

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FIFTIETH DAY (CONTINUED) — THURSDAY, APRIL 5, 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 330).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; 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; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; O'Day; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent, Excused — Davis, Y.; Solomons.

Absent — Castro; Chavez; Hill; Moreno; Noriega; Olivo.

### **LEAVES OF ABSENCE GRANTED**

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

Solomons on motion of Geren.

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

Y. Davis on motion of Hochberg.

The invocation was offered by Reverend Douglas E. Brown, Great Commission Baptist Church, Fort Worth, as follows:

Almighty God, our Heavenly Father, thank you for your goodness, your grace, your mercy, and your many blessings toward us.

Bless the men and women that have been entrusted to represent many and give leadership to the State of Texas. Give them the courage, guidance, and wisdom to make decisions that are pleasing in your sight and that promote the well-being of all those who live in our state, cities, and communities. Let nothing be done through strife or selfish gain but in a spirit of humility and with integrity.

We pray that our schools would be sound, our streets safe, citizens secure, and churches strong. Guard our hearts, control our thoughts and motivations, and bring us into conformity with your will.

Bless this state that we love so much, to be a place of love, peace, and unity and help us to place our trust in you. This we ask in that name that is above every name, your son, Jesus Christ, our redeemer. Amen.

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

#### **CAPITOL PHYSICIAN**

The speaker recognized Representative Rose who presented Dr. Linda Carney of Buda as the "Doctor for the Day."

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

(Noriega now present)

#### **LEAVE OF ABSENCE GRANTED**

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

Moreno on motion of Gonzales.

#### **HR 936 - ADOPTED (by Villarreal, et al.)**

Representative Villarreal moved to suspend all necessary rules to take up and consider at this time **HR 936**.

The motion prevailed.

The following resolution was laid before the house:

**HR 936**, Honoring ACCION Texas founder and CEO Janie Barrera for her induction into the San Antonio Women's Hall of Fame.

**HR 936** was read and was adopted.

On motion of Representative Menendez, the names of all the members of the house were added to **HR 936** as signers thereof.

#### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Villarreal who introduced Janie Barrera and members of ACCION.

**HR 913 - ADOPTED**  
**(by C. Howard)**

Representative C. Howard moved to suspend all necessary rules to take up and consider at this time **HR 913**.

The motion prevailed.

The following resolution was laid before the house:

**HR 913**, Congratulating members of the Chisum family on the adoption of Isaiah Cole Tong Chisum.

**HR 913** was read and was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 913** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative C. Howard who introduced Representative Chisum's latest grandson Isaiah Cole Tong Chisum and members of his family.

(Chavez now present)

**HR 456 - READ**  
**(by Callegari)**

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

**HR 456**, In memory of Kaitlin Elizabeth Brynes of Houston.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Callegari who introduced family members of Kaitlin Elizabeth Brynes.

(McClendon in the chair)

**LEAVE OF ABSENCE GRANTED**

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

Delisi on motion of Woolley.

**CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HCR 145** (by Merritt, et al.), Celebrating the 60th anniversary of LeTourneau University.

**HCR 146** (by Merritt and Harless), Honoring Dr. Alvin O. Austin on his retirement as president of LeTourneau University.

**HCR 158** (by Dunnam), Congratulating the Mart Panthers football team on winning the 2006 2A State Championship.

**HR 25** (by Gallego), Commending the Honorable Brock Jones on his retirement as judge of the 112th State District Court.

**HR 56** (by Gallego), Honoring Judge Donald Clyde Creager for his service to Loving County and for his commitment to this great state as the longest-serving county judge in Texas.

**HR 107** was withdrawn.

**HR 808** (by Gonzalez Toureilles), Honoring the Three Rivers and George West Chambers of Commerce for their contributions to the citizens of Live Oak County.

**HR 874** (by Gallego), Congratulating Daniel Flores on his retirement from Sul Ross State University.

**HR 876** (by Creighton, Eissler, and Otto), Congratulating the Montgomery County Fair Association on the 50th anniversary of the Montgomery County Fair and Rodeo.

**HR 877** (by Creighton), Honoring Dennis and Florence Baughman of Conroe on their 50th wedding anniversary.

**HR 878** (by Creighton), Commending the opening of the Conroe Veterans Affairs Community Based Outpatient Clinic.

**HR 879** (by Creighton), Congratulating J. J. Kinzbach of Montgomery High School for setting a new state one-meter diving record.

**HR 880** (by Creighton), Congratulating Rene Bordet of Conroe on his 100th birthday.

**HR 886** (by Veasey), Honoring Para Lee Washington Reed of Fort Worth on her 90th birthday.

**HR 887** (by Veasey), Honoring Nellie Deane Smith Stewart of Fort Worth on her 90th birthday.

**HR 889** (by Callegari), Honoring Sylvia Marie Hogan on her 40th birthday.

**HR 890** (by Hilderbran), Honoring Ballinger High School teacher Sherran Geistmann for receiving a 2006 UIL Sponsor Excellence Award.

**HR 891** (by Hodge), Honoring DeMetris Sampson of Dallas on her receipt of the Honorary Order of the Coif from The University of Texas School of Law Alumni Association.

**HR 892** (by Creighton), Honoring the Young Texas Artists Music Competition in Conroe.

**HR 894** (by Branch), Honoring Ray L. Hunt of Dallas on his receipt of the 2007 Linz Award.

**HR 895** (by Branch), Congratulating Victor Ramon on receiving the 2007 TCU Texas Youth Entrepreneur of the Year Award.

**HR 896** (by Branch), Honoring Tim Marzuola on his retirement from Highland Park High School in Dallas.

**HR 897** (by Escobar), Congratulating Maria Lemus Trevino of Falfurrias on her 97th birthday.

**HR 900** (by Herrero), Honoring Priscilla Leal of Corpus Christi for her many contributions to her community.

**HR 901** (by Herrero), Honoring Robert Salinas of Robstown and Gene Barrera of Corpus Christi for rescuing an elderly woman from her automobile during an attempted carjacking.

**HR 903** (by Hardcastle), Recognizing September 1, 2007, through August 31, 2008, as the centennial anniversary of the 4-H Youth Development Program of Texas.

**HR 904** (by Hardcastle), Honoring the Japan Fulbright Memorial Fund Master Teacher Program joint venture between the Callisburg Independent School District and schools in Kesenuma, Japan.

**HR 905** was withdrawn.

**HR 906** (by P. King), Congratulating the City of Weatherford and Parker County on receiving the 2006 City-County Cooperation Award from the Texas Municipal League and the Texas Association of Counties.

**HR 907** (by Castro), Honoring Martin Contreras of San Antonio on his receipt of the Bronze Star Medal for his service as a special forces medic in Afghanistan.

**HR 908** (by Y. Davis), Recognizing the Reverend Dr. Stephen C. Nash of Dallas as Pastor of the Day.

**HR 909** (by Harper-Brown), Commemorating the 10th Anniversary Transportation Summit taking place on August 7-10, 2007.

**HR 910** (by Craddick), Recognizing the McCamey High School Lady Badgers for winning the area championship.

**HR 913** was previously adopted.

**HR 914** was withdrawn.

**HR 915** (by Naishtat), Recognizing April 15-22, 2007, as Holocaust Days of Remembrance in Texas.

**HR 917** (by Eiland), Honoring Major Vic Maceo on his retirement from the Galveston Beach Patrol.

**HR 918** (by Eiland), Honoring Zachary Zbranek of Winnie for achieving the rank of Eagle Scout.

**HR 923** (by Dunnam), Congratulating the FFA students from Riesel ISD on winning first place in the 2006 National FFA Meats Evaluation and Technology Career Development Event.

**HR 925** (by Dunnam), Congratulating Steve and Mary Hurtado of Waco on their 50th wedding anniversary.

**HR 926** (by Craddick), Recognizing the Midland Christian School Mustangs for winning the 2006 TAPPS Division II state football championship.

**HR 927** (by Craddick), Honoring Earnest and Betty Moore of Midland on their 50th wedding anniversary.

**HR 928** (by Craddick), Honoring Herbert and Maurene Thurman on their 50th wedding anniversary.

**HR 929** (by Craddick), Honoring Curtis and Flora McClain of Midland on their 56th wedding anniversary.

**HR 930** (by Craddick), Honoring Andy and Adela Salgado of Odessa on their 50th wedding anniversary.

**HR 931** (by Craddick), Honoring Ronnie and Linda Christian of Stanton on their 50th wedding anniversary.

**HR 932** (by Craddick), Honoring Daniel and Frances Labowski of Midland on their 50th wedding anniversary.

**HR 933** (by Craddick), Honoring Jimmy and Ginger Floyd of Midland on their 50th wedding anniversary.

**HR 934** (by Craddick), Congratulating Frank and Duane Castleberry of Midland on their 53rd wedding anniversary.

**HR 935** (by Gonzalez Toureilles), Honoring army veteran Eddie Villa IV of Alice for his valorous service in Iraq.

**HR 936** was previously adopted.

**HR 937** (by Dutton), Honoring the Reverend Murphy D. Simon, Jr., and his wife, Sister April Simon, on their fourth anniversary with First St. Mark Missionary Baptist Church.

**HR 938** (by Martinez), Honoring Ramon Garcia for his service as the county judge of Hidalgo County.

**HR 940** (by Goolsby), Honoring LaNan McKinney of Austin for her outstanding record of community service.

**HR 946** (by Craddick), Congratulating Mark LaCroix of Midland on being named the 2007 Region 18 Secondary Teacher of the Year by the Texas Education Agency.

**HR 947** (by Craddick), Congratulating Janice Bullock of Midland on being named the 2007 Region 18 Elementary Teacher of the Year by the Texas Education Agency.

**HR 948** (by Craddick), Congratulating Alvino and Miquela Reyes on their 50th wedding anniversary.

**HR 949** (by Craddick), Honoring Hugh and Louise Christianson of Midland on their 50th wedding anniversary.

**HR 950** (by Craddick), Congratulating Newell and Frances Tate of Tarzan on their 54th wedding anniversary.

**HR 951** (by Craddick), Honoring David and Helen Vandivere of Lamesa on their 50th wedding anniversary.

**HR 952** (by Craddick), Honoring Roland and Barbara Blocker on their 50th wedding anniversary.

**HR 953** (by Craddick), Honoring Paul and Mona Price of Midland on their 60th wedding anniversary.

**HR 954** (by Craddick), Congratulating Jackie and Virginia Robertson of Midland on their 50th wedding anniversary.

**HR 955** (by Craddick), Congratulating Richard and Edna Sitz of Midland on their 50th wedding anniversary.

**HR 956** (by Vo), Recognizing the Women's Business Enterprise Alliance on the occasion of its 10th Annual EXPO.

**HR 958** (by F. Brown), Congratulating Loupot's Bookstore of College Station on its 75th anniversary.

**HR 959** (by Martinez), Congratulating Juan de Dios "J. D." Salinas III on his election as the county judge of Hidalgo County.

**HR 962** (by Flynn), Congratulating John and Winifred "Winnie" Murray of Greenville on their 50th wedding anniversary.

**HR 963** (by Flynn), Honoring J. T. and Ella Jane Thompson of Wolfe City on their 50th wedding anniversary.

**HR 965** (by Latham), Honoring Hazel Edgar Thomas on her 80th birthday.

**HR 966** (by Hamilton), Commemorating the 200th anniversary of the birth of Robert E. Lee.

**HR 967** (by Quintanilla), Congratulating Tornillo Elementary School in El Paso County for being ranked as a Distinguished Performance School in 2007.

**HR 968** (by Christian), Congratulating Dr. Baker Pattillo on being named the eighth president of Stephen F. Austin State University.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HCR 9** (by Homer), In memory of Cecil B. "Poss" Long of Paris, Texas.

**HCR 10** (by Homer), In memory of Mattie Katherine Bills of Paris, Texas.

**HCR 160** (by Homer), In memory of Robert Bruce Staples, Jr., of Paris, Texas.

**HR 108** (by Gallego and Goolsby), In memory of Gregg A. Cooke of Dallas.

**HR 873** (by Gallego), In memory of Melissa Cruz of Sanderson.

**HR 875** (by Gallego), In memory of Iona Vasbinder of Del Rio.

**HR 881** (by Crownover), In memory of Walter Sheridan Harpool of Denton.

**HR 916** (by Eiland), In memory of Oliver Jenkins of League City.

**HR 957** (by T. Smith), In memory of Van Eisenmann of Hurst.

**HR 960** was withdrawn.

**HR 970** (by Christian), In memory of Robert Vance Payne of Center.

**HR 971** (by Christian), In memory of U.S. Army Private First Class Travis Wayne Buford.

The resolutions were unanimously adopted by a rising vote.

### **MOTION TO ADD NAMES**

On motion of Representative Gallego, the names of all the members of the house were added to **HR 25, HR 56, HR 108, and HR 873 - HR 875** as signers thereof.

### **HR 1374 - ADOPTED (by Kolkhorst)**

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 1374**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1374**, Recognizing April 5, 2007, as Grimes County Day at the State Capitol.

**HR 1374** was read and was adopted.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Kolkhorst who introduced a delegation from Grimes County.

### **LEAVE OF ABSENCE GRANTED**

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

Deshotel on motion of Straus.

(Speaker pro tempore in the chair)

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

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

**HB 41** was withdrawn.

**CSHB 90** (by Branch), A bill to be entitled An Act relating to the acceptance of certain identification for release of a motor vehicle by vehicle storage facilities.

**HB 209** was withdrawn.

**CSHB 308** (by Kuempel), A bill to be entitled An Act relating to the use of laser sighting devices by hunters who are legally blind. (Hartnett recorded voting no.)

**HB 421** (by Phillips), A bill to be entitled An Act 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.

**CSHB 519** (by Naishtat), A bill to be entitled An Act relating to the creation of a trust for the management of an incapacitated person's estate.

**SB 330** (Driver - House Sponsor), in lieu of **HB 565**, A bill to be entitled An Act relating to enforcement of certain vehicle weight and safety requirements by a noncommissioned employee of the Department of Public Safety of the State of Texas.

Representative Frost moved to lay **HB 565** on the table subject to call.

The motion prevailed.

**HB 570** (by Leibowitz), A bill to be entitled An Act relating to the use of motor vehicle registration or license plate information collected by a toll project entity.

**HB 581** (by Deshotel), A bill to be entitled An Act relating to exempting from certain employment restrictions the employment of certain children engaged in the direct sale of newspapers to the general public.

**CSHB 604** (by D. Howard), A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of certain land used for wildlife management under a conservation easement.

**HB 964** (by Guillen), A bill to be entitled An Act relating to allowing certain students to carry a weapon while en route to and from a law enforcement class.

**HB 968** (by T. King), A bill to be entitled An Act relating to the display of vehicle license plates.

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

Representative T. King offered the following amendment to **HB 968**:

Amend **HB 968** as follows:

- (1) On page 1, line 10, between "a" and "farm" insert "trailer or".
- (2) On page 1, line 11, between "the" and "vehicle" insert "trailer or".

Amendment No. 1 was adopted.

**HB 1044** (by Dutton), A bill to be entitled An Act relating to the delivery of voter registration certificates.

**HB 1045** (by Truitt), A bill to be entitled An Act relating to designating April as Child Safety Month.

**Amendment No. 1**

Representative Truitt offered the following amendment to **HB 1045**:

Amend **HB 1045** on page 1, line 18, by striking "shall" and substituting "may".

Amendment No. 1 was adopted.

**HB 1164** (by Gallego), A bill to be entitled An Act relating to the presentation of Star of Texas awards to federal law enforcement officers and special agents who are killed or sustain serious or fatal injuries while assisting state or local law enforcement agencies in this state.

**HB 1254** (by Bonnen), A bill to be entitled An Act relating to environmental permitting fees and electronic reporting.

(Olivo now present)

**HB 1346** (by Latham), A bill to be entitled An Act relating to continuing education for truancy magistrates in certain counties. (Harper-Brown recorded voting no.)

**HB 1446** (by Bohac), A bill to be entitled An Act relating to the period for preserving precinct election records.

**HB 1449** (by Bohac, Crownover, and Flynn), A bill to be entitled An Act relating to designating November as Lung Cancer Awareness Month.

**Amendment No. 1**

Representative Bohac offered the following amendment to **HB 1449**:

Amend **HB 1449** on page 1, line 9, by striking "shall" and substituting "may".

Amendment No. 1 was adopted.

**HB 1483** was withdrawn.

**HB 1484** was withdrawn.

**CSHB 1682** (by Bonnen), A bill to be entitled An Act relating to designating Farm-to-Market Road 2004 in Brazoria County the Jason Oliff Memorial Highway.

**HB 1710** (by Naishtat), A bill to be entitled An Act relating to the administration of community property.

**SB 332** (Driver - House Sponsor), in lieu of **HB 1765**, A bill to be entitled An Act relating to the responsibility of an employer in relation to a person who drives a commercial motor vehicle; providing a criminal penalty.

Representative Frost moved to lay **HB 1765** on the table subject to call.

The motion prevailed.

**HB 1841** (by Bonnen), A bill to be entitled An Act relating to the presumption of validity of an act or proceeding of a navigation district, its governing body, or certain corporations of the district.

**CSHB 1899** (by England), A bill to be entitled An Act relating to the sale of certain real property at an ad valorem tax sale and to the right of redemption in connection with that real property.

**HB 1947** (by Hodge, Anchia, Branch, and Giddings), A bill to be entitled An Act relating to the designation of the structure on Interstate 30 connecting the east and west levee of the Trinity River as the Margaret McDermott Bridge.

**HB 2076** was withdrawn.

**HB 2094** was withdrawn.

**HB 2269** was withdrawn.

**HB 2288** (by West), A bill to be entitled An Act relating to the application of the professional prosecutors law to the district attorney for the 109th Judicial District.

**CSHB 2296** (by Krusee), A bill to be entitled An Act relating to the designation of a portion of State Highway 130 in Williamson, Travis, Caldwell, and Guadalupe Counties in honor of former United States Congressman J. J. "Jake" Pickle as the Pickle Parkway.

**HB 2352** (by Thompson), A bill to be entitled An Act relating to a registered property tax consultant.

**HB 2507** (by Hartnett and Naishtat), A bill to be entitled An Act relating to providing notice to certain beneficiaries under a decedent's will.

#### **LEAVES OF ABSENCE GRANTED**

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

Martinez Fischer on motion of Guillen.

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

Gattis on motion of W. Smith.

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

Castro on motion of Guillen.

#### **RULES SUSPENDED**

Representative Straus moved to suspend all necessary rules to allow the Committee on Regulated Industries to consider **SB 482** and **SB 483** upon first adjournment today in 1W.14.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Regulated Industries, upon first adjournment today, 1W.14, for a formal meeting, to consider **SB 482** and **SB 483**.

Calendars, upon first adjournment today, 3W.9, for a formal meeting, to consider a calendar.

Defense Affairs and State-Federal Relations, upon first adjournment today, 3N.3, for a formal meeting, to consider **HB 3857** and pending business.

Corrections, upon first adjournment today, 3W.9, for a formal meeting.

### **ADJOURNMENT**

Representative Giddings moved that the house adjourn until 10:45 a.m. today in memory of Coach Eddie Robinson of Ruston, Louisiana.

The motion prevailed.

The house accordingly, at 10:30 a.m., adjourned until 10:45 a.m. today.