

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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TWENTY-NINTH DAY — WEDNESDAY, FEBRUARY 28, 2007

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 71).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Absent — Chisum; Eiland; King, S.; Madden; McCall; Olivo; Rodriguez; Zedler.

The invocation was offered by Most Reverend Daniel DiNardo, Archdiocese of Galveston-Houston, as follows:

Almighty and eternal God, you have revealed your glory and mercy to all nations. God of power and might, of wisdom and of justice, through you authority is rightly administered, laws are enacted, and judgment is decreed.

Let the light of your divine wisdom direct the deliberations of this legislature and shine forth in all its proceedings and laws framed for our rule and government. May this body seek to preserve peace and promote the welfare and happiness of the citizens of this state; may it continue to bring us the blessings of liberty and equality. May its deliberations be conducted in righteousness and be eminently useful to the citizens of Texas. May this body encourage due respect for virtue and religion and seek to restrain crime and vice. By your powerful protection, O God, may this body discharge its duties with honesty and ability.

O Lord, we commend to your unbounded mercy all the people of the State of Texas. May they be blessed in the knowledge and sanctified in the observance of your holy law. May they be preserved in the peace that the world cannot give and after enjoying the blessings of this life be admitted to those that are eternal. We pray to you, who are Lord and God forever and ever. Amen.

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

### **REGULAR ORDER OF BUSINESS SUSPENDED**

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

(Madden, Olivo, and Rodriguez now present)

### **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 422 - ADOPTED**

**(by T. Smith, et. al)**

Representative T. Smith moved to suspend all necessary rules to take up and consider at this time **HR 422**.

The motion prevailed.

The following resolution was laid before the house:

**HR 422**, Recognizing February 28, 2007, as Tarrant County Day at the State Capitol.

**HR 422** was read and was adopted.

(Zedler now present)

On motion of Representative Geren, the names of all the members of the house were added to **HR 422** as signers thereof.

### **HR 534 - ADOPTED**

**(by Hancock)**

Representative Hancock moved to suspend all necessary rules to take up and consider at this time **HR 534**.

The motion prevailed.

The following resolution was laid before the house:

**HR 534**, Honoring the Northeast Tarrant Chamber of Commerce on the 50th anniversary of its founding.

**HR 534** was adopted.

On motion of Representative Truitt, the names of all the members of the house were added to **HR 534** as signers thereof.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Hancock who introduced representatives of the Northeast Tarrant County Chamber of Commerce.

### LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a doctor's appointment:

Farrar on motion of Cohen.

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

Pitts on motion of West.

### HR 602 - ADOPTED

(by Orr)

Representative Orr moved to suspend all necessary rules to take up and consider at this time **HR 602**.

The motion prevailed.

The following resolution was laid before the house:

**HR 602**, Welcoming representatives from the Burleson Area Chamber of Commerce, Leadership Burleson, and the Miss Burleson Program to the State Capitol.

**HR 602** was read and was adopted.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Orr who introduced a delegation from Burleson.

(Chisum now present)

### HR 605 - ADOPTED

(by O'Day)

Representative O'Day moved to suspend all necessary rules to take up and consider at this time **HR 605**.

The motion prevailed.

The following resolution was laid before the house:

**HR 605**, Recognizing February 28, 2007, as Pearland Day at the State Capitol.

**HR 605** was adopted.

On motion of Representative Bonnen, the names of all the members of the house were added to **HR 605** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative O'Day who introduced a delegation from Pearland.

(S. King now present)

**HR 603 - ADOPTED  
(by O'Day)**

Representative O'Day moved to suspend all necessary rules to take up and consider at this time **HR 603**.

The motion prevailed.

The following resolution was laid before the house:

**HR 603**, In memory of Lance Corporal William Lewis Miller of Pearland.

**HR 603** was read and was unanimously adopted by a rising vote.

On motion of Representative Corte, the names of all the members of the house were added to **HR 603** as signers thereof.

**HR 604 - ADOPTED  
(by O'Day)**

Representative O'Day moved to suspend all necessary rules to take up and consider at this time **HR 604**.

The motion prevailed.

The following resolution was laid before the house:

**HR 604**, In memory of Lance Corporal Ryan Adam Miller of Pearland.

**HR 604** was read and was unanimously adopted by a rising vote.

On motion of Representative Corte, the names of all the members of the house were added to **HR 604** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative O'Day who introduced family members of Lance Corporal William Lewis Miller and Lance Corporal Ryan Adam Miller.

(Crabb in the chair)

(Eiland now present)

**CAPITOL PHYSICIAN**

The chair recognized Representative Christian who presented Dr. Ron McMurry of Jasper as the "Doctor for the Day."

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

**HCR 120 - ADOPTED**  
**(by Chisum)**

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HCR 120**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 120**, Recognizing February 28, 2007, as Rolling Plains Day at the State Capitol.

**HCR 120** was adopted.

(Speaker in the chair)

**LEAVE OF ABSENCE GRANTED**

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

Dunnam on motion of Gallego.

**HR 575 - ADOPTED**  
**(by Morrison)**

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 575**.

The motion prevailed.

The following resolution was laid before the house:

**HR 575**, Recognizing February 28, 2007, as Victoria Day at the State Capitol.

**HR 575** was read and was adopted.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Morrison who introduced a delegation from Victoria.

(Kolkhorst in the chair)

**HR 538 - ADOPTED**  
**(by Gonzalez Tourelles)**

Representative Gonzalez Tourelles moved to suspend all necessary rules to take up and consider at this time **HR 538**.

The motion prevailed.

The following resolution was laid before the house:

**HR 538**, Recognizing February 28, 2007, as Atascosa County Day at the State Capitol.

**HR 538** was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Gonzalez Toureilles who introduced a delegation from Atascosa County.

(Speaker in the chair)

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Kolkhorst who introduced a delegation from Washington County.

**HR 567 - ADOPTED  
(by Callegari)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 567**.

The motion prevailed.

The following resolution was laid before the house:

**HR 567**, Honoring James Box of Houston for his community service.

**HR 567** was read and was adopted.

On motion of Representative W. Smith, the names of all the members of the house were added to **HR 567** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Callegari who introduced Jim and Ellen Box.

(Bailey in the chair)

**INTRODUCTION OF GUESTS**

The chair recognized Representative Pierson who introduced representatives of Big Brothers Big Sisters of North Texas.

**HR 595 - ADOPTED  
(by Crownover)**

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 595**.

The motion prevailed.

The following resolution was laid before the house:

**HR 595**, Honoring the Texas Society, Daughters of the American Revolution for its historical research and public education achievements.

**HR 595** was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Crownover who introduced representatives of the Daughters of the American Revolution.

**RESOLUTIONS ADOPTED**

Representative Dutton moved to suspend all necessary rules in order to take up and consider at this time **HR 559 - HR 564, HR 598, HR 609, HR 611, and HR 616**

The motion prevailed.

The following resolutions were laid before the house:

**HR 559** (by Dutton), Recognizing Yolanda Adams as an honoree of the Prince Complex, Incorporated, 2007 Gala.

**HR 560** (by Dutton), Recognizing Debbie and Rudy Festari as honorees of the Prince Complex, Incorporated, 2007 Gala.

**HR 561** (by Dutton), Recognizing Congresswoman Sheila Jackson Lee as an honoree of the Prince Complex, Incorporated, 2007 Gala.

**HR 562** (by Dutton), Recognizing Karen Eubanks Jackson as an honoree of the Prince Complex, Incorporated, 2007 Gala.

**HR 563** (by Dutton), Recognizing Cheryl McNair as an honoree of the Prince Complex, Incorporated, 2007 Gala.

**HR 564** (by Dutton), Recognizing Bernard Hopkins as an honoree of the Prince Complex, Incorporated, 2007 Gala.

**HR 598** (by Dutton), Honoring Dr. Dalton W. Glenn, Jr., on his fourth anniversary with Morning Star Full Gospel Baptist Church in Houston.

**HR 609** (by Riddle, et al.), Honoring Thomas and Thelma Reynolds of Houston on their 65th anniversary.

**HR 611** (by Isett), Honoring Deborah Sue Punzo of Lubbock on her retirement from the Texas Tech University Health Sciences Center.

**HR 616** (by Talton), Commending Private First Class Michael Fletcher for his brave and steadfast service in Iraq.

The resolutions were adopted.

**HR 614 - ADOPTED  
(by Bonnen)**

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 614**.

The motion prevailed.

The following resolution was laid before the house:

**HR 614**, Congratulating the Columbia High School Lady Necks softball team for winning the 2006 3A state softball championship.

(Speaker in the chair)

**HR 614** was adopted.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Bonnen who introduced players and coaches of the Columbia High School softball team.

### HOUSE AT EASE

At 11:27 a.m., the speaker announced that the house would stand at ease until 1:15 p.m. today.

The speaker called the house to order at 1:15 p.m.

### STATEMENT BY SPEAKER CRADDICK REGARDING PARLIAMENTARY INQUIRY BY REPRESENTATIVE TALTON

Speaker Craddick had read the following statement:

Yesterday, Representative Talton asked, "What is the proper procedure to take a bill or resolution out of order under our rules after the calendar has been printed?"

As a general rule, a vote of two thirds of the members present is required to suspend the rules to consider a bill out of order once it has been placed on the calendar. (See Rule 6, Section 6(c); Rule 6, Section 17; and Rule 14, Section 5, House Rules).

The chair notes, however, that there are a number of procedural methods by which a matter could be taken up out of order under the rules, including postponing the bill (generally or to resolve a point of order), laying a bill on the table subject to call, and setting a bill as a special order. In laying business before the house, the chair makes every reasonable effort to defer to the House Rules and the discretion of the House Calendars Committee in construing the system of calendars.

### EMERGENCY CALENDAR HOUSE BILLS SECOND READING

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

#### HB 5 ON SECOND READING

(by Berman, McReynolds, Flynn, Goolsby, Naishtat, et al.)

**HB 5**, A bill to be entitled An Act relating to providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the residence homesteads of the elderly or disabled to reflect any reduction in the school district's tax rate and protecting a school district against any resulting loss in local revenue.

(McCall now present)

#### Amendment No. 1

Representatives B. Cook, Murphy, McReynolds, Ritter, and Quintanilla offered the following amendment to **HB 5**:

Amend **HB 5** as follows:



(1) Strike page 1, line 10, through page 2, line 5, and substitute the following:

(a-1) Notwithstanding the other provisions of this section, if in the 2007 tax year an individual qualifies for a limitation on tax increases provided by this section on the individual's residence homestead and the first tax year the individual or the individual's spouse qualified for an exemption under Section 11.13(c) for the same homestead was the 2006 tax year, the amount of the limitation provided by this section on the homestead in the 2007 tax year is equal to the amount computed by:

(1) multiplying the amount of tax the school district imposed on the homestead in the 2006 tax year by a fraction the numerator of which is the tax rate of the district for the 2007 tax year and the denominator of which is the tax rate of the district for the 2006 tax year; and

(2) adding any tax imposed in the 2007 tax year attributable to improvements made in the 2006 tax year as provided by Subsection (b) to the lesser of the amount computed under Subdivision (1) or the amount of tax the district imposed on the homestead in the 2006 tax year.

(2) On page 5, line 7, between "taxes" and "takes effect", insert "for the 2006 and 2007 tax years".

### 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).

### HB 5 - (consideration continued)

A record vote was requested.

Amendment No. 1 was adopted by (Record 72): 118 Yeas, 20 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Flores; Flynn; Geren; Giddings; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hochberg; Homer; Hopson; Howard; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Mowery; Murphy; Naishtat; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Anchia; Burnam; Castro; Davis, Y.; Escobar; Frost; Gallego; Gattis; Gonzales; Gonzalez Tourelles; Herrero; Hodge; Howard, D.; Mallory Caraway; Miles; Moreno; Olivo; Ortiz; Rodriguez; Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dunnam; Farrar; Pitts.

Absent — Coleman; Davis, J.; Garcia; Hernandez; Hill; King, S.; Morrison; Noriega.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 72. I intended to vote no.

Alonzo

When Record No. 72 was taken, my vote failed to register. I would have voted yes.

J. Davis

I was shown voting yes on Record No. 72. I intended to vote no.

Farias

I was shown voting yes on Record No. 72. I intended to vote no.

Flores

When Record No. 72 was taken, I was in the house but away from my desk. I would have voted no.

Garcia

I was shown voting yes on Record No. 72. I intended to vote no.

Guillen

I was shown voting yes on Record No. 72. I intended to vote no.

Heflin

When Record No. 72 was taken, I was in the house but away from my desk. I would have voted no.

Hernandez

When Record No. 72 was taken, my vote failed to register. I would have voted yes.

Hill

When Record No. 72 was taken, my vote failed to register. I would have voted yes.

S. King

I was shown voting yes on Record No. 72. I intended to vote no.

Martinez

I was shown voting yes on Record No. 72. I intended to vote no.

Martinez Fischer

When Record No. 72 was taken, I was temporarily out of the house chamber. I would have voted yes.

Morrison

When Record No. 72 was taken, I was in the house but away from my desk. I would have voted yes.

Noriega

I was shown voting yes on Record No. 72. I intended to vote no.

Peña

I was shown voting yes on Record No. 72. I intended to vote no.

Pierson

I was shown voting yes on Record No. 72. I intended to vote no.

Raymond

I was shown voting yes on Record No. 72. I intended to vote no.

Veasey

I was shown voting yes on Record No. 72. I intended to vote no.

Vo

**LEAVE OF ABSENCE GRANTED**

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

Rose on motion of Branch.

**HB 5 - (consideration continued)**

**Amendment No. 2**

Representative Villarreal offered the following amendment to **HB 5**:

Amend **HB 5** on page 3, between lines 25 and 26, by inserting the following new section, appropriately numbered, and renumbering the subsequent sections accordingly:

SECTION \_\_\_\_ . Section 42.302(a-1), Education Code, is amended to read as follows:

(a-1) In this section, "wealth per student" has the meaning assigned by Section 41.001. For purposes of Subsection (a), the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort ("GL") for a school district is:

(1) the amount of district tax revenue per weighted student per cent of tax effort available to a district at the 88th percentile in wealth per student, as determined by the commissioner in cooperation with the Legislative Budget Board, for the district's maintenance and operations tax effort equal to or less than the rate equal to the product of the state compression percentage, as determined under Section 42.2516, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year;

(2) the amount of district tax revenue per weighted student per cent of tax effort that would be available to the Austin Independent School District, as determined by the commissioner in cooperation with the Legislative Budget Board, if the reduction of the limitation on tax increases as provided by Section 11.26(a-1), (a-2), or (a-3), Tax Code, did not apply, for the first six cents by which the district's maintenance and operations tax rate exceeds the rate equal to the product of the state compression percentage, as determined under Section 42.2516 and notwithstanding the limitation on district enrichment tax rate ("DTR") under Section 42.303, multiplied by the maintenance and operations tax rate adopted by the district for the 2005 tax year; and

(3) \$31.95, for the district's maintenance and operations tax effort that exceeds the amount of tax effort described by Subdivision (2).

Amendment No. 2 was adopted.

A record vote was requested.

**HB 5**, as amended, was passed to engrossment by (Record 73): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycok; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dunnam; Farrar; Pitts; Rose.

Absent — Dutton; Hill.

### STATEMENT OF VOTE

When Record No. 73 was taken, my vote failed to register. I would have voted yes.

Hill

**CSHB 3 ON SECOND READING**  
**(by Puente and Hilderbran)**

**CSHB 3**, A bill to be entitled An Act relating to the management of the water resources of the state, including the protection of instream flows and freshwater inflows.

**Amendment No. 1**

Representative Puente offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 12, line 16, between "2009" and the underlined semicolon, insert ", except that at the request of the basin and bay area stakeholders committee for good cause shown, the advisory group may extend the deadline provided by this subdivision".

(2) On page 19, strike lines 15 through 23 and substitute the following: estuary advisory council with specific duties related to implementation of permit conditions for environmental flows, that council may continue in full force and effect and shall act as and perform the duties of the basin and bay area stakeholders committee under this section. The estuary advisory council shall add members from stakeholder groups and from appropriate science and technical groups, if necessary, to fully meet the criteria for membership established in Subsection (f) and shall operate under the provisions of this section.

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Morrison offered the following amendment to **CSHB 3**:

Amend **CSHB 3** as follows:

(1) On page 3, line 26, strike "and".

(2) On page 3, line 27, between "preserves" and the period, insert the following:  
; and

(9) recharge of an aquifer as provided by Subsection (c)

Amendment No. 2 was withdrawn.

**Amendment No. 3**

Representative Morrison offered the following amendment to **CSHB 3**:

Amend **CSHB 3** on page 11, line 26, by striking "and Aransas Rivers and" and substituting "Mission, and Aransas Rivers and Mission,".

Amendment No. 3 was adopted.

**CSHB 3 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE BRANCH: Thank you, Mr. Speaker and thank you, Mr. Puente. I wanted to just ask you a few questions about the bill, particularly for someone who's from North Texas, and you and I have spoken privately, but I wanted to see if we could get this on the record. Would that be alright?

REPRESENTATIVE PUENTE: Sure, yes.

BRANCH: We appreciate your leadership on this really important issue facing our state. As you can probably understand for those of us in North Texas, particularly in the Dallas area, some of us have said that this bill offers little help to us with respect to our plans to plan or acquire future water supplies. One of the questions I get from a lot of my constituents is that there doesn't seem to be any mechanism in this bill that assists, facilitates, or finances infrastructures to meet the needs of a growing population that we have in Dallas.

PUENTE: The first issue is that this bill doesn't do very much for that Dallas area. That may be true because Dallas has been very good about its water planning. Y'all have a lot of surface lakes, a lot of great planning as far as getting additional water for the future to make sure it meets that full-growing area. And then the other issue about infrastructure, frankly, this bill is not meant to do very much about that. There are other bills that will be dealing with that. What this bill does is provide for a mechanism to allow for the continuation of the flow of the rivers.

BRANCH: Okay. And I think we may come to the latter issue we talked about. Another question is, important as conservation is, conservation alone does not seem to get us in North Texas where we need to be. In fact, based on recent data that I was given, residential gallons per capita daily water use for the city of Dallas was less than that even of San Antonio, your hometown and my boyhood home. Apparently, while we've taken great strides to conserve, we think there's more work to do. Is it your belief that everything on the table today—with respect to this bill, greater conservation, existing sources—this alone, this bill alone does not get the State of Texas where it needs to be in 30 years based on our anticipated population growth that we've seen from our demographer?

PUENTE: No, and it's not meant to be. This is not a drought contingency bill, a water conservation bill, a future water supply management bill; it's strictly a instream flow bill. Your comments about water conservation I would agree to some extent with; I do think that it is a great tool, and as long as you would recognize that it may not be the only answer, it is one of the answers to future water findings.

BRANCH: I agree it is one of the answers. I just want to make sure that we understand that there are plenty of other tools that we need to focus on, in addition to this. I don't want people in hindsight to look back on this moment and say, "This was a mistake because we didn't do more." I understand that this bill has a more limited focus but there may be other bills and I certainly hope there are other bills this session.

PUENTE: There will and I hope I can get your support if the bill makes it, **HB 4**, which deals strictly with water conservation and so there will be a series of, I hope, water bills that do address everything that you mentioned.

BRANCH: Because while conservation is important and groundwater is important, to me, it is limited, it's expensive, in the big scheme it can be. If it's your only source it can be unreliable and so to me, it doesn't recharge our reservoirs and once it's pumped out of the ground often it takes a long time to recharge or doesn't recharge. Would you agree?

PUENTE: Yes, we should never take one of the tools away from water planners. Water conservation is important. All these other groundwater issues are important. And this bill is not meant to do anything like that.

BRANCH: So when you look at groundwater and you look at conservation, ultimately, I can come to the conclusion that alone doesn't meet our needs in North Texas. I think I hear you that you are agreeing with me on that. So what I'm hoping to do is, I want to be supportive and help other parts of the state in this critical need we have for water, but I don't want to do something that doesn't meet all the needs, particularly the area that I represent, and so I guess my conclusion, Mr. Chairman, is we can not have this body pass only a bill that will in the end expedite—I don't want to pass a bill that will increase or expedite the need for water sources on the surface and yet do not do anything for those needs in perhaps another piece of legislation.

PUENTE: I agree with you and this bill is not meant to do that. As I mentioned, there will be a series of bills, hopefully, that start resolving some of these issues that you raised.

BRANCH: I would just conclude and thank you for this opportunity to have this colloquy. Those of us in the Dallas area hope that you will be supportive of legislation to build these new water sources and reservoirs.

### REMARKS ORDERED PRINTED

Representative Branch moved to print remarks between Representative Puente and Representative Branch.

The motion prevailed.

**CSHB 3**, 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: Christian, Miller, and Talton recorded voting no.)

### HB 8 ON SECOND READING

(by Riddle, Berman, Vaught, Escobar, et al.)

**HB 8**, A bill to be entitled An Act relating to the prosecution, punishment, and supervision of certain sex offenders and to certain crimes involving sex offenders.

#### Amendment No. 1

Representative Riddle offered the following amendment to **HB 8**:

Amend **HB 8** (House Committee Printing) as follows:

(1) Strike SECTION 2 of the bill.

(2) Add appropriately numbered SECTIONS to the bill to read as follows and renumber existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 5(a), Article 11.071, Code of Criminal Procedure, is amended to read as follows:

(a) If a subsequent application for a writ of habeas corpus is filed after filing an initial application, a court may not consider the merits of or grant relief based on the subsequent application unless the application contains sufficient specific facts establishing that:

(1) the current claims and issues have not been and could not have been presented previously in a timely initial application or in a previously considered application filed under this article or Article 11.07 because the factual or legal basis for the claim was unavailable on the date the applicant filed the previous application;

(2) by a preponderance of the evidence, but for a violation of the United States Constitution no rational juror could have found the applicant guilty beyond a reasonable doubt; or

(3) by clear and convincing evidence, but for a violation of the United States Constitution no rational juror would have answered in the state's favor one or more of the special issues that were submitted to the jury in the applicant's trial under Article 37.071, ~~[or]~~ 37.0711, or 37.072.

SECTION \_\_\_\_\_. Section 3, Article 31.08, Code of Criminal Procedure, is amended to read as follows:

Sec. 3. Except for the review of a death sentence under Section 2(h), Article 37.071, or under Section 2(h), Article 37.072 ~~[37.071(h) of this code]~~, an appeal taken in a cause returned to the original county under this article must be docketed in the appellate district in which the county of original venue is located.

SECTION \_\_\_\_\_. Section 2(b), Article 37.07, Code of Criminal Procedure, is amended to read as follows:

(b) Except as provided by by ~~[in]~~ Article 37.071 or 37.072, if a finding of guilty is returned, it shall then be the responsibility of the judge to assess the punishment applicable to the offense; provided, however, that (1) in any criminal action where the jury may recommend community supervision and the defendant filed his sworn motion for community supervision before the trial began, and (2) in other cases where the defendant so elects in writing before the commencement of the voir dire examination of the jury panel, the punishment shall be assessed by the same jury, except as provided in Section 3(c) of this article and in Article 44.29. If a finding of guilty is returned, the defendant may, with the consent of the attorney for the state, change his election of one who assesses the punishment.

SECTION \_\_\_\_\_. Chapter 37, Code of Criminal Procedure, is amended by adding Article 37.072 to read as follows:

Art. 37.072. PROCEDURE IN REPEAT SEX OFFENDER CAPITAL CASE. Sec. 1. If a defendant is found guilty in a capital felony case punishable under Section 12.42(c)(3), Penal Code, in which the state does not seek the death penalty, the judge shall sentence the defendant to life imprisonment without parole.



Sec. 2. (a)(1) If a defendant is tried for an offense punishable under Section 12.42(c)(3), Penal Code, in which the state seeks the death penalty, on a finding that the defendant is guilty of a capital offense, the court shall conduct a separate sentencing proceeding to determine whether the defendant shall be sentenced to death or life imprisonment without parole. The proceeding shall be conducted in the trial court and, except as provided by Article 44.29(d) of this code, before the trial jury as soon as practicable. In the proceeding, evidence may be presented by the state and the defendant or the defendant's counsel as to any matter that the court considers relevant to sentence, including evidence of the defendant's background or character or the circumstances of the offense that mitigates against the imposition of the death penalty. This subdivision may not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or of the State of Texas. The state and the defendant or the defendant's counsel shall be permitted to present argument for or against sentence of death. The introduction of evidence of extraneous conduct is governed by the notice requirements of Section 3(g), Article 37.07. The court, the attorney representing the state, the defendant, or the defendant's counsel may not inform a juror or a prospective juror of the effect of a failure of a jury to agree on issues submitted under Subsection (b) or (e).

(2) Notwithstanding Subdivision (1), evidence may not be offered by the state to establish that the race or ethnicity of the defendant makes it likely that the defendant will engage in future criminal conduct.

(b) On conclusion of the presentation of the evidence, the court shall submit the following issues to the jury:

(1) whether there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society; and

(2) in cases in which the jury charge at the guilt or innocence stage permitted the jury to find the defendant guilty as a party under Sections 7.01 and 7.02, Penal Code, whether the defendant actually engaged in the conduct prohibited by the offense of which the defendant was found guilty or did not actually engage in the conduct prohibited by that offense but intended that the offense be committed against the victim or another intended victim.

(c) The state must prove beyond a reasonable doubt each issue submitted under Subsection (b) of this section, and the jury shall return a special verdict of "yes" or "no" on each issue submitted under Subsection (b) of this section.

(d) The court shall charge the jury that:

(1) in deliberating on the issues submitted under Subsection (b) of this section, it shall consider all evidence admitted at the guilt or innocence stage and the punishment stage, including evidence of the defendant's background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty;

(2) it may not answer any issue submitted under Subsection (b) of this section "yes" unless it agrees unanimously and it may not answer any issue "no" unless 10 or more jurors agree; and

(3) members of the jury need not agree on what particular evidence supports a negative answer to any issue submitted under Subsection (b) of this section.

(e)(1) The court shall instruct the jury that if the jury returns an affirmative finding to each issue submitted under Subsection (b), it shall answer the following issue:

Whether, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed.

(2) The court shall:

(A) instruct the jury that if the jury answers that a circumstance or circumstances warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed, the court will sentence the defendant to imprisonment in the Texas Department of Criminal Justice for life without parole; and

(B) charge the jury that a defendant sentenced to confinement for life without parole under this article is ineligible for release from the department on parole.

(f) The court shall charge the jury that in answering the issue submitted under Subsection (e) of this section, the jury:

(1) shall answer the issue "yes" or "no";

(2) may not answer the issue "no" unless it agrees unanimously and may not answer the issue "yes" unless 10 or more jurors agree;

(3) need not agree on what particular evidence supports an affirmative finding on the issue; and

(4) shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness.

(g) If the jury returns an affirmative finding on each issue submitted under Subsection (b) and a negative finding on an issue submitted under Subsection (e)(1), the court shall sentence the defendant to death. If the jury returns a negative finding on any issue submitted under Subsection (b) or an affirmative finding on an issue submitted under Subsection (e)(1) or is unable to answer any issue submitted under Subsection (b) or (e), the court shall sentence the defendant to imprisonment in the Texas Department of Criminal Justice for life without parole.

(h) The judgment of conviction and sentence of death shall be subject to automatic review by the Court of Criminal Appeals.

SECTION \_\_\_\_\_. Articles 44.251(a) and (c), Code of Criminal Procedure, are amended to read as follows:

(a) The court of criminal appeals shall reform a sentence of death to a sentence of confinement in the [institutional division of the] Texas Department of Criminal Justice for life without parole if the court finds that there is legally insufficient evidence to support an affirmative answer to an issue submitted to the jury under Section 2(b), Article 37.071, or Section 2(b), Article 37.072.

(c) If the court of criminal appeals finds reversible error that affects the punishment stage of the trial only, as described by Subsection (b) of this article, and the prosecuting attorney does not file a motion for reformation of sentence in the period described by that subsection, the defendant shall receive a new sentencing trial in the manner required by Article 44.29(c) or (d), as applicable [of this code].

SECTION \_\_\_\_\_. Article 44.29, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) If any court sets aside or invalidates the sentence of a defendant convicted of an offense punishable as a capital felony under Section 12.42(c)(3), Penal Code, and sentenced to death on the basis of any error affecting punishment only, the court shall not set the conviction aside but rather shall commence a new punishment hearing under Article 37.072, as if a finding of guilt had been returned. The court shall empanel a jury for the sentencing stage of the trial in the same manner as a jury is to be empaneled by the court in other trials before the court for the offense of which the defendant was convicted. At the new punishment hearing, the court shall permit both the state and the defendant to introduce evidence as permitted by Article 37.072.

Amendment No. 1 was adopted. (The vote was reconsidered later today, and Amendment No. 1 was withdrawn.)

### **Amendment No. 2**

Representative Pierson offered the following amendment to **HB 8**:

Amend **HB 8** (House Committee Printing) by adding the following appropriately numbered section to the bill and renumbering the subsequent sections of the bill accordingly:

SECTION \_\_\_\_\_. This Act shall be known as the Jessica Lunsford Act.

Amendment No. 2 was adopted. (The vote was reconsidered later today, and Amendment No. 2 was withdrawn.)

### **Amendment No. 3**

Representative Dutton offered the following amendment to **HB 8**:

Amend **HB 8** (House Committee Printing) as follows:

(1) On page 3, line 6, strike "21.11(a)(2)" and substitute "21.11(a)".

(2) On page 7, lines 12-13, strike "Section 3g(a)(1)(C), (D), or (E)" and substitute "Section 3g(a)(1)(D) or (E)".

(3) On page 9, line 27, through page 10, line 1, strike "Section 21.11(a)(1) (Indecency with a child), 22.011 (Sexual assault)," and substitute "Section 22.011 (Sexual assault)".

(4) On page 12, line 23, through page 13, line 2, strike SECTION 10 of the bill.

(5) Renumber existing SECTIONS of the bill as necessary.

Representative Riddle moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 74): 89 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Frost; Gallego; Gattis; Geren; Gonzalez Toureilles; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Herrero; Hilderbran; Hill; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; McReynolds; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pierson; Quintanilla; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Talton; Taylor; Van Arsdale; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bailey; Bolton; Branch; Burnam; Castro; Chavez; Cohen; Coleman; Creighton; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Flores; Giddings; Gonzales; Guillen; Hartnett; Heflin; Hernandez; Hochberg; Hodge; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Miles; Moreno; Mowery; Naishtat; Noriega; Oliveira; Olivo; Pickett; Puente; Raymond; Rodriguez; Solomons; Straus; Thompson; Turner; Veasey.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dunnam; Farrar; Pitts; Rose.

Absent — Escobar; Garcia; Haggerty; Madden; Truitt; Vaught.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 74. I intended to vote yes.

Bolton

I was shown voting no on Record No. 74. I intended to vote yes.

Cohen

I was shown voting no on Record No. 74. I intended to vote yes.

Creighton

I was shown voting no on Record No. 74. I intended to vote yes.

Farias

When Record No. 74 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

I was shown voting no on Record No. 74. I intended to vote yes.

Gonzales

I was shown voting no on Record No. 74. I intended to vote yes.

Guillen

I was shown voting no on Record No. 74. I intended to vote yes.

Heflin

I was shown voting no on Record No. 74. I intended to vote yes.

Hernandez

I was shown voting no on Record No. 74. I intended to vote yes.

Leibowitz

I was shown voting no on Record No. 74. I intended to vote yes.

Lucio

I was shown voting no on Record No. 74. I intended to vote yes.

Mallory Caraway

I was shown voting no on Record No. 74. I intended to vote yes.

Martinez Fischer

I was shown voting no on Record No. 74. I intended to vote yes.

Raymond

I was shown voting no on Record No. 74. I intended to vote yes.

Veasey

#### **Amendment No. 4**

Representative Dutton offered the following amendment to **HB 8**:

Amend **HB 8** (House Committee Printing) as follows:

(1) Strike SECTION 2 of the bill (page 3, lines 19-23).

(2) On page 4, lines 7 and 8, strike "the victim of which is younger than 14 years of age at the time the offense is committed" and substitute "punishable under Section 12.42(c)(3), Penal Code".

(3) On page 5, lines 24-26, strike "the victim of which is younger than 14 years of age at the time the offense is committed" and substitute "punishable under Section 12.42(c)(3), Penal Code".

(4) Strike SECTION 4 of the bill (page 7, line 3, through page 8, line 3).

(5) On page 11, line 27, strike "for a capital felony" and substitute "by imprisonment in the Texas Department of Criminal Justice for life without parole".

(6) Renumber existing SECTIONS of the bill accordingly.

#### **HB 8 - POINTS OF ORDER**

Representative Thompson raised a point of order against further consideration of **HB 8** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis and the committee report are incorrect.

The speaker overruled the point of order.

Representative Thompson raised a point of order against further consideration of **HB 8** under Rule 8, Section 3 of the House Rules and Article III, Section 35 of the Texas Constitution on the grounds that the bill violates the one-subject rule.

The speaker overruled the point of order.

Representative Riddle moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 75): 88 Yeas, 49 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Frost; Gallego; Gattis; Geren; Gonzalez Toureilles; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hilderbran; Hill; Homer; Hopson; Howard, C.; Isett; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Martinez Fischer; McReynolds; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Raymond; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Dukes; Dutton; Eiland; Escobar; Farias; Flores; Garcia; Giddings; Gonzales; Guillen; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; King, T.; Leibowitz; Madden; Mallory Caraway; McCall; McClendon; Miles; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Rodriguez; Strama; Straus; Thompson; Truitt; Turner; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dunnam; Farrar; Pitts; Rose.

Absent — Davis, J.; Deshotel; Hartnett; Hughes; Jackson; Martinez; Menendez; Mowery.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 75. I intended to vote yes.

Anchia

I was shown voting no on Record No. 75. I intended to vote yes.

Bolton

When Record No. 75 was taken, I was in the house but away from my desk. I would have voted yes.

J. Davis

When Record No. 75 was taken, I was temporarily out of the house chamber. I would have voted yes.

Martinez

I was shown voting no on Record No. 75. I intended to vote yes.

Pierson

### **Amendment No. 5**

Representative Dutton offered the following amendment to **HB 8**:

Amend **HB 8** (House Committee Printing) on page 10, line 25, by striking "21.11" and substituting "21.11(a)(1)".

Amendment No. 5 was adopted. (The vote was reconsidered later today, and Amendment No. 5 was withdrawn.)

### **Amendment No. 6**

Representative Dutton offered the following amendment to **HB 8**:

Amend **HB 8** (House Committee Printing) by striking SECTION 9 of the bill and renumbering existing SECTIONS of the bill accordingly.

Amendment No. 6 was withdrawn.

Representative Smithee moved to postpone consideration of **HB 8** until 3 p.m. Monday, March 5.

A record vote was requested.

The motion prevailed by (Record 76): 131 Yeas, 10 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Leibowitz; Lucio; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Pickett; Pierson; Puente; Quintanilla; Ritter; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Crabb; Guillen; Harless; Harper-Brown; Laubenberg; Macias; Phillips; Raymond; Riddle; Talton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dunnam; Farrar; Pitts; Rose.

Absent — Cohen; Menendez; Peña; Swinford.

### STATEMENT OF VOTE

When Record No. 76 was taken, my vote failed to register. I would have voted yes.

Swinford

## GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

### HB 542 ON SECOND READING (by Bonnen)

**HB 542**, A bill to be entitled An Act relating to the name of the Brazos River Harbor Navigation District of Brazoria County and the name of its governing body.

**HB 542** 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.)

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Hardcastle requested permission for the Committee on Energy Resources to meet while the house is in session, during bill referral today, in E2.030, for a formal meeting, to consider **HB 2061**.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Energy Resources, during bill referral today, E2.030, for a formal meeting, to consider **HB 2061**.

### COMMITTEES GRANTED PERMISSION TO MEET

Representative Puente requested permission for the Committee on Natural Resources to meet while the house is in session, during bill referral today, in E2.012, for a public hearing, to consider the previously posted schedule.

Permission to meet was granted.

Representative Bailey requested permission for the Committee on Urban Affairs to meet while the house is in session, during bill referral today, in E1.026, for a public hearing.

Permission to meet was granted.



Representative W. Smith requested permission for the Committee on County Affairs to meet while the house is in session, during bill referral today, in E2.016, for a public hearing, to consider the posted agenda.

Permission to meet was granted.

Representative Mowery requested permission for the Committee on Land and Resource Management to meet while the house is in session, during bill referral today, in E2.014, for a public hearing.

Permission to meet was granted.

Representative Berman requested permission for the Committee on Elections to meet while the house is in session, during bill referral today, in E2.028, for a public hearing.

Permission to meet was granted.

Representative Deshotel requested permission for the Committee on Economic Development to meet while the house is in session, during bill referral today, in E1.014, for a public hearing.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Juvenile Justice and Family Issues, 5 p.m. today, E2.026, for a formal meeting, to consider posted business.

#### **FIVE DAY POSTING RULE SUSPENDED**

Representative Dukes moved to suspend the five day posting rule to allow the Committee on Human Services to consider **HB 2020** and **HB 2049** at 10:30 a.m. or upon adjournment tomorrow in E2.026.

The motion prevailed.

#### **PROVIDING FOR ADJOURNMENT**

Representative Taylor 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.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, 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.)

(Hartnett in the chair)

#### **ADJOURNMENT**

In accordance with a previous motion, the house, at 4:55 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**HB 11** (By B. Cook), Relating to the filing of sales reports with the comptroller by wholesalers and distributors of certain alcohol and tobacco products.

To Ways and Means.

**HB 1707** (By Coleman), Relating to the practice of nursing; providing civil penalties.

To Public Health.

**HB 1896** (By D. Howard), Relating to information submitted to and maintained in the immunization registry.

To Public Health.

**HB 1897** (By D. Howard), Relating to the Texas Immunization and Screening Registry.

To Public Health.

**HB 1898** (By England), Relating to the composition of the sex offender risk assessment review committee under this state's sex offender registration program.

To Criminal Jurisprudence.

**HB 1899** (By England), Relating to the sale of real property at an ad valorem tax sale and the right of redemption in connection with real property sold at a tax sale.

To Local Government Ways and Means.

**HB 1900** (By P. King), Relating to the imposition of certain administrative penalties related to market power regulation violations in the electric power market.

To Regulated Industries.

**HB 1901** (By P. King), Relating to the assessment of generation market-share of power generation companies.

To Regulated Industries.

**HB 1902** (By P. King), Relating to the confidentiality of certain information involving the Public Utility Commission and the wholesale electric market monitor.

To Regulated Industries.

**HB 1903** (By P. King), Relating to continuing educational requirements of a justice of the peace who is a licensed attorney.

To Judiciary.

**HB 1904** (By Crownover), Relating to the financial security requirements for operators of oil and gas wells.

To Energy Resources.

**HB 1905** (By T. Smith), Relating to provision of health care services by health maintenance organizations and preferred provider benefit plans.

To Insurance.

**HB 1906** (By West), Relating to the authority of a municipality to regulate certain burglar alarm systems.

To Law Enforcement.

**HB 1907** (By Peña), Relating to the issuance or violation of an order for emergency protection on the basis of the offense of sexual assault or aggravated sexual assault.

To Criminal Jurisprudence.

**HB 1908** (By Crownover), Relating to the appointment of certain judicial offices and a nonpartisan election for the retention or rejection of a person appointed to those offices.

To Judiciary.

**HB 1909** (By Bolton), Relating to the composition of a juvenile board.

To Juvenile Justice and Family Issues.

**HB 1910** (By Elkins), Relating to the seizure of personal property for the payment of ad valorem taxes.

To Local Government Ways and Means.

**HB 1911** (By Elkins), Relating to workers' compensation fee guidelines.

To Business and Industry.

**HB 1912** (By Truitt), Relating to an exemption for certain facilities from the child-care licensing requirements.

To Human Services.

**HB 1913** (By Eiland), Relating to assessment of a premium surcharge on renewal of certain insurance policies.

To Insurance.

**HB 1914** (By Eiland), Relating to certain information reporting requirements regarding workers' compensation claims.

To Insurance.

**HB 1915** (By Swinford), Relating to the creation of an online volunteer fire department registry by the Texas Forest Service.

To Agriculture and Livestock.

**HB 1916** (By Gonzales), Relating to requiring all public institutions of higher education to use the common course numbering system.

To Higher Education.

**HB 1917** (By Gattis), Relating to the relationship between the amount of an administrative penalty imposed by the Texas Commission on Environmental Quality and the economic benefit of the violation to the alleged violator.

To Environmental Regulation.

**HB 1918** (By Rodriguez), Relating to the creation of the Travis-Creedmoor Municipal Utility District; providing authority to impose taxes and issue bonds.

To Natural Resources.

**HB 1919** (By T. Smith), Relating to health benefit plan coverage for treatment for certain brain injuries.

To Insurance.

**HB 1920** (By Keffer), Relating to a limitation on the amount of natural gas that a gatherer or transporter of gas may lose or be unable to account for.

To Energy Resources.

**HB 1921** (By Keffer), Relating to the use of certain devices in a polling place.

To Elections.

**HB 1922** (By Kolkhorst), Relating to eligibility of school districts for state assistance with payment of existing debt.

To Public Education.

**HB 1923** (By Kolkhorst), Relating to coordination between school districts and other governmental agencies regarding necessary transportation infrastructure improvements associated with real property owned or proposed to be purchased by school districts.

To Public Education.

**HB 1924** (By Kolkhorst), Relating to funding for career and technology programs in public schools.

To Public Education.

**HB 1925** (By Kolkhorst), Relating to the transmission of information regarding public school students through the use of radio frequency identification technology.

To Public Education.

**HB 1926** (By Farrar), Relating to authorizing certain brewers and manufacturers to sell beer and ale to ultimate consumers.

To Licensing and Administrative Procedures.

**HB 1927** (By Chisum), Relating to the liability of manufacturers or sellers of fuel additives and components and fuels.

To Civil Practices.

**HB 1928** (By Flores), Relating to the exemption from ad valorem taxation of certain travel trailers.

To Ways and Means.

**HB 1929** (By Flynn), Relating to the comptroller's electronic funds transfer system and the use of electronic paycards.

To Ways and Means.

**HB 1930** (By Keffer), Relating to gifts and grants for financing or assisting the operation of the office of county attorney in Brown County.

To County Affairs.

**HB 1931** (By Swinford), Relating to the production and taxation of renewable diesel fuel.

To Ways and Means.

**HB 1932** (By Swinford), Relating to the membership and area of operation of farmers' cooperative societies.

To Agriculture and Livestock.

**HB 1933** (By Burnam), Relating to the use of and reporting concerning the use of Tasers and other stun guns by law enforcement agencies.

To Law Enforcement.

**HB 1934** (By Burnam), Relating to the establishment by the Commission on Law Enforcement Officer Standards and Education of a training program for law enforcement officers regarding the use of a Taser or other stun gun.

To Law Enforcement.

**HB 1935** (By Burnam), Relating to generally prohibiting the carrying of a Taser or other stun gun; providing certain criminal penalties and defenses to prosecution for persons who obtain a license.

To Law Enforcement.

**HB 1936** (By Burnam), Relating to a medical examination for individuals against whom a peace officer uses a Taser or other stun gun.

To Law Enforcement.

**HB 1937** (By Burnam), Relating to the compensation of certain executive officers of certain electric utilities and affiliated retail electric providers.

To Regulated Industries.

**HB 1938** (By Burnam), Relating to certain restrictions on travel outside of this state by children in foster care.

To Human Services.

**HB 1939** (By Escobar), Relating to the authority of certain peace officers to dispose of a case based on a Class B misdemeanor without taking the alleged offender before a magistrate.

To Criminal Jurisprudence.

**HB 1940** (By Zedler), Relating to the resolution of certain medical disputes regarding workers' compensation claims.

To Business and Industry.

**HB 1941** (By Zedler), Relating to data collected by public schools regarding the citizenship or immigration status of certain individuals.

To State Affairs.

**HB 1942** (By Zedler), Relating to the regulation of clinical nutritionists; providing penalties.

To Public Health.

**HB 1943** (By Coleman), Relating to the imposition of a lien on property to recover certain medical assistance.

To Human Services.

**HB 1944** (By Coleman), Relating to the elimination of sexual assault against inmates confined in a facility operated by or under contract with the Texas Department of Criminal Justice.

To Corrections.

**HB 1945** (By P. King), Relating to the administrative penalty procedures of the Public Utility Commission of Texas.

To Regulated Industries.

**HB 1946** (By Eissler), Relating to automatic external defibrillators.

To Public Health.

**HJR 78** (By Crownover), Proposing a constitutional amendment providing for appointment to fill vacancies in certain judicial offices and for nonpartisan retention elections for those offices.

To Judiciary.

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

**HB 1886** (By Callegari), Relating to the procurement methods of certain political subdivisions and certain other entities for the construction, rehabilitation, alteration, or repair of certain projects.

To Government Reform.

### **MESSAGES FROM THE SENATE**

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

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### **ADDENDUM**

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### **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

Wednesday, February 28, 2007

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 32** Berman SPONSOR: Deuell  
Designating February 26 to February 27, 2007, as Tyler Days at the State Capitol.

**HCR 40** Isett, Carl SPONSOR: Duncan  
Honoring the Texas Tech women's cross country team for their performance in the 2006 NCAA championships.

**HCR 41** Isett, Carl SPONSOR: Duncan  
Honoring Whitney Wofford of Lubbock for winning the Bryan-College Station Super Championship Major Zone Tennis Tournament.

**HCR 78** Ritter SPONSOR: Janek  
In memory of U.S. Army Specialist Ryan Berg of Sabine Pass.

**HCR 113** Isett, Carl SPONSOR: Duncan  
Congratulating Roy Velez on being named 2006 Texan of the Year.

**HCR 119** Berman SPONSOR: Eltife  
Honoring Kathryn Bailey Allen of Tyler on the occasion of her 90th birthday.

**HCR 124** Homer SPONSOR: Eltife  
In memory of George Oscar Fisher, Jr., of Paris.

**HCR 128** Merritt SPONSOR: Eltife  
Recognizing February 27, 2007, as Kilgore Day at the State Capitol.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, February 28, 2007 - 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 18** Hardcastle SPONSOR: Estes  
Congratulating the R. A. Brown Ranch on winning the 2006 Texas Ranch Roundup.

**HCR 20** Hardcastle SPONSOR: Estes  
 Congratulating Jody Bellah of the R. A. Brown Ranch on winning the 2006 Top Hand award at the Texas Ranch Roundup.

**HCR 34** Dunnam SPONSOR: Averitt  
 Congratulating the Chilton Pirates for winning the 2006 Class A Division II state football championship.

**HCR 44** Hardcastle SPONSOR: Estes  
 Congratulating Kelly Maben of Spur for setting a new arena record for barrel racing at the 2006 Wrangler National Finals Rodeo.

**HCR 50** Hughes SPONSOR: Eltife  
 Honoring Mark Taylor on his retirement as Wood County district attorney.

**HCR 53** Dunnam SPONSOR: Averitt  
 In memory of former Tenth Court of Appeals Justice Bob Cummings of Gatesville.

**HCR 77** Straus SPONSOR: Van de Putte  
 Recognizing the 75th anniversary of Firstmark Credit Union in San Antonio.

**HCR 85** Hopson SPONSOR: Eltife  
 Declaring February 20, 2007, as Panola County Day at the State Capitol.

**HCR 116** Hardcastle SPONSOR: Estes  
 Honoring the Northside Indians football team of Wilbarger County on winning the 2006 Class A Six-Man Division II State Championship.

**HCR 120** Chisum SPONSOR: Duncan  
 Recognizing February 28, 2007, as Rolling Plains Day at the State Capitol.

**SCR 29** Whitmire  
 Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 28, 2007, and ending on Monday, March 5, 2007.

Respectfully,  
 Patsy Spaw  
 Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**February 27**

Judiciary - **HB 334, HB 417**