

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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TWENTY-THIRD DAY — MONDAY, FEBRUARY 19, 2007

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 54).

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; Miller; Moreno; 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; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent, Excused — Miles; Vaught.

The invocation was offered by Reverend Joe Ferrell, Jr., True Light Baptist Church, Alice, as follows:

Heavenly Father, as we prepare to open this session of the house of representatives, we are asking your blessings individually and collectively in the same manner as Jesus taught his disciples to pray. Our Father, which art in heaven, hallowed be thy name. Thy kingdom come, thy will be done, on earth as it is in heaven. Give us this day our daily bread, which includes thy wisdom. And forgive us our debts as we forgive our debtors. Lead us not into temptation, but deliver us from evil so that our hearts will be filled with love, justice, and mercy. God, please bless America and help the decisions that are made in Texas be acceptable in thy sight. For thine is the kingdom, and the power, which is yours, and the glory, which will be yours forever. In thy name I pray. Amen.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative D. Howard who presented Dr. Julie Graves-Moy of Austin as the "Doctor for the Day."

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

### **LEAVES OF ABSENCE GRANTED**

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

Miles on motion of Harless.

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

Vaught on motion of Harless.

(Woolley in the chair)

### **HR 447 - ADOPTED (by Martinez)**

Representative Martinez moved to suspend all necessary rules to take up and consider at this time **HR 447**.

The motion prevailed.

The following resolution was laid before the house:

**HR 447**, Recognizing February 19, 2007, as Texas SkillsUSA Day at the State Capitol.

**HR 447** was read and was adopted.

### **HR 373 - ADOPTED (by Gonzalez Toureilles)**

Representative Gonzalez Toureilles moved to suspend all necessary rules to take up and consider at this time **HR 373**.

The motion prevailed.

The following resolution was laid before the house:

**HR 373**, Honoring the Reverend Joe Nathan Ferrell, Jr., for his contributions to his community.

**HR 373** was read and was adopted.

### **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. 6).

**HR 408 - ADOPTED**  
**(by Haggerty)**

Representative Haggerty moved to suspend all necessary rules to take up and consider at this time **HR 408**.

The motion prevailed.

The following resolution was laid before the house:

**HR 408**, In memory of Albert D. Jefferson of El Paso.

**HR 408** was unanimously adopted by a rising vote.

**HR 273 - ADOPTED**  
**(by Hamilton)**

Representative Hamilton moved to suspend all necessary rules to take up and consider at this time **HR 273**.

The motion prevailed.

The following resolution was laid before the house:

**HR 273**, Congratulating Gerald R. Ehrman of Orange on the occasion of his retirement.

**HR 273** was adopted.

**HR 205 - ADOPTED**  
**(by Hernandez)**

Representative Hernandez moved to suspend all necessary rules to take up and consider at this time **HR 205**.

The motion prevailed.

The following resolution was laid before the house:

**HR 205**, Commemorating the 10th anniversary of the Galena Manor Civic Club's Recreation and Aerobic Class.

**HR 205** was adopted.

**HR 389 - ADOPTED**  
**(by Morrison)**

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 389**.

The motion prevailed.

The following resolution was laid before the house:

**HR 389**, Honoring Brigid Elizabeth Lupton Owen of Lubbock on her 100th birthday.

**HR 389** was adopted.

**HR 392 - ADOPTED**  
**(by Christian)**

Representative Christian moved to suspend all necessary rules to take up and consider at this time **HR 392**.

The motion prevailed.

The following resolution was laid before the house:

**HR 392**, Recognizing the Young Conservatives of Texas on its 27th anniversary.

**HR 392** was adopted.

**HR 465 - ADOPTED**  
**(by Puente)**

Representative Puente moved to suspend all necessary rules to take up and consider at this time **HR 465**.

The motion prevailed.

The following resolution was laid before the house:

**HR 465**, Commending Mario Ward of Live Oak for his myriad contributions to the city of Live Oak.

**HR 465** was adopted.

**HR 22 - ADOPTED**  
**(by Gallego)**

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 22**.

The motion prevailed.

The following resolution was laid before the house:

**HR 22**, Honoring Brenda Marie Silva for her service as county and district clerk for Presidio County.

**HR 22** was adopted.

On motion of Representative Alonzo, the names of all the members of the house were added to **HR 22** as signers thereof.

**HR 164 - ADOPTED**  
**(by P. King)**

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 164**.

The motion prevailed.

The following resolution was laid before the house:

**HR 164**, Honoring Promise Helpers, Inc., on the 10th anniversary of its founding.

**HR 164** was read and was adopted.

(Speaker in the chair)

**CONSTITUTIONAL AMENDMENTS CALENDAR  
HOUSE JOINT RESOLUTIONS  
SECOND READING**

The following resolutions were laid before the house and read second time:

**SJR 13 ON SECOND READING**

**(Berman, Naishtat, McReynolds, Flynn, Goolsby, et al.-House Sponsors)**

**SJR 13**, A joint resolution proposing a constitutional amendment authorizing the legislature to provide for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for public school purposes on the residence homesteads of the elderly or disabled to reflect any reduction in the rate of those taxes.

**SJR 13** was considered in lieu of **HJR 1**.

**Amendment No. 1**

Representatives B. Cook, Ritter, Otto, Villarreal, Keffer, and McReynolds offered the following amendment to **SJR 13**:

Amend **SJR 13** (house committee printing) as follows:

(1) Strike SECTION 1 of the joint resolution and substitute the following:

SECTION 1. Section 1-b, Article VIII, Texas Constitution, is amended by adding Subsection (d-1) to read as follows:

(d-1) Notwithstanding Subsection (d) of this section, the legislature by general law may provide for the reduction of the amount of a limitation provided by that subsection and applicable to a residence homestead for the 2007 tax year to reflect any reduction from the 2006 tax year in the tax rate for general elementary and secondary public school purposes applicable to the homestead. A general law enacted under this subsection may also take into account any reduction in the tax rate for those purposes from the 2005 tax year to the 2006 tax year if the homestead was subject to the limitation in the 2006 tax year. A general law enacted under this subsection may provide that, except as otherwise provided by Subsection (d) of this subsection, a limitation provided by that subsection that is reduced under the general law continues to apply to the residence homestead in subsequent tax years until the limitation expires.

(2) In SECTION 2 of the joint resolution, in Subsection (a) of the temporary provision of the Texas Constitution, between "taxes" and the underlined period (page 2, line 12), insert "for the 2006 and 2007 tax years".

(3) In SECTION 2 of the joint resolution, in Subsection (b) of the temporary provision of the Texas Constitution (page 3, line 14), strike "1-b(d)" and substitute "1-b".

(4) In SECTION 3 of the joint resolution, in the ballot proposition, between "taxes" and the period (page 4, line 3), insert "for the 2006 and 2007 tax years".

Amendment No. 1 was adopted.

A record vote was requested.

**SJR 13**, as amended, was adopted by (Record 55): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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.; 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; Miller; Moreno; 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; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Miles; Vaught.

Absent — Hughes.

### STATEMENTS OF VOTE

When the house voted on **SJR 13**, I was absent because of important business. Had I been present I would have voted yes.

Miles

When the house voted on **SJR 13**, I was absent because of a medical condition. Had I been present I would have voted yes.

Vaught

### HJR 1 - LAID ON THE TABLE SUBJECT TO CALL

Representative Berman moved to lay **HJR 1** on the table subject to call.

The motion prevailed.

### EMERGENCY CALENDAR HOUSE BILLS SECOND READING

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

**HB 2 ON SECOND READING**  
**(by Chisum and Hartnett)**

**HB 2**, A bill to be entitled An Act relating to making appropriations to the Texas Education Agency for the purpose of school district property tax rate reductions.

**HB 2 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE Y. DAVIS: Chairman Chisum, I want to ask a couple questions relative to the process—kind of the same lines that Scott was going. As it relates to doing this now, what is to do in terms of the appropriations process and having funds available to look at the various needs that the agencies are bringing before us, before you take this money out?

REPRESENTATIVE CHISUM: You're exactly right, but if we will raise that spending cap, it does not affect what we will be doing in **HB 1**.

Y. DAVIS: I know, but we haven't raised the spending cap.

CHISUM: I know, but we will before this bill leaves here. That will be in front of the house again tomorrow. There will be a supplemental bill; it's on tomorrow's calendar.

Y. DAVIS: I'm pleased that you're optimistic we're going to raise it. I hear what you're saying, but what if we don't, based on your going in front of the process like this. Doesn't it limit the ability to really, fully explore and deliberate on the issues the agencies bring before us so that we can meet the needs of folks out in various districts?

CHISUM: No, it doesn't, because we're going to have the same amount of revenue that we have if nothing else happens out there. The only issue is how we're going to fund this \$14 billion. That's the question we're going to answer in the next two days.

Y. DAVIS: My question is, if you take \$6 billion out of GR, you're telling me that won't impact what your ability is to do with the various agencies?

CHISUM: That is exactly right.

Y. DAVIS: Based on what?

CHISUM: Based on the fact we have a \$14 billion surplus.

Y. DAVIS: So your argument is, we have a \$14 billion surplus. Moving this money over will not impact your ability to meet the agencies' needs. Is that what you're saying?

CHISUM: That's exactly right. The reason is, when the SCR comes, it raises the spending limit so that we can only spend that 14 billion.

Y. DAVIS: Okay, but independent of raising the cap, do you have the ability to meet, or are you suggesting that you can meet all the needs to the state's agencies and all the needs of the communities without having a spending cap increase?

CHISUM: I'm here to tell you that once we do this—

Y. DAVIS: No, I'm saying that without the spending cap being busted, are you suggesting that you can meet all of the needs without having, and do this, without having to raise, to move the spending cap?

CHISUM: We cannot do that.

Y. DAVIS: Okay. So you predicated on us—

CHISUM: If we did that we would be \$8 billion over.

Y. DAVIS: Well, that's what I'm saying. So why are we going in front of having the appropriations process work, prior to taking this money out of GR? That's my point.

CHISUM: There's still the same amount available in GR that would still be within the cap. What we're doing is just raising the cap for enough to do the property tax relief. So that's all we're raising the cap. It does not affect how much the cap is out there right now, which is \$5.2 billion over the budget we're working on.

Y. DAVIS: But I want to be clear. We said during special session that we were raising enough money to cover property tax relief. You said today, no, in fact we didn't do it. What we put in place would not do that. Now you're saying that you can take money out for property tax relief and it won't have an impact on your ability to fund the things that people are coming for us. Yet you have agencies taking 10 percent cuts. At what point do they all come together?

CHISUM: They all come together once we get the SCR done.

Y. DAVIS: Once you raise the spending cap. So in fact, none of this fits unless you raise the spending cap. Is that correct?

CHISUM: No, that's not necessarily correct, because once we determined that we would not do that, then we have to go back into **HB 1**, even in the general bill, and we could reduce that eight billion by five billion that we have available to us, and then we would actually have to cut \$3 billion dollars out of **HB 1** that we've got in there right now.

Y. DAVIS: So aren't you premature, then? Why wouldn't you go through **HB 1** and meet the needs before you take out a chunk, so that you wouldn't have to go back?

CHISUM: This is a priority.

Y. DAVIS: So you decided you were going to do it this way, then tell us all we've got to bust the cap so we can meet the essential needs of the state? Is that so?

CHISUM: That is not correct. We have to do this or we're going to have to go into the essential needs of the state. And I have it all spelled out right down here for me. So if you want to come here and look at that. There will still be \$5 billion that we can go above the introduced version of **HB 1**.



## HB 2 - POINT OF ORDER

Representative Burnam raised a point of order against further consideration of **HB 2** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order.

### Amendment No. 1

Representative Leibowitz offered the following amendment to **HB 2**:

Amend **HB 2** at the end of SECTION 1 of the bill by adding the following new subsection:

( ) The amounts appropriated by Subsections (a)(1)(B) and (a)(2)(B) of this section are contingent on the approval of **HJR 65** or a similar measure by the 80th Legislature, Regular Session, 2007, proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes to not less than \$45,000 in order to provide further school property tax relief to local taxpayers. If the 80th Legislature, Regular Session, 2007, does not approve **HJR 65** or a similar measure proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes to not less than \$45,000, the appropriations provided by Subsections (a)(1)(B) and (a)(2)(B) of this section have no effect.

Representative Chisum moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 56): 82 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Eissler; Elkins; Flynn; Garcia; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Howard, C.; Howard, D.; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Eiland; England; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Miles; Vaught.

Absent — Driver; Dutton; Hughes; McClendon; O'Day.

### STATEMENTS OF VOTE

When Record No. 56 was taken, I was in the house but away from my desk.  
I would have voted no.

Dutton

I was shown voting yes on Record No. 56. I intended to vote no.

Heflin

When Record No. 56 was taken, I was in the house but away from my desk.  
I would have voted no.

McClendon

When Record No. 56 was taken, I was absent because of important business.  
Had I been present I would have voted no.

Miles

### Amendment No. 2

Representative Herrero offered the following amendment to **HB 2**:

Amend **HB 2** by inserting the following appropriately-numbered subsection in SECTION 1 of the bill:

"( ). The amounts appropriated in Subsections (a)(1)(b) and (a)(2)(B) are contingent on the enactment of an appropriations bill by the 80th Legislature, Regular Session, that raises the average minimum teacher salary to the national average minimum teacher salary. If the 80th Legislature, Regular Session, does not enact an appropriations bill raising the average minimum teacher salary to the national average minimum teacher salary, the amounts appropriated in Subsections (a)(1)(b) and (a)(2)(B) shall not be spent."

Representative Chisum moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 57): 75 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Flynn; Gattis; Geren; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hill; Howard, C.; Howard, D.; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Laubenberg; Macias; Madden; Merritt; Miller; Morrison; Mowery; Murphy; Orr; Otto; Parker; Patrick; Paxton; Pitts; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Eiland; Escobar; Farabee; Farias; Farrar; Flores; Frost; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Jones; King, T.; Latham; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Phillips; Pickett; Pierson; Puente; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Miles; Vaught.

Absent — Darby; Dutton; Gallego; Hughes; McCall; McClendon; O'Day.

### STATEMENTS OF VOTE

When Record No. 57 was taken, I was in the house but away from my desk. I would have voted yes.

Darby

When Record No. 57 was taken, my vote failed to register. I would have voted no.

Gallego

When Record No. 57 was taken, I was in the house but away from my desk. I would have voted no.

McClendon

When Record No. 57 was taken, I was absent because of important business. Had I been present I would have voted no.

Miles

I was shown voting yes on Record No. 57. I intended to vote no.

Miller

### LEAVE OF ABSENCE GRANTED

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

Hughes on motion of Taylor.

### HB 2 - (consideration continued)

#### Amendment No. 3

Representative Castro offered the following amendment to **HB 2**:

Amend **HB 2** by inserting the following appropriately-numbered subsection in SECTION 1 of the bill:

"( ). The amounts appropriated in Subsections (a)(1)(b) and (a)(2)(B) are contingent on the enactment of an appropriations bill by the 80th Legislature, Regular Session, that provides funding for instructional materials at the level

provided for instructional materials for the fiscal year ending August 31, 2002, adjusted for inflation. If the 80th Legislature, Regular Session, does not enact an appropriations bill providing funding for instructional materials at the level provided for instructional materials for the fiscal year ending August 31, 2002, adjusted for inflation, the amounts appropriated in Subsections (a)(1)(b) and (a)(2)(B) shall not be spent."

Representative Chisum moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 58): 81 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Eissler; Elkins; England; Flynn; Garcia; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Howard, D.; Isett; Jackson; Jones; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Morrison; Mowery; Murphy; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pierson; Puente; Quintanilla; Raymond; Rodriguez; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hughes; Miles; Vaught.

Absent — Callegari; Keffer; Miller; Noriega; O'Day.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 58. I intended to vote no.

Deshotel

When Record No. 58 was taken, I was absent because of important business. Had I been present I would have voted no.

Miles

When Record No. 58 was taken, I was in the house but away from my desk. I would have voted no.

Miller

When Record No. 58 was taken, my vote failed to register. I would have voted no.

Noriega

**STATEMENT BY SPEAKER CRADDICK REGARDING  
PARLIAMENTARY INQUIRY BY REPRESENTATIVE HOCHBERG**

The speaker had read the following statement:

Mr. Hochberg asked a question regarding **HB 2**. Specifically, he asked whether **HB 2** was part of the LBB's initial budget recommendations. **HB 2** was not part of the LBB's initial budget recommendations. The LBB's budget recommendation is contained in **HB 1** and **SB 1**.

Mr. Hochberg also asked how the LBB laid out **HB 1** without having the fund proposed in **HB 2**. Limitations on the LBB's ability to lay out a budget are contained in Chapter 316, Government Code. Chapter 316 contains a number of provisions relating to setting the initial budget items under the general provisions of Chapter 316. The total amount of increased spending is based on the estimated rate of growth of the state's economy. The budget presented by the LBB fell within the estimated rate of growth of the state's economy. These recommendations were forwarded to the legislature within the prescribed limits.

If the question is could the LBB have adopted a higher spending limit, the answer is Chapter 316 allows a different economic model to be substituted for the estimated rate of growth limitation. No such alternative model was presented. Additionally, a higher rate may be adopted by committee, described in Chapter 316. Finally, members of the legislature may also raise the proposed limits on appropriations.

**REMARKS ORDERED PRINTED**

Representative Oliveira moved to print remarks between Representative Chisum and Representative Y. Davis.

The motion prevailed.

**Amendment No. 4**

Representative Coleman offered the following amendment to **HB 2**:

Amend **HB 2** by inserting the following appropriately lettered subsection to SECTION 1 of the bill:

( ) The amounts appropriated in Subsections (a)(1)(B) and (a)(2)(B) are contingent on the 80th Legislature appropriating amounts of money for the state fiscal biennium ending September 1, 2009, for the Pre K-Grants and for the student Success Initiative that equal or exceed the amounts appropriated for those respective programs for the state fiscal biennium ending September 1, 2007.

Representative Kolkhorst moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 59): 80 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Flynn; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Rodriguez; Strama; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hughes; Miles; Vaught.

Absent — O'Day.

### STATEMENT OF VOTE

When Record No. 59 was taken, I was absent because of important business. Had I been present I would have voted no.

Miles

A record vote was requested.

**HB 2** was passed to engrossment by (Record 60): 138 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; 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.; 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; Miller; Moreno; Morrison; Mowery; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente;

Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Alonzo; Burnam; Coleman; Davis, Y.; Farrar; Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hughes; Miles; Vaught.

Absent — O'Day; Rose.

### STATEMENTS OF VOTE

When Record No. 60 was taken, I was absent because of important business. Had I been present I would have voted no.

Miles

I was shown voting yes on Record No. 60. I intended to vote no.

Olivo

When Record No. 60 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

When Record No. 60 was taken, I was absent because of a medical condition. Had I been present I would have voted no.

Vaught

### REASONS FOR VOTE

Last year I entered a statement in the House Journal regarding **CSHB 1** that stated my concern that the bill, "will likely require much of the available revenue in the next biennium and in the future to pay for property tax cuts. This could threaten the Legislature's ability to fund education, health care, transportation, public safety and other pressing state needs in the future." Unfortunately, this prediction has come to pass less than a year later.

Before the revised franchise tax has even been implemented, even before this year's budget has been passed, the Legislature is being asked to take \$6 billion in general revenue to pay for the property tax cuts implemented last year. As a result, those other priorities of the state like education, health care, transportation and public safety are being forced to take a back seat to property tax cuts like I foresaw last year.

Although I am a strong supporter of cutting property taxes, I believe the funding of the property tax cut should have taken place during the budget debate. The budget debate allows members to weigh priorities side-by-side and then cast votes for spending priorities they feel are the most important to the welfare of this state. **HB 2** sets property tax cuts as a special priority above all others. No one is a stronger supporter of property tax reduction than myself, but property tax reductions should be debated alongside education and health care, not put in a separate category exempt from discussion and considered in a vacuum. I am

voting for **HB 2** to provide property tax relief for my constituents, but I wish that issues addressed in this bill were debated at the same time as the rest of the budget.

Leibowitz

Citizens of the Coastal Bend have labored under an oppressive property tax scheme for too long. The "For Sale" signs sprouting up on Padre Island, Portland, and Rockport are proof of this. Today I voted to prioritize the property tax cuts these citizens have been promised and are long overdue. As the session continues, I will lead the cause toward further relieving the tax burden being carried by homeowners, and discouraging young families from purchasing their first house in the area, hopefully increasing the homestead exemption. But today, I kept the faith with the voters who sent me to represent them by prioritizing property tax cuts.

Garcia

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

Representative P. King moved to suspend the five day posting rule to allow the Committee on Regulated Industries to consider **HB 624, HB 735, HB 1217, HB 1255, HB 1348**, and invited testimony upon adjournment tomorrow in JHR 140.

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Regulated Industries, upon adjournment tomorrow, JHR 140, for a public hearing, to consider **HB 624, HB 735, HB 1217, HB 1255, HB 1348** and invited testimony.

Financial Institutions is cancelled.

### **COMMITTEES GRANTED PERMISSION TO MEET**

Representative Hartnett requested permission for the Committee on Judiciary to meet while the house is in session, during bill referral today, in E2.028, for a public hearing, to consider the calendar.

Permission to meet was granted.

Representative Hill requested permission for the Committee on Local Government Ways and Means to meet while the house is in session, during bill referral today, in E2.026, for a public hearing, to consider the calendar.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

State Affairs is cancelled.

### **PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR**

Representative McClendon moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, February 22.

The motion prevailed.



**COMMITTEES GRANTED PERMISSION TO MEET**

Representative McClendon requested permission for the Committee on Rules and Resolutions to meet while the house is in session, during bill referral today, in 3W.9, for a formal meeting, to set the congratulatory and memorial calendar.

Permission to meet was granted.

Representative Driver requested permission for the Committee on Law Enforcement to meet while the house is in session, during bill referral today, in E1.014, for a public hearing, to consider the previously posted calendar.

Permission to meet was granted.

Representative Smithee requested permission for the Committee on Insurance to meet while the house is in session, during bill referral today, in E1.026, for a public hearing, to consider the previously posted calendar.

Permission to meet was granted.

**PROVIDING FOR ADJOURNMENT**

Representative Farabee moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of the Honorable John J. Gavin of Wichita Falls.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES  
CORRECTIONS IN REFERRAL**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Parker in the chair)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 6:45 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**HB 1279** (By Deshotel), Relating to the requirement that a detector for certain traffic-actuated electric traffic-control devices register the presence of a motorcycle.

To Transportation.

**HB 1355** (By Gattis), Relating to dog attacks on persons; creating an offense.

To County Affairs.

**HB 1356** (By Gattis), Relating to longevity pay for assistant prosecutors.

To Judiciary.

**HB 1357** (By Gattis), Relating to fees for the mileage necessary for a peace officer to perform certain services.

To Criminal Jurisprudence.

**HB 1358** (By Gattis), Relating to the definition of private or independent institution of higher education applicable to certain statutes.

To Higher Education.

**HB 1359** (By Naishtat), Relating to the maximum amount of a monthly subsidy that may be paid under adoption assistance agreements for certain children with special needs.

To Human Services.

**HB 1360** (By Naishtat), Relating to an offense committed against a homeless person because of bias or prejudice.

To Criminal Jurisprudence.

**HB 1361** (By Naishtat), Relating to privatization of child protective services and the improvement of services for children and families provided by the Department of Family and Protective Services.

To Human Services.

**HB 1362** (By D. Howard), Relating to reports by nurses of certain conduct and protection from retaliation for those nurses.

To Public Health.

**HB 1363** (By McReynolds), Relating to a risk assessment program for Type 2 diabetes and the creation of the Type 2 Diabetes Risk Assessment Program Advisory Committee.

To Public Health.

**HB 1364** (By Anchia), Relating to the accuracy, security, and reliability of certain electronic voting systems.

To Elections.

**HB 1365** (By Flores), Relating to residency requirements for holders of a promotional alcoholic beverage permit.

To Licensing and Administrative Procedures.

**HB 1366** (By Naishtat), Relating to the Legislative Blue Ribbon Panel on Aging Issues.

To Human Services.

**HB 1367** (By Madden), Relating to access to the criminal history record information of students, prospective students, and prospective employees by certain public or private postsecondary educational institutions.

To Higher Education.

**HB 1368** (By Hochberg), Relating to maintaining or participating in a public nuisance.

To Urban Affairs.

**HB 1369** (By Macias), Relating to the procedure for filling prescriptions for nursing home residents.

To Human Services.

**HB 1370** (By Coleman), Relating to the interagency coordinating council for HIV and hepatitis.

To Public Health.

**HB 1371** (By Delisi), Relating to a salary supplement for certain retirement-eligible classroom teachers.

To Pensions and Investments.

**HB 1372** (By W. Smith), Relating to retention of certain engineering computations made regarding structures located in first tier coastal counties.

To Insurance.

**HB 1373** (By Guillen), Relating to creating the Chronic Kidney Disease Task Force.

To Public Health.

**HB 1374** (By Swinford), Relating to service areas of the Amarillo College District and the Borger Junior College District.

To Higher Education.

**HB 1375** (By Peña), Relating to making an appropriation to The University of Texas Health Science Center at San Antonio for the purpose of supporting the Regional Academic Health Center.

To Appropriations.

**HB 1376** (By Chisum), Relating to the name, administration, powers, and duties of the Collingsworth County Underground Water Conservation District.

To Natural Resources.

**HB 1377** (By C. Howard), Relating to certain requirements relating to an application for a marriage license and an affidavit of an absent applicant for a marriage license and to the maintenance of marriage and divorce indexes by the bureau of vital statistics; providing penalties.

To Juvenile Justice and Family Issues.

**HB 1378** (By T. Smith), Relating to the creation and administration of the public school mathematics and science teachers undergraduate education scholarship program.

To Higher Education.

**HB 1380** (By McCall), Relating to court security and the use of money in courthouse security and municipal court building security funds.

To County Affairs.

**HB 1381** (By McCall), Relating to filing requirements for certain pre-election reports of political contributions and expenditures.

To Elections.

**HB 1382** (By McCall), Relating to authorizing the sale of certain real property held by the Department of Public Safety.

To Land and Resource Management.

**HB 1383** (By Miles), Relating to territory included in, and the validation of acts of, the Greater Southeast Management District.

To County Affairs.

**HB 1384** (By Taylor), Relating to franchise tax rates.

To Ways and Means.

**HB 1385** (By Villarreal), Relating to the regulation of certain employer-based day-care facilities.

To Human Services.

**HB 1386** (By P. King), Relating to regulation of the decommissioning costs of certain nuclear-powered commercial electric generation units.

To Regulated Industries.

**HB 1387** (By P. King), Relating to requiring a school district to provide for a feasibility study before acquiring title to real property through eminent domain.

To Land and Resource Management.

**HB 1388** (By Naishtat), Relating to the duty of the judge of the 147th District Court to impanel grand juries and to the terms of court for certain district courts in Travis County.

To Judiciary.

**HB 1389** (By Isett), Relating to filing requirements for a dealer in securities.

To Financial Institutions.

**HB 1390** (By Turner), Relating to a firefighters' relief and retirement fund in certain municipalities.

To Urban Affairs.

**HB 1391** (By Turner), Relating to the authority to regulate certain water and sewage utilities to ensure public safety in residential areas.

To Environmental Regulation.

**HB 1392** (By Turner), Relating to the right of an employee who is a parent of a child enrolled in a special education program to time off from work to meet with certain persons affecting the education of the child.

To Economic Development.

**HB 1393** (By Turner), Relating to the education of children attending charter schools that the commissioner of education proposes to close.

To Public Education.

**HB 1394** (By Turner), Relating to the provision of electricity in this state; providing civil penalties.

To Regulated Industries.

**HB 1395** (By Guillen), Relating to the state contribution to the Teacher Retirement System of Texas.

To Pensions and Investments.

**HB 1396** (By Dukes), Relating to the Office for the Elimination of Health Disparities and the health disparities task force.

To Public Health.

**HB 1397** (By C. Howard), Relating to the inclusion in a notice of appraised value of information regarding ad valorem tax exemptions.

To Local Government Ways and Means.

**HB 1398** (By Delisi), Relating to the reporting of health care-associated infections at certain health care facilities and the creation of an advisory panel.

To Public Health.

**HB 1399** (By Martinez Fischer), Relating to dismissal of a complaint committed by the holder of a commercial driver's license.

To Criminal Jurisprudence.

**HB 1400** (By Dutton), Relating to the issuance by a corporation established by the Texas Public Finance Authority of revenue bonds for open-enrollment charter school facilities.

To Public Education.

**HB 1401** (By Dutton), Relating to the powers and duties of the Harris County Municipal Utility District No. 402 regarding road projects; providing authority to impose a tax and issue bonds.

To Urban Affairs.

**HB 1402** (By Dutton), Relating to a tenant's right to terminate a residential lease under certain circumstances; providing a civil penalty.

To Business and Industry.

**HB 1403** (By Eissler), Relating to the structure, powers, and duties of the State Board of Education and the commissioner of education.

To Public Education.

**HB 1404** (By Dutton), Relating to sale of certain abandoned real property seized for the payment of delinquent ad valorem taxes.

To Local Government Ways and Means.

**HB 1405** (By Flores), Relating to the operation of video lottery games for this state to provide additional money to fund governmental programs; the creation, powers, and duties of the Texas Gaming and Boxing Commission; the powers and duties of the Texas Lottery Commission, the Texas Racing Commission, and the Texas Commission of Licensing and Regulation, and the regulation of gambling activities in this state; making an appropriation; providing penalties.

To Licensing and Administrative Procedures.

**HB 1406** (By Flores), Relating to the State Bar of Texas fee to provide legal services to the indigent.

To Judiciary.

**HB 1407** (By Murphy), Relating to certain swimming pools as public nuisances in the unincorporated areas of counties.

To County Affairs.

**HB 1408** (By Christian), Relating to the indemnification of a school district for a cause of action arising out of the discipline of a student by a professional employee of the district.

To Civil Practices.

**HB 1409** (By R. Cook), Relating to the procedure for the initiation of and the award of certain costs in eminent domain proceedings.

To Land and Resource Management.

**HB 1410** (By Keffer), Relating to the discontinuation of the Telecommunications Infrastructure Fund.

To Regulated Industries.

**HB 1411** (By West), Relating to the unlawful restraint of dogs; providing penalties.

To County Affairs.

**HB 1412** (By McReynolds), Relating to the regional emergency medical dispatch resource centers program.

To Public Health.

**HB 1413** (By Bailey), Relating to the regulation of fire protection sprinkler technicians.

To Licensing and Administrative Procedures.

**HB 1414** (By Zerwas), Relating to the prohibition of signs on certain roads.

To Border and International Affairs.

**HB 1415** (By Leibowitz), Relating to crediting public schools for the value of electricity generated by solar panels on public school building rooftops.

To Government Reform.

**HB 1416** (By Corte), Relating to the authority of the Veterans' Land Board to sell certain loans issued by the Veterans' Land Board.

To Defense Affairs and State-Federal Relations.

**HB 1417** (By Elkins), Relating to foreclosure on a limited partner's partnership interest.

To Business and Industry.

**HB 1418** (By Kolkhorst), Relating to the name of Sam Houston State University.

To Higher Education.

**HB 1419** (By Kolkhorst), Relating to a prohibition against changing the name of a public institution of higher education that is named after a state historical figure.

To Higher Education.

**HB 1420** (By W. Smith), Relating to the removal of property from county roads by certain counties.

To County Affairs.

**HB 1421** (By Driver), Relating to the creation and prosecution of the offense of manufacture or sale of counterfeit or gray market cigarettes.

To Border and International Affairs.

**HB 1422** (By Driver), Relating to personnel records of commissioned officers of the Department of Public Safety.

To Law Enforcement.

**HB 1423** (By Driver), Relating to exemption from application of the Private Security Act of certain peace officers employed by a sheriff's department.

To Law Enforcement.

**HB 1424** (By Geren), Relating to an appropriation to the Department of Public Safety for the purpose of administering and supporting certain databases and clearinghouses related to missing persons and children.

To Appropriations.

**HB 1425** (By Truitt), Relating to an exemption from jury duty in certain counties.

To Judiciary.

**HB 1426** (By Truitt), Relating to postponement of jury service in certain counties.

To Judiciary.

**HB 1427** (By Alonzo), Relating to an optometry career program at the University of Houston.

To Higher Education.

**HB 1428** (By Alonzo), Relating to the abolition of certain district courts, the creation of additional district courts, and the election of district court judges in certain counties.

To Judiciary.

**HB 1429** (By Alonzo), Relating to the coverage by certain health benefit plans of mammograms performed by certain health care providers.

To Insurance.

**HB 1430** (By Alonzo), Relating to the creation of the Bureau for Economic Development and Hispanic Studies.

To Border and International Affairs.

**HB 1431** (By Alonzo), Relating to the establishment of the Sustainable Water Supply Research Center at The University of Texas at Arlington.

To Higher Education.

**HB 1432** (By Giddings), Relating to the assignment of a public school student to an inexperienced or uncertified teacher.

To Public Education.

**HB 1433** (By Laubenberg), Relating to the employment of investigators by and subpoena powers of the office of inspector general.

To Government Reform.

**HB 1434** (By Rose), Relating to exempting books purchased by university and college students from the sales tax for a limited period.

To Higher Education.

**HB 1435** (By Rose), Relating to notification provided by certain health care providers to students and parents or guardians of students who participate in extracurricular sports activities sponsored or sanctioned by the University Interscholastic League.

To Public Education.

**HB 1436** (By Rose), Relating to health benefit plan coverage for the diagnosis and treatment of eating disorders.

To Insurance.

**HB 1437** (By Coleman), Relating to health benefit plan coverage for acute or chronic medical conditions.

To Insurance.

**HB 1438** (By Oliveira), Relating to health benefit plan coverage for certain tests for the early detection of cardiovascular disease.

To Insurance.

**HB 1439** (By Chisum), Relating to authorizing the Texas Department of Public Safety to establish a driver record monitoring pilot program and enter into contracts for the periodic reporting of certain information in the department's driver's license files.

To Transportation.

**HB 1440** (By Parker), Relating to transfer of certain patients requesting life-sustaining treatment.

To Public Health.

**HB 1441** (By Parker), Relating to the creation of the Denton County Municipal Utility District No. 7; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.



**HB 1442** (By Hartnett), Relating to compensation paid to statutory county court judges and certain fees collected by statutory county courts.  
To Judiciary.

**HB 1443** (By J. Davis), Relating to restrictions on the substitution of generically equivalent versions of transplant immunosuppressants.  
To Public Health.

**HB 1444** (By Guillen), Relating to an increase applicable to benefits paid by the Teacher Retirement System of Texas.  
To Pensions and Investments.

**HB 1445** (By Noriega), Relating to an exemption from tuition and mandatory fees for certain members of the Texas National Guard.  
To Defense Affairs and State-Federal Relations.

**HB 1446** (By Bohac), Relating to the period for preserving precinct election records.  
To Elections.

**HB 1447** (By Bohac), Relating to the requirement that a railroad corporation submit articles of incorporation or an amendment to articles of incorporation to the attorney general.  
To Judiciary.

**HB 1448** (By Bohac), Relating to the punishment for the offense of possession of a gambling device, equipment, or paraphernalia.  
To Criminal Jurisprudence.

**HB 1449** (By Bohac), Relating to designating November as Lung Cancer Awareness Month.  
To Public Health.

**HB 1450** (By Bohac), Relating to entitling a person to request and obtain a copy of the person's driving record from any driver's license facility of the Texas Department of Public Safety.  
To Transportation.

**HB 1451** (By Bohac), Relating to the punishment for the offense of prostitution.  
To Criminal Jurisprudence.

**HB 1452** (By Bohac), Relating to the right of a person to obtain a free credit report.  
To Financial Institutions.

**HB 1453** (By Bohac), Relating to the manner in which certain state officials request and receive notice of the residence of certain sex offenders.  
To Corrections.

**HB 1454** (By Bohac), Relating to the regulation of and information regarding property in the custody of a pawnbroker; providing criminal penalties.  
To Financial Institutions.

**HB 1455** (By Bohac), Relating to the establishment of a pilot program in certain counties to require health and human services providers to provide screening to prevent fetal alcohol spectrum disorders.

To Public Health.

**HB 1456** (By Coleman), Relating to the requirements for filing an annual financial statement by a municipality.

To Urban Affairs.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

**HJR 63** (By Flores), Proposing a constitutional amendment authorizing the state to operate video lottery games at certain racetracks and on Indian lands to provide additional money to fund governmental programs.

To Licensing and Administrative Procedures.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

**HR 163** (By Hopson), Recognizing February 20, 2007, as Panola County Day at the Capitol.

To Rules and Resolutions.

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

To Rules and Resolutions.

**HR 232** (By Martinez Fischer), In memory of U.S. Army Sergeant Roger P. Pena, Jr., of San Antonio.

To Rules and Resolutions.

**HR 249** (By Gonzalez Toureilles), In memory of U.S. Army Specialist Mitchel Thomas Mutz of Falls City.

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

**HR 367** (By Darby), In memory of Winfree L. Brown of Christoval.

To Rules and Resolutions.

**HR 369** (By Berman), Congratulating The University of Texas at Tyler baseball team on winning a Jostens/National Association of Division III Athletic Administrators Community Service Award.

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

**HR 380** (By Giddings), Welcoming Leadership Southwest to the State Capitol.

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

**HR 394** (By Hamilton), In memory of James M. Reeh of West Orange.  
To Rules and Resolutions.

**HR 395** (By Herrero), In memory of Professor James R. Bryce, Jr., of Corpus Christi.  
To Rules and Resolutions.

**HR 396** (By Paxton), Honoring Sam Ehmke of Frisco for saving the life of a fellow student.  
To Rules and Resolutions.

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

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

**HR 399** (By Noriega), In memory of Roy Barbosa of Houston.  
To Rules and Resolutions.

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

**HR 402** (By Martinez Fischer), In memory of U.S. Army Corporal Timothy Allen Swanson of San Antonio.  
To Rules and Resolutions.

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

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

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

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

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

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

**HR 414** (By Gallego), In memory of Virgilio S. Luna of Del Rio.  
To Rules and Resolutions.

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

**HR 420** (By Castro), Honoring the San Antonio Public Library's 2006 Library Champions.  
To Rules and Resolutions.

**HR 423** (By Dukes), Honoring the Reverend Dr. G. V. Clark on his 37th anniversary as pastor of Mount Zion Baptist Church in Austin.  
To Rules and Resolutions.

**HR 425** (By Flynn), Honoring Jackie Lawless of Grand Saline on her 100th birthday.  
To Rules and Resolutions.

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

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

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

**HR 429** (By Delisi), In memory of Harold Guy Fifield of Temple.  
To Rules and Resolutions.

**HR 430** (By Delisi), In memory of Doris Angeline Garner Williams of Temple.  
To Rules and Resolutions.

**HR 431** (By Delisi), In memory of Dan Lewis Steakley of Temple.  
To Rules and Resolutions.

**HR 432** (By Delisi), In memory of Charlene Dossman of Belton.  
To Rules and Resolutions.

**HR 433** (By Delisi), Commending the Brazos Bottom Cowographers entertainment troupe for its efforts to honor and immortalize the history of the Old West.  
To Rules and Resolutions.

**HR 434** (By Gallego), Honoring John William Spencer and his descendents for their contributions to the Lone Star State.  
To Rules and Resolutions.

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

To Rules and Resolutions.

**HR 436** (By Gallego), Congratulating Dr. David L. Lambert on his receipt of the 2007 Henry Norris Russell Prize from the American Astronomical Society.

To Rules and Resolutions.

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

To Rules and Resolutions.

**HR 438** (By Gallego), Congratulating Sheri Ann Sherrill Eppenauer on receiving the 2007 Educator of the Year Award from the Marfa Chamber of Commerce.

To Rules and Resolutions.

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

To Rules and Resolutions.

**HR 442** (By Flores), Honoring BorderFest in Hidalgo for its cultural and civic contributions to its community.

To Rules and Resolutions.

**HR 448** (By Parker), Honoring Nicholas James Galnares on earning the rank of Eagle Scout.

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

**HR 452** (By Bolton), Honoring the James Bowie High School Outdoor Performing Ensemble on earning 12th place in its finals performance at the Bands of America Grand National Championships.

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

**HR 457** (By Noriega), Honoring Claude Richard and Lillian Elise Hazel of Houston on their 51st wedding anniversary.

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

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

To Rules and Resolutions.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**HB 1170** (By Flynn), Relating to the regulation and limitation of liability of persons engaged in certain liquefied petroleum gas-related activities, including requirements concerning consumer safety notification.

To Energy Resources.

**HB 1249** (By Villarreal), Relating to the eligibility of certain transfer students for a TEXAS grant.

To Higher Education.

### **SIGNED BY THE SPEAKER**

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

### **House List No. 6**

**HCR 68, HCR 86, HCR 88, HCR 89**

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**February 15**

Appropriations - **HB 2, SCR 20**

Ways and Means - **SJR 13**

**February 16**

Judiciary - **HB 290, HB 336, HB 368, HB 369, HB 622, HB 632**

**ENROLLED**

**February 15 - HCR 58, HCR 68, HCR 86, HCR 88, HCR 89**