

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-THIRD DAY — MONDAY, MARCH 26, 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 181).

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

Absent, Excused — Corte; Riddle.

Absent — Bonnen; Haggerty; Hopson; Howard, C.; Menendez; Mowery; Solomons; Turner; Villarreal; Woolley.

The invocation was offered by Reverend Roberto Rodriguez, pastor, Primera Iglesia Bautista, Harlingen, as follows:

Dear God, thank you for this day. I ask you to bless all the men and women who are here serving our state during these days of our 80th Legislative Session. Please be with them and protect them from harm during these days. Guide them in their deliberations. Watch over their families and keep them healthy and safe so that they may concentrate on the matters of state before them.

If any among those who are serving are suffering with illnesses, or family problems, or any other matters, I ask today that you reach out to them and let them feel your comforting and healing presence. Let them know and understand that you love them and that you will watch over them. Let them experience your presence on a daily basis.

Please lead each of us to do your will each and every day. We pray that all that is done during this 80th Session of the Texas Legislature will bring honor and glory to you. In Christ's name we pray. Amen.

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

(Hopson and Solomons now present)

CAPITOL PHYSICIAN

The speaker recognized Representative R. Cook who presented Dr. Steve Yount of Bastrop as the "Doctor for the Day."

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

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of illness:

Corte on motion of Harless.

Riddle on motion of Harless.

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).

(Hamilton in the chair)

(Woolley now present)

HR 428 - READ

(by Lucio)

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

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

(Speaker in the chair)

(Haggerty now present)

HR 428 - MOTION TO ADD NAMES

On motion of Representative Hodge, the names of all the members of the house were added to **HR 428** as signers thereof.

(Hamilton in the chair)

(C. Howard now present)

INTRODUCTION OF GUESTS

The chair recognized Representative Rodriguez who introduced members of the Chicano/Hispanic Law Students' Association.

HR 1053 - ADOPTED
(by Deshotel, et al.)

Representative Deshotel moved to suspend all necessary rules to take up and consider at this time **HR 1053**.

The motion prevailed.

The following resolution was laid before the house:

HR 1053, Recognizing March 26, 2007, as Leadership Southeast Texas Day at the State Capitol.

HR 1053 was read and was adopted.

On motion of Representatives Ritter and McReynolds, the names of all the members of the house were added to **HR 1053** as signers thereof.

(Speaker in the chair)

PRINTING RULE SUSPENDED

Representative Deshotel moved to suspend House Rule 12, Section 1(a)(1)(A) to enable the committee reports for **HB 2278**, **HB 2636**, **HB 3166**, and **HB 3167** to be printed and distributed without the text of the introduced bills.

The motion prevailed.

(Bonnen now present)

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. 15 and Senate List No. 14).

RESOLUTIONS ADOPTED

Representative Isett moved to suspend all necessary rules in order to take up and consider at this time **HR 999 - HR 1005**.

The motion prevailed.

The following resolutions were laid before the house:

HR 999 (by Riddle), Honoring Richard Daniel Howard of Austin for his service to his country as a member of the United States Army Reserve.

HR 1000 (by Riddle), Honoring Joseph Edmund Touchet of Austin for his service to his country as a member of the Texas Army National Guard.

HR 1001 (by Riddle), Honoring Ronald R. Carvalho of New Braunfels for his service to his country as a member of the United States Air Force Reserve.

HR 1002 (by Riddle), Honoring Cristobal Pedro Flores of Austin for his service to his country as a member of the United States Army Reserve.

HR 1003 (by Riddle), Honoring Anthony Marqui Hester of Austin for his service to his country as a member of the United States Air Force Reserve.

HR 1004 (by Riddle), Honoring Eric Shelton Sims of Georgetown for his service to his country as a member of the Texas Army National Guard.

HR 1005 (by Riddle), Honoring Desira L. Glenn of Austin for her service to her country as a member of the Texas Army National Guard.

The resolutions were adopted.

On motion of Representative Kuempel, the names of all the members of the house were added to **HR 999 - HR 1005** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Isett who introduced Capitol DPS officers who have been called to active duty: Cristobal Flores, Desira Glenn, Anthony Hester, and the wife of Joseph Touchet, Carolyn Touchet.

HR 1255 - ADOPTED (by Anderson)

Representative Anderson moved to suspend all necessary rules to take up and consider at this time **HR 1255**.

The motion prevailed.

The following resolution was laid before the house:

HR 1255, Congratulating Robert and Charlotte Cornell on their 36th wedding anniversary.

HR 1255 was adopted.

(Mowery now present)

HR 985 - ADOPTED (by Crownover)

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 985**.

The motion prevailed.

The following resolution was laid before the house:

HR 985, Recognizing March 28, 2007, as Texas Tobacco-Free Kids Day.

HR 985 was adopted.

HR 1261 - ADOPTED (by Bonnen)

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 1261**.

The motion prevailed.

The following resolution was laid before the house:

HR 1261, In memory of Brooke Alyson Phillips.

HR 1261 was read and was unanimously adopted by a rising vote.

On motion of Representative O'Day, the names of all the members of the house were added to **HR 1261** as signers thereof.

HR 1262 - ADOPTED
(by Bonnen)

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 1262**.

The motion prevailed.

The following resolution was laid before the house:

HR 1262, Commending Chaney and Jessica Phillips, founders of B.I.G. Love Cancer Care Services.

HR 1262 was adopted.

On motion of Representative O'Day, the names of all the members of the house were added to **HR 1262** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Bonnen who introduced family members of Brooke Alyson Phillips.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 17 ON SECOND READING
(by Corte and Naishtat)

CSHB 17, A bill to be entitled An Act relating to the establishment of a pilot program to provide a ballot by electronic mail to military personnel serving overseas.

CSHB 17 was read second time on March 20 and was postponed until 10 a.m. today.

Representative Naishtat moved to postpone consideration of **CSHB 17** until 10 a.m. tomorrow.

The motion prevailed.

(Callegari in the chair)

HR 1054 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 1054**.

The motion prevailed.

The following resolution was laid before the house:

HR 1054, Commending U. David Gonzalez on his retirement from the United States Department of Agriculture.

HR 1054 was read and was adopted.

On motion of Representative Escobar, the names of all the members of the house were added to **HR 1054** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Guillen who introduced Mr. and Mrs. David Gonzalez.

(Speaker in the chair)

HB 4030 - PERMISSION TO INTRODUCE

Representative Isett requested permission to introduce and have placed on first reading **HB 4030**.

A record vote was requested.

Permission to introduce was granted by (Record 182): 136 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; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; 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 Tourelles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Moreno; Morrison; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Riddle.

Absent — Castro; Hilderbran; Latham; Laubenberg; Madden; Martinez; Menendez; Mowery; Paxton; Turner; Villarreal.

STATEMENTS OF VOTE

When Record No. 182 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hilderbran

When Record No. 182 was taken, I was temporarily out of the house chamber. I would have voted yes.

Menendez

When Record No. 182 was taken, I was temporarily out of the house chamber. I would have voted yes.

Turner

(Turner now present)

HB 965 ON SECOND READING
(by Guillen)

HB 965, A bill to be entitled An Act relating to excusing a member of the legislature from being compelled to testify or give a deposition in a civil suit when the legislature is in session.

HB 965 was read second time and passed to engrossment on March 19. The vote was later reconsidered, and **HB 965** was postponed until 2 p.m. today.

Representative Guillen moved to postpone consideration of **HB 965** until 10 a.m. Wednesday, April 11.

The motion prevailed.

HB 1556 ON SECOND READING
(by Pickett)

HB 1556, A bill to be entitled An Act relating to the management of certain public land.

HB 1556 was read second time on March 20 and was postponed until 2 p.m. today.

Representative Pickett moved to postpone consideration of **HB 1556** until 10 a.m. Tuesday, April 17.

The motion prevailed.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

HB 551 ON SECOND READING
(by Turner, Bonnen, Giddings, Bohac, Homer, et al.)

HB 551, A bill to be entitled An Act relating to the system benefit fund and to eligibility for and enrollment for benefits provided under the system benefit fund programs.

Representative Turner moved to postpone consideration of **HB 551** until 10 a.m. Monday, April 2.

The motion prevailed.

(Menendez and Villarreal now present)

HB 1967 ON SECOND READING
(by Farabee, et al.)

HB 1967, A bill to be entitled An Act relating to the regulation as common carriers of certain owners, operators, or managers of pipelines for the transportation of feedstock for carbon gasification, the products of carbon gasification, or the derivative products of carbon gasification.

HB 1967 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. No members registered their position on this measure.)

CSHB 410 ON SECOND READING
(by Eissler)

CSHB 410, A bill to be entitled An Act relating to erecting an off-premise sign adjacent to and visible from certain roads.

Amendment No. 1

Representative Van Arsdale offered the following amendment to **CSHB 410**:

Amend **CSHB 410** as follows:

(1) On page 3, line 20, strike "or".

(2) On page 3, line 23, between "Windthorst" and the period, insert the following:

; or

(24) Farm-to-Market Road 2920 between U.S. Highway 290 and Farm-to-Market Road 2978

Amendment No. 1 was adopted. (Mallory Caraway recorded voting present, not voting.)

Amendment No. 2

Representative Zerwas offered the following amendment to **CSHB 410**:

Amend **CSHB 410** as follows:

(1) On page 3, line 20, strike "or".

(2) On page 3, line 23, between "Windthorst" and the period, insert the following:

; or

(24) a highway in Waller County that is part of the state highway system

Amendment No. 2 was adopted. (Mallory Caraway recorded voting present, not voting.)

Amendment No. 3

Representative R. Cook offered the following amendment to **CSHB 410**:

Amend **CSHB 410** as follows:

(1) On page 3, line 20, strike "or".

(2) On page 3, line 23, between "Windthorst" and the period, insert the following:

; or

(24) a highway in Fayette County that is part of the state highway system

CSHB 410 - POINT OF ORDER

Representative Hardcastle raised a point of order against further consideration of **CSHB 410** under Article III, Section 57 of the Texas Constitution and Chapter 313 of the Government Code on the grounds that it violates the notification requirements for special laws.

(Geren in the chair)

The chair overruled the point of order.

(Speaker in the chair)

Amendment No. 3 was adopted. (Mallory Caraway recorded voting present, not voting.)

Amendment No. 4

Representative Kolkhorst offered the following amendment to **CSHB 410**:

Amend **CSHB 410** as follows:

(1) On page 3, line 20, strike "or".

(2) On page 3, line 23, between "Windthorst" and the period, insert the following:

; or

(24) the following highways in Austin County:

(A) State Highway 159;

(B) Farm-to-Market Road 331;

(C) Farm-to-Market Road 529;

(D) Farm-to-Market Road 1094; and

(E) Farm-to-Market Road 2502

Amendment No. 4 was adopted. (Mallory Caraway recorded voting present, not voting.)

Amendment No. 5

Representative Bolton offered the following amendment to **CSHB 410**:

Amend **CSHB 410** as follows:

(1) On page 3, line 20, strike "or".

(2) On page 3, line 23, between "Windthorst" and the period, insert the following:

; or

(24) State Highway 71 between Southwest Parkway and the boundary line between Travis and Blanco Counties

Amendment No. 5 was adopted. (Mallory Caraway recorded voting present, not voting.)

Amendment No. 6

Representative O'Day offered the following amendment to **CSHB 410**:

Amend **CSHB 410** as follows:

(1) On page 3, line 20, strike "or".

(2) On page 3, line 23, between "Windthorst" and the period, insert the following:

; or

(24) State Highway 288

Amendment No. 6 was adopted. (Mallory Caraway recorded voting present, not voting.)

Amendment No. 7

Representative Gattis offered the following amendment to **CSHB 410**:

Amend **CSHB 410** as follows:

(1) On page 3, line 20, strike "or".

(2) On page 3, line 23, between "Windthorst" and the period, insert the following:

; or

(24) a road or highway in the state highway system located in the unincorporated area of Williamson County, unless the off-premise sign is approved by the commissioners court of that county

Amendment No. 7 was adopted. (Mallory Caraway recorded voting present, not voting.)

Amendment No. 8

Representative Rose offered the following amendment to **CSHB 410**:

Amend **CSHB 410** as follows:

(1) On page 3, line 20, strike "or".

(2) On page 3, line 23, between "Windthorst" and the period, insert the following:

;

(24) Farm-to-Market Road 150;

(25) Farm-to-Market Road 1826;

(26) Ranch-to-Market Road 12 between the western city limits of the city of San Marcos and the boundary line between Hays and Travis Counties; or

(27) Farm-to-Market Road 165 in Blanco County

Amendment No. 8 was adopted. (Mallory Caraway recorded voting present, not voting.)

CSHB 410 - POINT OF ORDER

Representative Hardcastle raised a point of order against further consideration of **CSHB 410** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order.

Amendment No. 9

Representative Haggerty offered the following amendment to **CSHB 410**:

Amend **CSHB 410** as follows:

(1) On page 3, between lines 23 and 24, insert the following:

SECTION 2. Section 391.252, Transportation Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A landowner to whom a notice is mailed by the county clerk may exclude the landowner's property from the application of this Act by notifying the Texas Department of Transportation in writing, by certified mail. In order for the landowner's property to be excluded from the application of this Section, the landowner's notice must be received by the Texas Department of Transportation within one year of the date the Texas Department of Transportation receives notification from all appropriate county clerks that notices were mailed to landowners as provided by this Section. The exclusion of the landowner from the application of this Section becomes effective on the date the landowner's notice is received by the Texas Department of Transportation.

(2) On page 3, line 24, strike "SECTION 2" and substitute "SECTION 3".

Representative Eissler moved to table Amendment No. 9.

A record vote was requested.

The motion to table was lost by (Record 183): 24 Yeas, 113 Nays, 2 Present, not voting.

Yeas — Bolton; Bonnen; Burnam; Coleman; Cook, R.; Driver; Eissler; Farabee; Farias; Gattis; Hartnett; Hill; Hochberg; Krusee; O'Day; Pierson; Rodriguez; Rose; Strama; Straus; Van Arsdale; Villarreal; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Eiland; Elkins; England; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Latham; Laubenberg; Leibowitz; Macias; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Vo; West; Woolley.

Present, not voting — Mr. Speaker(C); Branch.

Absent, Excused — Corte; Riddle.

Absent — Dutton; Escobar; King, T.; Lucio; Madden; Mallory Caraway; Moreno; Mowery; Talton.

STATEMENTS OF VOTE

When Record No. 183 was taken, I was in the house but away from my desk. I would have voted no.

Escobar

I was shown voting yes on Record No. 183. I intended to vote no.

Farabee

When Record No. 183 was taken, I was in the house but away from my desk. I would have voted no.

Lucio

When Record No. 183 was taken, I was in the house but away from my desk. I would have voted present, not voting.

Mallory Caraway

I was shown voting no on Record No. 183. I intended to vote yes.

Naishtat

I was shown voting yes on Record No. 183. I intended to vote no.

Zedler

Amendment No. 9 was adopted. (Mallory Caraway recorded voting present, not voting.)

Amendment No. 10

Representative Isett offered the following amendment to **CSHB 410**:

Amend **CSHB 410** by adding the following section to the bill, appropriately numbered:

SECTION _____. Section 216.003, Local Government Code, is amended by added Subsection (g) to read as follows:

(g) A municipality may not allow a non-conforming off-premise sign located on a state highway to be replaced with another off-premise sign except by the sign owner.

Amendment No. 10 was adopted. (Mallory Caraway recorded voting present, not voting.)

Amendment No. 11

Representative Gallego offered the following amendment to **CSHB 410**:

Amend **CSHB 410** as follows:

(1) On page 3, line 20, strike "or".

(2) On page 3, line 23, between "Windthorst" and the period, insert the following:

; or

(24) any segment of the Trans-Texas Corridor

Amendment No. 12

Representative Gallego offered the following amendment to Amendment No. 11:

Amend the Gallego amendment to **CSHB 410** on page 1, line 6, by striking "any segment of the Trans-Texas Corridor" and substituting "any highway right-of-way for the Trans-Texas Corridor"

Amendment No. 12 was adopted. (Mallory Caraway recorded voting present, not voting.)

Amendment No. 11, as amended, was adopted. (Mallory Caraway recorded voting present, not voting.)

(Harper-Brown in the chair)

Amendment No. 13

Representative Merritt offered the following amendment to **CSHB 410**:

Amend **CSHB 410** as follows:

(1) On page 3, between lines 23 and 24, insert the following:

SECTION 2. Section 391.252, Transportation Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) If a billboard is located on premises described by Subsection (a), the billboard may not be removed from the premises without the permission of the owner of those premises.

(a-2) If a billboard is removed in violation of Subsection (a-1) the billboard may be reconstructed or a new billboard erected on the premises.

(2) On page 3, line 24, strike "SECTION 2" and substitute "SECTION 3".

Amendment No. 13 was adopted. (Mallory Caraway recorded voting present, not voting.)

Amendment No. 14

Representative T. King offered the following amendment to **CSHB 410**:

Amend **CSHB 410** by adding the following new section to the bill, appropriately numbered, and renumbering existing sections accordingly:

SECTION _____. The change in law made by this Act does not apply to a highway included in Section 391.252, Transportation Code, as that law existed immediately before the effective date of this Act.

Amendment No. 14 was adopted. (Mallory Caraway recorded voting present, not voting.)

Amendment No. 15

Representative Leibowitz offered the following amendment to **CSHB 410**:

Amend **CSHB 410** as follows:

(1) On page 3, line 20, strike "or".

(2) On page 3, line 23, between "Windthorst" and the period, insert the following:

; or

(24) a toll highway or a proposed toll highway in the state highway system

Representative Eissler moved to postpone consideration of **CSHB 410** until 10 a.m. Tuesday, May 29.

The motion prevailed.

CSHB 410 - STATEMENT BY REPRESENTATIVE GATTIS

I offered an amendment to this bill banning all billboards in the unincorporated areas of Williamson County to send a message to the billboard industry that a few of their member's business practices and blatant disregard for the laws of the State of Texas are outrageous. The industry needs to police and take care of their own. Most are good actors; however, there are some who jeopardize the business of all the others. Furthermore, I must point out that those whose property rights who are not ever discussed or considered in this debate are those whose property lies adjacent to large billboards. Not only is their property devalued, but their quality of life is affected as well. It is a well understood and often stated maxim that one person's rights extend only so far as their neighbor's nose.

CSHB 733 ON SECOND READING

(by Krusee)

CSHB 733, A bill to be entitled An Act relating to the sale of certain used trucks; providing penalties.

Amendment No. 1

Representative Driver offered the following amendment to **CSHB 733**:

Amend **CSHB 733** as follows:

- (1) On page 1, line 8, strike the comma.
- (2) On page 1, strike lines 9 through 11 and substitute "from directly or indirectly owning an interest in the motor vehicle dealer if the".

Amendment No. 1 was withdrawn.

CSHB 733 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HILL: Mr. Driver, you are aware that I chaired the study commission that looked at this issue?

REPRESENTATIVE DRIVER: Yes, sir, I certainly am.

HILL: And you are aware that of these three manufacturers, International is the only one that is American-owned?

DRIVER: International is in my district and it is American-owned. Yes, sir.

HILL: Are you aware that of these three manufacturers, International is the only one with a substantial capital investment in this state, and operating a manufacturing facility in Garland and employs close to 1,000 people?

DRIVER: Yes, sir. I believe the figure I was told was that they have a capital investment in Texas of \$140 million, and that last year the Garland plant alone produced trucks worth over \$2 billion.

HILL: Who were the stakeholders who agreed to this compromise bill?

DRIVER: It's my understanding the agreement was between two manufacturers that did not comply with TxDOT's interpretation of the 1999 law and have stayed in business. Texas department, I'm sorry, TADA and a coalition of heavy truck dealers. It's also my understanding, International, the one in my district, was part of a deal originally, but was carved out because TADA did not agree to anything that allowed them to reopen their stores.

HILL: Why does TADA even care about this bill?

DRIVER: That's a good question, Mr. Hill. This is really a heavy truck issue, it's not an automobile issue at all. In fact, this is a fight about heavy truck dealers and their ability to compete for heavy fleet sales. These used truck stores basically allow manufacturers to buy trade-ins from their dealers so the dealers can compete for fleet sales without being overly burdened with too many trade-ins.

HILL: So how does this affect International?

DRIVER: International would be the one in my district. Basically, International is trying to compete with these other heavy truck manufacturers that are able to support their dealers on fleet issues by having used truck centers. Yet the State of Texas tells International they can't do exactly the same thing. International dealers are at a substantial competitive disadvantage because of this.

HILL: It's been my understanding that this compromise bill is a deal that was cut, and that if any changes are made, the whole deal dies. And if the bill dies, we're putting more people out of business. Are you aware of who would benefit if the bill dies?

DRIVER: Well, I assume it's TADA and also a particular heavy truck dealer that is the only publicly-owned truck dealer in the country. He wants this bill dead because he's the only guy big enough to handle truck volume dealer trade-ins because of the cuts of the heavy dealer network. This dealer had sales last year of almost \$3 billion. He's a big player. He'd be virtually the only player if this bill doesn't pass.

HILL: So basically allowing these manufacturers to continue selling used trucks actually promotes competition rather than weakens it?

DRIVER: That's exactly right, sir.

HILL: Are you aware that the other manufacturers testified in the Transportation Committee that they would not oppose allowing International to be included in this agreement?

DRIVER: That's right. I don't see the difference in letting these guys have one store that would help these manufacturers compete with the other manufacturers, and one mega-heavy truck dealer.

REMARKS ORDERED PRINTED

Representative Hill moved to print remarks between Representative Driver and Representative Hill.

The motion prevailed.

CSHB 733 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: Anderson, Aycock, Castro, Crabb, Delisi, Garcia, Kolkhorst, Kuempel, Macias, and Merritt recorded voting no.)

CSHB 389 ON SECOND READING

(by Callegari)

CSHB 389, A bill to be entitled An Act relating to the eminent domain authority of Texas Woman's University.

CSHB 389 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. No members registered their position on this measure.)

HB 48 ON SECOND READING

(by Chavez and Guillen)

HB 48, A bill to be entitled An Act relating to distributions from the employment and training investment holding fund.

HB 48 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: Aycock recorded voting no.)

HB 566 ON SECOND READING

(by Hamilton)

HB 566, A bill to be entitled An Act relating to compulsory school attendance for students who are at least 18 years of age.

Amendment No. 1

Representative Hochberg offered the following amendment to **HB 566**:

Amend **HB 566** as follows:

(1) On page 1, line 5, strike "Section 25.085(e), Education Code, is amended" and substitute "Section 25.085, Education Code, is amended by adding Subsection (f)".

(2) Strike page 1, lines 7 through 18, and substitute the following:

(f) The board of trustees of a school district may adopt a policy requiring a person described by Subsection (e) to attend school until the end of the school year. Section 25.094 applies to a person subject to a policy adopted under this subsection. Sections 25.093 and 25.095 do not apply to the parent of a person subject to a policy adopted under this subsection.

Amendment No. 1 was adopted.

HB 566, 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: Castro, Farrar, and Talton recorded voting no.)

HB 1217 ON SECOND READING
(by Straus)

HB 1217, A bill to be entitled An Act relating to allowing a municipal electric utility to enter into hedging contracts for certain commodities.

Representative Straus moved to postpone consideration of **HB 1217** until 10 a.m. Monday, April 2.

The motion prevailed.

CSHB 1212 ON SECOND READING
(by Pierson, Peña, Veasey, et al.)

CSHB 1212, A bill to be entitled An Act relating to the penalties for intoxication assault and intoxication manslaughter and to the sentencing of defendants convicted of those offenses.

Amendment No. 1

Representative Pierson offered the following amendment to **CSHB 1212**:

Amend **CSHB 1212** (house committee printing) as follows:

(1) On page 1, line 17, strike "Subsection (b-1)" and substitute "Subsections (b-1), (b-2), and (b-3)".

(2) Strike the language on page 1, line 18, through page 2, line 5, and substitute the following:

"(b-1) An offense under Section 49.07 is a felony of the second degree if it is shown on the trial of the offense that the person caused serious bodily injury to a peace officer, a firefighter, or emergency medical services personnel while in the actual discharge of an official duty.

(b-2) An offense under Section 49.08 is a felony of the first degree if it is shown on the trial of the offense that the person caused the death of a person described by Subsection (b-1).

(b-3) For the purposes of Subsection (b-1):

(1) "Emergency medical services personnel" has the meaning assigned by Section 773.003, Health and Safety Code.

(2) "Firefighter" means:".

(3) On page 2, line 6, strike "(1)" and substitute "(A)".

- (4) On page 2, line 9, strike "(2)" and substitute "(B)".
- (5) On page 2, line 11, strike "(A)" and substitute "(i)".
- (6) On page 2, line 13, strike "(B)" and substitute "(ii)".
- (7) Strike the language on page 2, lines 15 and 16.

Amendment No. 1 was adopted.

CSHB 1212, 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. No members registered their position on this measure.)

HB 1295 ON SECOND READING
(by Hartnett)

HB 1295, A bill to be entitled An Act relating to filing fees for certain actions filed in a court with probate jurisdiction.

HB 1295 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. No members registered their position on this measure.)

HB 1387 ON SECOND READING
(by P. King and Flynn)

HB 1387, A bill to be entitled An Act relating to requiring a school district to provide for a feasibility study before acquiring title to real property through eminent domain.

Representative P. King moved to postpone consideration of **HB 1387** until 10:30 a.m. tomorrow.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to House Rule 4, Section 9, Representative Puente requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings.

Permission to meet was granted.

FIVE DAY POSTING RULE SUSPENDED

Representative Madden moved to suspend the five day posting rule to allow the Joint Select Committee on the Operation and Management of the Texas Youth Commission to consider invited testimony at 8 a.m. tomorrow, auditorium, SHB 327.

The motion prevailed.

Representative Berman moved to suspend the five day posting rule to allow the Committee on Elections to consider **HJR 91** at 2 p.m. or upon adjournment Wednesday, March 28 in E2.028.

The motion prevailed.

Representative P. King moved to suspend the five day posting rule to allow the Committee on Regulated Industries to consider **HB 3961**, **SB 495**, and **SB 896** at 2 p.m. or upon adjournment tomorrow in JHR 140.

The motion prevailed.

Representative Krusee moved to suspend the five day posting rule to allow the Committee on Transportation to consider **HB 90** during bill referral today in 3N.4.

The motion prevailed.

Representative Swinford moved to suspend the five day posting rule to allow the Committee on State Affairs to consider **HB 180**, **HB 1998**, **HB 2683**, **HB 2684**, and **HB 2685** at the posted meeting upon adjournment today.

The motion prevailed.

Representative Puente moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider previously posted bills upon adjournment Wednesday, March 28 in E2.012.

The motion prevailed.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative McClendon moved to set a congratulatory and memorial calendar for 9 a.m. Wednesday, March 28.

The motion prevailed.

RESOLUTIONS ADOPTED

Representative McClendon moved to suspend all necessary rules in order to take up and consider at this time **HR 728**, **HR 783**, **HR 785**, **HR 1008**, and **HR 1250**.

The motion prevailed.

The following resolutions were laid before the house:

HR 728 (by Merritt), Recognizing March 29, 2007, as Women in Longview Day.

HR 783 (by Hopson), Congratulating Florence "Flossie" Smith Rousseau and Lewis "Buddy" Marlin Barker of Auburn, Alabama, on their impending nuptials.

HR 785 (by Flynn), Honoring Grant Allen of Grand Saline for receiving a 2007 Prudential Spirit of Community Award.

HR 1008 (by Farrar), Commemorating the rededication of Houston's Randal P. Jones Park in honor of Richard Brock.

HR 1250 (by Flynn), Honoring Jimmy Vaughan on the occasion of his retirement.

The resolutions were adopted.

PROVIDING FOR ADJOURNMENT

Representative Crownover 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.

The motion prevailed.

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

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

(Villarreal in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 5:08 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

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

- SB 7** to Public Education.
- SB 12** to Environmental Regulation.
- SB 27** to Human Services.
- SB 28** to Public Health.
- SB 30** to Public Health.
- SB 33** to Public Health.
- SB 36** to Public Health.
- SB 57** to Local Government Ways and Means.
- SB 61** to Defense Affairs and State-Federal Relations.
- SB 63** to County Affairs.
- SB 66** to County Affairs.
- SB 82** to Public Education.
- SB 91** to Public Health.

SB 112 to Defense Affairs and State-Federal Relations.
SB 113 to Public Education.
SB 135 to Public Education.
SB 138 to Higher Education.
SB 139 to Higher Education.
SB 140 to Higher Education.
SB 153 to Transportation.
SB 159 to Criminal Jurisprudence.
SB 164 to Public Health.
SB 168 to Judiciary.
SB 175 to State Affairs.
SB 178 to State Affairs.
SB 180 to Law Enforcement.
SB 189 to Urban Affairs.
SB 192 to State Affairs.
SB 198 to Public Health.
SB 199 to Human Services.
SB 204 to Public Health.
SB 205 to Government Reform.
SB 210 to Civil Practices.
SB 213 to Local Government Ways and Means.
SB 218 to Human Services.
SB 220 to Juvenile Justice and Family Issues.
SB 225 to Regulated Industries.
SB 228 to Juvenile Justice and Family Issues.
SB 229 to Judiciary.
SB 235 to County Affairs.
SB 237 to Judiciary.
SB 247 to Pensions and Investments.
SB 254 to County Affairs.
SB 255 to Transportation.
SB 261 to Human Services.
SB 267 to County Affairs.
SB 271 to Judiciary.

SB 277 to Defense Affairs and State-Federal Relations.

SB 282 to Public Education.

SB 295 to Law Enforcement.

SB 299 to Ways and Means.

SB 310 to Defense Affairs and State-Federal Relations.

SB 311 to Defense Affairs and State-Federal Relations.

SB 324 to Business and Industry.

SB 325 to Judiciary.

SB 327 to Transportation.

SB 328 to Law Enforcement.

SB 329 to Transportation.

SB 330 to Law Enforcement.

SB 331 to Transportation.

SB 332 to Law Enforcement.

SB 333 to Law Enforcement.

SB 336 to County Affairs.

SB 343 to Judiciary.

SB 355 to Judiciary.

SB 364 to Public Health.

SB 369 to Transportation.

SB 387 to Transportation.

SB 389 to Public Education.

SB 456 to Local Government Ways and Means.

SB 458 to Business and Industry.

SB 459 to Transportation.

SB 526 to Urban Affairs.

SB 545 to Law Enforcement.

SB 580 to Judiciary.

SB 621 to Transportation.

SB 673 to Public Education.

SB 1921 to Corrections.

SIGNED BY THE SPEAKER

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

House List No. 15**HCR 7, HCR 157****Senate List No. 14****SCR 35****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

Monday, March 26, 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:

SB 563 Ogden

Relating to assistance by the attorney general in the prosecution of certain offenses involving the unlawful appropriation or misapplication of state property or unlawful conduct in certain state-funded facilities; providing a criminal penalty.

SB 744 Seliger

Relating to retaliation for reports of possible abuse, neglect, or exploitation of certain persons receiving home and community-based services.

SB 748 Hegar

Relating to the dissolution of the Aransas County Conservation and Reclamation District.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 22

Culture, Recreation, and Tourism - **HB 6, HB 308, HB 1634**

Defense Affairs and State-Federal Relations - **SB 90**

Environmental Regulation - **HB 1235, HB 1254, HB 2018**

Government Reform - **HB 1104**

Juvenile Justice and Family Issues - **HB 162, HB 197, HB 443, HB 445, HB 764, HB 776, HB 953, HB 1043**

March 23

Agriculture and Livestock - **HB 1631, HJR 69**

Civil Practices - **HB 1299, HB 1560**

County Affairs - **HB 1892**

Criminal Jurisprudence - **HB 126, HB 1766**

Defense Affairs and State-Federal Relations - **HB 233**

Financial Institutions - **HB 1795**

Government Reform - **HB 1243**

Insurance - **HB 1594, HB 2252**

Local Government Ways and Means - **HB 967, HB 1127, HB 1458, HB 2087, HB 2089**

Natural Resources - **HB 576, HB 1565**

Regulated Industries - **HB 1189, HB 1190, HB 1386, SB 482, SB 483**

Transportation - **HB 310, HB 2075**

Urban Affairs - **HB 873, HB 1200, HB 1201, HB 1717, HB 2269**

ENGROSSED

March 22 - HB 92, HB 119, HB 125, HB 188, HB 189, HB 195, HB 261, HB 364, HB 479, HB 505, HB 585, HB 587, HB 618, HB 660, HB 674, HB 675, HB 682, HB 738, HB 823, HB 863, HB 886, HB 887, HB 889, HB 899, HB 944, HB 1003, HB 1006, HB 1064, HB 1125, HB 1176, HB 1194, HB 1237, HB 1447, HB 1488, HB 1497, HB 1518, HB 1562, HB 2168, HCR 15, HCR 30, HJR 36, HJR 59

ENROLLED

March 22 - HCR 157