

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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THIRTIETH DAY — THURSDAY, MARCH 1, 2007

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 77).

Present — Mr. Speaker; Allen; Alonzo; Anderson; 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; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; 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; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; 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 — Pitts.

Absent — Anchia; Haggerty.

The invocation was offered by Dr. Robert Simmons, Dallas First Church of Nazarene, DeSoto, as follows:

Heavenly Father, we humbly bow before you this Thursday morning at the start of another session. We all acknowledge the awesome privilege of being here in this historic chamber representing Texans of every color, every socio-economic level, and every faith tradition.

During this Lenten season may we be mindful of the great sacrifice you have made in our behalf, and may we show our gratitude by finding ways to serve others in your name.

We confess that we are not always eager to do your will, as often we would much rather do our own will. Please be with us on this Lenten journey and help us remember that your own spirit can guide us in the right direction. Give us courage to make changes. Help us to show mercy for others and love generously. Transform our hearts so that we may know the joy of being your servants.

Father, often we chase after success single-mindedly, and end up with lonely, empty victories. Forgive us for our selfishness and our lust for power over others. Give these representatives courage to serve others, rather than to exploit them. Keep them from abusing the trust which has been placed in them by the people of the State of Texas. Rescue them from conceit and pride and partisanship, which cloud their vision and scramble their common sense. Keep them from despairing as they see the growing mountain of bills yet to be considered, and help them to focus on the issues before them, without thought of themselves. Grant that these elected to serve and represent others may do so as if they represent you.

Bless all of these who have chosen the path of service, and grant for them, as with St. Francis, that they will not so much seek to be understood, as to understand; and to be loved, as to love. For it is in giving that we receive; it is in pardoning, that we are pardoned; it is in dying, that we are born. In Christ's name we pray. Amen.

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

#### **CAPITOL PHYSICIAN**

The speaker recognized Representative Jones who presented Dr. Hugh Wilson of Lubbock as the "Doctor for the Day."

The house welcomed Dr. Wilson and thanked him for his 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 today because of important business in the district:

Anchia on motion of Strama.

#### **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. 9).

#### **HR 606 - ADOPTED**

**(by Patrick, Laubenberg, Harper-Brown, Morrison, Woolley, et al.)**

Representative Patrick moved to suspend all necessary rules to take up and consider at this time **HR 606**.

The motion prevailed.

The following resolution was laid before the house:

**HR 606**, Recognizing March 1, 2007, as Texas Federation of Republican Women Day at the Capitol.

**HR 606** was read and was adopted.

#### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Patrick who introduced members of the Texas Federation of Republican Women.

#### **HR 367 - ADOPTED (by Darby)**

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 367**.

The motion prevailed.

The following resolution was laid before the house:

**HR 367**, In memory of Winfree L. Brown of Christoval.

(Haggerty now present)

**HR 367** was read and was unanimously adopted by a rising vote.

On motion of Speaker Craddick, the names of all the members of the house were added to **HR 367** as signers thereof.

#### **HR 571 - ADOPTED (by Hill, Goolsby, and Madden)**

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 571**.

The motion prevailed.

The following resolution was laid before the house:

**HR 571**, Honoring the Richardson Republican Women's Club.

**HR 571** was read and was adopted.

#### **HR 637 - ADOPTED (by Harless)**

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 637**.

The motion prevailed.

The following resolution was laid before the house:

**HR 637**, Honoring the Northwest Forest Republican Women.

**HR 637** was adopted.

#### **HR 639 - ADOPTED (by Creighton)**

Representative Creighton moved to suspend all necessary rules to take up and consider at this time **HR 639**.

The motion prevailed.

The following resolution was laid before the house:

**HR 639**, Honoring Republican women's groups of Montgomery County.

**HR 639** was adopted.

(Keffer in the chair)

**HR 619 - ADOPTED**  
**(by Garcia)**

Representative Garcia moved to suspend all necessary rules to take up and consider at this time **HR 619**.

The motion prevailed.

The following resolution was laid before the house:

**HR 619**, Recognizing March 1, 2007, as Aransas County Day at the State Capitol.

(B. Cook in the chair)

**HR 619** was read and was adopted.

On motion of Representative Noriega, the names of all the members of the house were added to **HR 619** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Garcia who introduced a delegation from Aransas County.

**HR 636 - ADOPTED**  
**(by Heflin)**

Representative Heflin moved to suspend all necessary rules to take up and consider at this time **HR 636**.

The motion prevailed.

The following resolution was laid before the house:

**HR 636**, Congratulating the Garden City High School Lady Bearkats on participating in the Class A Division II Region II final state basketball tournament.

**HR 636** was read and was adopted.

(McClendon in the chair)

**HR 628 - ADOPTED**  
**(by Giddings)**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 628**.

The motion prevailed.

The following resolution was laid before the house:

**HR 628**, Honoring Dr. Robert C. Simmons of DeSoto for serving as Pastor for the Day on March 1, 2007.

**HR 628** was read and was adopted.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Giddings who introduced Dr. Robert C. Simmons and his wife Monda.

#### **HR 27 - ADOPTED (by England)**

Representative England moved to suspend all necessary rules to take up and consider at this time **HR 27**.

The motion prevailed.

The following resolution was laid before the house:

**HR 27**, Recognizing the Grand Prairie Independent School District as a community of readers.

**HR 27** was read and was adopted.

#### **HR 640 - ADOPTED (by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 640**.

The motion prevailed.

The following resolution was laid before the house:

**HR 640**, Commemorating the groundbreaking for a new addition at the Prince Complex in Houston.

**HR 640** was adopted.

#### **SCR 29 - ADOPTED (Dutton - House Sponsor)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **SCR 29**.

The motion prevailed.

The following resolution was laid before the house:

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

**SCR 29** was adopted.

#### **HR 629 - ADOPTED (by Isett)**

Representative Isett moved to suspend all necessary rules to take up and consider at this time **HR 629**.

The motion prevailed.

The following resolution was laid before the house:

**HR 629**, Honoring Rick Laferriere, John Heiliger, and Mike King of Spare Time Lanes Bowling Alley in Arlington, Larry Ross and Joe Burlison of AMF Bowling Centers, and Karen L. Miller of the Texas Bowling Centers Association for providing bowling pins to troops stationed in Kuwait.

**HR 629** was adopted.

### **CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HCR 60** (by Martinez Fischer), Honoring attorney Al Kauffman for his vital contributions in the areas of education and civil rights.

**HCR 62** was withdrawn.

**HCR 74** (by T. King), Congratulating the Cotulla High School football team on an exceptional 2006 season.

**HCR 83** (by Guillen), Honoring Hector Trevino on the occasion of his retirement from the U.S. Border Patrol.

**HCR 100** (by Dunnam), Congratulating the Chilton Pirates for winning the 2006 Class A Division II state football championship.

**HCR 101** (by Dutton), Honoring Dee Trice Wallace for being named the 2007 Harris County Teacher of the Year.

**HR 12** (by Callegari), Congratulating Anna Haisler Baker of Katy on her 90th birthday.

**HR 17** (by Callegari), Congratulating Patsy and Malcolm Bailey of Houston on their receipt of the Samaritan for All Seasons award.

**HR 18** was withdrawn.

**HR 20** (by B. Cook), Honoring Bob Wright of Mexia on his receipt of the 2006 Mexia Nubbin Bankhead Citizen of the Year Award.

**HR 21** (by Chisum), Honoring First United Methodist Church of Pampa on the 100th anniversary of its founding.

**HR 24** was withdrawn.

**HR 25** was withdrawn.

**HR 26** was withdrawn.

**HR 27** was previously adopted.

**HR 28** (by Frost), Commending Amos McCord of Hughes Springs on his participation in the NASA High School Aerospace Scholars program.

**HR 29** (by Frost), Commending Matthew Justiss of Daingerfield on his participation in the NASA High School Aerospace Scholars program.

**HR 37** (by Y. Davis), Honoring the city of DeSoto for the establishment of its streaming-video system for public meetings.

**HR 50** (by Goolsby), Honoring Randy Reynolds of Austin for his service as president of the Independent Insurance Agents of Texas for 2005-2006.

**HR 51** (by Goolsby), Congratulating Marguerite Whitehead on her 100th birthday.

**HR 56** was withdrawn.

**HR 173** (by Miles), Recognizing January 30, 2007, as Farmers Insurance Group Day at the State Capitol.

**HR 250** (by Gonzalez Toureilles), Honoring U.S. Army Specialist Jesse Chesser for his courageous service in Iraq.

**HR 251** (by Eiland), Honoring Oliver Jenkins on his 100th birthday.

**HR 252** (by Castro), Commending Earl Smith of San Antonio for his role in saving the life of fellow Men's Senior Baseball League player Bill Smith of Chicago.

**HR 253** (by Castro), Congratulating The University of Texas at San Antonio on its receipt of a \$900,000 grant from the National Science Foundation.

**HR 254** (by Castro), Honoring Robert Villarreal on his receipt of the San Antonio Police Department's first Citizen Hero Award.

**HR 255** (by Talton), Honoring the Battleship Texas Foundation for its efforts to preserve and restore the Battleship Texas.

**HR 260** was withdrawn.

**HR 261** was withdrawn.

**HR 262** was withdrawn.

**HR 263** was withdrawn.

**HR 269** (by Olivo), Recognizing the "Connecting with the Diversity of Our Community" forum in Fort Bend County.

**HR 270** (by R. Cook), Congratulating the Elgin Cotton Oil Mill on its 100th anniversary.

**HR 272** was withdrawn.

**HR 277** (by Hilderbran), Honoring William Laine of Kerrville for his dollhouse craftsmanship.

**HR 278** (by Castro), Honoring the Hispanic Association of Colleges and Universities for its efforts to increase the high school graduation and college enrollment rates of Hispanic students.

**HR 279** (by Castro), Congratulating Craig Desmond on being named CEO and president of Texsan Heart Hospital in San Antonio.

**HR 282** (by Otto), Honoring Chief Oscola Clayton M. Sylestine of the Alabama-Coushatta Tribe of Texas on his 75th birthday.

**HR 287** (by P. King), Honoring Roy J. Eaton of Decatur for his induction into the Texas Newspaper Foundation Hall of Fame.

**HR 291** (by Martinez), Congratulating Marcela Constantino on her receipt of a 2006 Regional Teacher of the Year award from the Texas Education Agency.

**HR 292** (by Martinez), Congratulating Joe Vasquez of Weslaco on his retirement from Knapp Medical Center.

**HR 293** (by Chavez), Honoring Edward and Maria Hernandez of El Paso for being awarded the Henry B. Gonzalez Civil Rights Award.

**HR 295** (by Bailey), Recognizing April 15, 2007, as the 60th anniversary of Jackie Robinson becoming the first African American player in major league baseball.

**HR 296** (by Chavez), Congratulating Luis Armendariz of El Paso on winning second place in an essay contest sponsored by the National Society of The Colonial Dames of America.

**HR 297** (by Chavez), Honoring Lynn Munson on being named a Volunteer Mom of the Year by the City of El Paso Parks and Recreation Department.

**HR 298** (by Chavez), Honoring Teresa Orozco on being named a Volunteer Mom of the Year by the City of El Paso Parks and Recreation Department.

**HR 299** (by Chavez), Honoring Lisa Ray on being named a Volunteer Mom of the Year by the City of El Paso Parks and Recreation Department.

**HR 300** (by Chavez), Honoring Susan Wiggs on being named a Volunteer Mom of the Year by the City of El Paso Parks and Recreation Department.

**HR 301** (by Chavez), Congratulating Juan Carlos Gonzalez of El Paso on winning eighth place in an essay contest sponsored by the National Society of The Colonial Dames of America.

**HR 302** (by Flores), Honoring the city of Pharr for receiving a 2006 All-America City Award.

**HR 304** (by Flores), Commending Joel Garcia for serving on the La Joya Independent School District Board of Trustees in District 36.

**HR 305** (by Flores), Commending Rita Marie Garza-Uresti for serving on the La Joya Independent School District Board of Trustees in District 36.

**HR 306** (by Flores), Commending Jose Adolfo Salinas for serving on the La Joya Independent School District Board of Trustees in District 36.

**HR 351** (by Zedler), Congratulating Ashworth Elementary School in Arlington on being named to the Texas Business and Education Coalition 2006 honor roll.

**HR 352** (by Peña), Commending Maria Raquel Perez Oliva of McAllen on her 18-year tenure with AVANCE-Rio Grande Valley.

**HR 353** (by Dutton), Congratulating DeMeco Ryans of the Houston Texans on his selection as the 2006 Associated Press Defensive Rookie of the Year.



**HR 355** (by Chavez), Honoring Veronica Valenzuela for her receipt of the 2007 West Side Wal-Mart Teacher of the Year Award.

**HR 356** (by Chavez), Honoring Tim Anderson of El Paso on his success on the Air Force Academy basketball team.

**HR 357** (by Gonzalez Toureilles), Honoring Dr. Francisco Mauricio Bandeira Teixeira of Alice for his medical and civic contributions.

**HR 358** (by Hilderbran), Honoring Elliott Park of Clyde for cowriting the number one country song, "I Loved Her First."

**HR 359** (by Chavez), In honor of Guillermo Carreon of El Paso on his 107th birthday.

**HR 360** (by Chavez), Honoring Jose Rodriguez of El Paso for being named the Region III Government Hispanic Business Advocate of the Year for 2006.

**HR 361** was withdrawn.

**HR 362** was withdrawn.

**HR 364** (by Peña), Congratulating Francisco Barrientes on the naming of a new Edinburg middle school in his honor.

**HR 365** (by Peña), Honoring Jose Delgado on his selection as one of the state's top migrant students.

**HR 366** (by Darby), Honoring Nat Sawyer of San Angelo Independent School District on being named a 2006 TEA Regional Teacher of the Year.

**HR 369** was withdrawn.

**HR 388** (by Bonnen), Honoring Sara McDaniel of Angleton on her receipt of the Pioneer Award from the Greater Angleton Chamber of Commerce.

**HR 390** (by Bohac), Honoring Stephen Daniel Becka on attaining the rank of Eagle Scout.

**HR 393** (by Murphy), Honoring the members of the Daughters of Liberty Republican Women on their active engagement in their government and their communities.

**HR 397** (by Alonzo), Honoring the Dallas Association for Bilingual Education in 2007 for its outstanding record of service to the community.

**HR 398** (by Alonzo), Honoring the Dallas Association for Bilingual Education in 2008 for its outstanding record of service to the community.

**HR 400** (by Noriega), Honoring agents of the Texas Alcoholic Beverage Commission for participating in Hurricane Katrina relief efforts at the George R. Brown Convention Center in Houston in September 2005.

**HR 404** (by Otto), Congratulating Robert M. Bricker, Jr., upon his receipt of the Distinguished Flying Cross from the U.S. Air Force.

**HR 405** (by Flynn), Honoring Dewey and Goldie Fitzpatrick of Greenville on their 65th wedding anniversary.

**HR 406** (by Flynn), Honoring Newton and Beth Bond of Greenville on their 65th wedding anniversary.

**HR 407** (by Noriega), Congratulating journalist Elma Barrera of Houston on being named Woman of the Year by the Houston Chapter of the League of United Latin American Citizens.

**HR 410** (by Deshotel), Honoring the Mary and John Gray Library at Lamar University on its 50th anniversary as a federal government document depository.

**HR 413** (by Gallego), Honoring J. R. Gutierrez on being named the 2006 Firefighter of the Year by the Val Verde County Rural Volunteer Fire Department.

**HR 419** (by Castro), Honoring Demetrio Rodriguez of San Antonio for his commitment to social justice and the betterment of public education.

**HR 420** (by Castro), Honoring the San Antonio Public Library's 2006 Library Champions.

**HR 425** (by Flynn), Honoring Jackie Lawless of Grand Saline on her 100th birthday.

**HR 426** (by Zerwas), Honoring Bridget Yeung on her receipt of the 2007 Vicki Hamilton Award from the Fort Bend Chamber of Commerce.

**HR 428** (by Lucio), Honoring Roberto Rodriguez of Harlingen on being elected second vice president of the Baptist General Convention of Texas.

**HR 434** was withdrawn.

**HR 436** was withdrawn.

**HR 438** was withdrawn.

**HR 439** (by Kolkhorst), Recognizing March 15, 2007, as Austin County Day at the State Capitol.

**HR 448** was withdrawn.

**HR 449** (by Dunnam), Congratulating the Chilton Pirates for winning the 2006 Class A Division II state football championship.

**HR 452** was withdrawn.

**HR 453** (by McClendon), Honoring Saleta Rogers of San Antonio for her service to Mount Sinai Baptist Church.

**HR 454** (by McClendon), Commending Lewis Marshall for his work in behalf of the state's senior citizens as a member of the Texas Silver-Haired Legislature.

**HR 458** (by Zerwas), Commending Alice Heard for her rescue of a drowning child and congratulating her on her receipt of the Citizen of the Year Award from the Wharton Police Department.

**HR 459** (by Zerwas), Congratulating El Campo Little League, the 2006 Junior League Baseball World Series Champion, on receiving the Achiever of the Year Award from the El Campo Chamber of Commerce and Agriculture.

**HR 460** (by Zerwas), Honoring Rita Myatt Radley on being named El Campo's 2006 Citizen of the Year.

**HR 461** (by Gonzales), Honoring Jim McGurk on his induction into the UTPA Athletics Hall of Fame.

**HR 463** (by Dutton), Honoring Jessica Kemp of Houston on her acceptance into The University of Texas at Austin School of Law.

**HR 466** (by Morrison), Congratulating Dr. Jimmy Goodson on his receipt of the James T. Rogers Meritorious Service Award.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HCR 59** (by Martinez Fischer), In memory of Brigadier General Robert F. McDermott of San Antonio.

**HCR 75** (by Homer), In memory of Charles A. Hinton of Mount Pleasant.

**HR 13** (by Callegari), In memory of Gay Susan Chandler Mechler of Spring.

**HR 14** (by Callegari), In memory of Judy Jones of Houston.

**HR 15** (by Callegari), In memory of Walter Max Mischer of Houston.

**HR 19** (by B. Cook), In memory of L. William McNutt, Jr., of Corsicana.

**HR 41** (by Goolsby), In memory of Billy Earl Hibbs.

**HR 42** (by Goolsby), In memory of Norman Garvin Germany of Dallas.

**HR 43** (by Goolsby), In memory of Phyllis Carter Pou Pierce.

**HR 44** (by Goolsby), In memory of Carolyn Hutchinson.

**HR 45** (by Goolsby), In memory of Frederic E. Wagner of Dallas.

**HR 46** (by Goolsby), In memory of Bobby Haden Bain of Highland Village.

**HR 47** (by Goolsby), In memory of William Crenshaw Miller of Dallas.

**HR 48** (by Goolsby), In memory of Florence Kossover Schwartz.

**HR 49** (by Goolsby), In memory of L. A. Nelson, Jr., of Denton.

**HR 52** (by Goolsby), In memory of James Eaves of Tyler.

**HR 74** (by Gonzalez Toureilles), In memory of U.S. Army Specialist James C. Kesinger of Orange Grove.

**HR 76** (by Hilderbran), In memory of U.S. Navy Petty Officer 2nd Class Charles Victor Komppa.

**HR 161** (by Anchia), In memory of U.S. Army Sergeant Paul T. Sanchez of Irving.

**HR 162** (by McClendon), In memory of Francisca V. Flores of Sullivan City.

**HR 367** was previously adopted.

**HR 372** (by Bohac), In memory of Daniel Gordon Avery of Houston.

**HR 376** (by Naishtat), In memory of Roy Edwin Wright of Austin and commemorating the naming of the Texas School for the Blind and Visually Impaired Technology Wing in his honor.

**HR 387** (by Bonnen), In memory of Leonard C. Edwards of Angleton.

**HR 394** (by Hamilton), In memory of James M. Reeh of West Orange.

**HR 395** (by Herrero), In memory of Professor James R. Bryce Jr., of Corpus Christi.

**HR 399** (by Noriega), In memory of Roy Barbosa of Houston.

**HR 402** (by Martinez Fischer), In memory of U.S. Army Corporal Timothy Allen Swanson of San Antonio.

**HR 414** (by Gallego), In memory of Virgilio S. Luna of Del Rio.

**HR 427** (by Zerwas), In memory of Melba Rose Cook Birkner and recognizing the Honorable Otha Wyatt "Skeet" Birkner for his generous donation to the Wharton County Historical Museum.

**HR 429** (by Delisi), In memory of Harold Guy Fifield of Temple.

**HR 430** (by Delisi), In memory of Doris Angeline Garner Williams of Temple.

**HR 431** (by Delisi), In memory of Dan Lewis Steakley of Temple.

**HR 432** (by Delisi), In memory of Charlene Dossman of Belton.

**HR 435** was withdrawn.

**HR 437** (by Gallego), In memory of Norman Ray Rust of Del Rio.

**HR 450** (by Callegari), In memory of Todd Phillip Levin of Houston.

**HR 455** (by Lucio), In memory of San Benito "Benny" Montalvo of San Benito.

**HR 456** (by Callegari), In memory of Kaitlin Elizabeth Brynes of Houston.

The resolutions were unanimously adopted by a rising vote.

### **MOTIONS TO ADD NAMES**

On motion of Representative B. Cook, the names of all the members of the house were added to **HR 74**, **HR 76**, **HR 161**, and **HR 402** as signers thereof.

On motion of Representative Gallego, the names of all the members of the house were added to **HR 413**, **HR 414**, and **HR 437** as signers thereof.

(Speaker in the chair)

### **EMERGENCY CALENDAR HOUSE BILLS THIRD READING**

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

**HB 5 ON THIRD READING****(by Berman, McReynolds, Flynn, Goolsby, and Naishtat, et al.)**

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

A record vote was requested.

**HB 5** was passed by (Record 78): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Pitts.

Absent — Anderson; Aycock; Cohen; Darby.

**STATEMENTS OF VOTE**

When Record No. 78 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 78 was taken, I was temporarily out of the house chamber. I would have voted yes.

Aycock

When Record No. 78 was taken, I was in the house but away from my desk. I would have voted yes.

Darby

**HB 3 ON THIRD READING**  
**(by Puente and Hilderbran)**

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

A record vote was requested.

**HB 3** was passed by (Record 79): 142 Yeas, 1 Nays, 1 Present, not voting.

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

Nays — Christian.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Pitts.

Absent — Aycock; Darby; Menendez; Talton.

**STATEMENTS OF VOTE**

When Record No. 79 was taken, I was in the house but away from my desk. I would have voted yes.

Darby

When Record No. 79 was taken, I was temporarily out of the house chamber. I would have voted yes.

Aycock

**GENERAL STATE CALENDAR**  
**HOUSE BILLS**  
**THIRD READING**

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

**HB 542 ON THIRD READING**  
**(by Bonnen)**

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

A record vote was requested.

**HB 542** was passed by (Record 80): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anderson; 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; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Pitts.

Absent — Latham; Olivo; Talton.

**STATEMENT OF VOTE**

When Record No. 80 was taken, I was in the house but away from my desk. I would have voted yes.

Olivo

**HB 2061 - RULES SUSPENDED**

Representative Keffer moved to suspend all necessary rules and Article III, Section 5, of the Texas Constitution to allow the Committee on Calendars to meet and set and for the house to consider **HB 2061**.

A record vote was requested.

The motion prevailed by (Record 81): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Anderson; Ayccock; 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; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Pitts.

Absent — Alonzo; Talton.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session, during bill referral today, 3W.9, for a formal meeting.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider bills.

Elections, upon adjournment today, Desk 21, for a formal meeting, to consider pending business.

(Woolley in the chair)

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

Representative Peña moved to suspend the five day posting rule to allow the Committee on Criminal Jurisprudence, to consider **HB 1399** upon adjournment today in E2.016.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:



Criminal Jurisprudence, upon adjournment today, E2.016, for a public hearing, to consider **HB 1399**.

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

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

Representative Bonnen moved to suspend the five day posting rule to allow the Committee on Appropriations to consider previously posted items for the 8 a.m. March 2 meeting.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Appropriations, 7:30 a.m. tomorrow, March 2, E1.030, for a public hearing, to consider items previously posted for 8 a.m. March 2.

#### **PROVIDING FOR ADJOURNMENT**

Representative Taylor moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 2 p.m. Monday, March 5 in memory of U.S. Marine Sergeant Gary S. Johnston, U.S. Army Major Matthew Wade Worrell, U.S. Army Specialist Nathaniel A. Aguirre, U.S. Army Staff Sergeant Edward Reynolds, Lance Corporal William Lewis Miller, Lance Corporal Ryan Adam Miller, and U.S. Army Specialist Ryan Berg who died in the line of duty.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Bohac in the chair)

#### **ADJOURNMENT**

In accordance with a previous motion, the house, at 11:50 a.m., adjourned until 2 p.m. Monday, March 5.

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#### **ADDENDUM**

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#### **REFERRED TO COMMITTEES**

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

**List No. 1**

**HB 1947** (By Hodge), Relating to the designation of the structure on Interstate 30 connecting the east and west levee of the Trinity River as the Margaret McDermott Bridge.

To Transportation.

**HB 1948** (By Villarreal), Relating to a grant program for the implementation and operation of volunteer income tax assistance programs.

To Ways and Means.

**HB 1949** (By Villarreal), Relating to a study by the Texas Department of Transportation regarding the relocation or improvement of a railroad.

To Transportation.

**HB 1950** (By Anderson), Relating to an exemption from the sales tax for byproducts sold by electric generating facilities that use integrated gasification combined cycle technology.

To Ways and Means.

**HB 1951** (By Anderson), Relating to the computation of total revenue in relation to electric generating facilities that use integrated gasification combined cycle technology.

To Ways and Means.

**HB 1952** (By Anderson), Relating to the eligibility of new electric generating facilities that use integrated gasification combined cycle technology for economic benefits authorized by the Texas Economic Development Act.

To Economic Development.

**HB 1953** (By Leibowitz), Relating to the labeling requirements for drugs dispensed by pharmacists.

To Public Health.

**HB 1954** (By Farias), Relating to a prohibition of trans fatty acids in meals provided to students by school districts.

To Public Education.

**HB 1955** (By Elkins), Relating to the licensing of certain peace officers by the Commission on Law Enforcement Officer Standards and Education.

To Law Enforcement.

**HB 1956** (By Hancock), Relating to underground storage tank financial responsibility notification requirements and the shutdown of underground storage tank facilities by the Texas Commission on Environmental Quality and the Attorney General for failure to properly maintain financial assurance.

To Environmental Regulation.

**HB 1957** (By Ortiz), Relating to benefits under certain health benefit plans for prenatal care, birth of a child, and postdelivery care.

To Insurance.

**HB 1958** (By Ortiz), Relating to allowing a customer to interconnect a renewable energy system to a utility's electric transmission and distribution system.

To Regulated Industries.

**HB 1959** (By Ortiz), Relating to disposition of state traffic fines.

To Transportation.

**HB 1960** (By Ortiz), Relating to access to records or files concerning a child who is subject to the juvenile justice system.

To Juvenile Justice and Family Issues.

**HB 1961** (By Dutton), Relating to the receipt of an exemption or waiver for a school district or campus that is academically unacceptable.

To Public Education.

**HB 1964** (By McCall), Relating to a deduction under the franchise tax for physicians who administer vaccines.

To Ways and Means.

**HB 1973** (By Delisi), Relating to the procedure to process an application for a physician's license.

To Public Health.

**HB 1974** (By Miller), Relating to the regulation of pharmacy benefit managers; providing administrative and criminal penalties.

To Insurance.

**HB 1984** (By Thompson), Relating to the creation of a statewide autism spectrum disorders resource program.

To Human Services.

**HB 1986** (By Coleman), Relating to health benefit plan coverage for an enrollee with certain mental disorders.

To Insurance.

**HB 1993** (By Gattis), Relating to mandatory dismissal of certain suits affecting the parent-child relationship and involving the Department of Family and Protective Services.

To Juvenile Justice and Family Issues.

**HB 1996** (By Gonzalez Toureilles), Relating to a pharmacist's refusal to dispense a valid prescription for moral or ethical reasons.

To Public Health.

**HB 1997** (By Gonzalez Toureilles), Relating to the creation of the offense of unlawful transport of an illegal alien.

To Criminal Jurisprudence.

**HB 1998** (By Gonzalez Toureilles), Relating to the requirements for a gestational agreement.

To State Affairs.

**HB 1999** (By Gonzalez Toureilles), Relating to parentage resulting from assisted reproduction.

To Juvenile Justice and Family Issues.

**HB 2005** (By Woolley), Relating to liability of certain physical therapists, physical therapist assistants, occupational therapists, and occupational therapy assistants who voluntarily provide health care services.

To Civil Practices.

**HB 2011** (By Rose), Relating to health benefit plan coverage for a hospital stay following mastectomy and certain related procedures.

To Insurance.

**HB 2012** (By Rose), Relating to abolition of the statutory legislative continuance.

To State Affairs.

**HB 2015** (By Smithee), Relating to the reporting of claims information under certain health benefit plans; providing administrative penalties.

To Insurance.

**HB 2016** (By Smithee), Relating to requirements for certain contracts with physicians and health care providers.

To Insurance.

**HB 2023** (By Bohac), Relating to the participation by certain state elected officials in the process for evaluating an application for a low income housing tax credit.

To Urban Affairs.

**HB 2026** (By Gallego), Relating to the availability of automated external defibrillators at certain athletic clubs; providing a civil penalty.

To Public Health.

**HB 2036** (By Dutton), Relating to the provision of certain services and information related to pregnancy, abortion, and sexually transmitted diseases; providing penalties.

To State Affairs.

**HB 2037** (By Laubenberg), Relating to automated pharmacy systems.

To Public Health.

**HB 2038** (By Laubenberg), Relating to the imposition of impact fees on the property of a school district.

To State Affairs.

**HB 2042** (By Dukes), Relating to an electronic database of physicians, hospitals, and other health care providers participating in the state Medicaid program.

To Human Services.

**SIGNED BY THE SPEAKER**

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

**House List No. 9**

**HCR 31, HCR 47, HCR 65, HCR 66, HCR 80, HCR 99, HCR 105, HCR 115**

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**February 28**

Agriculture and Livestock - **HB 407**

Energy Resources - **HB 2061**

State Affairs - **HB 167, HB 374, HB 459, HB 674, HB 675, HB 860, HB 1497**

Transportation - **HB 118, HB 194, HB 484, HB 864**

**ENROLLED**

**February 28 - HCR 31, HCR 47, HCR 65, HCR 66, HCR 80, HCR 99, HCR 105, HCR 115**

