Peña), Honoring Dr. Robert Reeve for his contributions to The University of Texas–Pan American.

HR 1461 (by Peña), Honoring Raul Yzaguirre for his receipt of the 2005 Tejano Democrats Lifetime Achievement Award.

HR 1462 (by Peña), Honoring Mariachi Primer Orgullo of Edinburg High School on its achievements.

HR 1463 (by Peña), Honoring U.S. Army Specialist Juan Manuel Arevalo for his unwavering service to his country.

HR 1468 (by Flynn), Recognizing the Texas A&M–Commerce Lady Lions soccer team for winning the 2004 Lone Star Conference tournament championship.

HR 1469 (by Bailey), Honoring the Macedonia Outreach Center on its many contributions to the citizens of Houston.

HR 1470 (by Kuempel), Honoring Doris Graves Reynolds of Uvalde on her 80th birthday.

HR 1475 (by Quintanilla), Congratulating Albert and Margie Perez on the occasion of their 30th wedding anniversary.

HR 1482 (by Kolkhorst), Recognizing May 1-7, 2005, as Texas Correctional Officers Week.

HR 1483 (by Bohac), Honoring Spring Woods High School of Houston on the occasion of its 40th anniversary.

HR 1484 (by Farabee), Congratulating Marcos Lopez on being named the 2005 Youth of the Year by the Boys and Girls Clubs of Wichita Falls.

HR 1499 was previously adopted.

HR 1510 (by Truitt), Congratulating Todd Dodge of Southlake Carroll High School on being named the Adams USA National Head Coach of the Year.

HR 1515 was previously adopted.

HCR 5 (by Alonzo), Honoring the Texas Dental Association and Texas Dentists for Healthy Smiles for providing access to dental care to Texans in need through the Texas Mission of Mercy.

HCR 6 (by Truitt), Designating January 17, 2006, as 112th Cavalry Day on the 60th anniversary of the group's deactivation.

HCR 158 (by Hupp), Honoring Lampasas County on the occasion of its 150th anniversary.

HCR 163 (by Craddick), Honoring Charles and Margaret Semple of Midland on the occasion of their 40th anniversary.

HCR 164 (by Craddick), Congratulating Don Hedgpeth of Medina on receiving the 2004 Wrangler Award for Outstanding Art Book from the National Cowboy & Western Heritage Museum.

SCR 33 (Smithee - House Sponsor), Commending the Panhandle-Plains Historical Museum for hosting the art exhibit Capturing Western Legends: Russell and Remington's Canadian Frontier.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 1396 (by Bohac), In memory of Athalene M. Griffin.

HR 1402 (by Krusee), In memory of Jerry Leroy Mehevec of Taylor.

HR 1403 (by Gonzales), In memory of Jeffry Forrest Fitch of McAllen.

HR 1414 (by Quintanilla), In memory of Jose Maria Zambrano of El Paso.

HR 1430 (by Wong), In memory of Elnora Mayeux Callegari of Cottonport, Louisiana.

HR 1445 (by Chavez), In memory of Isadore J. Kahn of El Paso.

HR 1449 (by Callegari), In memory of Joseph Joaquin Harvey III of Houston.

HR 1452 (by B. Cook), In memory of Olin Nickleberry of Corsicana.

HR 1454 (by Hamric and Woolley), In memory of Allene Barr White of Temple.

HR 1457 (by Peña), In memory of Alicia Alamia Rodriguez of Edinburg.

HR 1471 (by Goolsby), In memory of Iris Alicia Pryor Mathews Mashburn of De Kalb.

HR 1472 (by Goolsby), In memory of Deborah Wester Jacob of Dallas.

HR 1474 (by Quintanilla), In memory of Francisco Acuna of Clint.

HR 1476 (by Quintanilla), In memory of Barbara Contreras of Fabens.

HR 1477 (by Quintanilla), In memory of Jennifer Crystal Chavez of El Paso.

HR 1478 (by Gonzales), In memory of Hermes Villarreal of San Juan.

HR 1479 (by Ritter), In memory of W. C. "Wib" Walker of Austin.

HR 1481 (by Frost), In memory of Enos Raymond Presley of Atlanta.

HR 1486 (by Hilderbran), In memory of Brenda Kaye York Butler of Austin and Brackettville.

HR 1498 (by McCall), In memory of James Alexander "Jim" Lyell of Plano.

HR 1500 (by Quintanilla), In memory of Manuel B. Vigil of El Paso.

The resolutions were unanimously adopted by a rising vote.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

LEAVE OF ABSENCE GRANTED

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

Gattis on motion of Farabee.

HR 1624 - ADOPTED (by Geren)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1624**.

The motion prevailed.

The following resolution was laid before the house:

HR 1624, In memory of Debora Jean Kennedy of Fort Worth.

HR 1624 was unanimously adopted by a rising vote.

(Speaker pro tempore in the chair)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

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

CSHB 34 (by Eissler), A bill to be entitled An Act relating to erecting an off-premise sign adjacent to and visible from certain roads.

Amendment No. 1

Representative Eissler offered the following amendment to **CSHB 34**:

Amend **CSHB 34** as follows:

(1) On page 2, line 21, strike "State Highway" and substitute "Farm-to-Market Road".

(2) On page 2, line 23, strike "State Highway 90A between State Highway 59" and substitute "U.S. Highway 90A between U.S. Highway 59".

(3) On page 2, line 25, strike "State Highway" and substitute "Farm-to-Market Road".

Amendment No. 1 was adopted.

CSHB 39 (by Eissler), A bill to be entitled An Act relating to outdoor burning of household refuse in certain counties; creating an offense.

HB 58 was withdrawn.

CSHB 65 (by McClendon), A bill to be entitled An Act relating to establishing a pilot program for Bexar County for the designation and enforcement of drug-free zones; providing penalties.

SB 1302 (West - House Sponsor), in lieu of **HB 97**, A bill to be entitled An Act relating to the Ector County Hospital District.

Representative West moved to lay **HB 97** on the table subject to call.

The motion prevailed.

HB 133 (by F. Brown), A bill to be entitled An Act relating to the award of academic credit to a student at an institution of higher education for the completion of certain military training.

CSHB 363 (by Hegar), A bill to be entitled An Act relating to the declination of certain property and casualty insurance policies.

HB 407 (by Uresti), A bill to be entitled An Act relating to coverage for school district employees under certain health benefit plans.

CSHB 502 (by Guillen, et al.), A bill to be entitled An Act relating to prohibiting a person from offering to deliver or delivering, or offering to purchase or purchasing, a substance or device with the intent to falsify a drug test.

HB 573 (by Flynn, et al.), A bill to be entitled An Act relating to collateral for deposits of public school funds.

CSHB 580 (by W. Smith, et al.), A bill to be entitled An Act relating to the authority of a county to provide hazardous materials services.

CSHB 582 (by Reyna, et al.), A bill to be entitled An Act relating to the prosecution of the offense of taking or attempting to take a stun gun from a peace officer, parole officer, or community supervision and corrections department officer.

CSHB 602 (by Eissler), A bill to be entitled An Act relating to the designation of a weight enforcement officer by a commissioners court in certain counties.

CSHB 609 (by Giddings), A bill to be entitled An Act relating to tuition rebate incentives for persons who complete certain degree and certificate programs without excessive credit hours. (Chisum and Howard recorded voting no.)

CSHB 637 (by Goolsby), A bill to be entitled An Act relating to authorizing an extension of credit secured by a residence homestead in which a minor or ward has an ownership interest.

CSHB 677 (by Thompson, Anchia, et al.), A bill to be entitled An Act relating to emergency services for sexual assault survivors. (Anderson, Berman, B. Brown, Chisum, Corte, Flynn, Harper-Brown, Howard, Laubenberg, Nixon, Paxton, Riddle, Talton, Taylor, and Zedler recorded voting no.)

HB 776 (by Howard and Hegar), A bill to be entitled An Act relating to the Wharton County Junior College District service area.

HB 781 (by Thompson), A bill to be entitled An Act relating to the suspension of sentence and deferral of final disposition for a violation of certain state laws or local ordinances committed by a holder of a commercial driver's license.

CSHB 873 (by Dukes), A bill to be entitled An Act relating to regulation by a property owners' association of certain displays on property in a residential subdivision.

CSHB 908 (by Turner), A bill to be entitled An Act relating to the use of the reverse auction procedure by the Texas Building and Procurement Commission and other state agencies.

HB 986 (by Chavez), A bill to be entitled An Act relating to information contained on a driver's license or personal identification certificate issued to a health care practitioner.

CSHB 1030 (by Taylor), A bill to be entitled An Act relating to availability of preferred providers.

CSHB 1053 (by Hope), A bill to be entitled An Act relating to the location of certain municipal solid waste landfills.

HB 1075 (by Menendez), A bill to be entitled An Act relating to the application of the offense of criminal trespass to certain law enforcement officers.

Amendment No. 1

Representatives Keel and Menendez offered the following amendment to **HB 1075**:

Amend **HB 1075** as follows:

On Page 1, line 7 and line 8, strike "It is an exception to the application of this section that:", and substitute "This section does not apply if:".

Amendment No. 1 was adopted.

CSHB 1092 (by W. Smith), A bill to be entitled An Act relating to the authority of certain counties to remove property from county roads.

Amendment No. 1

Representative W. Smith offered the following amendment to **CSHB 1092**:

Amend **CSHB 1092** as follows:

(1) On page 1, line 13, strike "A" and substitute "Except as provided by Subsection (g), a".

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

(g) A county may not remove personal property of a public utility that is using the right-of-way or roadway of a county road to install, maintain, repair, or otherwise access a facility of the public utility.

Amendment No. 1 was adopted.

CSHB 1102 (by Miller), A bill to be entitled An Act relating to certain student fees at Tarleton State University.

HB 1106 (by Howard), A bill to be entitled An Act relating to the repeal of the Public School Facilities Funding Act.

HB 1173 (by F. Brown), A bill to be entitled An Act relating to the regulation of the use of postsecondary credits and degrees, persons offering or granting certain postsecondary credits and degrees, and the manner of offering or granting those credits and degrees; providing criminal penalties.

CSHB 1203 (by Hegar and Howard), A bill to be entitled An Act relating to the establishment of a tow truck rotation list in certain counties; providing a penalty.

HB 1207 (by Haggerty), A bill to be entitled An Act relating to the deadline for filing a petition to exclude land from a water district with outstanding bonds for failure to provide sufficient services.

HB 1220 (by Talton), A bill to be entitled An Act relating to the appointment of mental health masters.

CSHB 1399 (by Dutton), A bill to be entitled An Act relating to notice of a landlord's motor vehicle towing or parking rules and policies and to liability arising from certain actions of a towing service; providing a civil penalty.

CSHB 1404 (by Deshotel), A bill to be entitled An Act relating to the fees collected by a county clerk for certain filings in pending probate actions.

CSHB 1414 (by Rodriguez), A bill to be entitled An Act relating to the acceptance and counting of certain ballots voted by mail.

CSHB 1472 (by Casteel), A bill to be entitled An Act relating to the creation of a management trust by a probate court.

HB 1474 (by Eiland), A bill to be entitled An Act relating to certain information contained in records about members, retirees, annuitants, or beneficiaries of the Texas County and District Retirement System.

HB 1475 (by Eiland), A bill to be entitled An Act relating to repealing certain authority regarding taxation and financing by the Chambers County Public Hospital District No. 1.

HB 1485 (by Thompson, McCall, and Hamric), A bill to be entitled An Act relating to health benefit plan coverage for screening tests for human papillomavirus and cervical cancer.

Amendment No. 1 (Committee Amendment No. 1)

Representative Thompson offered the following committee amendment to **HB 1485**:

Amend **HB 1485** as follows:

(1) on page 3, line 1, between ":" and "or", insert the following:

"(6) a limited benefit policy that does not provide coverage for physical examinations or wellness exams;"; and,

(2) on page 3, line 2, strike "(6)" and substitute "(7)".

Amendment No. 1 was adopted.

HB 1502 (by J. Davis), A bill to be entitled An Act relating to payment for medical assistance provided to an individual who is dually eligible for Medicaid and Medicare.

HB 1580 (by Bohac), A bill to be entitled An Act relating to the period for preserving precinct election records.

HB 1583 (by Kolkhorst), A bill to be entitled An Act relating to the authority of an emergency services district to obtain information to determine whether the district's 9-1-1 emergency service fee is correctly billed, collected, and remitted.

CSHB 1632 (by Hope), A bill to be entitled An Act relating to the powers of a property owners' association relating to restrictive covenants in certain subdivisions.

CSHB 1648 (by Hughes), A bill to be entitled An Act relating to the expansion of the boundaries of the Wood County Central Hospital District of Wood County.

CSHB 1664 (by Harper-Brown, et al.), A bill to be entitled An Act relating to the reporting of political contributions and expenditures by certain political committees.

Amendment No. 1

Representative Harper-Brown offered the following amendment to **CSHB 1664**:

Amend **CSHB 1664** by striking everything below the enacting clause and substituting:

SECTION 1. Subchapter F, Chapter 254, Election Code, is amended by adding Section 254.1541 to read as follows:

Sec. 254.1541. ALTERNATE REPORTING REQUIREMENTS FOR CERTAIN COMMITTEES. (a) This section applies only to a general-purpose committee with less than \$20,000 in one or more accounts maintained by the committee in which political contributions are deposited, as of the last day of the preceding reporting period for which the committee was required to file a report.

(b) A report by a campaign treasurer of a general-purpose committee to which this section applies may include, instead of the information required under Sections 254.031(a)(1) and (5) and Section 254.151(6):

(1) the amount of political contributions from each person that in the aggregate exceed \$100 and that are accepted during the reporting period by the committee, the full name and address of the person making the contributions, the person's principal occupation, and the dates of the contributions; and

Amendment No. 1 was adopted.

HB 1719 (by Zedler, et al.), A bill to be entitled An Act relating to point-of-sale health warnings for tobacco products.

CSHB 1740 (by Seaman), A bill to be entitled An Act relating to authorizing the City of Aransas Pass to acquire certain state property.

HB 1744 (by Seaman), A bill to be entitled An Act relating to the operation of the Fair Access to Insurance Requirements (FAIR) Plan Association.

HB 1748 (by Giddings, Hill, Veasey, and A. Allen), A bill to be entitled An Act relating to African American studies programs and course work at certain public junior colleges.

HB 1772 (by Miller), A bill to be entitled An Act relating to permitting a general-law municipality to annex land in certain circumstances.

HB 1775 (by Taylor), A bill to be entitled An Act relating to the meaning of certain terms used in a specified disease insurance policy.

HB 1791 (by Naishtat, et al.), A bill to be entitled An Act relating to application of the hazing statutes to private institutions of higher education; providing penalties.

HB 1851 (by T. King), A bill to be entitled An Act relating to erecting an off-premise sign adjacent to and visible from certain roads.

HB 1885 (by Van Arsdale), A bill to be entitled An Act relating to requiring the Texas Department of Transportation to place a sign on the approach to each toll booth on certain turnpikes that describes the improvements the department has made or proposes to make using revenue collected for use of the turnpike.

CSHB 1891 (by Eiland), A bill to be entitled An Act relating to certain insurers subject to the Texas Windstorm Insurance Association.

CSHB 1892 (by Eiland), A bill to be entitled An Act relating to excluding certain challenge courses from regulation as amusement rides.

HB 1928 (by J. Moreno, Anchia, et al.), A bill to be entitled An Act relating to the reimbursement of medical expenses incurred by county jailers and detention officers exposed to certain contagious diseases.

SB 929 (Turner - House Sponsor), in lieu of **HB 1931**, A bill to be entitled An Act relating to the service area of the Houston Community College System District.

Representative Giddings moved to lay **HB 1931** on the table subject to call.

The motion prevailed.

CSHB 2023 (by Hegar), A bill to be entitled An Act relating to funding for the continuing education of certain peace officers.

HB 2064 (by Goolsby), A bill to be entitled An Act relating to private club alcoholic beverage permits issued to a fraternal or veterans organization.

HB 2065 (by Goolsby), A bill to be entitled An Act relating to operation of the holder of a private club registration permit under the Alcoholic Beverage Code.

CSHB 2101 (by Delisi), A bill to be entitled An Act relating to heirloom birth certificates.

CSHB 2109 (by Berman), A bill to be entitled An Act relating to the Early High School Graduation Scholarship Program.

HB 2140 (by Phillips), A bill to be entitled An Act relating to the provision of notice to affected political subdivisions regarding the proposed construction of a reservoir.

CSHB 2144 (by Berman), A bill to be entitled An Act relating to veteran's employment preferences.

(Castro now present)

HB 2151 was deferred until the end of today's Local, Consent, and Resolutions Calendar.

HB 2162 (by Branch), A bill to be entitled An Act relating to hospital and clinic fees collected by certain public medical schools.

CSHB 2163 (by Callegari), A bill to be entitled An Act relating to the use by an active peace officer of the officer's rank or status to advertise or promote certain private businesses.

HB 2177 (by Phillips), A bill to be entitled An Act relating to the administration of certain traffic safety grants.

CSHB 2235 (by Baxter), A bill to be entitled An Act relating to the merger of emergency services districts.

CSHB 2249 (by Rose), A bill to be entitled An Act relating to the reporting of loans made for political campaign or officeholder purposes.

CSHB 2254 (by Rose, Leibowitz, and Veasey), A bill to be entitled An Act relating to reducing the penalty for a failure by a disabled or elderly person to make a timely installment payment of ad valorem taxes imposed on the person's residence homestead.

CSHB 2309 (by Denny), A bill to be entitled An Act relating to certain election processes and procedures.

CSHB 2371 (by T. King), A bill to be entitled An Act relating to the use of acupuncturists as health care providers under certain health benefit plans.

CSHB 2388 (by Thompson), A bill to be entitled An Act relating to insurance fraud reporting requirements.

SB 466 (Hill - House Sponsor), in lieu of **HB 2393**, A bill to be entitled An Act relating to the creation and authority of municipal development districts.

Representative Hill moved to lay **HB 2393** on the table subject to call.

The motion prevailed.

HB 2402 (by Casteel), A bill to be entitled An Act relating to erecting an off-premise sign adjacent to and visible from certain roads.

CSHB 2437 (by Haggerty), A bill to be entitled An Act relating to rate regulation of certain insurers writing personal automobile insurance.

HB 2496 (by Wong), A bill to be entitled An Act relating to the publication of the notice of a public hearing on a proposed conversion of a nontoll state highway or highway segment to a turnpike project or toll facility.

CSSB 1473 (Coleman - House Sponsor), in lieu of **HB 2524**, A bill to be entitled An Act relating to the provision of education and training programs for law enforcement officers regarding persons with mental impairments.

Representative Coleman moved to lay **HB 2524** on the table subject to call.

The motion prevailed.

CSHB 2551 (by Smithee), A bill to be entitled An Act relating to the subrogation interests of certain political subdivisions or carriers providing reinsurance for subdivisions.

CSHB 2596 (by Guillen), A bill to be entitled An Act relating to excusing a member of the legislature from being compelled to testify or give a deposition in a civil suit, including a condemnation proceeding, or in contested administrative case when the legislature is in session. (Chisum, Y. Davis, Laney, Menendez, and Thompson recorded voting no.)

CSHB 2618 (by Eiland), A bill to be entitled An Act relating to county expenditures for certain health care services.

SB 1253 (Goodman - House Sponsor), in lieu of **HB 2638**, A bill to be entitled An Act relating to measures to support efforts of municipalities and counties to recruit or retain special events.

Representative Goodman moved to lay **HB 2638** on the table subject to call.

The motion prevailed.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

CSHB 2640 (by D. Jones and Isett), A bill to be entitled An Act relating to municipal civil service coverage for certain employees of a fire department.

CSHB 2651 (by Krusee), A bill to be entitled An Act relating to the regulation of subsurface area drip dispersal systems by the Texas Commission on Environmental Quality.

HB 2701 (by Crownover), A bill to be entitled An Act relating to higher education authorities.

CSHB 2750 (by Hartnett), A bill to be entitled An Act relating to certain identifying information provided in connection with a decedent's estate or guardianship.

HB 2765 (by Truitt), A bill to be entitled An Act relating to the definition of a legally authorized representative under the Texas Hospital Licensing Law.

CSHB 2769 (by Talton), A bill to be entitled An Act relating to the presentation of state flags to survivors of certain deceased honorably retired peace officers.

CSHB 2791 (by Hodge), A bill to be entitled An Act relating to the use of substance abuse treatment facilities and other community corrections facilities for individuals referred for treatment as part of a drug court or similar program.

CSHB 2810 (by Hochberg), A bill to be entitled An Act relating to certain inquiries relating to an applicant for individual health benefit plan coverage.

SB 1436 (Hamric - House Sponsor), in lieu of **HB 2829**, A bill to be entitled An Act relating to audits of emergency services districts.

Representative Hamric moved to lay **HB 2829** on the table subject to call.

The motion prevailed.

SB 1754 (Chisum - House Sponsor), in lieu of **HB 2845**, A bill to be entitled An Act relating to the Childress County Hospital District.

Representative Chisum moved to lay **HB 2845** on the table subject to call.

The motion prevailed.

CSHB 2863 (by Chisum), A bill to be entitled An Act relating to certification of compliance with requirements for sales of certain items to metal recycling entities.

HB 2875 was withdrawn.

SB 602 (Hilderbran - House Sponsor), in lieu of **HB 2903**, A bill to be entitled An Act relating to the development of bicycle tourism trails in this state.

Representative Hilderbran moved to lay **HB 2903** on the table subject to call.

The motion prevailed.

CSSB 1447 (Eiland - House Sponsor), in lieu of **HB 2943**, A bill to be entitled An Act relating to including pension and other postemployment benefits in the computation of rates for electric utilities.

Representative Eiland moved to lay **HB 2943** on the table subject to call.

The motion prevailed.

HB 2956 (by Hamric), A bill to be entitled An Act relating to filing requirements for certain candidates for the board of trustees of a junior college district.

CSHB 2957 (by Hamric), A bill to be entitled An Act relating to an exemption from the competitive bidding requirement for certain purchases by an emergency services district.

HB 2965 (by Seaman), A bill to be entitled An Act relating to insurance premium finance agreements.

HB 2999 (by Morrison), A bill to be entitled An Act relating to contracts between hospitals and preferred provider benefit plan issuers.

HB 3002 was withdrawn.

CSHB 3012 (by Grusendorf), A bill to be entitled An Act relating to the investment capital fund for public education.

CSHB 3045 (by Kolkhorst and Dunnam), A bill to be entitled An Act relating to the juvenile boards of Grimes, Leon, Madison, and Walker Counties.

CSHB 3073 (by Driver), A bill to be entitled An Act relating to certain disclosure requirements regarding inspections of fire extinguishers.

HB 3098 (by Laubenberg), A bill to be entitled An Act relating to the composition of the Rockwall County Juvenile Board.

CSHB 3122 (by Giddings), A bill to be entitled An Act relating to prohibiting the sale or possession of a device that vaporizes alcoholic beverages for the purpose of inhalation; providing criminal penalties.

CSHB 3140 (by Hughes), A bill to be entitled An Act relating to exemption of certain electronic access control device or alarm system manufacturers or providers from private security regulation.

CSHB 3271 (by B. Keffer), A bill to be entitled An Act relating to the provision of dental care benefits in certain health benefit plans.

CSHB 3284 (by Guillen and Menendez), A bill to be entitled An Act relating to requiring voter approval for certain rate increases by water and sewer utilities.

CSHB 3299 (by Seaman), A bill to be entitled An Act relating to certain fees paid by authorized insurers.

CSHB 3300 (by Thompson), A bill to be entitled An Act relating to reinstatement of a personal automobile insurance policy.

CSHB 3302 (by Corte), A bill to be entitled An Act relating to the membership and powers and duties of the Texas Military Preparedness Commission.

CSHB 3423 (by Morrison), A bill to be entitled An Act relating to the creation of the Victoria County Groundwater Conservation District; providing authority to impose a tax and issue bonds; abolishing the Crossroads Groundwater Conservation District.

Amendment No. 1

Representative Morrison offered the following amendment to **CSHB 3423**:

Amend **CSHB 3423** on page 4 by striking lines 3-8 and substituting the following:

(c) The ballot for the election must be printed to permit voting for or against the following proposition: "The creation of the Victoria County Groundwater Conservation District and the imposition of an ad valorem tax in the district at a rate not to exceed two cents for each \$100 of assessed valuation."

Amendment No. 1 was adopted.

CSHB 3425 (by Geren), A bill to be entitled An Act relating to the use of certain exhibition vehicles.

CSHB 3426 (by Chavez, P. Moreno, Haggerty, Gonzales, and Guillen), A bill to be entitled An Act relating to the establishment of a binational alcohol and substance abuse task force.

CSHB 3428 (by Elkins), A bill to be entitled An Act relating to financial institution accounts.

CSHB 3441 (by Herrero), A bill to be entitled An Act relating to the exchange of benches between justices of the peace.

SB 1199 (Coleman - House Sponsor), in lieu of **HB 3450**, A bill to be entitled An Act relating to the deposit of municipal sales and use taxes into a tax increment fund.

Representative Coleman moved to lay **HB 3450** on the table subject to call.

The motion prevailed.

CSHB 3477 (by Hupp), A bill to be entitled An Act relating to the creation of the Central Texas Groundwater Conservation District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

(Pitts now present)

CSHB 3478 (by Corte), A bill to be entitled An Act relating to the exemption of certain municipalities, utilities, and consumers from fees or taxes imposed by the Trinity Glen Rose Groundwater Conservation District and to the exemption of certain wells and transactions from regulation by the district.

Amendment No. 1

On behalf of Representative Puente, Representative Corte offered the following amendment to **CSHB 3478**:

Amend **CSHB 3478** as follows:

On Page 1, Lines 23 and 24, Strike SECTION 2 of the bill and renumber subsequent SECTIONS.

Amendment No. 1 was adopted.

CSHB 3479 (by Rose), A bill to be entitled An Act relating to the South Buda Water Control and Improvement District No. 1.

HB 3486 (by Hardcastle), A bill to be entitled An Act relating to the Nocona Hospital District.

CSHB 3487 (by Kuempel), A bill to be entitled An Act relating to the creation of the Schertz Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

HB 3497 (by Gattis), A bill to be entitled An Act relating to the creation of the Sonterra Municipal Utility District; providing authority to impose a tax and issue bonds.

HB 3508 (by Crownover), A bill to be entitled An Act relating to the method of electing directors of the Lake Cities Municipal Utility Authority.

CSHB 3513 (by Luna and Seaman), A bill to be entitled An Act relating to the creation of the Corpus Christi Aquifer Storage and Recovery Conservation District.

HB 3515 (by Casteel), A bill to be entitled An Act relating to the composition of the Comal County Juvenile Board.

CSHB 3516 (by Coleman), A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 8; providing authority to impose a tax and issue bonds.

CSHB 3517 (by Coleman), A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 7; providing authority to impose a tax and issue bonds.

CSHB 3518 (by Coleman), A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 6; providing authority to impose a tax and issue bonds.

HB 3520 (by T. King), A bill to be entitled An Act relating to the distribution of assessments charged by Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

HB 3524 (by Gattis), A bill to be entitled An Act relating to the creation of the Williamson County Municipal Utility District No. 19; providing authority to impose a tax and issue bonds.

CSHB 3525 (by P. King), A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, operations, and financing of the Parker County Special Utility District; providing authority to issue bonds.

CSHB 3526 (by Hochberg), A bill to be entitled An Act relating to the creation of the Greater Sharpstown Management District; providing authority to impose a tax and issue a bond or similar obligation.

HB 3527 (by Haggerty), A bill to be entitled An Act relating to the ability of certain water supply or sewer service corporations to dissolve and transfer assets to a municipality.

HB 3533 (by Gonzalez Toureilles), A bill to be entitled An Act relating to the powers and duties of the Karnes County Hospital District.

HB 3537 (by J. Keffer), A bill to be entitled An Act relating to the board of directors of the Palo Pinto County Hospital District.

HB 3542 (by R. Cook), A bill to be entitled An Act relating to the composition of the juvenile board of Fayette County.

HB 3543 (by Farabee), A bill to be entitled An Act relating to the appointment of the superintendent of juvenile detention facilities in Wichita County.

CSHB 3550 (by Bailey), A bill to be entitled An Act relating to the powers and duties of the Aldine Improvement District; providing authority to impose a tax and issue bonds.

HB 3552 was withdrawn.

CSHB 3560 (by Bohac), A bill to be entitled An Act relating to the boundaries and organization of the Spring Branch Area Management District.

CSHB 3563 (by P. King, Bailey, Morrison, Luna, Swinford, et al.), A bill to be entitled An Act relating to the use of anabolic steroids by public school students.

HCR 34 (by Kolkhorst), Designating San Felipe as the Colonial Capital of Texas.

HCR 96 (by West), Declaring legislative support for the continued expansion of Texas' energy generation capacity and its leading role in energy generation through the development of liquefied natural gas receiving terminals in the state.

HCR 98 (by Guillen), Designating pan de campo the Official State Bread of Texas.

HCR 105 was deferred until the end of today's Local, Consent, and Resolutions Calendar.

HCR 108 (by Castro and Strama), Designating the Blue Lacy as the official State Dog Breed of Texas.

HCR 111 (by Hopson and Merritt), Honoring the silver anniversary of the East Texas Oil Museum in Kilgore and the diamond anniversary of the discovery of the East Texas Oil Field.

HCR 115 (by Chisum), Designating June as Texas Picnic Month.

HCR 117 (by Eiland), Designating Elissa the official tall ship of Texas.

HCR 131 (by Gallego), Honoring the Friends of Monahans Sandhills State Park for its efforts to promote and sustain this important geological treasure throughout the past half-century.

HCR 138 (by Martinez), Memorializing Congress and the Department of Veterans Affairs to support the veterans of South Texas by building a veterans hospital in Weslaco, Texas.

CSHCR 153 (by Dutton), Requesting the Texas Legislative Council to schedule a revision of the Family Code during the 2005-2006 interim.

HCR 155 (by Chisum), Requesting the Texas Commission on Environmental Quality to develop rules to permit and manage dairy-based food production activities.

HCR 159 (by P. King), Welcoming the World Congress on Information Technology to Austin in May 2006.

HR 288 (by Van Arsdale), Encouraging the president of the United States to enact a free trade agreement between the United States and Taiwan. (Wong recorded voting no.)

HB 2151 was withdrawn.

HCR 105 (by Rose), Designating Buda as the official Outdoor Capital of Texas.

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. 20).

SB 854 - RECOMMITTED

Representative Mowery moved to suspend all necessary rules and recommit **SB 854** to the Committee on Land and Resource Management.

The motion prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **SB 1879** at 2 p.m. or upon adjournment, May 16, in E2.014.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Environmental Regulation, upon first adjournment today, Desk 69, for a formal meeting, to consider **SB 1354**.

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

County Affairs, upon first adjournment today, Desk 1, for a formal meeting, to consider pending legislation.

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

State Affairs, upon first adjournment today, Desk 9, for a formal meeting, to consider pending business.

ADJOURNMENT

The chair announced that the house would stand adjourned until 11:50 a.m. today.

The house accordingly, at 11:35 a.m., adjourned until 11:50 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

Senate List No. 20

SB 99, SB 272, SB 350, SB 454, SB 552, SB 1000, SB 1309, SB 1464, SB 1708

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 13, 2005

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 1451

Averitt

Relating to the management of groundwater.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 13, 2005 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 340 Seaman SPONSOR: Hinojosa
Relating to the authority of a navigation district to establish a volunteer police reserve force and to the state law enforcement authority of certain federal peace officers.
(COMMITTEE SUBSTITUTE/AMENDED)

Respectfully,
Patsy Spaw
Secretary of the Senate