

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FOURTH DAY (CONTINUED) — WEDNESDAY, MARCH 28, 2007

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 201).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Aycock; 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; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; 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; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Noriega; O'Day; Oliveira; Olivo; 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; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Absent, Excused — Garcia.

Absent — Anderson; King, S.; Naishtat; Rodriguez; Thompson; Zerwas.

The invocation was offered by Steven Cook, pastor, Oak Park United Methodist Church, Paris, as follows:

"O God, our help in ages past, our hope for years to come, our shelter from the stormy blast, and our eternal home."

We begin this session of legislative business with the keen awareness that our presence in this place is secondary to your presence with us. We give thanks for a political process that provides opportunity for all citizens to participate in electing fellow citizens to represent each of us. We ask for your divine counsel and wisdom as issues that affect the least of us oftentimes neglect the insignificant and powerless among us. We lift up each member of this elected

body as each person seeks to give her or his best effort to act decisively yet with caring concern on issues. We pray for focused minds and pure hearts for each member of the house as weighty matters with multiple resolutions are presented.

Divine Sovereign God, you have created us to love our neighbors as we love ourselves and to treat others as we desire to be treated. Give each of us a heaping measure of humility as well as a wonderful sense of humor as we serve one another for the common good. With the Psalmist of old, let us note: "This is the day which the Lord has made; let us rejoice and be glad in it!" (Psalm 118:24)

We remember to pray for all leaders of all peoples and know that all powers that be are your servants to do good and not evil. For men and women serving in our armed services representing the values of our country worldwide, we ask for your peace in their lives. For peoples who wake up each day oppressed by others and especially for children who are unsafe and unloved, we pray for divine rescue. With St. Francis of Assisi who uttered these words over 800 years ago: "O Divine Master, grant that we may not so much see to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life."

Bless the speaker of this house and all leaders on both sides of the aisle. Grant each of them an ample measure of respect for reasoned thoughts and ideas, and remind all of us that all of the citizens of our great State of Texas are represented with an equal voice in this elected body.

"O God, our help in ages past, our hope for years to come; be thou our guide while life shall last, and our eternal home."

In the name of the Father, the Son, and the Holy Spirit. Amen.

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

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of active military service:

Garcia on motion of Martinez.

CAPITOL PHYSICIAN

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

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

(S. King now present)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 16).

HR 1279 - ADOPTED
(by Martinez, Flores, Gonzales, and Peña)

Representative Martinez moved to suspend all necessary rules to take up and consider at this time **HR 1279**.

The motion prevailed.

The following resolution was laid before the house:

HR 1279, Recognizing March 27, 2007, as House District 39 Day at the State Capitol.

HR 1279 was read and was adopted.

On motion of Representative Escobar, the names of all the members of the house were added to **HR 1279** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Martinez who introduced a delegation from House District 39.

(Woolley in the chair)

(Thompson now present)

HR 748 - ADOPTED
(by Chisum)

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HR 748**.

The motion prevailed.

The following resolution was laid before the house:

HR 748, Honoring First Baptist Church of Pampa on its 100th anniversary.

HR 748 was adopted.

HR 1282 - ADOPTED
(by Martinez)

Representative Martinez moved to suspend all necessary rules to take up and consider at this time **HR 1282**.

The motion prevailed.

The following resolution was laid before the house:

HR 1282, Congratulating the Weslaco High School boys' basketball team on its outstanding season.

HR 1282 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Martinez who introduced the head coach and players of the Weslaco High School boys' basketball team.

HR 1264 - ADOPTED
(by Phillips)

Representative Phillips moved to suspend all necessary rules to take up and consider at this time **HR 1264**.

The motion prevailed.

The following resolution was laid before the house:

HR 1264, In memory of firefighter Phillip Wayne Townsend of Denison.

HR 1264 was read and was unanimously adopted by a rising vote.

On motion of Representative Bailey, the names of all the members of the house were added to **HR 1264** as signers thereof.

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 1254 - ADOPTED
(by Harper-Brown)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1254**.

The motion prevailed.

The following resolution was laid before the house:

HR 1254, In memory of David H. Brune.

HR 1254 was unanimously adopted by a rising vote.

(McClendon in the chair)

(Anderson now present)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HCR 6 (by Kolkhorst), Designating Industry, Texas, as the Oldest German Settlement in the Lone Star State.

HCR 152 (by Isett), Honoring the Woodturners of North Texas for their service to the community and to members of the U.S. armed forces.

HCR 153 (by Rose), Honoring Emma Jean Schulle on her retirement as the Caldwell County district clerk.

HR 6 (by Flynn), Honoring Buster and Merlyn Rivers of Point on their 60th wedding anniversary.

HR 7 (by Garcia), Honoring Aransas County Sheriff's Office Chief Deputy Rick McLester for his receipt of the 2005 Texas Peacemaker Award from the Sheriffs' Association of Texas.

HR 10 was withdrawn.

HR 729 (by Quintanilla), Honoring the counseling team from El Dorado High School on earning the CREST award.

HR 730 (by Quintanilla), Honoring the counseling team from Socorro High School on earning the CREST award.

HR 731 (by Quintanilla), Honoring the counseling team from Paso del Norte School on earning the CREST award.

HR 732 (by Quintanilla), Honoring the counseling team from Americas High School on earning the CREST award.

HR 733 (by Quintanilla), Honoring Elizario G. "Chayo" Apodaca and Matilde Carbajal Apodaca on their 50th wedding anniversary.

HR 734 (by Strama), Honoring the statewide Girl Scout Gold Award recipients and recognizing the official ceremony to be held on June 4, 2007, at the Capitol.

HR 738 (by Gallego), Honoring Dolores Salazar for her commitment to excellence as a civil service employee at Laughlin Air Force Base and for her volunteer service.

HR 739 (by Gallego), Congratulating Jodi Exum on being named the 2007 Technology Administrator of the Year by the Texas Computer Education Association.

HR 740 (by Gallego), Congratulating Walter C. Holland of Pecos on receiving the Art Educator of the Year award presented by the Texas Art Education Association.

HR 741 (by Gallego), Congratulating Terri L. Morse on her receipt of the Theron L. Pickle Lifetime Achievement Award.

HR 748 was previously adopted.

HR 753 (by Craddick), Honoring Nan and Art Oestmann of Midland on their 50th wedding anniversary.

HR 754 (by Craddick), Honoring John and Freddie Utsman of Midland on their 50th wedding anniversary.

HR 758 (by Chavez), Congratulating Catherine B. Kistenmacher on her induction into the El Paso Commission for Women Hall of Fame.

HR 759 (by Chavez), Congratulating Maria de Jesus "Chita" Guevara on her induction into the El Paso Commission for Women Hall of Fame.

HR 760 (by Chavez), Congratulating Sharon Butterworth on her induction into the El Paso Commission for Women Hall of Fame.

HR 761 (by Chavez), Congratulating Betty Lee Moor MacGuire on her induction into the El Paso Commission for Women Hall of Fame.

HR 762 (by Chavez), Congratulating Mary S. Young on her induction into the El Paso Commission for Women Hall of Fame.

HR 763 (by Chavez), Congratulating Patricia Reyes on her induction into the El Paso Commission for Women Hall of Fame.

HR 764 (by Chavez), Commemorating the 42nd anniversary of the death of Malcolm X.

HR 765 (by Flores), Recognizing March 2007 as Professional Social Work Month.

HR 766 was withdrawn.

HR 769 (by Naishtat), Honoring Charles Matthew Embry and Nina Cheyenne Janes of Austin on the birth of their son, Milo Patterson Embry-Janes.

HR 772 (by Kuempel), Honoring Dr. Jon N. Moline on his retirement as president of Texas Lutheran University.

HR 775 (by Gonzalez Toureilles), Congratulating Lawrence Cornelius on being named the 2006 Newsmaker of the Year by the Alice Echo-News Journal.

HR 776 (by Craddick), Honoring the team of Samuel H. Marshall, William S. Marshall, and Donald Winston on its induction into the Petroleum Hall of Fame.

HR 777 (by Craddick), Honoring Donald L. Evans of Midland on his induction into the Petroleum Hall of Fame.

HR 778 (by Craddick), Honoring the late Algur Hurtle "Al" Meadows on his induction into the Petroleum Hall of Fame.

HR 779 (by Craddick), Honoring Garland and Lila Stueart of Lamesa on their 50th wedding anniversary.

HR 780 (by Craddick), Honoring Robert L. Parker on his induction into the Petroleum Hall of Fame.

HR 781 (by Noriega), Recognizing May 26, 2007, as Flag of Our Fathers Day.

HR 784 (by Noriega), Congratulating Jason and Sarah Husbands on the birth of their twins, Logan Anthony and Madeline Elise Husbands.

HR 787 (by Flynn), Congratulating Terry and Jenni Franks of Austin on their first wedding anniversary.

HR 789 (by D. Howard), Congratulating Carrell Grigsby on being named the 2006 Photographer of the Year by the Professional Photographers Guild of Austin.

HR 790 (by D. Howard and Naishtat), Recognizing September 9-15, 2007, as National Polycystic Kidney Disease Awareness Week.

HR 791 (by D. Howard), Recognizing the members of Impact Austin for their contributions to their community.

HR 794 (by Rodriguez), Commemorating the 20th anniversary of the Political Asylum Project of Austin.

HR 799 (by Aycock), Congratulating the Wednesday Review Club of Killeen on the 100th anniversary of its founding.

HR 801 (by Merritt), Honoring Ed and Doris Baird of Longview on their 50th wedding anniversary.

HR 802 (by Merritt), Congratulating Wade and Nelda Kerr of Longview on their 50th wedding anniversary.

HR 803 (by Merritt), Honoring the 50th wedding anniversary of Morris and Lois Belote of Longview.

HR 804 (by Merritt), Congratulating Oliver and Roselyn Lindsey of Gilmer on their 65th wedding anniversary.

HR 805 (by Merritt), Congratulating Joe and Shirley Bienvenu of Longview on their 50th wedding anniversary.

HR 806 (by Merritt), Congratulating Bonner and Joyce Collier of Longview on their 50th wedding anniversary.

HR 807 (by Merritt), Congratulating Charlie and Peggy Myers of Longview on their 60th wedding anniversary.

HR 809 (by Taylor), Honoring Dr. Sandra Mossman of the Clear Creek ISD for being named Superintendent of the Year by the Texas Computer Education Association.

HR 811 (by Dutton), Honoring Harold C. and Ella M. Robertson of Houston on their 70th wedding anniversary.

HR 812 (by Craddick), Honoring Otto and Ida Lisenbee of Lamesa on their 75th wedding anniversary.

HR 813 (by Craddick), Honoring Monte and Novell Griffin of Lamesa on their 50th wedding anniversary.

HR 814 (by Craddick), Congratulating Tom and Mary Burger of Midland on their 60th wedding anniversary.

HR 815 (by Craddick), Honoring Juan and Ofelia Lucio of Lamesa on the occasion of their 50th wedding anniversary.

HR 816 (by Craddick), Congratulating longtime Texans C. W. and Eula Calhoun on their 70th wedding anniversary.

HR 817 (by Craddick), Congratulating Dick and Doris Stephens on their 60th wedding anniversary.

HR 818 (by Craddick), Congratulating Hugh and Juanita Eudy of Midland on their 65th wedding anniversary.

HR 819 (by Guillen), Congratulating First Baptist Church of Rio Grande City on its 75th anniversary.

HR 821 (by Vo), Honoring Pastor R. L. Simmons, Jr., and Deborah Simmons, founders of the Crossroads Cathedral Church in Missouri City.

HR 822 (by McClendon), Recognizing Lynette Boggs for her community service and professional achievements.

HR 825 (by Alonzo), Paying tribute to William C. Velasquez, founder of the Southwest Voter Registration Education Project.

HR 826 (by Alonzo), Honoring members of the Texas Dental Association and Texas Dental Association Smiles Foundation for their contributions to the 13th Texas Mission of Mercy.

HR 828 (by D. Howard), Recognizing the Westlake High School girls' swim team and head coach Isaac Grombacher for winning the 2007 state swimming championship.

HR 829 (by D. Howard), Honoring Mary Beck of Westlake High School for setting a national high school swimming record in the 200-yard individual medley at the 2007 UIL State Swimming and Diving Championships.

HR 830 (by Craddick), Honoring Joe and Marilyn Van Hoff of Midland on their 60th wedding anniversary.

HR 831 (by Craddick), Congratulating Larry and Wanda Smith of Gail on their 50th wedding anniversary.

HR 832 (by Craddick), Congratulating Jim and Thelma Westfall of Midland on their 60th wedding anniversary.

HR 833 (by Craddick), Honoring Charlie and AnnElise McCoy on their 50th wedding anniversary.

HR 834 (by Craddick), Honoring Jesus and Maria Ayala of Lamesa on their 50th wedding anniversary.

HR 835 (by Craddick), Honoring Jack and Marvel Goodwin of Midland on their 50th wedding anniversary.

HR 836 (by Craddick), Honoring John and Margaret Young of Midland on their 65th wedding anniversary.

HR 837 (by Craddick), Honoring Bobby and Peggy Rogers on their 50th wedding anniversary.

HR 838 (by Craddick), Honoring Cade Verett of Klondike on his pig's selection as a grand champion at the Fort Worth Stock Show & Rodeo junior barrow competition.

HR 839 (by Craddick), Honoring Don and Mary Robinson on their 50th wedding anniversary.

HR 840 (by Flynn), Commemorating the 150th anniversary of the Edom Cemetery in Van Zandt County.

HR 841 (by Flynn), Recognizing the Air Land Emergency Resource Team (ALERT) for its invaluable service during times of crisis.

HR 842 (by Parker), Honoring Michael Therwhanger of Flower Mound for earning the rank of Eagle Scout.

HR 843 (by Parker), Congratulating the Reverend Mark Akers and the congregation of Victorious Life Church in Lewisville on the dedication of their new facility.

HR 844 (by Parker), Honoring Christopher Stefan Knill of Highland Village for earning the rank of Eagle Scout.

HR 848 (by Harper-Brown), Recognizing the student and adult volunteers of the Irving Teen Court program.

HR 850 (by Aycock), Congratulating U.S. Army Lieutenant General Pete Taylor (Ret.) on his receipt of the 2007 Book of Golden Deeds Award from the Exchange Club of Killeen.

HR 854 (by Madden), Honoring Collin County Community College professor Jennifer O'Loughlin-Brooks on being named the Texas Professor of the Year by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education.

HR 855 (by Madden), Honoring Pat Housel on being named Ms. Texas Senior America 2006.

HR 856 (by Latham), Commending the members of Engine 4 and 91 Rescue of the Mesquite Fire Department for their outstanding service.

HR 857 (by Latham), Congratulating Keith Hopkins on his selection as the Mesquite Fire Department 2007 Firefighter of the Year.

HR 858 (by Latham), Commending the members of Engine 6 and 92 Rescue of the Mesquite Fire Department for their outstanding service.

HR 859 (by Latham), Honoring Billy Petty for being recognized as the Mesquite Fire Department's 2007 Paramedic of the Year.

HR 860 (by Latham), Honoring Dana Jasper of Mesquite on her receipt of the Mesquite Fire Department's "Making a Difference" Fire Chief Award.

HR 861 (by Latham), Congratulating Captain David Baker of the Mesquite Fire Department on his selection as the department's 2007 Officer of the Year.

HR 864 (by Hancock), Congratulating the Watauga Public Library on its expansion.

HR 866 (by Quintanilla), Honoring the counseling team from Ernesto Serna School on earning the CREST award.

HR 867 (by Quintanilla), Commending Hector Parada, Jr., of El Paso for his academic and extracurricular achievements at Hanks High School.

HR 868 (by Naishtat), Recognizing Porter Middle School for 50 years of service to the students of south Austin.

HR 869 (by Frost), Congratulating Jack Wright, the owner of Jack's Fine Food in Atlanta, on his restaurant's 30th anniversary.

HR 870 (by Dutton), Congratulating the members of City-Wide Beauticians, Inc., in Houston on the organization's 50th anniversary.

HR 871 (by Harper-Brown), Honoring Shea Caroline Miller on the occasion of her Bat Mitzvah.

The resolutions were adopted.

(Naishtat now present)

The following memorial resolutions were laid before the house:

HCR 4 (by Merritt), In memory of David Lee Crowson of Longview.

HR 735 (by Smithee), In memory of Texas Army National Guard Sergeant First Class Tommy I. Folks, Jr.

HR 736 (by Smithee), In memory of Texas State Trooper Matthew DeWayne Myrick of Hereford.

HR 742 (by Gallego), In memory of Robert Charles "Bob" Hext of Alpine.

HR 751 (by Frost), In memory of Sandra Stewart of Wake Village.

HR 755 (by Hodge), In memory of Mabel Meshach White of Dallas.

HR 756 (by Hodge), In memory of James Trudell, Jr., of Dallas.

HR 768 (by Naishtat, et al.), In memory of Wally Ellinger of Austin.

HR 782 (by Hodge), In memory of Bruce Harold Hanssen of Menard County.

HR 786 (by Flynn), In memory of educator Mart F. Hitt, Jr., of Van.

HR 792 (by Goolsby), In memory of Margaret Sears Brown of Abilene.

HR 793 (by Chisum), In memory of the Honorable Richard Allen Waterfield of Canadian and Austin.

HR 798 (by Dukes), In memory of Dennis Wayne Johnson, three-time NBA champion and head coach of the Austin Toros.

HR 827 (by Martinez Fischer), In memory of Socorro S. "Cora" Rodriguez of San Antonio.

HR 845 (by Martinez), In memory of Forrest L. "Champ" Jones of Donna.

HR 847 (by Keffer), In memory of Norman Randle of Eastland.

HR 862 (by Madden), In memory of U.S. Army First Lieutenant Ryan T. Sanders.

The resolutions were unanimously adopted by a rising vote.

MOTIONS TO ADD NAMES

On motion of Representative McReynolds, the names of all the members of the house were added to all of the resolutions on today's memorial calendar as signers thereof.

On motion of Representative Gallego, the names of all the members of the house were added to **HR 738 - HR 742** as signers thereof.

LEAVES OF ABSENCE GRANTED

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

Pierson on motion of Burnam.

Riddle on motion of Harless.

(Rodriguez now present)

HR 727 - ADOPTED

(by Hill, Madden, Branch, Giddings, and Goolsby)

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 727**.

The motion prevailed.

The following resolution was laid before the house:

HR 727, Honoring the McDermott Scholars Program and those affiliated with the group on the occasion of their visit to the State Capitol.

HR 727 was read and was adopted.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 727** as signers thereof.

HR 1268 - ADOPTED

(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 1268**.

The motion prevailed.

The following resolution was laid before the house:

HR 1268, Congratulating the Thorndale Bulldogs on winning the 2007 Class A Division I boys' state basketball championship.

HR 1268 was adopted.

HCR 165 - ADOPTED

(by Merritt)

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HCR 165**.

The motion prevailed.

The following resolution was laid before the house:

HCR 165, Recognizing March 27 and 28, 2007, as Longview/Gregg County Days at the State Capitol.

HCR 165 was read and was adopted.

On motion of Representative Goolsby, the names of all the members of the house were added to **HCR 165** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Merritt who introduced a delegation from Longview and Gregg County.

(Zerwas now present)

**HCR 156 - ADOPTED
(by Homer)**

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 156**.

The motion prevailed.

The following resolution was laid before the house:

HCR 156, Recognizing March 28, 2007, as Paris/Lamar County Day at the State Capitol.

HCR 156 was read and was adopted.

**HR 1281 - ADOPTED
(by Kuempel)**

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HR 1281**.

The motion prevailed.

The following resolution was laid before the house:

HR 1281, Honoring the girls' basketball team of Poth High School for winning the Class 2A state championship.

HR 1281 was read and was adopted.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 1281** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Kuempel who introduced players of the Poth High School girls' basketball team.

**HR 1272 - ADOPTED
(by Flores and Martinez)**

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 1272**.

The motion prevailed.

The following resolution was laid before the house:

HR 1272, Honoring the residents of Pharr, San Juan, and Alamo on the occasion of PSJA Day on March 28, 2007, at the State Capitol.

HR 1272 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Flores who introduced a delegation from Pharr, San Juan, and Alamo.

(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):

HB 167 (by Raymond, Homer, Swinford, Chisum, and R. Cook), A bill to be entitled An Act relating to exempting a religious bible from attachment, execution, or other seizure for the satisfaction of debts.

HB 178 (by Bailey), A bill to be entitled An Act relating to the issuance and renewal of certain licenses for junkyards and automotive wrecking and salvage yards.

Amendment No. 1

Representative Bailey offered the following amendment to **HB 178**:

Amend **HB 178** on page 1, line 16, by striking "\$1,000" and substituting "\$500".

Amendment No. 1 was adopted.

CSHB 246 (by Alonzo), A bill to be entitled An Act relating to reports on cases of acquired immune deficiency syndrome and human immunodeficiency virus infection.

HB 313 (by Pickett), A bill to be entitled An Act relating to an exemption from registration in this state for certain foreign commercial motor vehicles.

CSHB 342 (by Naishtat), A bill to be entitled An Act relating to concurrent guardianship proceedings in this state and in a foreign jurisdiction.

HB 365 (by Chisum), A bill to be entitled An Act relating to the exemption from regulation of certain charitable, religious, or civic organizations engaged in auction activities.

Amendment No. 1

Representative Chisum offered the following amendment to **HB 365**:

Amend **HB 365** on page 1, line 18, by striking "conducting" and substituting "organizing, arranging, or conducting".

Amendment No. 1 was adopted.

CSHB 374 (by Pickett and Swinford), A bill to be entitled An Act relating to use of state buildings and grounds by a television or film production company.

CSHB 398 (by B. Cook), A bill to be entitled An Act relating to designating a county official to file certain financial information with the county commissioners court.

CSHB 402 (by Hill), A bill to be entitled An Act relating to a criminal violation of the open meetings law committed by a member of an appraisal district board of directors and to a prohibition on certain communications between a member of the board of directors and the chief appraiser of the district; providing penalties.

CSHB 412 (by Eissler and Strama), A bill to be entitled An Act relating to erecting or maintaining certain outdoor signs or advertising; creating an offense; providing penalties.

HB 482 (by Villarreal), A bill to be entitled An Act relating to the eligibility of certain educationally disadvantaged students to attend free prekindergarten classes.

HB 504 (by Naishtat), A bill to be entitled An Act relating to payment for the provision of services by a metropolitan rapid transit authority to persons with disabilities in a unit of election that has withdrawn from the authority.

CSHB 536 (by Truitt), A bill to be entitled An Act relating to the consent required for a municipality to annex a water or sewer district.

HB 591 was withdrawn.

CSHB 860 (by Paxton and B. Cook), A bill to be entitled An Act relating to management, investment, and expenditure of institutional funds and adoption of the Uniform Prudent Management of Institutional Funds Act.

SB 190 (Patrick - House Sponsor), in lieu of **HB 1008**, A bill to be entitled An Act relating to sales and use tax information provided by the comptroller of public accounts to certain municipalities.

Representative Patrick moved to lay **HB 1008** on the table subject to call.

The motion prevailed.

CSHB 1029 (by Goolsby), A bill to be entitled An Act relating to an exemption from electrician licensing requirements for certain work performed by a plumber.

CSHB 1032 (by Puente), A bill to be entitled An Act relating to amendments to regional water plans. (Phillips recorded voting no.)

HB 1126 was withdrawn.

CSHB 1210 (by Jackson), A bill to be entitled An Act relating to the extension of the deadline for filing an application for a refund of an overpayment or erroneous payment of ad valorem taxes.

HB 1298 (by Heflin), A bill to be entitled An Act relating to the terms and election of the members of the board of directors of the Stonewall County Hospital District.

HB 1331 was withdrawn.

HB 1388 (by Naishtat), A bill to be entitled An Act relating to the duty of the judge of the 147th District Court to impanel grand juries and to the terms of court for certain district courts in Travis County.

HB 1396 (by Dukes and Coleman), A bill to be entitled An Act relating to the Office for the Elimination of Health Disparities and the health disparities task force. (Phillips and Talton recorded voting no.)

CSHB 1397 (by C. Howard and Rodriguez), A bill to be entitled An Act relating to the inclusion in a notice of appraised value of information regarding ad valorem tax exemptions.

HB 1521 (by Kolkhorst), A bill to be entitled An Act relating to the prohibition of signs on certain roads.

Amendment No. 1 (Committee Amendment No. 1)

Representative Haggerty offered the following committee amendment to **HB 1521**:

Amend **HB 1521** by striking Section 2 (effective date provisions) and substituting the following:

SECTION 2. APPLICABILITY. A landowner to whom a notice is mailed by the county clerk as provided by Section 3(b) of this Act may exclude the landowner's property from the application of Section 1 of this Act by notifying the Texas Department of Transportation in writing, by certified mail. In order for the landowner's property to be excluded from the application of Section 1 of this Act, the landowner's notice must be received by the Texas Department of Transportation within one year of the date the Texas Department of Transportation receives notification from all appropriate county clerks that notices were mailed to landowners as provided in Section 3(b) of this Act. The exclusion of the landowner from the application of Section 1 of this Act becomes effective on the date the landowner's notice is received by the Texas Department of Transportation.

SECTION 3. EFFECTIVE DATE. (a) Except as otherwise provided by this section, this Act takes effect on September 1, 2007.

(b) Before Section 1 of this Act can become effective, the county clerk of the county or counties in which a segment of public road affected by this Act is located must send a written notice, by certified mail, to each landowner who owns real property, according to the most recent certified tax appraisal roll, along a segment of public road affected by this Act. The notice shall also be published in a newspaper of general circulation in the county or counties in which a segment of public road affected by this Act is located. The notice shall identify the segment of public road affected by this Act and state that the landowner's future right to lease the landowner's property for the purpose of erecting an off-premise sign will be terminated unless the landowner notifies the Texas Department of Transportation that the landowner plans to exclude the landowner's property from the application of the Act. The notice must be sent to landowners and published by the appropriate county clerk or clerks in accordance with this subsection within 45 days of the effective date of this Act. The

appropriate county clerk or clerks shall notify the Texas Department of Transportation in writing, by certified mail, when the notice is mailed to the landowners and published in accordance with this subsection. The notice provided to the Texas Department of Transportation by a county clerk is public information for the purposes of Chapter 552, Government Code, and must include the following information:

(1) the affidavit of the publisher of the newspaper notice indicating the date the notice was published, accompanied by a printed copy of the notice as published; and

(2) the affidavit of the county clerk certifying the date notice was mailed to the landowners, accompanied by a copy of the notice and a list of the landowners to whom the notice was mailed.

(c) Section 1 of this Act takes effect on the 91st day after the Texas Department of Transportation receives notification from all appropriate county clerks as provided in Subsection (b).

Amendment No. 1 was adopted.

HB 1670 was withdrawn.

HB 1676 (by Delisi, Dukes, Hopson, Laubenberg, and Zerwas), A bill to be entitled An Act relating to a public awareness campaign concerning certain solicitations for the purchase of prescription drugs.

CSHB 1709 (by Naishtat), A bill to be entitled An Act relating to bonds required of guardians and other personal representatives.

HB 1763 (by Callegari), A bill to be entitled An Act relating to the Harris County Board of Protective Services for Children and Adults.

CSHB 1780 (by Harless), A bill to be entitled An Act relating to the audit of a county jail's commissary operations.

HB 1787 was withdrawn.

HB 2068 was withdrawn.

ADJOURNMENT

Representative Martinez moved that the house adjourn until 11:20 a.m. today in memory of Gilbert Peña of Weslaco.

The motion prevailed.

The house accordingly, at 11:14 a.m., adjourned until 11:20 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 16

HCR 27, HCR 131

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, March 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 140 King, Susan SPONSOR: Fraser
Honoring the history of the Buffalo Soldiers for their outstanding military service and contributions to the Lone Star State.

HCR 161 Craddick SPONSOR: Seliger
Recognizing March 27, 2007, as West Texas Day at the State Capitol.

HCR 169 Morrison SPONSOR: Zaffirini
Commemorating the 40th anniversary of the Governor's Commission for Women.

SB 3 Averitt
Relating to the development, management, and preservation of the water resources of the state; providing penalties.

SB 129 West, Royce
Relating to reporting of gifts of cash or a cash equivalent to public officials.

SB 132 Wentworth
Relating to the establishment and operation of a motor bus-only lane program.

SB 234 Harris
Relating to the reporting of income-producing contracts or programs entered into or operated by school districts.

SB 775 Jackson, Mike
Relating to an interim study concerning this state's hunting and fishing license systems.

SJR 20 Lucio
Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.

Respectfully,
Patsy Spaw
Secretary of the Senate