

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-THIRD DAY (CONTINUED) — FRIDAY, MAY 11, 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 1254).

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; 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; 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 — Lucio; Moreno.

Absent — Raymond.

The invocation was offered by Damon Bickham, pastor, First Baptist Church, Deweyville.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative W. Smith who presented Dr. Chris Casso and Dr. P. J. Mock of La Port as the "Doctors for the Day."

The house welcomed Drs. Casso and Mock and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(McClendon in the chair)

**LEAVE OF ABSENCE GRANTED**

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

Lucio on motion of Gonzales.

**CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HCR 207** (by Hilderbran), Honoring retired United States Air Force Lieutenant Colonel Richard Cole, the last surviving member of General Jimmy Doolittle's crew.

**HCR 208** (by Aycock), Congratulating the City of Killeen on being named the Association of Defense Communities 2006 Active Base Community of the Year.

**HCR 214** (by Homer), Honoring radio station KSST in Sulphur Springs on its 60th anniversary.

**HCR 216** (by Homer), Honoring nine-year-old Katie Chaix of Paris, Texas, for saving her little sister's life.

**HCR 217** (by Homer), Honoring the building firm of Harrison, Walker & Harper for its award-winning restoration and construction projects in Texas.

**HCR 219** (by Coleman), Recognizing April 24-29, 2007, as Cover the Uninsured Week 2007 at the State Capitol.

**HR 1471** (by Alonzo), Commemorating the Dallas Mega March for American Values and Justice that took place on April 9, 2006, in support of immigration reform.

**HR 1581** (by T. Smith), Honoring Heather Meyer for her service on the student council for Treetops Intermediate School in Euless.

**HR 1582** (by T. Smith), Honoring Emerald Arista for her service on the student council for Treetops Intermediate School in Euless.

**HR 1583** (by T. Smith), Honoring Jonathan Kleehammer for his service on the student council for Treetops Intermediate School in Euless.

**HR 1586** (by T. Smith), Honoring Angelina McGough for her service on the student council for Treetops Intermediate School in Euless.

**HR 1587** (by T. Smith), Honoring Riley Ornelas for her service on the student council for Treetops Intermediate School in Euless.

**HR 1588** (by T. Smith), Honoring Marcel Carroll for his service on the student council for Treetops Intermediate School in Euless.

**HR 1589** (by T. Smith), Honoring Ryan Meyer for serving as a mentor to the student council members of Treetops Intermediate School in Euless.

**HR 1590** (by T. Smith), Honoring Cristie Kibler for serving as a mentor to the student council members of Treetops Intermediate School in Euless.

**HR 1591** (by T. Smith), Honoring Niccola Quiambao for her service on the student council for Treetops Intermediate School in Euless.

**HR 1592** (by T. Smith), Honoring Hunter Smith for his service on the student council for Treetops Intermediate School in Euless.

**HR 1593** (by T. Smith), Honoring Mikey Feliberti for his service on the student council for Treetops Intermediate School in Euless.

**HR 1594** (by T. Smith), Honoring Tiffiani Neuville for her service on the student council for Treetops Intermediate School in Euless.

**HR 1595** (by T. Smith), Honoring Houston Elliott for his service on the student council for Treetops Intermediate School in Euless.

**HR 1605** (by West), Honoring the Texas Jewish Historical Society on the occasion of its 2007 Annual Gathering in Odessa.

**HR 1606** (by C. Howard), Congratulating Sugar Land Regional Airport for being named the 2007 Reliever Airport of the Year.

**HR 1609** (by Latham), Congratulating Homer Phillips on his retirement from the Mesquite Fire Department.

**HR 1610** (by Hilderbran), Congratulating Macy Smith Janner of Llano on her 101st birthday.

**HR 1613** (by McReynolds), Congratulating Chief Warrant Officer Luis A. Perez on his retirement from the U.S. Navy.

**HR 1614** (by Martinez Fischer), Congratulating USAA on its selection as the nation's top customer service company by Business Week.

**HR 1617** (by Flynn), Honoring the Dallas District of the Church of the Nazarene on its 100th anniversary.

**HR 1618** (by Flynn), Congratulating Monte and Maggie Clinton of Quinlan on their 25th wedding anniversary.

**HR 1620** (by Aycock), Honoring Camp Longhorn summer camp.

**HR 1621** (by Castro), Commending Fernando Andrade, Jr., and his community mural program for the west side of San Antonio.

**HR 1622** (by Escobar), Congratulating Edward R. Tamayo of Harlingen on his retirement from an exceptional career in the banking industry that spanned more than 40 years.

**HR 1623** (by Allen), Congratulating Dr. Polly Turner on the occasion of her retirement from Texas Southern University.

**HR 1624** (by Creighton), Recognizing the Montgomery County Hospital District and its dedicated emergency medical personnel on the occasion of National Emergency Medical Services Week, May 20-26, 2007.

**HR 1626** (by Frost), Recognizing the Annual Pit Rasser BBQ Classic in Naples.

**HR 1631** (by Dutton), Honoring the Association of Black Psychologists on the occasion of its 39th Annual International Convention in Houston on August 1-5, 2007.

**HR 1632** (by Kolkhorst), Congratulating Ward Tomlinson of Brenham on winning Best of Fair at the 2007 Texas State Science and Engineering Fair.

**HR 1634** (by Bonnen), Congratulating Cindy Hall on being named the Boys & Girls Club Youth of the Year for Brazoria County.

**HR 1652** (by Jones), Commending Charles Britton of Lubbock for his service to the Texas Nursery and Landscape Association.

**HR 1655** (by Delisi), Expressing support for the American Heart Association's Start! Walking at Work Day, April 25, 2007.

**HR 1657** (by Goolsby), Commemorating the 75th anniversary of the founding of Credit Union of Texas.

**HR 1658** (by Strama), Recognizing the 25th anniversary of Medicare hospice benefits and commending hospice professionals throughout the state.

**HR 1659** (by Heflin), Honoring the city of Rotan on its centennial.

**HR 1665** (by Dutton), Honoring the annual bazaar at Our Lady Star of the Sea Church in Houston.

**HR 1668** (by Martinez), Honoring South Texas College for its contributions in the community.

**HR 1670** (by Creighton), Congratulating Nick and Ruth Peet of Conroe on their 65th wedding anniversary.

**HR 1679** (by Heflin), Honoring the centennial of Post and Garza County on June 1, 2007.

**HR 1680** (by Flynn), Honoring Dr. William H. Stewart on his retirement as superintendent of Wills Point Independent School District.

**HR 1682** (by Noriega), Honoring Dominion Exploration & Production for its volunteer work at the Sims Bayou Urban Nature Center in Houston.

**HR 1684** (by Peña), Commemorating the opening of the Dustin Michael Sekula Memorial Library in Edinburg.

**HR 1685** was previously adopted.

**HR 1689** (by Isett), Recognizing April 26, 2007, as Get Up, Get Out, Get Involved! Day.

**HR 1692** (by J. Davis), Congratulating Allison Jo Dickson on her graduation from Baylor University School of Law.

**HR 1693** (by Heflin), Honoring Plainview on the centennial of its founding.

**HR 1694** (by Gonzales), Honoring Bob Boggus on his receipt of the 2007 Time Magazine Quality Dealer Award and the 2007 Northwood University Dealer Education Award.

**HR 1695** (by Parker), Honoring Flower Mound Detective Eric LeFlore on being named the 2006 Team Member of the Year by the Children's Advocacy Center for Denton County.

**HR 1696** (by Parker), Congratulating Monica Giles for earning an honorable mention in the 2007 Arbor Day Poster Contest.

**HR 1698** (by Dutton), Congratulating Linda Davis of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

**HR 1699** (by Dutton), Congratulating Stefanie Giles of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

**HR 1700** (by Dutton), Congratulating Tabitha Madrid of the Archdiocese of Galveston-Houston on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

**HR 1701** (by Riddle), Honoring Melissa English on being named the Buda Elementary School Teacher of the Year for 2007.

**HR 1702** (by Anderson), Congratulating Garner Millard of Waco on achieving the rank of Eagle Scout.

**HR 1703** (by Anderson), Congratulating Jonathan "Yoni" Kamenetsky of Waco on achieving the rank of Eagle Scout.

**HR 1704** (by Anderson), Congratulating Wayne and Juanda Safley of Woodway on their 50th wedding anniversary.

**HR 1705** (by Anderson), Congratulating Mason and Erma Yarbrough of Waco on their 50th wedding anniversary.

**HR 1706** (by Anderson), Congratulating Roy and Jean Holt of Sunnyvale on their 50th wedding anniversary.

**HR 1708** (by Hilderbran), Congratulating Marcus E. Hill of Fort Worth on being named board chair for the Agricultural Workers Mutual Auto Insurance Company.

**HR 1709** (by Bolton), Congratulating Diane Cornwell of Bowie High School in Austin on her receipt of a UIL Sponsor Excellence Award.

**HR 1710** (by Bolton), Honoring Mary Alice Deike of Akins High School in Austin on her selection as a finalist in the Lifetime Achievement category of the 2007 H-E-B Excellence in Education Awards.

**HR 1711** (by Bolton), Honoring Debra Hurst of Austin on being named a finalist in the Lifetime Achievement category of the 2007 H-E-B Excellence in Education Awards.

**HR 1712** (by Bolton), Recognizing Benjamin McKenzie of Austin on his accomplishments in the entertainment industry.

**HR 1713** (by Macias), Honoring Russell "Mac" McDonald of New Braunfels for his military service and his contributions to his community.

**HR 1715** (by Craddick), Congratulating Leon and Elva Thompson of Midland on their 60th wedding anniversary.

**HR 1716** (by Craddick), Honoring the students of Lamar Elementary School in Midland who participated in the "Cents in a Sock" campaign in 2006.

**HR 1719** (by Anderson), Congratulating Gary and Ruth Clark of Woodway on their 50th wedding anniversary.

**HR 1720** (by Anderson), Congratulating Don and Jo Guest of Waco on their 50th wedding anniversary.

**HR 1721** (by Anderson), Congratulating Frankie and Glenda Moore on their 50th wedding anniversary.

**HR 1722** (by Anderson), Congratulating Roger and Barbara Jones of Hewitt on their 50th wedding anniversary.

**HR 1723** (by Anderson), Congratulating James and Peggy Rappe Young of Waco on their 50th wedding anniversary.

**HR 1724** (by Anderson), Congratulating Gottfried "Jeff" and Carol Kolb of Waco on their 50th wedding anniversary.

**HR 1725** (by Anderson), Congratulating Kenneth and Wanda Glaze on their 50th wedding anniversary.

**HR 1726** (by Anderson), Congratulating Juan and Sonia Banda of Waco on their 50th wedding anniversary.

**HR 1727** (by Dutton), Congratulating April Molnar of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

**HR 1728** (by Dutton), Congratulating Rian Keegan of Northeast Christian Academy in Kingwood on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

**HR 1729** (by Dutton), Congratulating Theresa Nevins of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

**HR 1730** (by Dutton), Congratulating Celia Maria Jenkins of the Archdiocese of Galveston-Houston on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

**HR 1731** (by Dutton), Congratulating Peggy Mensik of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

**HR 1732** (by Dutton), Congratulating Antonia "Peggy" Mangano of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

**HR 1733** (by Dutton), Congratulating Debbie Shaddix of New Caney ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

**HR 1734** (by Dutton), Congratulating Courtney Ruff of Humble ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

**HR 1735** (by Dutton), Congratulating Cheryl Rucka of Crosby ISD on being named an honoree of the Lake Houston Science Collaborative for Excellence in Science Teaching.

**SCR 61** (Jones, Heflin, and Isett - House Sponsors), Commending South Plains College for its 50 years of progress.

**SCR 63** (Aycock - House Sponsor), Congratulating the Brady High School Family, Career, and Community Leaders of America Parliamentary Procedure team for earning a gold medal ranking.

**SCR 67** (Aycock - House Sponsor), Declaring the City of Lampasas the "Saratoga of the South."

The resolutions were adopted.

(Raymond now present)

The following memorial resolutions were laid before the house:

**HCR 209** (by Homer), In memory of Gracie Ray Anne Williams of Bogata.

**HCR 215** (by Homer), In memory of Mary Celeste Morrison Fasken Marcum of Midland.

**HCR 218** (by Homer), In memory of James William "Billy" Daniel of Mount Pleasant.

**HR 1494** (by Hilderbran), In memory of Joe William Hahn of Kerrville.

**HR 1608** (by Naishtat), In memory of Susan C. Cranford of Austin.

**HR 1611** (by Hilderbran), In memory of Jack Clarke, Jr., of West Kerr County.

**HR 1612** (by McReynolds), In memory of Jerry Mareland Johnson of Zavalla.

**HR 1619** was withdrawn.

**HR 1661** (by R. Cook), In memory of Sheriff Joe G. Goodson of Lee County.

**HR 1662** (by McReynolds), In memory of Kenzy D. Hallmark, Sr., of Lufkin.

**HR 1663** (by McReynolds), In memory of Dr. Bill Shelton of Lufkin.

**HR 1672** (by Quintanilla), In memory of Clint native Juana Perez Avelar.

**HR 1677** (by Callegari), In memory of Michelle Lynette Schulle of San Marcos.

**HR 1678** (by McReynolds and Eiland), In memory of Reich O'Hara Chandler of Lufkin.

**HR 1686** (by Eiland), In memory of Henry Peter Porretto, Jr., of Galveston.

**HR 1687** (by Eiland), In memory of William Edmund Cross of Bonham.

**HR 1688** (by Eiland), In memory of Mary L. Crowder of Texas City.

**HR 1714** (by Macias), In memory of James Howard Dunks of New Braunfels.

The resolutions were unanimously adopted by a rising vote.

**HR 1619 - ADOPTED**  
**(by Callegari)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 1619**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1619**, In memory of U.S. Marine Sergeant James Rodney Tijerina of Katy.

**HR 1619** was read and was unanimously adopted by a rising vote.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 1619** as signers thereof.

(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):

**SB 404** (Gonzalez Toureilles - House Sponsor), in lieu of **HB 1020**, A bill to be entitled An Act relating to the Bee Groundwater Conservation District.

Representative Gonzalez Toureilles moved to lay **HB 1020** on the table subject to call.

The motion prevailed.

**CSSB 680** (Murphy - House Sponsor), in lieu of **HB 1407**, A bill to be entitled An Act relating to certain swimming pools as public nuisances in the unincorporated areas of counties.



Representative Murphy moved to lay **HB 1407** on the table subject to call.

The motion prevailed.

**HB 2315** was deferred until the end of today's local, consent, and resolutions calendar.

**SB 1360** (Thompson - House Sponsor), in lieu of **HB 2349**, A bill to be entitled An Act relating to the procedural requirements for a political subdivision to adopt airport zoning regulations.

Representative Y. Davis moved to lay **HB 2349** on the table subject to call.

The motion prevailed.

**SB 1950** (Hardcastle - House Sponsor), in lieu of **HB 3985**, A bill to be entitled An Act relating to the name, governing body, and boundaries of the Tri-County Groundwater Conservation District.

Representative Hardcastle moved to lay **HB 3985** on the table subject to call.

The motion prevailed.

**SB 2018** (Flynn - House Sponsor), in lieu of **HB 4082**, A bill to be entitled An Act relating to the creation of an additional statutory county court in Hunt County.

Representative Eissler moved to lay **HB 4082** on the table subject to call.

The motion prevailed.

**SB 66** (Miller - House Sponsor), A bill to be entitled An Act relating to the construction of cattle guards on county roads.

**Amendment No. 1**

Representative Miller offered the following amendment to **SB 66**:

Amend **SB 66** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 143, Agriculture Code, is amended by adding Section 143.003 to read as follows:

Sec. 143.003. CATTLE ON COUNTY ROAD WITH CATTLE GUARD.  
Cattle on a county road are not considered to be running at large if the county road:

- (1) separates two tracts of land under common ownership or lease; and
- (2) contains a cattle guard constructed as authorized under Section 251.009, Transportation Code, that serves as part of the fencing of the two tracts.

Amendment No. 1 was adopted.

**CSSB 291** (Naishtat - House Sponsor), A bill to be entitled An Act relating to criminal history record information for guardianship proceedings and to lists of certain public guardians; providing a criminal penalty.

**Amendment No. 1**

Representative Hartnett offered the following amendment to **CSSB 291**:

Amend **CSSB 291** (House Committee Report) as follows:

(1) In SECTION 3 of the bill, in Subsection (a), Section 698, Texas Probate Code (page 3, lines 5 through 9), strike amended Subdivision (5) and substitute the following:

(5) any other person proposed to serve as a guardian under this chapter, including a proposed temporary guardian and a proposed successor guardian, other than the ward's or proposed ward's family member or an attorney ~~an employee of the Department of Aging and Disability Services who is or will be providing guardianship services to a ward of the department~~.

(2) In SECTION 3 of the bill, in added Paragraph (2), Subsection (c), Section 698, Texas Probate Code (page 5, line 22), between "guardian" and the period, insert ", other than the ward's or proposed ward's family member or an attorney".

(3) In SECTION 4 of the bill, in added Subdivision (5), Subsection (a), Section 411.1386, Government Code (page 7, line 11), between "guardian" and the period, insert ", other than the ward's or proposed ward's family member or an attorney".

(4) In SECTION 4 of the bill, in added Paragraph (2), Subsection (e), Section 411.1386, Government Code (page 9, line 23), between "guardian" and the underlined period, insert ", other than the ward's or proposed ward's family member or an attorney".

Amendment No. 1 was adopted.

**CSSB 1069** (Olivo - House Sponsor), in lieu of **HB 2531**, A bill to be entitled An Act relating to the creation of the Fort Bend County Municipal Utility District No. 183; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Representative Olivo moved to lay **HB 2531** on the table subject to call.

The motion prevailed.

**HB 3377** (by Thompson, Hughes, Hamilton, Y. Davis, and Callegari), A bill to be entitled An Act 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 1982** (Kuempel - House Sponsor), in lieu of **HB 4055**, A bill to be entitled An Act relating to the creation of the York Valley Municipal Utility District; providing authority to impose taxes and issue bonds.

Representative Kuempel moved to lay **HB 4055** on the table subject to call.

The motion prevailed.

**SB 1978** (Olivo - House Sponsor), in lieu of **HB 4058**, A bill to be entitled An Act relating to the powers and duties of the Fort Bend County Levee Improvement District No. 19; providing authority to impose a tax and issue bonds.

Representative Olivo moved to lay **HB 4058** on the table subject to call.

The motion prevailed.

**CSHB 4069** (by Phillips), A bill to be entitled An Act relating to the creation of the Platinum Ranch Municipal Utility District No. 1 of Grayson County; providing authority to impose taxes and issue bonds; granting the power of eminent domain. (Harper-Brown recorded voting no.)

**Amendment No. 1**

Representatives Puente and Phillips offered the following amendment to **CSHB 4069**:

Amend **CSHB 4069** (House Committee Printing) on page 5, line 6, between "maintain," and "and operate", by inserting "repair,".

Amendment No. 1 was adopted.

**CSHB 4097** (by Phillips), A bill to be entitled An Act relating to the creation of the Gunter Municipal Utility District No. 2; providing authority to impose taxes and issue bonds.

**Amendment No. 1**

Representatives Puente and Phillips offered the following amendment to **CSHB 4097**:

Amend **CSHB 4097** (House committee printing) by striking page 4, line 23, through page 5, line 1, and substituting the following:

(c) If a portion of the territory of the district is excluded from the corporate limits of the City of Gunter, the district shall:

(1) improve, maintain, repair, and operate the roads located in that portion of territory in accordance with the ordinances and rules of the political subdivision possessing jurisdiction over the roads in that portion of territory; and

(2) pay the entire cost of performing the district's duties under Subdivision (1).

Amendment No. 1 was adopted.

**CSHB 4098** (by Phillips), A bill to be entitled An Act relating to the creation of the Gunter Municipal Utility District No. 1; providing authority to impose taxes and issue bonds.

**Amendment No. 1**

Representatives Puente and Phillips offered the following amendment to **CSHB 4098**:

Amend **CSHB 4098** (House committee printing) by striking page 4, line 23, through page 5, line 1, and substituting the following:

(c) If a portion of the territory of the district is excluded from the corporate limits of the City of Gunter, the district shall:

(1) improve, maintain, repair, and operate the roads located in that portion of territory in accordance with the ordinances and rules of the political subdivision possessing jurisdiction over the roads in that portion of territory; and

(2) pay the entire cost of performing the district's duties under Subdivision (1).

Amendment No. 1 was adopted.

**HB 4135** (by Hilderbran), A bill to be entitled An Act relating to preservation of game and fish in McCulloch County. (The vote was reconsidered later today, and **HB 4135**, as amended, was withdrawn and postponed until Friday, June 1.)

**HB 52** (by Chavez, J. Davis, Thompson, Gallego, Hill, et al.), A bill to be entitled An Act relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities. (Harper-Brown recorded voting no.)

**CSHB 470** (by Rodriguez and Dukes), A bill to be entitled An Act relating to the creation, operation, management, and programs of homestead preservation districts. (Harper-Brown recorded voting no.)

**HB 544** (by Strama and Gonzalez Toureilles), A bill to be entitled An Act relating to reduced tuition and fees for certain junior college district students who reside outside of the district. (Harper-Brown recorded voting no.)

**CSHB 573** (by Gonzales, Oliveira, Guillen, Chavez, Raymond, et al.), A bill to be entitled An Act relating to providing street lights in a subdivision in the unincorporated area of certain counties.

**HB 586** (by Gonzalez Toureilles), A bill to be entitled An Act relating to eligibility for dismissal of certain speeding charges on completion of a driving safety course.

**CSHB 615** (by Quintanilla), A bill to be entitled An Act relating to county reports on the use of the optional fee for the county road and bridge fund.

**CSHB 866** (by Y. Davis), A bill to be entitled An Act relating to local control of firefighter and police officer employment matters in certain municipalities.

**CSHB 1431** (by Alonzo, Escobar), A bill to be entitled An Act relating to the establishment of the Sustainable Water Supply Research Center at The University of Texas at Arlington.

**HB 1637** (by Menendez and Murphy), A bill to be entitled An Act relating to the operation and administration of the Texas First-Time Homebuyer Program by the Texas Department of Housing and Community Affairs and to certain down payment assistance under that program. (Harper-Brown recorded voting no.)

**Amendment No. 1**

On behalf of Representative Menendez, Representative Murphy offered the following amendment to **HB 1637**:

Amend **HB 1637** (House Committee Printing) in SECTION 1 of the bill, in added Section 2306.1071, Government Code, by striking Subdivision (1) and substituting the following:

(1) "First-time homebuyer" means a person who:

(A) resides in this state on the date on which an application is filed;

and

(B) has not owned a home during the three years preceding the date on which an application under this subchapter is filed.

Amendment No. 1 was adopted.

**Amendment No. 2 (Committee Amendment No. 1)**

On behalf of Representative Cohen, Representative Murphy offered the following committee amendment to **HB 1637**:

Amend **HB 1637** as follows:

On Page 1, line 11, strike the colon at the end of the line.

On Page 1, strike lines 12 and 13.

On Page 1, line 14, strike "(B)."

On Page 1, strike line 24.

On Page 2, strike lines 1-3.

On Page 3, line 2, strike "115" and substitute "140."

On Page 3, lines 3 and 4, strike ", adjusted for family size, as permitted by Section 143, Internal Revenue Code of 1986;"

On Page 3, lines 13 and 14, strike ", adjusted for family size, as permitted by Section 143, Internal Revenue Code of 1986, if the homebuyer is purchasing a property that is not located in a targeted area;"

On Page 4, strike lines 8-9.

Amendment No. 2 was adopted.

**CSHB 1673** (by Swinford), A bill to be entitled An Act relating to the fuel ethanol and biodiesel incentive program of the Department of Agriculture.

**HB 1687** (by Farias), A bill to be entitled An Act relating to the information that must be included on the face of an appeal bond.

**HB 1749** (by Morrison), A bill to be entitled An Act relating to the authority of political subdivisions to negotiate contracts for electricity.

**HB 1803** was withdrawn.

**HB 1997** was withdrawn.

**CSHB 2501** (by Gonzalez Toureilles), A bill to be entitled An Act relating to certain suits affecting the parent-child relationship referred to an associate judge.

**CSHB 2608** (by Hughes), A bill to be entitled An Act relating to funding for applied research for a clean coal project or certain other projects for the generation of electricity from coal.

**HB 2662** (by T. King), A bill to be entitled An Act relating to a review by the commissioner of education of the accountability ratings of certain school districts and open-enrollment charter schools under certain circumstances.

**CSHB 2740** (by Quintanilla), A bill to be entitled An Act relating to the time for preparing an annual budget in certain counties.

**SB 1222** (Goolsby - House Sponsor), in lieu of **HB 3069**, A bill to be entitled An Act relating to the licensing and regulation of residential appliance installers and residential appliance installation contractors. (Harper-Brown recorded voting no.)

### **Amendment No. 1**

Representative Goolsby offered the following amendment to **SB 1222**:

Amend **SB 1222** (house committee report) as follows:

(1) Strike SECTION 1 of the bill (page 1, line 5, through page 2, line 1) and substitute the following:

SECTION 1. Section 1305.002, Occupations Code, is amended by amending Subdivision (12-a) and adding Subdivisions (12-b), (12-c), (12-d), and (12-e) to read as follows:

(12-a) "Residential appliance" means equipment that:

(A) is installed as a unit in a single-family or multifamily dwelling that does not exceed four stories;

(B) is directly connected to an electrical circuit; and

(C) performs a specific function ["Person" means an individual].

(12-b) "Residential appliance installation" means electrical work that is limited to the connection or disconnection of a residential appliance to an existing electrical circuit other than by inserting or removing a plug from an electrical outlet.

(12-c) "Residential appliance installation contracting" means the business of residential appliance installation.

(12-d) "Residential appliance installation contractor" means a business entity, other than an electrical contractor or electrical sign contractor, that is engaged in residential appliance installation contracting.

(12-e) "Residential appliance installer" means a person, other than a licensed electrician, who is licensed to perform residential appliance installation.

(2) In SECTION 2 of the bill, in Subdivision (7), Subsection (a), Section 1305.003, Occupations Code (page 3, line 16), between "employee" and "of", insert "or authorized representative".

(3) In SECTION 2 of the bill, strike added Subdivision (21), Subsection (a), Section 1305.003, Occupations Code (page 6, lines 12 through 15), and substitute the following:

(21) the maintenance or repair of a residential appliance by a residential appliance dealer or manufacturer or a person authorized by a residential appliance dealer or manufacturer using only components of the same type and ampacity as the original components.

(4) In SECTION 3 of the bill, in amended Subsection (a), Section 1305.102, Occupations Code (page 6, lines 20 and 21), strike "appliance installers, and appliance" and substitute "residential appliance installers, and residential appliance".

(5) In SECTION 4 of the bill, in amended Section 1305.151, Occupations Code (page 6, line 27), between "or" and "appliance", insert "residential".

(6) Strike SECTION 5 of the bill (page 7, line 3, through page 8, line 11) and substitute the following:

SECTION 5. Subchapter D, Chapter 1305, Occupations Code, is amended by adding Sections 1305.1617 and 1305.1618 to read as follows:

Sec. 1305.1617. RESIDENTIAL APPLIANCE INSTALLER. An applicant for a license as a residential appliance installer must pass a residential appliance installer examination administered under this chapter.

Sec. 1305.1618. RESIDENTIAL APPLIANCE INSTALLATION CONTRACTOR. (a) An applicant for a license as a residential appliance installation contractor must:

(1) be licensed under this chapter as a residential appliance installer or employ a person licensed under this chapter as a residential appliance installer;

(2) establish proof of financial responsibility in the manner prescribed by the executive director; and

(3) maintain workers' compensation coverage for the contractor's employees through an insurance company authorized to engage in the business of insurance in this state or through self-insurance, or elect not to obtain workers' compensation coverage, as provided by Subchapter A, Chapter 406, Labor Code.

(b) A person who holds a residential appliance installer's license issued or recognized under this chapter may only be assigned to a single residential appliance installation contractor, unless the residential appliance installer owns more than 50 percent of the residential appliance installation contracting business.

(7) In SECTION 6 of the bill, in amended Subsection (a), Section 1305.166, Occupations Code (page 8, line 15), between "and" and "appliance", insert "residential".

(8) In SECTION 7 of the bill, in amended Subsection (a), Section 1305.201, Occupations Code (page 8, line 21), between "or" and "appliance", insert "residential".

(9) In Subsection (a), SECTION 8 of the bill (page 9, line 2), strike "an appliance" and substitute "a residential appliance".

(10) Strike Subsection (b), SECTION 8 of the bill (page 9, lines 11 through 15), and substitute the following:

(b) An applicant for a license under this section is required to have completed at least 4,000 hours of electrical work or residential appliance installation under the supervision of a master electrician.

Amendment No. 1 was adopted.

Representative Goolsby moved to lay **HB 3069** on the table subject to call.

The motion prevailed.

**CSHB 3105** (by Anchia), A bill to be entitled An Act relating to a program allowing for countywide voting locations in certain elections.

**Amendment No. 1**

Representative Anchia offered the following amendment to **CSHB 3105**:

Amend **CSHB 3105** on page 3, between lines 17 and 18, by inserting the following:

(k) The secretary of state shall operate the program established under Subsection (a) as a pilot program until June 1, 2009.

(l) Not later than January 1, 2009, the secretary of state shall file a report with the legislature. The report may include the secretary of state's recommendations on the future use of countywide polling places and suggestions for permanent statutory authority regarding countywide polling places.

(m) This section expires June 1, 2009.

Amendment No. 1 was adopted.

**HB 3181** was withdrawn.

**CSHB 3190** (by Giddings), A bill to be entitled An Act relating to minimum standards for school bus operators.

**HB 3198 - REMARKS**

REPRESENTATIVE CHAVEZ: Mr. Chairman?

REPRESENTATIVE HARTNETT: Yes.

CHAVEZ: Are you the chair of the judicial committee where this bill came out, is that correct?

HARTNETT: Correct.

CHAVEZ: Can you tell me the motivation for filing this legislation?

HARTNETT: This is to allow a removal of trustees in certain situations when all beneficiaries and the people who created the trust want the trustee removed.

CHAVEZ: Okay, but is there a particular case involved that motivated you to file this legislation?

HARTNETT: There's a gentleman who testified before the committee that would like to have this bill passed.

CHAVEZ: Is that a Mr. Alpert?

HARTNETT: That's correct.

CHAVEZ: Okay, in the list of witnesses that appeared and also on some of the documentation on it, are you related to James Hartnett?

HARTNETT: That's my father.

CHAVEZ: Okay, and he represented the client, is that correct?



HARTNETT: No, he never represented the gentleman who testified.

CHAVEZ: Okay, they're listed as an attorney that was employed to do the proceedings. Your father is listed as one of the attorneys that was hired.

HARTNETT: I'd like to see that, that's news to me.

CHAVEZ: Okay, so the whole purpose of this trust is if the grantor and the beneficiaries get together and remove the trustee if they don't like this decision. Is that correct? You're trying to legislate what the court system is currently doing?

HARTNETT: Well, I don't know what you mean by what the court system is currently doing, but basically the bill says if the people who create the trust and all the beneficiaries of the trust together want the trustee removed, they can get the trustee removed.

CHAVEZ: Okay, but your bill attempts to override the provisions of a trust instrument by making specific statutory provisions. Isn't that what you're doing?

HARTNETT: Well, I wouldn't say "override." A lot of trusts, most trusts, have a provision in the trust that says that the people, the settlers of the trust, can remove the trustee—

CHAVEZ: I just want to—Chairman Chisum gave us some beautiful bibles today for all of us and Matthew 7:1-5 says, "Do not judge, so that you won't be judged. For with the judgment you use will be judged, and the measure you use, it will be measured to you. Why do you look at the speck in your brother's eye, but don't notice the log in your own eye? Or how can you say to your brother, let me take the speck out of your eye, and look, there's a log in your eye. Hypocrite, first take the log out of your eye, and then you will see clearly to remove the speck out of your brother's eye."

**HB 3198** was withdrawn.

**CSHB 3248** (by Riddle), A bill to be entitled An Act relating to the transfer or exclusion of territory in emergency services districts.

**CSHB 3266** (by Eiland), A bill to be entitled An Act relating to fees for certain commercial licenses issued by the Parks and Wildlife Department.

**CSHB 3396** (by Gallego), A bill to be entitled An Act relating to granting certain counties general zoning authority around certain military facilities; providing a penalty.

### **Amendment No. 1**

On behalf of Representatives Corte and Gallego, Representative Raymond offered the following amendment to **CSHB 3396**:

Amend **CSHB 3396** as follows:

(1) On page 1, line 7, strike "ZONING AROUND" and substitute "PROTECTION OF".

(2) On page 1, line 15, strike "development" and substitute "protection".

(3) On page 2, line 10, strike "DEVELOPMENT" and substitute "PROTECTION".

(4) On page 2, strike lines 12-13, and renumber the subsequent Subdivisions of added Section 231.243(a), Local Government Code, accordingly.

(5) On page 3, lines 2-3, strike "prohibit or restrict development" and substitute "adopt protection regulations authorized by Subsection (a)".

(6) On page 3, line 10, strike "development" and substitute "protection".

(7) On page 3, strike lines 14-19, and renumber the subsequent Sections of added Subchapter L, Chapter 231, Local Government Code, accordingly.

(8) On page 3, line 21, strike "AND DISTRICT BOUNDARIES".

(9) On page 3, line 21, strike "development" and substitute "protection".

(10) On page 4, line 3, strike "DEVELOPMENT" and substitute "PROTECTION".

(11) On page 4, lines 1, 4, 5, 7, 26, and 27, strike "development" and substitute "protection".

(12) On page 5, lines 1, 5, 6, 13, 15, 23, and 26, strike "development" and substitute "protection".

Amendment No. 1 was adopted.

**CSHB 3524** (by Homer), A bill to be entitled An Act relating to the designation of a portion of State Highway 37 in Franklin County as the Tom Ramsay Highway.

**HB 3541** (by Christian), A bill to be entitled An Act relating to designating July 21 as First Lady Frances Cox Henderson Remembrance Day.

**HB 3609** (by Talton), A bill to be entitled An Act relating to membership and service credit in the Employees Retirement System of Texas for certain retired employees.

**CSHB 3666** (by Goolsby), A bill to be entitled An Act relating to the designation of Interstate Highway 345 in Dallas as the Russell H. Perry Memorial Highway.

**HB 3854** (by Homer), A bill to be entitled An Act relating to application of restrictions on drivers under 18 years of age to persons who held a hardship license.

**CSHB 3858** (by Gonzalez Toureilles), A bill to be entitled An Act relating to a court cost to support the collection of fees, fines, or court costs in criminal cases.

**CSHB 3872** (by Menendez), A bill to be entitled An Act relating to the eligibility of certain applications to receive allocations under the low income housing tax credit program.

**CSHB 3873** (by Menendez), A bill to be entitled An Act relating to the administration of the Texas Department of Housing and Community Affairs; providing a penalty.

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

On behalf of Representative Bohac, Representative Mallory Caraway offered the following amendment to **CSHB 3873**:

Amend **CSHB 3873** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter DD, Chapter 2306, Government Code, is amended by adding Section 2306.67171 to read as follows:

Sec. 2306.67171. ELECTRONIC MAIL NOTIFICATION SERVICE. (a) The department shall maintain an electronic mail notification service to which any person in this state may electronically subscribe to receive information concerning the status of preapplications and applications under this subchapter.

(b) The electronic mail notification service maintained under Subsection (a) must:

(1) allow a subscriber to request for a zip code notification of:

(A) the filing of any preapplication or application concerning a development that is or will be located in the zip code;

(B) any change in the status of an application or preapplication described by Paragraph (A); and

(C) any public hearing to be held concerning an application or preapplication described by Paragraph (A); and

(2) respond to a subscriber via electronic mail not later than the later of:

(A) the third business day after the date the department receives notice of an event described by Subdivision (1); or

(B) if applicable, the date or dates specified by Section 2306.6717 (a).

(c) The department may include in an electronic mail notification sent to a subscriber any applicable information described by Section 2306.6717.

SECTION \_\_\_\_\_. The Texas Department of Housing and Community Affairs shall have the electronic mail notification service required to be maintained under Section 2306.67171, Government Code, as added by this Act, fully functional and able to receive subscription requests and respond appropriately to those requests not later than January 1, 2008.

Amendment No. 1 was adopted.

**HB 3934** (by McClendon), A bill to be entitled An Act relating to the establishment of a student outcomes pilot program by Alamo Community College District.

**HB 3982** was deferred until the end of today's local, consent, and resolutions calendar.

**CSHB 3991** (by P. King), A bill to be entitled An Act relating to the creation of the Rolling V Ranch Water Control and Improvement District No. 1 of Wise County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**CSHB 4004** (by Vo and Allen), A bill to be entitled An Act relating to the creation of the International Management District; providing authority to impose assessments and taxes and to issue bonds.

**CSHB 4010** (by Eiland), A bill to be entitled An Act relating to the creation of the Cade Ranch Water Control and Improvement District No. 1 of Galveston County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4013** was withdrawn.

**CSHB 4014** (by Otto), A bill to be entitled An Act relating to the creation of the Plum Creek Water Control and Improvement District No. 1 of Liberty, Montgomery, and Harris Counties; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**CSHB 4015** (by Otto), A bill to be entitled An Act relating to the powers and duties of the East Montgomery County Improvement District; providing authority to impose a tax.

**CSHB 4019** (by Zerwas), A bill to be entitled An Act relating to the powers and duties of the Cinco Southwest Municipal Utility District No. 4; providing authority to impose a tax and issue bonds.

**CSHB 4022** (by Zerwas), A bill to be entitled An Act relating to the powers and duties of the Fort Bend County Municipal Utility District No. 58; providing authority to impose a tax and issue bonds.

**CSHB 4024** (by Zerwas), A bill to be entitled An Act relating to the creation of the Fort Bend County Municipal Utility District No. 190; providing authority to impose a tax and issue bonds.

**HB 4028** (by Geren), A bill to be entitled An Act relating to the creation of the Northern Trinity Groundwater Conservation District.

**HB 4032** (by R. Cook), A bill to be entitled An Act relating to the creation of the Colorado County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

**HB 4033** was withdrawn and was postponed until the beginning of the next local, consent, and resolutions calendar.

**HB 4034** was withdrawn and was postponed until the beginning of the next local, consent, and resolutions calendar.

**HB 4044** was deferred until the end of today's local, consent, and resolutions calendar.

**CSHB 4053** (by Eiland), A bill to be entitled An Act relating to the creation of the Galveston Grand Beach Management District; providing authority to levy an assessment, impose a tax, and issue bonds.

**CSHB 4057** (by Solomons), A bill to be entitled An Act relating to the powers and duties of the Denton County Levee Improvement District No. 1 of Denton and Dallas Counties, Texas; providing authority to issue bonds.

**CSHB 4060** (by Parker), A bill to be entitled An Act relating to the creation of the Four Seasons Ranch Municipal Utility District No. 1 of Denton and Grayson Counties; providing authority to impose a tax and issue bonds.

**Amendment No. 1**

Representatives Parker and Puente offered the following amendment to **CSHB 4060**:

Amend **CSHB 4060** (House Committee Printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8208 to read as follows:

CHAPTER 8208. FOUR SEASONS RANCH MUNICIPAL UTILITY  
DISTRICT NO. 1 OF DENTON COUNTY  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8208.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Four Seasons Ranch Municipal Utility District

No. 1 of Denton County.

Sec. 8208.002. NATURE OF DISTRICT. The district is a municipal utility district in Denton County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8208.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8208.024 before September 1, 2011:

(1) the district is dissolved September 1, 2011, except that the district shall:

- (A) pay any debts incurred;
- (B) transfer to Denton County any assets that remain after the payment of debts; and
- (C) maintain the organization of the district until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2014.

Sec. 8208.004. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect:

- (1) the organization, existence, or validity of the district;
- (2) the right of the district to impose taxes;
- (3) the validity of the district's bonds, notes, or other indebtedness; or
- (4) the legality or operation of the board.

[Sections 8208.005-8208.020 reserved for expansion]

SUBCHAPTER A-I. TEMPORARY PROVISIONS

Sec. 8208.021. TEMPORARY DIRECTORS. (a) On or after September 1, 2007, a person who owns land in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition.

(b) The commission shall appoint as temporary directors the five persons named in the first petition received by the commission under Subsection (a).

(c) If a temporary director fails to qualify for office, the commission shall appoint a person to fill the vacancy.

(d) Temporary directors serve until the earlier of:

(1) the date directors are elected under Section 8208.024; or

(2) the date this subchapter expires under Section 8208.026.

Sec. 8208.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. As soon as practicable after all the temporary directors have qualified under Section 49.055, Water Code, the temporary directors shall meet at a location in the district agreeable to a majority of the directors. At the meeting the temporary directors shall elect officers from among the temporary directors and conduct any other district business.

Sec. 8208.023. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8208.024 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located, if any, has adopted a resolution consenting to the creation of the district.

Sec. 8208.024. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. The temporary directors shall hold an election to confirm the creation of the district and to elect five directors as provided by Section 49.102, Water Code.

Sec. 8208.025. INITIAL ELECTED DIRECTORS; TERMS. The directors elected under Section 8208.024 shall draw lots to determine which two shall serve until the first regularly scheduled election of directors and which three shall serve until the second regularly scheduled election of directors.

Sec. 8208.026. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2014.

[Sections 8208.027-8208.050 reserved for expansion]

#### SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8208.051. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.

Sec. 8208.052. ELECTION OF DIRECTORS. On the uniform election date in May of each even-numbered year, the appropriate number of directors shall be elected.

[Sections 8208.053-8208.100 reserved for expansion]

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 8208.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8208.102. ROAD PROJECTS. (a) To the extent authorized by Section 52, Article III, Texas Constitution, the district may construct, acquire, improve, maintain, or operate macadamized, graveled, or paved roads, or improvements in aid of those roads, inside the district.

(b) A road project must meet or exceed all applicable construction standards, zoning and subdivision requirements, and regulatory ordinances of each municipality in whose corporate limits or extraterritorial jurisdiction the district is located.

(c) The district may not undertake a road project unless each municipality in whose corporate limits or extraterritorial jurisdiction the district is located consents by ordinance or resolution.

(d) The district shall, at its sole cost and expense, maintain, improve, operate, and repair all roads constructed or acquired by the district unless the municipality or county in which a road is located voluntarily assumes the obligation. An assumption of an obligation under this subsection is not valid or binding unless the assumption is in writing, executed by the necessary parties, and filed in the land records of the county in which the road is located.

Sec. 8208.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR RESOLUTIONS. The district shall comply with all applicable requirements of any ordinance or resolution adopted by the governing body of each municipality in whose corporate limits or extraterritorial jurisdiction the district is located.

Sec. 8208.104. ANNEXATION OF LAND IN GRAYSON COUNTY. The district may not annex land located in Grayson County without the prior consent of the Commissioners Court of Grayson County.

Sec. 8208.105. DIVISION OF DISTRICT. (a) The district may be divided into two new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) The division procedure is prescribed by Sections 53.030 through 53.041, Water Code.

(c) Any new district created by the division of the district has all the powers and duties of the district.

(d) A new district, at the time it is created by the division of the district, may not contain land outside the area described by Section 2 of the Act creating this chapter.

[Sections 8208.106-8208.150 reserved for expansion]

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8208.151. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of and interest on bonds issued under Section 8208.201.

[Sections 8208.152-8208.200 reserved for expansion]

#### SUBCHAPTER E. BONDS

Sec. 8208.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations as provided by Chapters 49 and 54, Water Code, and to finance the construction, maintenance, or operation of projects under Sections 8208.101 and 8208.102.

(b) The district may not issue bonds to finance projects authorized by Section 8208.102 unless the issuance is approved by a vote of a two-thirds majority of district voters voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section 8208.102 may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Four Seasons Ranch Municipal Utility District No. 1 of Denton County initially includes all the territory contained in the following area: All that certain tract or parcel of land situated in the Juana Curbello Survey, Abstract Number 213, and the A. H. Gee Survey, Abstract Number 1522, County of Denton, State of Texas, said tract being all of a Tract, as described in deed to Sadot Venture, LTD , filed 03 December 2003, and recorded in clerk number 2003-195563, and being all of a tract as described in deed to McKinney 17 Venture L.T.D., filed 28 May 2002, and recorded in volume 3257 page 22 of the Deed Records of the County of Grayson, State of Texas, and recorded in volume 5094 page 2020 of the Deed Records of the County of Denton, State of Texas, said tract being all of a Tract, as described in deed to Sadot Venture, LTD , filed 17 December 2003, and recorded in clerk number 2003-203006, and being all of a tract as described in deed to Netzer Environmental Consulting,, filed 28 May 2002, and recorded in volume 5094 page 2014 of the Deed Records of the County of Denton, State of Texas and being more fully described as follows:

Beginning for the southwest corner of the tract being described herein at a found 1\2 inch rebar at the intersection of Garell Road and Fritcher Road, said rebar being the southwest corner of said Brock South tract;

Thence: North 00 degrees 32 minutes 08 seconds West, with the west line of said Brock South tract, and with the center of said Garell Road, a distance of 2487.12 feet to a found 1\2 inch rebar for an angle point in the west line of said Brock South tract, same being an angle point in said road;

Thence: North 00 degrees 01 minutes 19 seconds West, with the west line of said Brock South tract, and with the center of said road, a distance of 1439.64 feet to a found 1\2 inch rebar for the northwest corner of said Brock South tract, same being a turn in said road;

Thence: North 86 degrees 29 minutes 35 seconds East, with the north line of said Brock South tract, and with the center of said road, a distance of 256.11 feet to a found 1\2 inch rebar for an ell corner of this tract, and said rebar being the southwest corner of said Street tract, same being a turn in said road, said rebar also being an angle point in the north line of said Brock South tract;

Thence: North 02 degrees 34 seconds 12 seconds East, with the west line of said Netzer tract, and with the center of said road, a distance of 2019.60 feet to a point for an ell corner of this tract;

Thence: North 89 degrees 56 minutes 50 seconds East, a distance of 27.25 feet to a found 1\2 inch steel rebar for a corner of this tract;

Thence: North 02 degrees 25 seconds 53 seconds East, with the west line of said Venture tract, and with the east side of said road, a distance of 1028.83 feet to a point for an ell corner of this tract;

Thence: North 89 degrees 53 minutes 08 seconds East, a distance of 521.59 feet to a found 1\2 inch rebar;



Thence: North 00 degrees 00 minutes 32 seconds East, with the west line of said venture tract, a distance of 4225.1 feet to a found 1½ inch steel square tubing for the northwest corner of said Venture tract;

Thence: North 89 degrees 31 minutes 51 seconds East, with the north line of said Venture tract, a distance of 866.39 feet to a set 1½ inch steel square tubing for an ell corner of this tract;

Thence: South 00 degrees 06 minutes 09 seconds East, a distance of 18.01 feet to a set 1½ inch steel square tubing for an ell corner of this tract;

Thence: North 89 degrees 45 minutes 28 seconds East, with the north line of said Brock North tract, and with the center of said road, a distance of 1130.35 feet for a corner of this tract;

Thence: South 00 degrees 07 minutes 51 seconds East, with the approximate location of the county line, a distance of 2818.67 feet for a corner of this tract;

Thence: North 89 degrees 45 minutes 28 seconds East, with the approximate location of the county line a distance of 2100.00 feet for a corner of this tract;

Thence: South 89 degrees 59 minutes 54 seconds East, a distance of 244.55 feet to a found 1½ inch steel square tubing, said tubing being in the intersection of Merilee Road and County Road Number 10;

Thence: South 00 degrees 17 minutes 37 seconds East, with the center of said road, a distance of 1409.82 feet to a found 1½ inch rebar;

Thence: South 00 degrees 18 minutes 38 seconds East, with the east line of said Street tract, and with the center of said road, and passing at 3031.32 feet the southeast corner of said Street tract, same being the northeast corner of said Brock South tract, and continuing on said course a total distance of 3071.37 feet to a found 1½ inch rebar for an angle point in said road;

Thence: South 00 degrees 23 minutes 56 seconds East, with the east line of said Brock South tract, and with the center of said road, a distance of 1104.84 feet to a found 1½ inch rebar for the most easterly southeast corner of said Brock South tract;

Thence: North 89 degrees 30 minutes 05 seconds West, a distance of 27.25 feet to a old wood fence corner post;

Thence: South 00 degrees 19 minutes 28 seconds East, with the east line of said road, a distance of 1292.99 feet to a pipe fence corner post for an ell corner of this tract;

Thence: North 89 degrees 31 minutes 21 seconds West, with the south line of said Venture tract, a distance of 3326.78 feet to a pipe fence corner post for an ell corner of said Venture South tract;

Thence: South 00 degrees 41 minutes 02 seconds East, a distance of 1534.63 feet to a found nail for the southeast corner of said Venture tract, said nail being in the center of Fritcher Road;

Thence: North 89 degrees 30 minutes 14 seconds West, with the south line of said Venture tract, and with the center of said road, a distance of 527.38 feet to a found 1½ inch rebar for an ell corner of said Venture tract;

Thence: South 89 degrees 34 minutes 19 seconds West, with the south line of said Venture tract, and with the center of said road, a distance of 1437.85 feet to the POINT OF BEGINNING and containing 979.408 acres of land.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. This Act takes effect September 1, 2007.

Amendment No. 1 was adopted.

**SB 1981** (R. Cook - House Sponsor), in lieu of **HB 4064**, A bill to be entitled An Act relating to the terms of office for directors of the Lost Pines Groundwater Conservation District.

Representative R. Cook moved to lay **HB 4064** on the table subject to call.

The motion prevailed.

**CSHB 4072** (by Gattis), A bill to be entitled An Act relating to the creation of the 3 B&J Municipal Utility District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4092** was withdrawn and was postponed until the beginning of the next local, consent, and resolutions calendar.

**CSHB 4093** (by Otto and Eiland), A bill to be entitled An Act relating to the creation of the Chambers-Liberty Counties Improvement District; providing authority to impose a tax and issue bonds.

**CSHB 4095** (by B. Brown), A bill to be entitled An Act relating to the creation of the Gastonia-Scurry Special Utility District; providing authority to issue bonds; granting the power of eminent domain.

**HB 4096** was withdrawn and was postponed until the next local, consent, and resolutions calendar.

**HB 4100** (by Parker), A bill to be entitled An Act relating to the creation of the Canyon Falls Water Control and Improvement District No. 1 of Denton County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**CSHB 4101** (by Parker), A bill to be entitled An Act relating to the powers of the Talley Ranch Water Control and Improvement District No. 1 of Denton County; providing authority to impose a tax and issue bonds.

**CSHB 4109** (by Eissler), A bill to be entitled An Act relating to the administration, powers, including taxing powers and the authority to issue bonds, boundaries, operations, financing, and dissolution of the Town Center Improvement District of Montgomery County, Texas.

**CSHB 4110** (by Coleman), A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 9; providing authority to impose a tax and issue bonds.

**HB 4112** (by Eiland), A bill to be entitled An Act relating to the creation of the Bolivar Yacht Basin Water Control and Improvement District No. 1 of Galveston County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4114** (by O'Day), A bill to be entitled An Act relating to the powers and financing of the Brazoria County Groundwater Conservation District.

**SB 1960** (Garcia - House Sponsor), in lieu of **HB 4117**, A bill to be entitled An Act relating to the creation of the Lamar Improvement District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

Representative Garcia moved to lay **HB 4117** on the table subject to call.

The motion prevailed.

**CSHB 4122** (by Parker), A bill to be entitled An Act relating to the creation of the East Denton County Water Control and Improvement District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**CSHB 4123** (by Miles and Coleman), A bill to be entitled An Act relating to territory included in, and the validation of acts of, the Greater Southeast Management District.

**HCR 12** (by Martinez), Designating the bolo tie as the official State Tie of Texas.

**HCR 16** (by West), Urging the U.S. Congress to honor the sacrifice and service of the U.S. Merchant Marine in World War II by passing the Belated Thank You to the Merchant Mariners of World War II Act of 2005.

**HCR 94** (by S. King), Designating June 2007 as Juneteenth/Frontier Cowboy Month.

**HCR 109** (by Herrero), Recognizing Robstown, Texas, as the birthplace of the poker game Texas Hold'em.

**CSHCR 151** (by Bohac), Designating the cowboy boot as the official State Shoe of Texas.

**HCR 201** (by Kolkhorst), Designating San Felipe as the Colonial Capital of Texas.

**HCR 212** (by Talton), Directing that the state flag be displayed at half-staff on Peace Officers' Memorial Day and calling for the observance of National Police Week in Texas.

**HB 4135 - VOTE RECONSIDERED**

Representative Hilderbran moved to reconsider the vote by which **HB 4135**, as amended, was passed to engrossment.

The motion to reconsider prevailed.

Representative Hilderbran moved to withdraw and postpone consideration of **HB 4135** until Friday, June 1.

The motion prevailed.

(Giddings in the chair)

**CSHB 3982** (by Dutton), A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 494; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**SB 1661** (Rose - House Sponsor), in lieu of **HB 2315**, was withdrawn.

Representative Creighton moved to lay **HB 2315** on the table subject to call.

The motion prevailed.

**HB 4044** was withdrawn and was postponed until the beginning of the next local, consent, and resolutions calendar.

**REMARKS ORDERED PRINTED**

Representative Burnam moved to print remarks between Representative Chavez and Representative Hartnett on **CSHB 3198**.

The motion prevailed.

**HR 1807 - READ  
(by Woolley and Bohac)**

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

**HR 1807**, In memory of Michael T. Howard of Houston.

**CSHB 1997 ON SECOND READING  
(by Gonzalez Tourelles)  
RULES SUSPENDED**

Representatives Gallego and C. Howard moved to suspend all necessary rules to take up and consider at this time **CSHB 1997** that was withdrawn earlier today from the local, consent, and resolutions calendar and to offer a floor amendment that was not submitted and approved by the Committee on Local and Consent Calendars.

The motion prevailed.

The chair laid before the house, on its second reading and passage to engrossment,

**CSHB 1997**, A bill to be entitled An Act relating to the creation of the offense of unlawful transport of an illegal alien.

**Amendment No. 1**

Representative Gonzalez Toureilles offered the following amendment to **CSHB 1997**:

Amend **CSHB 1997** (House Committee Printing) as follows:

- (1) On page 1, line 3, strike "illegal alien" and substitute "undocumented person".
- (2) On page 1, line 7, strike "illegal alien" and substitute "undocumented person".
- (3) On page 1, line 8, strike "illegal alien" and substitute "undocumented person".
- (4) On page 1, lines 14-15, strike "illegal alien" and substitute "undocumented person".
- (5) On page 1, line 22, strike "illegal alien" and substitute "undocumented person".
- (6) On page 1, line 24, strike "illegal alien" and substitute "undocumented person".

Amendment No. 1 was adopted.

**CSHB 1997**, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Anchia recorded voting no.)

**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).

**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. 37 and Senate List No. 39).

**LEAVE OF ABSENCE GRANTED**

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

Gattis on motion of Homer.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

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

Business and Industry, upon first adjournment today, 3W.9, for a formal meeting, to consider **SB 1437** and pending business.

Public Education, upon first adjournment today, Desk 31, for a formal meeting, to consider pending business.

Environmental Regulation, upon first adjournment today, Desk 1, for a formal meeting, to consider pending business.

### ADJOURNMENT

The chair announced that the house would adjourn until 11:20 a.m. today.

The house accordingly, at 11:03 a.m., adjourned until 11:20 a.m. today.

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### ADDENDUM

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### SIGNED BY THE SPEAKER

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

#### House List No. 37

**HB 770, HB 991, HB 1956, HB 3169, HB 3718, HCR 162, HCR 238**

#### Senate List No. 39

**SB 276, SB 277, SB 484, SB 823, SB 1253, SB 1264, SB 1617**

### MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

#### Message No. 1

#### MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 11, 2007

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 421** Phillips SPONSOR: Deuell  
 Relating to the creation of the office of criminal district attorney of Fannin County and to the abolition of the office of county attorney of Fannin County.  
 (Amended)

**HB 2683** Chisum SPONSOR: Estes  
 Relating to funding for programs that support the development of healthy marriages or the strengthening of families.  
 (Committee Substitute/Amended)

**HB 2685**

Chisum

SPONSOR: Estes

Relating to certain requirements for issuance of a marriage license, including an optional premarital education course.

(Committee Substitute)

**SB 573**

(31 Yeas, 0 Nays)

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

Respectfully,

Patsy Spaw

Secretary of the Senate

