

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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SEVENTIETH DAY (CONTINUED) — TUESDAY, MAY 8, 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 1049).

Present — Mr. Speaker; Allen; Alonzo; Anchia; 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; 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; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; 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 — Moreno.

The invocation was offered by Reverend David Reed, The Episcopal Diocese of West Texas, San Antonio, as follows:

Almighty God, creator of all things, Lord of all life, we give you thanks for this new day, for the blessings, opportunities, and challenges it brings. Awaken our hope and enliven our minds and give us grateful hearts for the tasks you set before us this day.

Fashion us in this state into a people mindful of your grace and favor, glad to seek and to do your will. Make us into one people united by our common citizenship and our common calling to live as your children.

Give wisdom and courage, O Lord, to those to whom we entrust the authority of government, especially this house. Guide and govern these representatives gathered here, that they may enact laws that are pleasing to you and increase true freedom for your people. In the midst of so many clamoring voices, may they listen patiently and humbly for your voice. In the midst of so

many competing needs, guard them against narrow self-interest. Grant them a larger vision of the greatest common good, giving them boldness to speak it and courage to pursue it. And may they be ever mindful that true power shows itself in faithful service of others.

We thank you, Lord of heaven and earth, for these your servants who offer their time, skill, and commitment for the sake of our beloved Texas and her people. Bless each of them and all of them, and their families, throughout this day, so that when the day is done, and the busyness and rush is past, they may find rest in you, content to have served honorably and to have offered their best. In Jesus' name we pray. Amen.

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

(Speaker pro tempore in the chair)

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

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

**HB 53** was deferred until the end of today's local, consent, and resolutions calendar.

**CSHB 147** (by Phillips), A bill to be entitled An Act relating to the deferral of an administrative penalty imposed by the Texas Commission on Environmental Quality against certain utilities and districts.

**CSHB 319** (by West), A bill to be entitled An Act relating to persons who are authorized to conduct a marriage ceremony.

**CSHB 455** (by Rodriguez), A bill to be entitled An Act relating to the confidentiality of certain personal information that pertains to certain officers and employees of a community supervision and corrections department.

**SB 722** (Driver - House Sponsor), in lieu of **HB 977**, A bill to be entitled An Act relating to summary destruction or summary forfeiture of controlled substance property or controlled substance plants.

Representative Driver moved to lay **HB 977** on the table subject to call.

The motion prevailed.

**HB 1020** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**CSHB 1137** (by Hochberg), A bill to be entitled An Act relating to eligibility and attendance requirements in public schools. (Harper-Brown and Phillips recorded voting no.)

**HB 1318** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 1357** (by Gattis), A bill to be entitled An Act relating to fees for the mileage necessary for a peace officer to perform certain services.

**HB 1358** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Wednesday, May 9.

**HB 1372** (by W. Smith), A bill to be entitled An Act relating to retention of certain engineering computations made regarding structures located in first tier coastal counties.

**Amendment No. 1**

Representative W. Smith offered the following amendment to **HB 1372**:

Amend **HB 1372**, committee printing, on page 1, line 10, between "repair of a" and "structure", by inserting "residential".

Amendment No. 1 was adopted.

**CSHB 1381** (by McCall), A bill to be entitled An Act relating to the date on which certain reports of political contributions and expenditures must be received by the appropriate authority.

**HB 1404** (by Dutton), A bill to be entitled An Act relating to sale of certain abandoned real property seized for the payment of delinquent ad valorem taxes.

**HB 1407** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 1500** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 1563** was deferred until the end of today's local, consent, and resolutions calendar.

**CSHB 1573** (by Keffer), A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, operations, and financing of the Fort Griffin Special Utility District.

**HB 1614** (by Gattis), A bill to be entitled An Act relating to the establishment and use of a columbarium on the campuses of certain institutions of higher education.

**CSHB 1638** (by Taylor), A bill to be entitled An Act relating to enforcement of commercial motor vehicle safety standards in certain municipalities.

**CSHB 1648** (by Leibowitz), A bill to be entitled An Act relating to allowing a county to hold a nonbinding referendum on a county fiscal matter.

**CSHB 1728** (by Harper-Brown), A bill to be entitled An Act relating to confidentiality of certain information in rabies vaccination certificates and dog and cat registries.

**CSHB 1889** (by Raymond), A bill to be entitled An Act relating to allowing certain active judicial officers and bailiffs to carry weapons.

**CSHB 1920** (by Keffer, et al.), A bill to be entitled An Act relating to the remedies available in connection with certain disputes between producers of natural gas and persons who gather or transport the gas.

**HB 2072** (by Guillen), A bill to be entitled An Act relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.

**CSHB 2109** (by Puente), A bill to be entitled An Act relating to additional criminal law magistrates in Bexar County.

**Amendment No. 1**

Representative Corte offered the following amendment to **CSHB 2109**:

Amend **CSHB 2109** on page 3, between lines 22 and 23, by inserting the following:

(c) A person in custody who is brought before a magistrate appointed under this subchapter in a proceeding referred under this section must be in the custody of a jailer who is certified by the Commission on Law Enforcement Officer Standards and Education and appointed by the county sheriff. The person in custody must remain in the custody of the jailer until the person is released from custody or the custody of the person is transferred in accordance with a court order.

Amendment No. 1 was adopted.

**CSHB 2132** (by Straus), A bill to be entitled An Act relating to the creation of a diabetes mellitus registry pilot program. (Harper-Brown and Phillips recorded voting no.)

**HB 2156** (by Escobar), A bill to be entitled An Act relating to limitations on the compensation of county auditors for certain counties.

**CSHB 2159** (by McReynolds), A bill to be entitled An Act relating to the creation, administration, powers, duties, functions, operations, and financing of the San Jacinto Special Utility District.

**CSHB 2190** (by Truitt), A bill to be entitled An Act relating to eligibility to serve as the executive director of the Teacher Retirement System of Texas. (Herrero and Leibowitz recorded voting no.)

**CSHB 2218** (by Hochberg), A bill to be entitled An Act relating to the vesting of architectural control committee authority in certain subdivisions.

**CSHB 2250** (by Van Arsdale), A bill to be entitled An Act relating to the costs of holding certain joint elections.

**Amendment No. 1**

Representatives Van Arsdale and Berman offered the following amendment to **CSHB 2250**:

Amend **CSHB 2250** on page 1 as follows:

(1) On line 8, strike "Notwithstanding Section 1.014, Election Code," and substitute "The expenses paid by".

(2) On line 11, strike "is not required to pay any".

(3) Strike lines 12-14 and substitute "under the joint election agreement may not exceed 1.5 times the cost of the most recent general election for trustees that the district held as a separate election.".

Amendment No. 1 was adopted.

**HB 2291** was withdrawn.

**CSHB 2294** (by Hilderbran), A bill to be entitled An Act relating to the designation of Loop 534 in Kerrville as the Veterans Highway.

**CSHB 2313** (by Rose and S. King), A bill to be entitled An Act relating to designating the second full week in September as obesity awareness week.

**HB 2315** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**HB 2349** (by Thompson, Riddle, and Crabb), A bill to be entitled An Act relating to the procedural requirements for a political subdivision to adopt airport zoning regulations. (The vote was later reconsidered, and **HB 2349** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.)

**HB 2353** (by Thompson), A bill to be entitled An Act relating to the applicability of the Texas Fair Housing Act to public housing authorities.

**HB 2358** (by Otto), A bill to be entitled An Act relating to the deposit of certain employer contributions to the Teacher Retirement System of Texas.

**HB 2368** (by Morrison), A bill to be entitled An Act relating to the composition of the board of navigation and canal commissioners of the Victoria County Navigation District.

**HB 2392** (by Madden), A bill to be entitled An Act relating to escrow fees required for the construction and leasing of certain health facilities.

**CSHB 2442** (by Laubenberg), A bill to be entitled An Act relating to the powers, duties, operation, and financing of the Collin County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

**HB 2467** (by Solomons), A bill to be entitled An Act relating to modification of certain small and large employer health benefit plans.

**HB 2502** (by Gonzalez Toureilles), A bill to be entitled An Act relating to the composition of the Jim Wells County Juvenile Board.

**HB 2510** (by Martinez, Gonzales, Guillen, Flores, and Lucio), A bill to be entitled An Act relating to the creation, administration, powers, duties, operations, and financing of a commuter rail district; granting the authority to issue bonds; granting the power of eminent domain.

**HB 2548** (by T. Smith), A bill to be entitled An Act relating to coverage limitations in health benefit plans.

**HB 2549** (by T. Smith), A bill to be entitled An Act relating to extension of group life insurance to eligible children.

**HB 2551** (by T. Smith), A bill to be entitled An Act relating to refund of excessive or unfairly discriminatory premium, providing penalties.

**HB 2565** (by Madden), A bill to be entitled An Act relating to the establishment of an advisory committee on motor vehicle inspections related to safety and emissions.

**HB 2569** (by Thompson), A bill to be entitled An Act relating to abolition of certain fraud reporting requirements regarding motor vehicle insurance.

**CSHB 2580** (by Naishtat), A bill to be entitled An Act relating to the designation by the Department of Family and Protective Services of an individual to consent on behalf of the department to medical care for a child in foster care.

**HB 2589** (by McCall), A bill to be entitled An Act relating to the imposition of a civil penalty in connection with a self-corrected statement, registration, or report filed with the Texas Ethics Commission.

**CSHB 2607** (by Hughes), A bill to be entitled An Act relating to the Wood County Juvenile Board.

**HB 2620** (by Isett, et al.), A bill to be entitled An Act relating to state facility management and maintenance practices.

**CSHB 2651** (by Harless), A bill to be entitled An Act relating to the issuance and renewal of certain motor vehicle dealer licenses, motor vehicle license plates, and general distinguishing numbers.

**CSHB 2671** (by Swinford), A bill to be entitled An Act relating to limited agricultural cooperatives; providing penalties.

**HB 2678** (by Callegari), A bill to be entitled An Act relating to certain rate changes by a water and sewer utility.

**CSHB 2715** (by Castro), A bill to be entitled An Act relating to the enforcement of the fares and other charges imposed by certain metropolitan rapid transit authorities.

**CSHB 2734** (by Gattis), A bill to be entitled An Act relating to the creation of the Williamson-Liberty Hill Municipal Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**CSHB 2749** (by Veasey), A bill to be entitled An Act relating to the award of a contract by an airport authority created by certain municipalities.

**CSHB 2751** (by McClendon), A bill to be entitled An Act relating to the administration of a retirement health care plan for firefighters and police officers in certain municipalities.

**CSHB 2752** (by McClendon), A bill to be entitled An Act relating to the pension retirement system in certain municipalities for firefighters and police.

**HB 2759** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Wednesday, May 9.

**HB 2760** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Wednesday, May 9.

**HB 2761** (by Eiland), A bill to be entitled An Act relating to requirements governing suitability in certain annuity transactions with consumers.

**HB 2762** (by Eiland), A bill to be entitled An Act relating to adoption of requirements regarding the replacement of existing life insurance policies and certain annuities; imposing penalties.

**HB 2765** (by Eiland), A bill to be entitled An Act relating to certain variable insurance contracts.

**HB 2779** was withdrawn.

**CSSB 913** (McClendon - House Sponsor), in lieu of **HB 2845**, A bill to be entitled An Act relating to the continuation and functions of the Texas State Library and Archives Commission.

Representative McClendon moved to lay **HB 2845** on the table subject to call.

The motion prevailed.

**HB 2907** (by Gattis), A bill to be entitled An Act relating to the penalty for operation of a motor vehicle in violation of financial responsibility requirements. (T. King recorded voting no.)

**HB 2912** (by Aycock), A bill to be entitled An Act relating to requiring an election authority to provide notice to certain county chairs regarding certain election activities.

#### **HB 2912 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE D. HOWARD: Thank you, Representative Aycock. For legislative intent, is there any intent in your bill to include county chairs in staff meetings?

REPRESENTATIVE AYCOCK: No, there's no intent to include them in staff meetings. The sole intent of **HB 2912** is to require that notice be given to county chairs to the election board meeting at upcoming meetings in which the election is to be planned. There is no need to include them in staff meetings or other internal meetings.

#### **REMARKS ORDERED PRINTED**

Representative D. Howard moved to print remarks between Representative Aycock and Representative D. Howard.

The motion prevailed.

**HB 2917** (by Macias), A bill to be entitled An Act relating to limitations on the compensation of county auditors for certain counties.

**CSHB 2918** (by Isett), A bill to be entitled An Act relating to state information technology contracting and procurement practices.

**CSHB 2944** (by Murphy), A bill to be entitled An Act relating to permits for erecting certain outdoor signs or advertising.

**CSHB 2991** (by Murphy), A bill to be entitled An Act relating to the control of access to highways within certain counties.

**SB 1932** (Puente - House Sponsor), in lieu of **HB 3018**, A bill to be entitled An Act relating to the assessment of charges by certain local governments to fund a stormwater permitting program under federal law.

Representative Puente moved to lay **HB 3018** on the table subject to call.

The motion prevailed.

**CSHB 3038** (by Rose), A bill to be entitled An Act relating to the appointment of a taxpayer liaison officer for certain appraisal districts.

**CSHB 3070** (by Strama, Leibowitz, Anchia, Rodriguez, and Berman), A bill to be entitled An Act relating to a study of methods for increasing the availability of certain information on energy efficiency of certain residential property. (Harper-Brown and Phillips recorded voting no.)

**HB 3092** (by Hilderbran, Bonnen, Eissler, and Darby), A bill to be entitled An Act relating to considering for school district accountability purposes the performance of students confined by court order in a residential program or facility.

**CSHB 3125** (by Macias), A bill to be entitled An Act relating to the issuance of bonds or other obligations by library districts.

**SB 959** (Quintanilla - House Sponsor), in lieu of **HB 3208**, A bill to be entitled An Act relating to including the international symbol of access on certain specialty license plates.

Representative Quintanilla moved to lay **HB 3208** on the table subject to call.

The motion prevailed.

**HB 3215** (by Branch), A bill to be entitled An Act relating to the eligibility of private or independent institutions of higher education to participate in the advanced research program administered by the Texas Higher Education Coordinating Board.

**HB 3270** (by Eiland, Taylor, Bonnen, and O'Day), A bill to be entitled An Act relating to authorizing the issuance of anticipation notes or other obligations by issuers located along the Gulf Coast in the event of an emergency.

**CSHB 3271** (by Eiland), A bill to be entitled An Act relating to the biennial hearing concerning title insurance and related information.



**HB 3291** (by Otto), A bill to be entitled An Act relating to a prohibition against the governing board of a public institution of higher education entering into certain contracts relating to permanent improvements at the institution.

**CSHB 3293** (by Strama), A bill to be entitled An Act relating to the performance of certain civil duties by officers in this state.

**CSHB 3353** (by Haggerty), A bill to be entitled An Act relating to the repeal of the authority of certain water supply or sewer service corporations to dissolve and transfer assets and liabilities to a municipality.

**CSHB 3355** (by Haggerty, Quintanilla, Chavez, and Pickett), A bill to be entitled An Act relating to the board of trustees, benefits, and contributions of certain fire and police pension funds.

**SB 1287** (Thompson - House Sponsor), in lieu of **HB 3373**, A bill to be entitled An Act relating to providing certain notices to be posted on the premises of alcoholic beverage retailers. (Harper-Brown and Phillips recorded voting no.)

Representative Thompson moved to lay **HB 3373** on the table subject to call.

The motion prevailed.

**CSHB 3444** (by D. Howard), A bill to be entitled An Act relating to the eligibility of emergency services districts to apply for or receive grants.

**CSHB 3457** (by Hochberg), A bill to be entitled An Act relating to idling the diesel engine of a school bus while the bus is parked at a public school or school event.

**HB 3473** (by Delisi), A bill to be entitled An Act relating to consent for medical treatment.

**CSHB 3475** (by Gallego), A bill to be entitled An Act relating to the authority of certain counties to acquire, construct, or operate a water supply system or sewage system and own or operate a utility.

**HB 3537** (by Garcia), A bill to be entitled An Act relating to the adoption of a child by a person serving in the military.

#### **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).

**CSHB 3552** (by Orr), A bill to be entitled An Act relating to the issuance of private activity bonds.

**CSHB 3554** (by Isett), A bill to be entitled An Act relating to the program for the regulation and remediation of underground and aboveground storage tanks.

**HB 3593** (by Raymond), A bill to be entitled An Act relating to the time by which certain persons found to have engaged in family violence must complete court-ordered counseling.

**HB 3594** (by Raymond), A bill to be entitled An Act relating to motor vehicle inspection facilities near the border of this state and Mexico.

**Amendment No. 1**

Representative Raymond offered the following amendment to **HB 3594**:

Amend **HB 3594** on page 2 by striking lines 7-14 and substituting the following:

facility under Subsection (b), the municipality shall:

(1) obtain and pay for an independent study completed by a university that conducts transportation studies or any other entity that conducts transportation studies to identify commercial truck traffic patterns for the location at which the facility is to be located to ensure that the location has adequate capacity to conduct a sufficient number of meaningful vehicle safety inspections in compliance with 49 U.S.C. Section 13902; and

(2) choose a location that does not impair the receipt of federal or state funds for implementation of this section.

Amendment No. 1 was adopted.

**HB 3613** (by Latham), A bill to be entitled An Act relating to identification cards issued to peace officers, reserve law enforcement officers, and honorably retired peace officers by a law enforcement agency or other governmental entity.

**HB 3619** (by Raymond and Guillen), A bill to be entitled An Act relating to the authority of a political subdivision other than a county to change the date of its general election.

**CSHB 3699** (by McCall), A bill to be entitled An Act relating to the management of public school land and the investment of the permanent school fund.

**CSHB 3723** (by Elkins), A bill to be entitled An Act relating to the voting rights of residents in an area annexed for limited purposes under a strategic partnership agreement.

**CSHB 3746** (by McClendon), A bill to be entitled An Act relating to state aid for certain juvenile justice alternative education programs that enter into certain revenue sharing agreements.

**CSHB 3776** (by Puente), A bill to be entitled An Act relating to the authority of the Texas Water Development Board to approve the regional water plan for Region L and include the plan in the state water plan.

**CSHB 3818** (by Merritt), A bill to be entitled An Act relating to the creation and operation of the Texas-Louisiana border region economic development steering committee.

**CSHB 3832** (by Farias), A bill to be entitled An Act relating to video equipment on a motor vehicle.

**HB 3876** (by Menendez and F. Brown), A bill to be entitled An Act relating to access to the dental records of a dental clinic or organization; providing penalties.

**CSHB 3877** (by Menendez, Callegari, and Pickett), A bill to be entitled An Act relating to the sale of certain residential real property on large tracts of land; providing penalties.

**HB 3888** (by Gattis), A bill to be entitled An Act relating to the penalty for driving with an invalid license.

**CSHB 3929** (by Crownover), A bill to be entitled An Act relating to the funding of the Alternative Fuels Research and Education Division of the Railroad Commission of Texas.

**HB 3985** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**HB 4008** (by Chavez), A bill to be entitled An Act relating to the creation of additional county criminal courts at law in El Paso County.

**CSHB 4031** (by Bonnen), A bill to be entitled An Act relating to the creation of the Brazoria County Municipal Utility District No. 62; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**CSHB 4035** (by Swinford), A bill to be entitled An Act relating to the authority of the board of directors of the Moore County Hospital District to employ health care providers.

**HB 4036** (by Bonnen), A bill to be entitled An Act relating to the powers and duties of the Sweeny Hospital District.

**HB 4040** (by Anderson), A bill to be entitled An Act relating to the composition of the McLennan County Juvenile Board.

**HB 4067** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 4074** (by Eissler), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 102; providing authority to impose taxes and issue bonds.

**HB 4082** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**CSHB 4091** (by Coleman and Cohen), A bill to be entitled An Act relating to the boundaries and board of directors of Harris County Improvement District No. 6.

**HCR 49** (by R. Cook), Designating Lee County as the official Festival Capital of Texas.

**CSHCR 81** (by Hernandez), Designating Podunk, Texas, as the official Mythical Town of Texas.

**HCR 102** (by Gallego), Designating silver as the official precious metal of Texas.

**HCR 186** (by Crownover), Designating Lake Lewisville as the official Urban Bass Fishing Capital of Texas.

**SB 66** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**SB 189** (P. King - House Sponsor), A bill to be entitled An Act relating to the amount of sick leave for police officers employed by certain municipalities.

**SB 267** (Heflin - House Sponsor), A bill to be entitled An Act relating to the grounds and procedures for removal of a member of the board of directors of the Lynn County Hospital District.

**SB 291** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**SB 336** (Veasey - House Sponsor), A bill to be entitled An Act relating to the notice required for the lease of real property by certain counties when responding to particular emergency circumstances.

**SB 389** (McCall - House Sponsor), A bill to be entitled An Act relating to the capacity of the permanent school fund bond guarantee program.

**SB 399** (Truitt - House Sponsor), A bill to be entitled An Act relating to postponement of jury service in certain counties.

**SB 457** (Menendez - House Sponsor), A bill to be entitled An Act relating to the eligibility for education benefits of surviving minor children of certain public employees killed in the line of duty.

#### **SB 457 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE MACIAS: Jose, thank you so much. We had talked about the idea that this was about benefits for surviving minor children.

REPRESENTATIVE MENENDEZ: Exactly.

MACIAS: The point of this is, for legislative intent, I want this to include unborn children under that umbrella.

MENENDEZ: Let me explain to the membership because there was a real life issue where we had the child of a fallen hero, killed in the line of duty, who did not receive the benefits just because the parents were divorced. And you had a great question and said, "What if the mother is pregnant, will that child receive the benefits?" And we have checked with ERS and they've given us their word that yes, if the mother can provide us with the documentation that she was pregnant while the spouse was killed in the line of duty that those benefits would go onto the surviving child.

#### **REMARKS ORDERED PRINTED**

Representative Macias moved to print remarks between Representative Menendez and Representative Macias.

The motion prevailed.

**SB 458** (Giddings - House Sponsor), A bill to be entitled An Act relating to workers' compensation medical benefits for certain prosthetic or orthotic devices.

**SB 470** (Keffer - House Sponsor), A bill to be entitled An Act relating to the submission of uniform financial reports.

**SB 493** (Chisum - House Sponsor), A bill to be entitled An Act relating to the creation of a joint elections administrator; providing penalties.

**SB 496** (Alonzo, Straus, and Hartnett - House Sponsors), A bill to be entitled An Act relating to the use of the judicial and court personnel training fund.

**SB 497** (McReynolds - House Sponsor), A bill to be entitled An Act relating to the application of the professional prosecutors law to the state prosecuting attorney.

**CSSB 573** (Hilderbran - House Sponsor), A bill to be entitled An Act relating to an interim study concerning the breeding of white-tailed and mule deer in this state.

**SB 611** (Martinez - House Sponsor), A bill to be entitled An Act relating to reporting certain information regarding residential property and personal automobile insurance and public Internet access to that information.

**HB 53** (by Chavez), A bill to be entitled An Act relating to the designation of the Cesar Chavez Border Highway.

**HB 1318** (by Dukes), A bill to be entitled An Act relating to retirement systems for police officers in certain municipalities.

**HB 1407** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**HB 1500** (by Frost), A bill to be entitled An Act relating to the composition of the Cass County Juvenile Board.

**HB 1563** (by Bolton), A bill to be entitled An Act relating to the issuance of high school diplomas to certain crime victims.

**HB 4067** (by T. King), A bill to be entitled An Act relating to the boundaries of the Zavala-Dimmit Counties Water Improvement District No. 1.

### **HB 2349 - VOTE RECONSIDERED**

Representative Burnam moved to reconsider the vote by which **HB 2349** was passed to engrossment.

The motion to reconsider prevailed.

**HB 2349** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

### **LOCAL, CONSENT, AND RESOLUTIONS CALENDAR BILLS ADDED**

On motion of Representative Turner and by unanimous consent, the bills postponed on today's local, consent, and resolutions calendar until tomorrow and Friday will be placed at the beginning of those respective local, consent, and resolutions calendars.

### RULES SUSPENDED

Representative Krusee moved to suspend all necessary rules to allow the Committee on Transportation to consider legislation in committee during lunch recess today at Desk 46.

The motion prevailed.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Transportation, upon lunch recess today, Desk 46, for a formal meeting, to consider legislation in committee.

Law Enforcement, upon first adjournment today, Desk 56, for a formal meeting, to consider **SB 328**, **SB 955**, **SB 1723**, **SB 1970**, and **SB 1709**.

Natural Resources, upon first adjournment today, Desk 112, for a formal meeting, to consider **HB 4068** and pending business.

### ADJOURNMENT

Representative Laubenberg moved that the house adjourn until 11 a.m. today in memory of U.S. Army Lieutenant Gwilyn Newman of Rockwall.

The motion prevailed.

The house accordingly, at 10:49 a.m., adjourned until 11 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  
Tuesday, May 8, 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:

### LOCAL AND UNCONTESTED CALENDAR

**HB 34**

Solomons

SPONSOR: Brimer

Relating to the prohibition of certain payments or other inducements regarding a workers' compensation claim; providing an administrative violation.  
(Committee Substitute)

**HB 233** Ritter SPONSOR: Estes  
Relating to a waiver or reduction of concealed handgun license fees for certain members and veterans of the military.

**HB 398** Cook, Byron SPONSOR: Nichols  
Relating to designating a county official to file certain financial information with the county commissioners court.

**HB 402** Hill SPONSOR: Hegar  
Relating to a prohibition on ex parte communications between a member of the board of directors and the chief appraiser of an appraisal district; providing a penalty.  
(Committee Substitute)

**HB 632** King, Phil SPONSOR: Estes  
Relating to the appointment of bailiffs for the 415th District Court.

**HB 862** Aycok SPONSOR: Fraser  
Relating to the appointment of a temporary county chair.

**HB 1071** Aycok SPONSOR: Fraser  
Relating to the duties of a county chair on a change of leadership.

**HB 1260** Martinez, "Mando" SPONSOR: Hinojosa  
Relating to exempting certain military personnel from certain state and local governmental fees.  
(Committee Substitute)

**HB 1416** Corte, Frank SPONSOR: Van de Putte  
Relating to the authority of the Veterans' Land Board to sell certain loans issued by the Veterans' Land Board.

**HB 1622** Delisi SPONSOR: Averitt  
Relating to the reporting of certain grievances by school district employees.

**HB 1780** Harless SPONSOR: West, Royce  
Relating to the audit of a county jail's commissary operations.

**HB 1852** Corte, Frank SPONSOR: Van de Putte  
Relating to the authority of a county to regulate the installation and use of lighting in certain areas.  
(Committee Substitute)

**HB 1853** Corte, Frank SPONSOR: Van de Putte  
Relating to exempting certain state agencies from certain laws relating to real property transactions.

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

**HB 2130** Noriega, Rick SPONSOR: Harris

Relating to hunting and fishing license fee exemptions for certain members of the armed forces.

**HB 2839** King, Susan SPONSOR: Fraser  
Relating to the deadline for filing a personal financial statement by persons appointed to certain state offices.

**SB 662** Wentworth  
Relating to transmittal to the Texas Water Development Board and a local groundwater conservation district of certain information by a person applying to subdivide a tract of land.

**SB 1138** Duncan  
Relating to risk management programs for members and advisors of student organizations at public and private postsecondary educational institutions and to certain insurance requirements for fraternities.

**SB 1173** Seliger  
Relating to the tax credit for enhanced efficiency equipment installed on certain wells.

**SB 1183** Watson  
Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.

**SB 1243** Duncan  
Relating to the number of persons who may be appointed to the classification immediately below department head in a police department covered by municipal civil service.

**SB 1288** Van de Putte  
Relating to requiring certain defendants in common nuisance suits to provide telephone access to and information regarding an information and referral hotline for victims of human trafficking.

**SB 1296** Wentworth  
Relating to the exemption from ad valorem taxation of the property of organizations engaged primarily in performing charitable functions.

**SB 1299** Wentworth  
Relating to access to certain archaic information excepted from required disclosure under the public information law.

**SB 1414** Hinojosa  
Relating to the application of the professional prosecutors law to the district attorney for the 143rd Judicial District.

**SB 1588** Shapleigh  
Relating to compliance by political subdivisions with the requirements and criteria of the National Flood Insurance Program.

**SB 1589** Shapleigh  
Relating to municipal and county authority to enforce a solid waste collection and transportation services franchise; providing a penalty.

**SB 1616** Averitt



Relating to restitution and other assistance provided to victims of crime and to related claimants.

**SB 1649** Janek  
Relating to temporary change of ownership licenses for nursing home facilities.

**SB 1777** Wentworth  
Relating to the pension retirement system in certain municipalities for firefighters and police.

**SB 1778** Wentworth  
Relating to the administration of a retirement health care plan for firefighters and police officers in certain municipalities.

**SB 1854** Gallegos  
Relating to the exception of an audit working paper of a school district from required disclosure under the public information law.

**SB 1884** Williams  
Relating to liability for and calculation of underpayment penalties under certain provisions regarding prompt payment of physicians and providers under certain managed care plans.

**SB 1889** Hinojosa  
Relating to the use of sales tax revenue to pay or secure certain municipal public securities.

**SB 1950** Duncan  
Relating to the name, governing body, and boundaries of the Tri-County Groundwater Conservation District.

**SB 1957** Estes  
Relating to the qualifications and method of electing directors of the Mustang Special Utility District.

**SB 1960** Hegar  
Relating to the creation of the Lamar Improvement District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**SB 1976** Averitt  
Relating to the composition of the McLennan County Juvenile Board.

**SB 1982** Wentworth  
Relating to the creation of the York Valley Municipal Utility District; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

**SB 1990** Hegar  
Relating to the creation of the Calhoun County Municipal Utility District No. 1; granting the power of eminent domain.

**SB 2008** Wentworth  
Relating to the creation of the Comal County Special Improvement District No. 1; providing authority to impose a tax and issue bonds.

**SB 2025** Averitt  
Relating to the appointment of magistrates in McLennan County.

**SB 2026**

Wentworth

Relating to the creation of the True Ranch Municipal Utility District No. 1; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

Respectfully,

Patsy Spaw

Secretary of the Senate