

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-EIGHTH DAY (CONTINUED) — FRIDAY, MAY 4, 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 943).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Ayccock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Driver; Dukes; Dutton; Eissler; Elkins; England; Escobar; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; 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; Morrison; Murphy; Naishtat; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Strama; Swinford; Talton; Taylor; Thompson; Turner; Van Arsdale; Vaught; Veasey; West; Woolley; Zedler; Zerwas.

Absent, Excused — Eiland; Moreno.

Absent — Bonnen; Castro; Crabb; Deshotel; Dunnam; Farabee; Haggerty; Hilderbran; Hill; Hopson; Mowery; Noriega; Peña; Pierson; Ritter; Solomons; Straus; Truitt; Villarreal; Vo.

STATEMENT OF VOTE

When roll call was taken today, I was away from my desk. I was present after roll call, but did not check in with the journal clerk.

Peña

The invocation was offered by Dr. David Fleming, pastor, Champion Forest Baptist Church, Houston, as follows:

Our Father, thank you for the privilege to stand in this hall this morning and to lift my voice to you in prayer. Thank you for listening to us as we pray even on this day after a National Day of Prayer. And thank you that prayer is powerful and effective everyday because you have promised to move and work according to your will in response to our praying.

We acknowledge you this morning, Father, as our creator God. You are sovereign and supreme and you reign and rule in wisdom and in power. You have blessed this great nation of ours and this great state of ours throughout our history, and we owe you a great debt of gratitude and thanks for your goodness to us as a people. We confess, we've not always followed you closely, we've not always made the right decisions, and we've not always acknowledged and honored you as we should have, but you have always been merciful, gracious, and kind to us. Thank you. And we pray this morning that you will continue to help us, in spite of ourselves, to guide us and to bless us because we need you, Father, more than we need anything or anyone.

We pray this morning for unity and harmony as a nation and for peace around the world. But in the absence of peace, we pray for the men and women who serve our great nation in military service. We are reminded that freedom isn't free and there are many who have paid the price and are paying the price for our freedom and for our safety and security. Bless each one along with their families today, protect and preserve their lives, give them success in their mission, and bring them home safely and quickly.

And we ask now that you would bless these leaders here who govern over us and who have authority over us that you have divinely ordained. Give them wisdom to govern rightly and courage to govern fairly. May what is good and just in your sight prevail, and may you look on these men and women with favor and grace as they seek the greater good, serve a higher calling, and submit to your sovereign will and way. May they be reminded each day of the privilege of their office as well as the responsibility of their office. And thank you Lord for each one of these who serves under your authority and at the pleasure of the good people of the great State of Texas.

You have said in your word: "Righteousness exalts a nation, but sin is a disgrace to any people." (Proverbs 14:34) May what happens in this room today be right and may the people of Texas be lifted up as a result. And we pray our prayer in the name of Jesus Christ, your holy son, our perfect sacrifice, the living Lord, and our soon coming king. Amen.

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

(Farabee, Haggerty, and Straus now present)

CAPITOL PHYSICIAN

The speaker recognized Representative Raymond who presented Dr. Leonides Cigarroa of Laredo as the "Doctor for the Day."

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

(Goolsby in the chair)

HR 1823 - ADOPTED
(by Farabee)

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 1823**.

The motion prevailed.

The following resolution was laid before the house:

HR 1823, Congratulating retired Midwestern State University professor Joe Warndof on his 69th birthday.

(Truitt now present)

HR 1823 was read and was adopted.

On motion of Representative Hardcastle, the names of all the members of the house were added to **HR 1823** as signers thereof.

LEAVES OF ABSENCE GRANTED

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

Eiland on motion of McCall.

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

Martinez Fischer on motion of Herrero.

(Hilderbran now present)

HR 1895 - READ
(by Harless)

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

HR 1895, In memory of U.S. Army Specialist Dustin R. Donica.

HR 1895 - MOTION TO ADD NAMES

On motion of Representative Macias, the names of all the members of the house were added to **HR 1895** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Harless who introduced Judy Donica, mother of U.S. Army Specialist Dustin R. Donica.

HR 1531 - ADOPTED
(by Anchia)

Representative Anchia moved to suspend all necessary rules to take up and consider at this time **HR 1531**.

The motion prevailed.

The following resolution was laid before the house:

HR 1531, In memory of Maya Andrea Hubner of Austin.

HR 1531 was read and was unanimously adopted by a rising vote.

On motion of Representative Anchia, the names of all the members of the house were added to **HR 1531** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representatives Anchia and Naishtat who introduced family members of Maya Andrea Hubner.

(Hill, Hopson, and Ritter now present)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Kolkhorst on motion of Geren.

HR 1298 - READ

(by Callegari)

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

HR 1298, In memory of Mary Eugenia Curvin.

HR 1298 - MOTION TO ADD NAMES

On motion of Representative McClendon, the names of all the members of the house were added to **HR 1298** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced family members of Mary Eugenia Curvin.

(McClendon in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HCR 196 (by Taylor), Honoring the Distinguished Graduates of La Marque High School of 2007.

HCR 204 was previously adopted.

HR 18 (by T. Smith), Commending the Honorable Tom J. Vandergriff of Arlington on the occasion of his retirement as Tarrant County judge.

HR 272 (by Hardcastle), Honoring the Northside Indians football team of Vernon as the 2006 Class A Six-Man Division II State Champions.

HR 1447 (by Hernandez), Congratulating Pasadena High School on its receipt of a Texas Science, Technology, Engineering, and Math Network Acceleration grant.

HR 1448 (by Dutton), Honoring Olivet Missionary Baptist Church in Houston on the occasion of its 75th anniversary and scholarship awards banquet.

HR 1469 (by Hernandez), Honoring Jordan Haymon of Galena Park for his win at the Houston Livestock Show and Rodeo calf scramble.

HR 1470 (by Hernandez), Commending Joe and Theresa Padilla of Denver Harbor for their exemplary civic service.

HR 1475 (by Harless), Honoring John W. Johnson of Houston on his retirement as commissioner of the Texas Transportation Commission.

HR 1477 (by Zedler), Congratulating Carole Bearden on being named Arlington Kiwanis Teacher of the Year for 2006-2007.

HR 1478 (by Veasey), Congratulating Mark Anthony Harris on his 19th pastoral anniversary at Cooper Missionary Baptist Church in Fort Worth.

HR 1480 (by Dutton), Congratulating Lorena Aguilar of Houston on her achievement in the Texas History Day art competition.

HR 1481 was withdrawn.

HR 1483 (by Castro), Honoring Jacob William White of San Antonio for achieving the rank of Eagle Scout.

HR 1488 (by Laubenberg), Recognizing April as National Donate Life Month and commending organ donors and all those involved in the efforts to encourage organ donation.

HR 1489 (by T. Smith), Congratulating Sue and Joe Missimo of Bedford on their 50th wedding anniversary.

HR 1496 (by Hernandez), Commending the 2006-2007 Partners in Learning pilot program at Jacinto City Elementary School in the Galena Park Independent School District.

HR 1497 (by Hernandez), Honoring the Magnolia National Little League in Houston.

HR 1499 (by Castro), Congratulating Lisa Delgado and all those associated with the Steps to Success conference.

HR 1501 (by Dutton), Honoring Prairie View A&M University on the occasion of the National Alumni Association's national convention, being held in Houston on July 11-15, 2007.

HR 1509 (by Creighton), Honoring Marsha Porter on her retirement as Conroe ISD athletic director.

HR 1510 (by Creighton), Honoring Cody Wendt of Willis for his heroism in extinguishing a fire at a neighbor's home.

HR 1511 (by Zerwas), Honoring the Learning Center of El Campo on its opening.

HR 1514 (by Orr), Congratulating Jennifer Fix of Burseson on earning the Good Government Pharmacist-of-the-Year Award from the American Pharmacists Association.

HR 1515 (by Madden), Congratulating Randy and Diana Wright of Plano on their 20th wedding anniversary.

HR 1517 (by Branch), Recognizing June 2007 as Scottish Heritage Month.

HR 1520 (by W. Smith), Honoring Dr. Don Hendrix on his retirement as superintendent of Crosby ISD.

HR 1521 (by W. Smith), Congratulating Sergeant Phillip Badillo of the Baytown Police Department on his retirement.

HR 1522 (by W. Smith), Honoring Mike Wilson on being named Baytown's Citizen of the Year.

HR 1523 (by Latham), Honoring Mesquite ISD teacher Fran Terry on the dedication of a school library in her name.

HR 1526 (by Flynn), Congratulating Tim Gothard on being named the North Texas Fireman's and Fire Marshal's Association Firefighter of the Year.

HR 1530 (by Anchia), Honoring Jerry Moore of West Dallas for saving an elderly neighbor's life.

HR 1534 (by Bohac and Woolley), Commemorating the 60th anniversary of the founding of Second Baptist School in Houston.

HR 1537 (by R. Cook), Honoring the Reverend Quintus Samuel Goins on his 50th pastoral anniversary at Mt. Carmel Baptist Church.

HR 1538 (by R. Cook), Honoring the United Evangelical Lutheran Church in Swiss Alp on the 140th anniversary of its founding.

HR 1539 (by Zedler), Congratulating Lynn Jennings of Workman Junior High School in Arlington on being named the Kiwanis Woodrow Counts Junior High Teacher of the Year for 2006-2007.

HR 1540 (by Zedler), Recognizing Fort Worth Spinks Airport on winning the Most Improved Airport of the Year Award.

HR 1541 (by Zedler), Honoring Mary Irma Flores Escovedo on being named the Arlington Teacher of the Year.

HR 1544 (by B. Cook), Recognizing April 12, 2007, as Corsicana/Navarro County Day at the State Capitol.

HR 1574 (by Jones), Honoring Kathryn Jay Hamilton of Lubbock County for 50 years of service as an educator.

HR 1575 (by Jones), Honoring Carla Kay Moore of Lubbock on her retirement from James Bowie Elementary.

HR 1577 (by Chavez), Congratulating Mark C. Walker of El Paso on being listed in The Best Lawyers in America.

HR 1579 (by Guillen), Honoring Judge Alicia Pena Perez of Freer on her retirement as a municipal court judge.

HR 1584 (by T. Smith), Congratulating Patricia and Fredrick M. King of Hurst on their 50th wedding anniversary.

HR 1585 (by T. Smith), Congratulating Donald and Jeanette Gill of Hurst on their 50th wedding anniversary.

HR 1598 (by Crownover), Congratulating University of North Texas vice president for finance and business affairs Phil Diebel on his upcoming retirement.

HR 1599 (by Martinez), Congratulating Karen Djoahna Palapar of Trevino Elementary School in San Juan on being named a finalist in the 2007 H-E-B Excellence in Education Awards.

SCR 51 (Isett and Jones - House Sponsors), Recognizing the Lubbock Independent School District on the occasion of its 100th anniversary.

SCR 52 (Puente - House Sponsor), Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, April 4, 2007, and ending on Tuesday, April 10, 2007.

SCR 54 (Puente - House Sponsor), Commending the members of the Texas Young Lawyers Association for their service to the community.

SCR 55 was previously adopted.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HCR 199 (by Hodge), In memory of Charlotte Ragsdale of Dallas.

HCR 203 (by Harper-Brown), Extending deepest sympathy to the families of the victims of the tragedy at Virginia Tech, and to the students, faculty, and staff of the university.

HR 1476 was withdrawn.

HR 1479 (by Veasey), Honoring the life of Wesley Hardeman of Fort Worth, the first African American to be appointed deputy sheriff in Tarrant County.

HR 1493 (by Hilderbran), In memory of Ken Stoepel of Kerrville.

HR 1498 (by Harper-Brown and Keffer), In memory of Margaret Sheers Putnam of Albany.

HR 1503 (by Dukes), In memory of Thurmond Woodard of Austin.

HR 1505 (by Crownover), In memory of Carl Gene Young, Sr., of Denton.

HR 1506 was previously adopted.

HR 1508 (by Creighton), In memory of U.S. Army Sergeant Ryan Patrick Green of Conroe.

HR 1512 (by Harper-Brown), In memory of Irving Police Officer Andrew Albert Esparza.

HR 1519 (by W. Smith), In memory of Rhoda Magdalene Burke of Deer Park.

HR 1531 was previously adopted.

HR 1533 (by Phillips), In memory of Fannin County Sheriff's Office Deputy Rahamy Mitchell of Bonham.

HR 1536 (by R. Cook), In memory of Nancy Lee Sanders of Bastrop.

HR 1543 (by Martinez Fischer), In memory of Brigadier General Gilberto S. Pena of Weslaco.

HR 1572 (by Escobar), In memory of U.S. Army Specialist Darrell Wayne Shipp.

HR 1573 (by Escobar), In memory of longtime Raymondville resident U.S. Army Staff Sergeant Hector Leija.

HR 1596 (by Eissler), In memory of U.S. Army Private First Class Cory C. Kusters of The Woodlands.

HR 1600 (by Mallory Caraway), In memory of Nathaniel Williams of Dallas.

The resolutions were unanimously adopted by a rising vote.

MOTIONS TO ADD NAMES

On motion of Representatives Macias and Vaught, the names of all the members of the house were added to **HR 1508**, **HR 1543**, **HR 1572**, **HR 1573**, and **HR 1596** as signers thereof.

On motion of Representatives Escobar and Latham, the names of all the members of the house were added to **HR 1512** and **HR 1533** as signers thereof.

(Solomons now present)

(Speaker in the chair)

ADDRESS BY REPRESENTATIVE Y. DAVIS ON A MATTER OF PERSONAL PRIVILEGE

The chair recognized Representative Y. Davis who addressed the house on a matter of personal privilege, speaking as follows:

Thank you, Mr. Speaker, for granting me this privilege and members, I ask your indulgence for just a few minutes. While we come here from different places and different perspectives there is no doubt we share a common interest. This is the great State of Texas and, in particular, the Texas House of Representatives. We're here because we love it and we love what it means for the State of Texas. It saddens me today to take time to make these kinds of remarks, but also I think it's my responsibility and my obligation to do so.

I have been here for the last three sessions under the new regime, or the new administration, and I'm really delighted today to be able to say to the members, "Thank you for your willingness to stand up for something that you know was happening that is wrong." I am pleased to say for those who are willing to set

aside 65 pieces of legislation—who committed to do that—so that we could have your bills postponed and placed on a calendar on Monday, and we were told that was going to happen. We were told we were trying to get on Monday's calendar, and I went to you and asked for you all to look at the process and let's look at how we can make sure that all members are treated with respect as it relates to how things are done around here. And 65 people, 65 pieces of legislation were willing to be postponed and set aside to do that because we care about this environment, this house of representatives, this process that we call democracy, and I want to thank you for that.

I'm saddened to tell you there is no calendar to be set for Monday, unless they do so after this speech. But the most important part that I want to say to you is, I wouldn't ask you to sacrifice and put your bills on Wednesday. We were told when we started talking about this that we were going to have a calendar on Monday and I felt certain, that if my bills were on Monday and your bills were on Monday, that we could work together for the better of Texas. But I was told there probably won't be a calendar on Monday. In fact, a list was handed out and my bill wasn't even on there. But you know what, I want to tell you what makes it even a victory at the same time. It's a loss for me. The victory is that many of you wouldn't have gotten your bills considered either. So, you got a list because we were told previously that there was no list to look at. So all of you got a list of the bills that would be considered for Wednesday's calendar, which prior to the conversation yesterday, that wasn't even in place. So I'm pleased that I'm able to help you get your bills on.

You know, it's ironic that a couple of nights ago the chairman of the committee would suggest that this may very well be retaliatory because when he had bills when I was the chair of Calendars—Local and Consent Calendars—he didn't get his bills set. And when we went back and did the research, we reminded him that he had sent us two bills and we set two bills. He sent us three bills and we set three bills. So we gave him 100 percent of what he sent to us. We couldn't set what wasn't in our calendar. Then some have said, "Well, you know, this is a labor union bill and that's why it's being held up." Well this labor union bill passed this house two years ago with Will Hartnett as a co-sponsor of it. This is a bill for my Dallas police, my Dallas firefighters, and the city of Dallas who wanted this—have this meet and confer—as we do all of the State of Texas there are meet and confer bills. So it creates a harmonious environment for them to discuss the critical issues for their police and their firefighters—for small cities and large cities. So we know it wasn't because it was a labor and union bill because it's already been demonstrated. The bill passed here once before. But also because we pass these kinds of bills.

And then they said, "You know, maybe we need to look at the bills and see when it got there." Well it's been there a couple of weeks or so. And then, members, actually I applaud you because today is the first day that I've ever had members come up to me and say we are willing to postpone our bills because we think we all ought to be treated the same. And I want to tell you, that's a new day for Texas and a great day for Texas. Because at the end of the day, when we talk about the losses in this chamber, my one bill is okay. I understand the process. It

could have gotten killed in another committee. But what we may have very well gained today is we very well may have gained an opportunity to get members to get engaged and take their power back and be real members of this house chamber and not relegate and not allow staff, if it's staff, or others to take the responsibility that we took the oath to uphold for the 145,000 or more people we represent in our various districts.

Because we came here as leaders, men and women from your respective roles you were elected as leaders to lead. And for some unknown, or forgone, reason you get in this chamber and you become little boys and little girls following and compromising your own integrity and your own sense of right and wrong just to be a part of this or just to exist. The greatest threat we have to our democracy is when men and women don't stand up for right and wrong. It's not about my one bill. I'm over that. In fact, I called my police and firefighters last week and told them that it looks like this bill is hung up and we're not going to get it out, and you know what they said to me? "Representative Davis, please don't compromise your integrity and what you stand for. We expect you to stand bold for us. So if we lose a bill, we lose a bill, but we want you whole when you come back to tell us what you did for us." And so the one piece of legislation, while it's important—I want to be good to my constituents and do what they sent me to do. I want to be able to say I was successful, but I want to tell you the bigger problem here. It's what everybody else is losing because they won't stand up.

I'm comfortable knowing that I'm going to lose something for standing up for something I believe in. I'm comfortable with that, because I can't think of any better way to lose it than standing up for something I believe in. And if we get members engaged in this process enough to say I will postpone my bills because we want everybody treated fairly, that's a victory here. That's a victory because it says to everybody, wherever you are, that there are people who are willing to say right and wrong is always right and wrong and it will prevail. It will prevail.

So, I just want people to know that I'm not going to ask you to postpone your bills to Wednesday. And someone even suggested I might get my bill on Friday. I'm not going to ask you to do that. I'm going to leave that up to you. You've worked for your bills. I want to make sure that members know I didn't come to this chamber to figure out how to kill bills. I didn't come into this chamber to figure out how to destroy things. I came here to build and help toward building a stronger Texas and stronger Texans. It was not about how we can destroy. And so everybody got all antsy saying, "You know you are going to kill bills." Well, I raised points of orders because I think the rules are appropriate. And when I'm told that I can't offer amendments on the floor to a bill to deal with appropriations, and that money has been set aside and we can't even touch it, and somebody can put a bill on local and consent with a \$9 billion fiscal note, I've got a problem with that and I'm going to use the rules that way. I think it's important that you understand the distinction, though.

We're told we can't do certain kinds of things and we see it happening everyday, when we raise legitimate points of order and we're overruled and we go sit down knowing full well that it's a good point of order—when we've had some of them pre-cleared and they're overruled. We've taken all that. I just want you to know that the greater loss is to the chamber, to the institution, to the house of representatives, and ultimately to the State of Texas. When we're willing to not stand up for what we ought to be doing on behalf of those 145,000 people that we represent. Or more, I know some of you have larger districts. So I just wanted to say I don't expect you to necessarily not pass your bills. I'm not asking my colleagues to stand up and kill bills. We're bigger than that. We're bigger than that. You know somebody said, "I don't have a problem with you." I don't have a problem with you either, but somebody has a need to keep us fighting. Somebody has a need to keep us from working together. That's the question we need to be asking, why and who? Because it is imperative for this state to move forward; we've got to work together. We've got to build and grow together. And so when somebody is trying to keep a wedge, we need to be asking, who and why? And if it's happening to me today—

I know many of you feel like you are part of the team and you've been told to just follow along. Let's just get along and you wait your turn. The team of what? The team of what? Because I will tell you, Representative Turner, we applaud that you were selected as the speaker pro tempore. But we see them bash you up here. We see them disrespect you up here. These members out here have been told to flank and get on your amendments about separating and changing the names of the utility companies when the utility company was already doing it in Dallas. It wasn't a new phenomenon. TXU and Encore are already separating and using different names. They fought you like you were trying to do something different. It's already being done. It's because nobody wants to stop and look and work on real, legitimate issues together for the greater good. For the greater good. For the people we come here to represent. We want to think that we can stay in our little world, and our little district, and our little space, and go to committees, and sit on committees, and vote to stay with the chair, and do all this stuff. Let me tell you something. That's what's going to destroy our democracy. That's what's going to destroy this state. It's not going to be the terrorists. We going to do it here internally. We're doing it here internally.

We applaud, and salute, and memorialize folks who are going to war to institute democracy somewhere else. Now we can't get men and women here to stand up for it here. Something is wrong with that and you want to know who and why someone is trying to perpetuate that in this environment. So I just want people to know there was 65 pieces of legislation willing to be set aside and postponed if we could get other people's bills set. We accomplished one of those goals. There was a list passed out and you all know this is the first list that has been passed out to the Local and Consent Calendars folks. So they can say which bills would be considered for Wednesday's calendar, and I know Mr. Vo was concerned that his name was on this list. So it helped. And I'm glad because I

think sometimes you have to sacrifice something to help somebody else and I'm all about that. Because you know what? Everybody wins when the institution wins.

So I'm pleased that you want to do that and I want to tell you, please don't take this as a lack of disrespect for you, because I know that you all did it thinking it was the right thing to do and I appreciate it. But I'm not going to ask you to do that because you know the first thing was we were going to do it on Monday and now it's Wednesday, so I want you to get your legislation because I want you to be able to go back and say I did these things, because I'm going to go back and tell them what I stood for and I'm going to be proud of that. If nothing else, for the first time we got Democrats and Republicans and republican chairs and democratic chairs willing to say, let's work together for Texas. If it means we have to give a little, we're willing to give a little so that somebody else can get something. That hasn't happened in six years, members. That hasn't happened in six years.

I've had freshmen who say, "We voted for some of your legislation and got our arms cut up." They knew it was right. They come from their communities where they were leaders, but they get cut up because they do what's right. Members, if this environment is going to survive and if we are going to do stuff right and good for the State of Texas and the people in the State of Texas, you've got to assume your responsibility. You've got to decide if you want to stand up and do what's right in the role you've been given. We can't ask anybody else to do it if we're not willing to do it. I thank those of you who came to me and said, "I'm ready to kill. I'm packing and I'm ready to kill bills." That's not necessary. This house, the way it's been run and what's going on, has done more to destroy bills than I could ever or you could ever do. Because this is rampant with fault. And all of us ought to go home and check ourselves and see if we were part of the problem or part of the solution. Thank you.

REMARKS ORDERED PRINTED

Representative Chavez moved to print remarks by Representative Y. Davis.

The motion prevailed.

(Speaker pro tempore in the chair)

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative C. Howard moved to set a local, consent, and resolutions calendar for 9 a.m. Tuesday, May 8.

The motion prevailed.

Representative C. Howard moved to set a local, consent, and resolutions calendar for 9 a.m. Wednesday, May 9.

The motion prevailed.

**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 53 was withdrawn.

CSHB 343 (by Naishtat), A bill to be entitled An Act relating to notification of voter registrar by probate court clerk of recent deaths.

HB 432 (by Madden), A bill to be entitled An Act relating to the prosecution of the offense of the sale of prison-produced articles or products.

HB 497 (by Madden, Raymond, and Rodriguez), A bill to be entitled An Act relating to resolution of disputes arising under certain construction contracts.

HB 556 was previously passed.

(Kolkhorst now present)

HB 928 was withdrawn.

CSHB 945 (by Herrero and Ortiz), A bill to be entitled An Act relating to the dates on which certain independent school districts may hold an election of trustees.

CSHB 1082 (by Straus, Zerwas, and Dunnam), A bill to be entitled An Act relating to a pilot program to require reporting of methicillin-resistant *Staphylococcus aureus*.

HB 1241 (by Haggerty), A bill to be entitled An Act relating to the duty of the security department of a private business to maintain criminal history record information for security department employees.

HB 1314 was deferred until the end of today's local, consent, and resolutions calendar.

HB 1318 was withdrawn.

HB 1357 was withdrawn.

HB 1358 was withdrawn.

HB 1372 was withdrawn.

HB 1381 was withdrawn.

HB 1404 was withdrawn.

HB 1573 was withdrawn.

HB 1614 was withdrawn.

HB 1638 was withdrawn.

CSHB 1659 (by P. King and Flynn), A bill to be entitled An Act relating to procedures in an eminent domain proceeding initiated by certain common carriers.

HB 1728 was withdrawn.

CSHB 1847 (by Hancock), A bill to be entitled An Act relating to certain noninsurance benefits and related services for accident, health, life, and long-term care insurance.

HB 1857 was deferred until the end of today's local, consent, and resolution calendar.

CSHB 1903 (by P. King), A bill to be entitled An Act relating to continuing educational requirements of a justice of the peace who is a licensed attorney.

HB 1920 was withdrawn.

HB 2072 was withdrawn.

HB 2077 (by Krusee), A bill to be entitled An Act relating to police officers eligible to be certified to enforce commercial motor vehicle safety standards.

HB 2109 was withdrawn.

HB 2132 was withdrawn.

SB 1500 (Laubenberg - House Sponsor), in lieu of **HB 2145**, A bill to be entitled An Act relating to designating the Donor Education, Awareness, and Registry Program of Texas as the Glenda Dawson Donate Life-Texas Registry.

Representative Laubenberg moved to lay **HB 2145** on the table subject to call.

The motion prevailed.

HB 2159 was withdrawn.

HB 2190 was withdrawn.

HB 2294 was withdrawn.

HB 2313 was withdrawn.

HB 2358 was withdrawn.

HB 2368 was withdrawn.

SB 1041 (Lucio - House Sponsor), in lieu of **HB 2384**, A bill to be entitled An Act relating to the creation of the Los Fresnos Municipal Utility District No. 2 of Cameron County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Representative Lucio moved to lay **HB 2384** on the table subject to call.

The motion prevailed.

HB 2392 was withdrawn.

CSHB 2444 (by Oliveira), A bill to be entitled An Act relating to the powers of the Southmost Regional Water Authority.

HB 2467 was withdrawn.

HB 2479 was deferred until the end of today's local, consent, and resolutions calendar.

HB 2510 was withdrawn.

HB 2524 (by McClendon, Menendez, and Straus), A bill to be entitled An Act relating to the establishment of a pilot project to construct a public safety triage and detoxification unit and the provision of mental health and substance abuse treatment.

HB 2549 was withdrawn.

HB 2551 was withdrawn.

HB 2589 was withdrawn.

HB 2607 was withdrawn.

HB 2651 was withdrawn.

HB 2654 (by Puente), A bill to be entitled An Act relating to the regulation of the use of an injection well to inject nonhazardous brine from a desalination operation or to inject nonhazardous drinking water treatment residuals.

SB 123 (Latham - House Sponsor), in lieu of **HB 2666**, A bill to be entitled An Act relating to excepting from required disclosure under the public information law certain personal information maintained by a municipality that pertains to a minor.

Representative Latham moved to lay **HB 2666** on the table subject to call.

The motion prevailed.

HB 2734 was withdrawn.

HB 2751 was withdrawn.

HB 2752 was withdrawn.

HB 2828 was withdrawn.

HB 2833 was previously passed.

HB 2845 was withdrawn.

HB 2912 was withdrawn.

HB 3017 (by Puente), A bill to be entitled An Act relating to the certification of water treatment specialists.

HB 3018 was withdrawn.

HB 3038 was withdrawn.

HB 3070 was withdrawn.

CSHB 3114 (by Swinford), A bill to be entitled An Act relating to student fees at component institutions of The Texas A&M University System.

HB 3215 was withdrawn.

HB 3293 was withdrawn.

HB 3353 was withdrawn.

HB 3355 was withdrawn.

HB 3373 was withdrawn.

CSHB 3438 (by Flores), A bill to be entitled An Act relating to the powers and duties of the Rio Grande Regional Water Authority and the establishment of a member conference.

HB 3453 (by Macias), A bill to be entitled An Act relating to permissible inquiries by a public information officer of an educational institution to a requestor requesting information about a student under the public information law.

CSHB 3518 (by Creighton), A bill to be entitled An Act relating to the extension of, addition to, or modification of existing restrictive covenants in certain residential subdivisions.

HB 3552 was withdrawn.

HB 3558 (by Zedler), A bill to be entitled An Act relating to the issuance of warrants to certain persons for fire, health, and code inspections.

CSHB 3581 (by C. Howard), A bill to be entitled An Act relating to county authority to abate nuisances.

CSHB 3601 was previously passed.

CSHB 3635 (by Turner), A bill to be entitled An Act relating to procedures to limit the carrying of handguns by persons other than peace officers on certain premises used for law enforcement.

CSHB 3674 (by J. Davis), A bill to be entitled An Act relating to the operation of property owners' associations.

Amendment No. 1

Representative J. Davis offered the following amendment to **CSHB 3674**:

Amend **CSHB 3674** (house committee printing) as follows:

(1) On page 3, strike lines 14-21, and substitute the following:

SECTION 3. Section 209.005, Property Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A property owners' association described by Section 552.0036(2), Government Code, shall make the books and records of the association, including financial records, reasonably available to any person requesting access to the books or records in accordance with Chapter 552, Government Code. Subsection (a) does not apply to a property owners' association to which this subsection applies.

(2) On page 4, strike lines 4-6 and substitute the following:

Sec. 209.0055. VOTING. (a) This section applies only to a property owners' association that:

(3) On page 4, line 18, between "property owners' association" and "may not", insert "described by Subsection (a)".

Amendment No. 1 was adopted.

HB 3696 was withdrawn.

HB 3699 was withdrawn.

HB 3723 was withdrawn.

HB 3876 was withdrawn.

HB 3929 was withdrawn.

HB 3993 was previously passed.

HB 4008 was withdrawn.

HB 4048 (by Miller), A bill to be entitled An Act relating to the jurisdiction of a county court at law in Erath County.

HB 4067 was withdrawn.

HB 4107 (by Herrero, Ortiz, and Garcia), A bill to be entitled An Act relating to the appointment and duties of criminal magistrates for certain courts in Nueces County.

HB 1137 was withdrawn.

HB 2760 was withdrawn.

CSHCR 198 (by Swinford and McClendon), Requesting the Texas Residential Construction Commission to work in cooperation with the San Antonio Housing Authority to create and implement an inspection and mediation plan relating to certain authority-built homes.

SB 189 was withdrawn.

SB 342 was previously passed.

SB 389 was withdrawn.

SB 458 was withdrawn.

SB 497 was withdrawn.

SB 573 was withdrawn.

SB 611 was withdrawn.

HB 2271 was deferred until the end of today's local, consent, and resolutions calendar.

SB 1236 (Guillen - House Sponsor), in lieu of **HB 2619**, A bill to be entitled An Act relating to the powers and duties of the Starr County Hospital District.

Representative Guillen moved to lay **HB 2619** on the table subject to call.

The motion prevailed.

SB 1077 (Harper-Brown - House Sponsor), in lieu of **HB 2898**, A bill to be entitled An Act relating to performance audits of certain regional transportation authorities.

Representative Harper-Brown moved to lay **HB 2898** on the table subject to call.

The motion prevailed.

SB 1089 (Hill - House Sponsor), in lieu of **HB 2988**, A bill to be entitled An Act relating to the authority of certain development corporations to spend tax revenue on certain mass transit-related facilities.

Representative Hill moved to lay **HB 2988** on the table subject to call.

The motion prevailed.

HB 2271 (by Bailey), A bill to be entitled An Act relating to financing statements and other records under the secured transactions law.

CSHB 1314 (by Bailey and Harless), A bill to be entitled An Act relating to the regulation of water and sewer utility systems in certain counties; providing a civil penalty.

CSHB 2479 (by Hartnett), A bill to be entitled An Act relating to the estates of decedents.

CSHB 1857 (by Murphy), A bill to be entitled An Act relating to the identification and regulation of land located in a future transportation corridor of a county.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Law Enforcement, upon first adjournment today, Desk 56, for a formal meeting, to consider pending bills.

Natural Resources, upon first adjournment today, Desk 112, for a formal meeting, to consider **HB 4028** and pending business.

Culture, Recreation, and Tourism, upon first adjournment today, Desk 66, for a formal meeting, to consider committee business.

Defense Affairs and State-Federal Relations, upon first adjournment today, Desk 76, for a formal meeting, to consider pending business.

Financial Institutions, upon first adjournment today, Desk 7, for a formal meeting, to consider pending business.

ADJOURNMENT

The chair announced that the house would adjourn until 12:10 p.m. today.

The house accordingly, at 11:51 a.m., adjourned until 12:10 p.m. today.

