

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SIXTY-THIRD DAY (CONTINUED) — FRIDAY, APRIL 27, 2007

The house met at 9 a.m. and, at the request of the speaker, was called to order by Representative O'Day.

The roll of the house was called and a quorum was announced present (Record 759).

Present — Mr. Speaker; Allen; Alonzo; Anderson; Aycock; Bailey; 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; 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, S.; King, T.; Kolkhorst; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Patrick; Paxton; Peña; Phillips; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent, Excused — Anchia; Berman; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Ritter.

The invocation was offered by Reverend Stephen B. Stine, deacon, Christ Episcopal Church, Tyler, as follows:

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth; we beseech you so to guide and bless our members assembled in the house of representatives of the legislature of the State of Texas, that they may enact such laws as shall please you, to the glory of your name and the welfare of the people of our state. Amen.

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

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business in the district:

Anchia on motion of Strama.

Pickett on motion of Guillen.

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

Garcia on motion of Strama.

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

Krusee on motion of Driver.

Parker on motion of Creighton.

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

Frost on motion of Flynn.

The following member was granted leave of absence for today because of medical reasons:

Berman on motion of Flynn.

**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).

**CAPITOL PHYSICIAN**

The chair recognized Nurse Tim Flynn who presented Dr. Neeta Gautam of Houston as the "Doctor for the Day."

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

**LEAVE OF ABSENCE GRANTED**

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

T. Smith on motion of Merritt.

(McClendon in the chair)

**CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HR 1394** (by D. Howard and Aycock), Congratulating the Marble Falls Independent School District on its receipt of a Texas Early Education Model Pre-Kindergarten School Readiness grant.

**HR 1397** (by Flynn), Honoring Gerald W. Gilbert on the occasion of his retirement as superintendent of Grand Saline ISD.

**HR 1398** (by Flynn), Congratulating the Martins Mill High School boys' basketball team on advancing to the 2007 state championship final.

**HR 1400** (by Hernandez), Congratulating the Galena Park High School Jacketeers on their winning performances in the Gulf Coast Dance Spectacular and the Crowd Pleasers Showcase.

**HR 1401** (by Hernandez), Honoring Galena Park ISD superintendent Mark Henry on his election as chairman of the UIL Legislative Council.

**HR 1405** (by Latham), Congratulating Shirley Jane Rollins on her selection as the Mesquite Independent School District 2007 Principal of the Year.

**HR 1406** (by Latham), Honoring Margaret H. Connelly for serving as an intern in State Representative Thomas Latham's office and for her graduation from Southwestern University.

**HR 1407** (by Latham), Congratulating Mesquite ISD faculty member Judy Heaps for receiving a Texas Exes Award for Outstanding Teachers.

**HR 1408** (by Latham), Congratulating Andrew Bauer for being named the Mesquite ISD 2007 Secondary Principal of the Year.

**HR 1409** (by Latham), Congratulating Laurie Ball for being named PTA Volunteer of the Year for the secondary level in the Mesquite ISD.

**HR 1411** (by Latham), Honoring Ryan Guerrero for serving as a legislative intern in the office of State Representative Thomas Latham.

**HR 1412** (by Latham), Congratulating Hank Bivins on being named the Mesquite Independent School District 2007 Volunteer of the Year at the Elementary Level.

**HR 1413** was previously adopted.

**HR 1415** (by Chavez), Honoring Carlos Marin on his appointment as International Boundary and Water Commissioner.

**HR 1416** (by Chavez), Congratulating Bob Cook, Nicholas J. Costanzo, and Victor Nevarez on their election to the board of United Way of El Paso County.

**HR 1417** (by Chavez), Congratulating Salvador Balcorta on his receipt of the Lucy G. Acosta Humanitarian Award.

**HR 1418** (by Chavez), Congratulating Dr. Josie Villamil Tinajero on her receipt of the Lucy G. Acosta Humanitarian Award.

**HR 1419** (by Chavez), Congratulating Jose R. Rodriguez on his receipt of the Lucy G. Acosta Humanitarian Award.

**HR 1420** (by Chavez), Congratulating Dr. Jose Manuel de la Rosa on his receipt of the Lucy G. Acosta Humanitarian Award.

**HR 1422** (by W. Smith), Honoring the Ross S. Sterling High School Band of Baytown.

**HR 1423** (by W. Smith), Honoring Saumil Datar on winning his third consecutive Goose Creek school district spelling bee.

**HR 1424** (by W. Smith), Congratulating Beatriz Macias of Baytown on winning the 2007 Colonel George S. Howard Young Artist Competition.

**HR 1427** (by Quintanilla), Honoring the veterans of Naval Aviation Torpedo Squadron Three for their service to their country during World War II.

**HR 1431** (by Gallego), Commemorating the 100th anniversary of Our Lady of Guadalupe Church in Del Rio.

**HR 1433** (by Rose), Honoring federal, state, county, and city employees on the occasion of Public Service Recognition Week, May 7-13, 2007.

**HR 1434** (by Rose), Congratulating the Wimberley High School Lady Texans volleyball team on winning the 2006 UIL Class 3A State Championship.

**HR 1435** (by Garcia), Congratulating the boys' basketball team of Aransas Pass High School on reaching the 3A semifinals of the 2007 UIL basketball championships.

**HR 1436** (by Keffer), Commemorating the 150th anniversary of the establishment of Palo Pinto County.

**HR 1437** (by Jones), Honoring Paul Vernon Bush of Lubbock on his 90th birthday.

**HR 1441** (by Jackson), Honoring Christ United Methodist Church of Farmers Branch on the 50th anniversary of its founding.

**HR 1442** (by Anchia), Honoring Adelfa Botello Callejo on her receipt of the Robert G. Storey Award for Distinguished Achievement from the SMU Dedman School of Law.

**HR 1443** (by Hardcastle), Honoring the girls' basketball team of Lindsay High School for winning the 2007 1A Division I state championship.

**HR 1444** (by Harper-Brown), Honoring Matthew James Willis of Hackberry Creek on his receipt of the Leukemia & Lymphoma Society 2007 Spirit of Tom Landry Character award.

**HR 1451** was previously adopted.

**HR 1453** (by Morrison), Honoring O. F. "Dink" Jones III of Victoria on his 75th birthday.

**HR 1456** (by Patrick), Recognizing the 175th anniversary of Pressley Ridge.

**HR 1457** (by McCall), Congratulating Mary J. DePeri on the occasion of her retirement from the Plano Independent School District in May 2007.

**HR 1459** (by Hughes), Honoring Larry Robertson on his retirement as mayor of Quitman.

**HR 1460** (by Hughes), Honoring Gladys Goss of Mineola on her 100th birthday.

**HR 1462** (by Martinez), Honoring Alejandro Villarreal, Sr., and Victoria Villarreal of Elsa on their 60th wedding anniversary.

**HR 1466** (by Corte and J. Davis), Recognizing the Honorable Glenn H. Kothmann for his many achievements.

**HR 1484** (by Bohac), Honoring Ann Crenshaw on her retirement from Houston Christian High School.

**SCR 44** (Zerwas - House Sponsor), Designating September 2007 as Leukemia and Lymphoma Awareness Month.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HR 435** (by Gallego), In memory of Lieutenant James Lee Sunderland, Sr., of Val Verde County.

**HR 1438** (by Peña), In memory of Ciro Leonel Trevino of Edinburg.

**HR 1449** was previously adopted.

**HR 1455** (by Branch), In memory of Wilford "Crazy Ray" Jones, the unofficial mascot of the Dallas Cowboys.

**HR 1461** (by Pickett), In memory of U.S. Navy Petty Officer First Class Gilbert "Beto" Minjares, Jr., of El Paso.

**HR 1463** (by Hughes), In memory of George Simms Lemon, Jr., of Winnsboro.

**HR 1465** (by Hill), In memory of Nobel Laureate Dr. Alan G. MacDiarmid.

**HR 1467** (by Bohac), In memory of Donald Jay Vernon of Houston.

**HR 1473** (by Zedler), In memory of Martha Leila Martin Eastland of Dallas.

**HR 1487** (by Kuempel), In memory of Joe Bailey Fleming of Seguin.

**HR 1491** (by Hilderbran), In memory of William Everett Dozier, Jr., of Kerrville.

**HR 1492** (by Hilderbran), In memory of H. Gordon Findlay of Kerrville.

The resolutions were unanimously adopted by a rising vote.

### **MOTIONS TO ADD NAMES**

On motion of Representative Gallego, the names of all the members of the house were added to **HR 1431** as signers thereof.

On motion of Representative Geren, the names of all the members of the house were added to **HR 1461** as signers thereof.

On motion of Representatives Gallego and Geren, the names of all the members of the house were added to **HR 435** as signers thereof.

(Speaker pro tempore in the chair)

**HR 1675 - ADOPTED**  
**(by Ortiz)**

Representative Ortiz moved to suspend all necessary rules to take up and consider at this time **HR 1675**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1675**, Honoring civic leader Faye C. Anderson of Corpus Christi on her 80th birthday.

**HR 1675** was adopted.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**  
**SECOND READING**

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

**CSHB 88** (by Branch), A bill to be entitled An Act relating to the evacuation and sheltering of service animals and household pets in a disaster. (Harper-Brown and Phillips recorded voting no.)

**HB 433** (by Madden), A bill to be entitled An Act relating to disclosure by the inspector general of the Texas Department of Criminal Justice of the identifying information of victims of sex offenses who are confined in a facility operated by or under contract with the department.

**HB 465** was withdrawn.

**CSHB 538** (by Callegari), A bill to be entitled An Act relating to the scheduling of hearings before appraisal review boards on property tax protests; making conforming changes.

**CSHB 820** (by Orr), A bill to be entitled An Act relating to the application of the Texas Structural Pest Control Act to certain beekeepers.

**CSHB 868** (by Haggerty), A bill to be entitled An Act relating to the recreational facility fee at The University of Texas at El Paso.

**HB 890** (by Hilderbran), A bill to be entitled An Act relating to the creation of an irrevocable trust for the proceeds of the sale or disposition of county school lands.

**HB 891** (by Hilderbran), A bill to be entitled An Act relating to water rights Permit No. 5394A issued to the Upper Guadalupe River Authority.

**HB 1034** was deferred until the end of today's local, consent, and resolutions calendar.

**CSHB 1100** (by Lucio), A bill to be entitled An Act relating to cancellation of a subdivision plat under certain circumstances. (Harper-Brown and Phillips recorded voting no.)

**Amendment No. 1**

Representative Lucio offered the following amendment to **CSHB 1100**:

Amend **CSHB 1100** on page 2 as follows:

- (1) strike the colon on line 18.
- (2) strike lines 19-24 and substitute the following:  
in a newspaper that has general circulation in the county.

Amendment No. 1 was adopted.

**HB 1252** was withdrawn.

**SB 1672** (Bonnen - House Sponsor), in lieu of **HB 1253**, A bill to be entitled An Act relating to nitrogen oxide allowance allocation adjustments and the incorporation of modifications to federal rules under the state implementation plan.

Representative Hancock moved to lay **HB 1253** on the table subject to call.

The motion prevailed.

**HB 1293** (by Flores), A bill to be entitled An Act relating to licensing and regulation of event coordinators for combative sports.

**CSHB 1334** (by Homer), A bill to be entitled An Act relating to the use of crossbows by certain individuals. (Phillips recorded voting no.)

**HB 1374** (by Swinford), A bill to be entitled An Act relating to service areas of the Amarillo College District and the Borger Junior College District.

**HB 1400** (by Dutton), A bill to be entitled An Act relating to the issuance by a corporation established by the Texas Public Finance Authority of revenue bonds for open-enrollment charter school facilities. (Latham recorded voting no.)

**HB 1418** (by Kolkhorst, Zedler, O'Day, and Miles), A bill to be entitled An Act relating to the name of Sam Houston State University.

**CSHB 1457** (by McReynolds), A bill to be entitled An Act relating to the acceptable methods for disposal of poultry carcasses.

**HB 1679** (by Hughes), A bill to be entitled An Act relating to the General Land Office's determination as to the existence of vacant public school land.

**HB 1700** (by Hilderbran), A bill to be entitled An Act relating to a project for the development and implementation of a nature science curriculum for public school students.

**HB 1719** (by McReynolds), A bill to be entitled An Act relating to requiring landowners to report the burial of certain animal carcasses.

**HB 1734** (by Goolsby), A bill to be entitled An Act relating to cancellation or suspension of an alcoholic beverage license or permit.

**HB 1748** (by Morrison), A bill to be entitled An Act relating to the administration of Texas governor's schools.

**SB 1253** (Hancock - House Sponsor), in lieu of **HB 1848**, was withdrawn.

Representative Hancock moved to lay **HB 1848** on the table subject to call.  
The motion prevailed.

**HR 1350 - READ**  
**(by Y. Davis)**

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

**HR 1350**, Commemorating the 20th anniversary of the founding of Texas Democratic Women.

**HR 1350 - MOTION TO ADD NAMES**

On motion of Representative Allen, the names of all the members of the house were added to **HR 1350** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Y. Davis who introduced members of Texas Democratic Women.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**  
**(consideration continued)**

**HB 1932** (by Swinford), A bill to be entitled An Act relating to the membership and area of operation of farmers' cooperative societies.

**CSHB 1955** (by Elkins), A bill to be entitled An Act relating to the licensing of certain peace officers by the Commission on Law Enforcement Officer Standards and Education.

**CSHB 2045** (by Phillips), A bill to be entitled An Act relating to revenue from Texas State Rifle Association specialty license plates.

**CSHB 2056** (by Homer), A bill to be entitled An Act relating to providing a civil penalty for a violation of the Antiquities Code of Texas.

**HB 2070** (by Guillen), A bill to be entitled An Act relating to the confirmation election of the Duval County Groundwater Conservation District.

**CSHB 2092** (by Hill), A bill to be entitled An Act relating to the designation of an area in a municipality as a reinvestment zone under the Tax Increment Financing Act.

**HB 2096** (by Quintanilla, Pickett, et al.), A bill to be entitled An Act relating to utility connections on certain tracts of land in certain counties near an international border.

**HB 2113** was withdrawn.

**HB 2163** (by Harless), A bill to be entitled An Act relating to the definition of automotive wrecking and salvage yard.

**CSSB 1012** (Eissler - House Sponsor), in lieu of **HB 2197**, A bill to be entitled An Act relating to the establishment of regional participation agreements between certain municipalities and districts; authorizing the issuance of bonds.



Representative Eissler moved to lay **HB 2197** on the table subject to call.

The motion prevailed.

**CSHB 2235** (by Guillen), A bill to be entitled An Act relating to the creation of a technology center grant program for rural counties.

**HB 2251** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 2348** (by Thompson), A bill to be entitled An Act relating to prohibiting alcoholic beverage license or permit application by certain persons.

**HB 2350** (by Thompson), A bill to be entitled An Act relating to eligibility of certain persons for an alcoholic beverage license or permit.

**CSHB 2393** (by Flynn), A bill to be entitled An Act relating to the investment and management of assets held in a prepaid funeral benefits trust.

**SB 884** (McCall - House Sponsor), in lieu of **HB 2396**, A bill to be entitled An Act relating to the regulation of consumer debt management services.

Representative McCall moved to lay **HB 2396** on the table subject to call.

The motion prevailed.

**HB 2411** (by Strama), A bill to be entitled An Act relating to school district depositories.

**HB 2417** (by Swinford), A bill to be entitled An Act relating to the responsibility for and management of the fuel ethanol and biodiesel production incentive program.

**SB 1405** (Keffer - House Sponsor), in lieu of **HB 2420**, A bill to be entitled An Act relating to the requirement that the chief appraiser of an appraisal district provide an estimate of taxable value and related assistance to certain taxing units.

Representative Keffer moved to lay **HB 2420** on the table subject to call.

The motion prevailed.

**SB 1340** (B. Cook - House Sponsor), in lieu of **HB 2456**, A bill to be entitled An Act relating to the requirements for a surveyor-in-training certificate. (Harper-Brown and Phillips recorded voting no.)

Representative B. Cook moved to lay **HB 2456** on the table subject to call.

The motion prevailed.

**CSHB 2626** (by Murphy), A bill to be entitled An Act relating to purchases made at the campus level in certain school districts.

**CSHB 2627** (by Murphy), A bill to be entitled An Act relating to the requirements for the issuance of certain specialty license plates.

**CSHB 2652** (by Harless), A bill to be entitled An Act relating to application of certain law relating to the regulation of certain motor vehicle manufacturers, converters, distributors, and dealers and enforcement of motor vehicle warranties.

**CSHB 2682** (by Solomons), A bill to be entitled An Act relating to the administration and powers of a coordinated county transportation authority.

**HB 2796** (by Gonzales), A bill to be entitled An Act relating to the authority of certain counties to create or finance museums.

**HB 2834** was withdrawn.

**HB 2870** (by Truitt), A bill to be entitled An Act relating to member contributions to certain retirement, disability, and death benefit systems provided by certain cities and towns.

#### **Amendment No. 1**

Representative Truitt offered the following amendment to **HB 2870**:

Amend **HB 2870**, on page 2, by striking lines 1 through 5 and substituting the following:

(b) Each member of a retirement, disability, and death benefit system provided under this section by a city or town shall contribute to the system an amount determined by the city or town that may exceed 10 percent of the annual compensation paid to the member by the city or town if the city or town:

(1) has a population of 500,000 or more; and

(2) is located in a county:

(A) that has a population of 1.4 million or more; and

(B) in which two or more cities or towns that each have a population of 300,000 or more are predominately located.

Amendment No. 1 was adopted.

**CSHB 2880** (by Homer), A bill to be entitled An Act relating to monthly benefits for certain retirees of the Teacher Retirement System of Texas who return to work.

**HB 2949** (by Merritt), A bill to be entitled An Act relating to certain fees in the administration of the teen court program in the Texas-Louisiana border region.

**SB 1375** (Hill - House Sponsor), in lieu of **HB 2986**, A bill to be entitled An Act relating to the issuance of commercial paper notes by certain regional transportation authorities.

Representative Hill moved to lay **HB 2986** on the table subject to call.

The motion prevailed.

**CSHB 3138** (by Bohac), A bill to be entitled An Act relating to the authority to operate a mobile food unit, roadside food vendor, or temporary food service establishment in certain counties.

**CSHB 3199** (by Hartnett), A bill to be entitled An Act relating to the creation of the Judicial Compensation Commission.

**CSHB 3199 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE MARTINEZ FISCHER: Representative Hartnett, on your compensation study, will this commission be prohibited from making recommendations as to the qualifications of judges?

REPRESENTATIVE HARTNETT: I don't think that this commission has anything to do with that. I don't think that there is a prohibition because—

MARTINEZ FISCHER: When I read a section of your bill, it says, when recommending the proper salaries of all justices and judges, "the commission shall consider the following factors: the skill and experience required of a particular judgeship at issue." My concern is, will they be making recommendations and evaluations on specific judges?

HARTNETT: Absolutely not.

MARTINEZ FISCHER: Is it the intent of your bill for them to make any recommendations as to the evaluation or the readiness or qualifications of any judge in this state?

HARTNETT: Absolutely not. They're only there to talk about the compensation of judges as a class.

MARTINEZ FISCHER: And so with respect to their qualifications and experience, that's just for setting salary and demands of the job and so forth?

HARTNETT: As a class, correct.

**REMARKS ORDERED PRINTED**

Representative Martinez Fischer moved to print remarks between Representative Hartnett and Representative Martinez Fischer.

The motion prevailed.

**HB 3219** was deferred until the end of today's local, consent, and resolutions calendar.

**CSHB 3236** (by R. Cook), A bill to be entitled An Act relating to the service areas of the Austin Community College District and the Blinn Junior College District.

**HB 3290** (by Otto), A bill to be entitled An Act relating to expanding the scope of an audit by the state auditor when the state auditor finds evidence of gross mismanagement.

**HB 3309** (by Bolton, Gonzalez Toureilles, et al.), A bill to be entitled An Act relating to the ability of advocacy and support groups for victims of sexual assault to provide services for children confined in Texas Youth Commission facilities.

**HB 3325** (by Escobar), A bill to be entitled An Act relating to the extent of extraterritorial jurisdiction of certain municipalities.

**CSHB 3367** (by Straus and McClendon), A bill to be entitled An Act relating to the change in boundaries by agreement between a general-law municipality with a population of more than 5,000 and a home-rule municipality with a population of more than 1.1 million.

**HB 3440** (by Parker), A bill to be entitled An Act relating to projects that may be undertaken by development corporations for the development, retention, or expansion of certain airport facilities.

**CSHB 3490** (by Otto, Hill, Kolkhorst, Ritter, Thompson, et al.), A bill to be entitled An Act relating to the authority of a chief appraiser to appeal from an order of an appraisal review board determining a taxpayer protest.

**HB 3491** (by Otto, Hill, Kolkhorst, Ritter, Thompson, et al.), A bill to be entitled An Act relating to the qualifications and selection of the board of directors of an appraisal district.

**CSHB 3492** (by Otto, Hill, Kolkhorst, Ritter, Thompson, et al.), A bill to be entitled An Act relating to the determination of the total taxable value of property in a school district under the property value study conducted by the comptroller of public accounts.

**HB 3495** (by Otto, Hill, Kolkhorst, Ritter, Thompson, et al.), A bill to be entitled An Act relating to the contents of the notice of the meeting at which the governing body of a taxing unit will vote on a proposed ad valorem tax rate that will result in a tax revenue increase. (Latham recorded voting no.)

**HB 3496** (by Otto, Hill, Kolkhorst, Ritter, Thompson, et al.), A bill to be entitled An Act relating to the deadlines for the delivery or filing of certain ad valorem tax notices.

**HB 3563** (by Goolsby), A bill to be entitled An Act relating to the setting and collecting of fees for the public's use of certain images and documents protected by copyright owned by the State Preservation Board.

**CSHB 3634** (by Deshotel), A bill to be entitled An Act relating to the name and powers of the Jefferson County Waterway and Navigation District.

**HB 3672** was deferred until the end of today's local, consent, and resolutions calendar.

**CSHB 3688** (by Hughes), A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Criminal Justice to the City of Winnsboro.

**HCR 25** (by Chisum), Designating Friona as the official Cheeseburger Capital of Texas.

**HR 942** (by Bonnen), Supporting efforts and encouraging funding to open the mouth of the San Bernard River.

**SB 271** (Hughes - House Sponsor), A bill to be entitled An Act relating to the qualifications to serve as an associate judge in certain family law proceedings.

**SB 526** (Smithee - House Sponsor), A bill to be entitled An Act relating to providing that a municipality may allow a municipal fire marshal or arson investigator to travel in an unmarked municipal vehicle when performing official duties.

**SB 673** (Eissler - House Sponsor), A bill to be entitled An Act relating to allowing a student receiving special education services to participate in a graduation ceremony after the fourth year of high school.

**SB 699** (Darby - House Sponsor), A bill to be entitled An Act relating to the use of only parts of driver's license and social security numbers in certain court documents.

#### **Amendment No. 1**

Representatives Hartnett and B. Cook offered the following amendment to **SB 699**:

Amend **SB 699** as follows:

1. On Page 1, Line 9, strike the words "statutory county court, or statutory probate court" and insert the words "or statutory county court".

2. On Page 1, on Line 12, strike the word "two" and insert the word "three".

3. On Page 1, on Line 14, strike the word "four" and insert the word "three".

4. On Page 2, on Line 4, strike the word "two" and insert the word "three".

5. On page 2, on Line 6, strike the word "four" and insert the word "three".

Amendment No. 1 was adopted.

#### **Amendment No. 2**

Representative Darby offered the following amendment to **SB 699**:

Amend **SB 699** as follows:

(1) In SECTION 1 of the bill, in added Section 30.014(a)(1), Civil Practice and Remedies Code (page 1, line 13), between "number" and the semicolon, insert ", if the party has been issued a driver's license".

(2) In SECTION 1 of the bill, in added Section 30.014(a)(2), Civil Practice and Remedies Code (page 1, line 15), between "number" and the period, insert ", if the party has been issued a social security number".

Amendment No. 2 was adopted.

**SB 849** (Kolkhorst - House Sponsor), A bill to be entitled An Act relating to the submission of annual reports by farm mutual insurance companies.

**HB 1034** was withdrawn.

**HB 3219** (by Elkins), A bill to be entitled An Act relating to the Uniform Commercial Code provisions relating to negotiable instruments.

**CSHB 2251** (by Taylor), A bill to be entitled An Act relating to advertising by certain insurers.

#### **Amendment No. 1**

Representative Taylor offered the following amendment to **CSHB 2251**:

Amend **CSHB 2251** (committee printing) on page 4 by striking lines 4-25 and substituting the following:

SECTION 2. Section 541.052(b), Insurance Code, is amended to read as follows:

(b) This section applies to an advertisement, announcement, or statement made, published, disseminated, circulated, or placed before the public:

- (1) in a newspaper, magazine, or other publication;
- (2) in a notice, circular, pamphlet, letter, or poster;
- (3) over a radio or television station; ~~or~~
- (4) through the Internet; or
- (5) in any other manner.

Amendment No. 1 was adopted.

**CSHB 3672** (by Bohac), A bill to be entitled An Act relating to mobile food units in certain populous counties; providing a penalty.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Smithee on motion of Straus.

Van Arsdale on motion of Gattis.

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

Farrar on motion of Hernandez.

Pierson on motion of S. King.

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

Woolley on motion of Delisi.

### **HB 4129 - PERMISSION TO INTRODUCE**

Representative Raymond requested permission to introduce and have placed on first reading **HB 4129**.

A record vote was requested.

Permission to introduce was granted by (Record 760): 127 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Bailey; 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.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson;

Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Latham; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Patrick; Peña; Phillips; Pitts; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Vaught; Veasey; Villarreal; Vo; West; Zedler; Zerwas.

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

Absent, Excused — Anchia; Berman; Farrar; Frost; Garcia; Krusee; Moreno; Parker; Pickett; Pierson; Ritter; Smith, T.; Van Arsdale; Woolley.

Absent — Bohac; Delisi; Driver; Hochberg; Laubenberg; Oliveira; Paxton.

### STATEMENT OF VOTE

When Record No. 760 was taken, I was absent because of a legislative town hall meeting in the district. Had I been present I would have voted yes.

T. Smith

### LEAVE OF ABSENCE GRANTED

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

Pitts on motion of Rose.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, upon first adjournment today, Desk 105, for a formal meeting, to consider pending business.

Natural Resources, upon first adjournment today, Desk 112, for a formal meeting, to consider pending business.

Business and Industry, upon first adjournment today, Desk 103, for a formal meeting, to consider pending business.

Criminal Jurisprudence, upon first adjournment today, Desk 37, for a formal meeting, to consider pending business.

Criminal Jurisprudence, Subcommittee on Criminal Procedure, upon adjournment of the committee of the whole today, Desk 37, for a formal meeting, to consider pending business.

Higher Education, upon first adjournment today, Desk 86, for a formal meeting, to consider **HB 3826** and pending business.

Regulated Industries, Subcommittee on Energy Conservation and Efficiency, upon first adjournment today, Desk 121, for a formal meeting, to consider pending business.

**ADJOURNMENT**

The chair announced that the house would stand adjourned until 11:15 a.m. today.

The house accordingly, at 10:56 a.m., adjourned until 11:15 a.m. today.

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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

Friday, April 27, 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:****SB 22**

Nelson

Relating to long-term care insurance and a partnership for long-term care program.

**SB 155**

Zaffirini

Relating to the regulation of chemical dependency counselors.

**SB 338**

Van de Putte

Relating to carbon monoxide alarms and smoke detectors in certain residential dwellings.

**SB 518**

Ellis

Relating to death benefits for the survivors of certain members of the Texas National Guard.

**SB 665**

Uresti

Relating to the expunction of certain alcohol-related convictions committed by a minor.

**SB 785**

Shapiro

Relating to information related to the performance of an abortion; creating an offense.

**SB 1009**

Zaffirini



Relating to the use of a computer for an unauthorized purpose.

**SB 1169**

Janek

Relating to the reimbursement of an insurance carrier for the overpayment of certain workers' compensation benefits.

**SB 1234**

Zaffirini

Relating to a master plan for higher education in this state.

**SB 1260**

Seliger

Relating to the issuance of a nonresident commercial driver's license.

**SB 1348**

Patrick, Dan

Relating to the liability of a governmental unit for action taken by a peace officer engaged in the pursuit of a motor vehicle.

**SB 1385**

Watson

Relating to the use of certain audio or video material produced by or under the direction of an appellate court; providing penalties.

**SB 1392**

Uresti

Relating to the rights of certain incapacitated persons that may be terminated by a court in a guardianship proceeding and to the restoration of certain rights.

**SB 1561**

Hinojosa

Relating to the seizure and destruction of certain plants; creating an offense.

**SB 1719**

Ogden

Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

**SB 1867**

Zaffirini

Relating to the filing of an amended subdivision plat with a county to correct certain errors or omissions.

**SCR 63**

Fraser

Congratulating the Brady High School Family, Career, and Community Leaders of America Parliamentary Procedure team for earning a gold medal ranking.

Respectfully,

Patsy Spaw

Secretary of the Senate

