

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

THIRTY-NINTH DAY — MONDAY, MARCH 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 130).

Present — Mr. Speaker; Allen; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; 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; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent — Alonzo; Castro.

The invocation was offered by Reverend Bert Bagley, Moody Memorial First United Methodist Church, Galveston.

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

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Eiland and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Kolkhorst who presented Dr. David Knuth of Huntsville as the "Doctor for the Day."

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

(Dutton in the chair)

### 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).

(Speaker in the chair)

### HB 3996 - PERMISSION TO INTRODUCE

Representative Thompson requested permission to introduce and have placed on first reading **HB 3996**.

A record vote was requested.

Permission to introduce was granted by (Record 131): 130 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; 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.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Moreno; Morrison; Murphy; Naishtat; Noriega; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent — Alonzo; Bailey; Castro; Chavez; Driver; Farias; Flores; Hardcastle; Hodge; Hughes; King, P.; Krusee; McClendon; Miles; Mowery; O'Day; Paxton; Smithee; Villarreal.

### STATEMENT OF VOTE

When Record No. 131 was taken, I was in the house but away from my desk. I would have voted yes.

Hodge

**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. 13).

**HR 853 - ADOPTED  
(by Gonzalez Toureilles)**

Representative Gonzalez Toureilles moved to suspend all necessary rules to take up and consider at this time **HR 853**.

The motion prevailed.

The following resolution was laid before the house:

**HR 853**, Honoring New Mexico Governor Bill Richardson for his public service.

**HR 853** was read and was adopted.

On motion of Representative Flores, the names of all the members of the house were added to **HR 853** as signers thereof.

**INTRODUCTION OF GUEST**

The speaker recognized Representative Gonzalez Toureilles who introduced New Mexico Governor Bill Richardson who briefly addressed the house.

(Alonzo now present)

**HCR 127 - READ  
(by Zerwas)**

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

**HCR 127**, Designating September 2007 as Leukemia and Lymphoma Awareness Month.

(Branch in the chair)

**HR 677 - ADOPTED  
(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 677**.

The motion prevailed.

The following resolution was laid before the house:

**HR 677**, Honoring the League of Women Voters of the Houston Area on the 87th anniversary of the organization's founding.

**HR 677** was adopted.

**HR 810 - ADOPTED  
(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 810**.

The motion prevailed.

The following resolution was laid before the house:

**HR 810**, Commemorating the 50th anniversary of the founding of Kashmere Gardens Church of Christ in Houston.

**HR 810** was adopted.

**HB 3997 - PERMISSION TO INTRODUCE**

Representative Puente requested permission to introduce and have placed on first reading **HB 3997**.

A record vote was requested.

Permission to introduce was granted by (Record 132): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; 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; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

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

Absent — Castro; Hartnett; Moreno; Naishtat.

**HR 448 - ADOPTED**  
**(by Parker)**

Representative Parker moved to suspend all necessary rules to take up and consider at this time **HR 448**.

The motion prevailed.

The following resolution was laid before the house:

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

**HR 448** was adopted.

**LEAVE OF ABSENCE GRANTED**

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

Chavez on motion of Guillen.

**HR 920 - ADOPTED  
(by Bonnen)**

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 920**.

The motion prevailed.

The following resolution was laid before the house:

**HR 920**, Welcoming the Greater Angleton Chamber of Commerce 2007 Leadership Program to the State Capitol.

**HR 920** was adopted.

**HR 921 - ADOPTED  
(by Bonnen)**

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 921**.

The motion prevailed.

The following resolution was laid before the house:

**HR 921**, Honoring Jason Perez for being named Citizen of the Year by the Angleton Chamber of Commerce.

**HR 921** was adopted.

**POSTPONED BUSINESS**

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

(Isett in the chair)

**HB 735 ON SECOND READING  
(by Straus, Thompson, Keffer, Isett, P. King et al.)**

**HB 735**, A bill to be entitled An Act relating to the discontinuation of the Telecommunications Infrastructure Fund.

**HB 735** was read second time on March 14 and was postponed until 2 p.m. today. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representatives Thompson and Merritt offered the following amendment to **HB 735**:

Amend **HB 735** (house committee printing) as follows:

(1) On page 1, strike lines 5-8 and substitute:

SECTION 1. (a) The following are repealed on the effective date of this Act as provided by Section 15 of this Act:

- (1) Subchapter E, Chapter 32, Education Code; and
- (2) Section 441.1385, Government Code.

(b) Effective October 1, 2007, Subchapter C, Chapter 57, Utilities Code, is repealed.

(2) On page 12, strike lines 7-26 and substitute:

SECTION 14. (a) If this Act takes effect immediately as provided by Section 15 of this Act:

(1) the assessment imposed under Section 57.048, Utilities Code, for the calendar quarter ending in July 2007 is due on the last day of August 2007;

(2) the assessment may not be imposed after the end of the calendar quarter ending in July 2007; and

(3) Section 57.048, Utilities Code, is continued in effect for the collection of the assessment due and for civil and criminal enforcement of the liability for that assessment.

(b) If this Act takes effect September 1 as provided by Section 15 of this Act:

(1) the assessment imposed under Section 57.048, Utilities Code, for the calendar quarter ending in September 2007 is due on the last day of October 2007;

(2) the assessment may not be imposed after the end of the calendar quarter ending in September 2007; and

(3) Section 57.048, Utilities Code, is continued in effect for the collection of the assessment due and for civil and criminal enforcement of the liability for that assessment.

(c) Regardless of the date on which this Act takes effect, a telecommunications utility or commercial mobile service provider subject to Section 57.048, Utilities Code, may recover from the utility's customers through a monthly billing process the amount of the assessment imposed under that section as provided by Subsection (f) of that section, and the former law is continued in effect for that purpose.

SECTION 15. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

(Speaker in the chair)

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Dunnam offered the following amendment to **HB 735**:

Amend **HB 735**, by adding the following new Section and renumbering any remaining sections accordingly:

"SECTION \_\_\_\_\_. (a) Not later than February 15, 2008, a certificated telecommunications utility that, during any part of calendar year 2007, recovered from its customers the assessment imposed under Section 57.048, Utility Code, shall report to the commission and to the comptroller the total amount of the assessment the utility recovered from its customers each month.

(b) Not later than March 15, 2008, the Comptroller shall reimburse each telecommunications utility the total amount of the assessments recovered from its customers under Section 57.048, Utility Code, from January 1, 2007, through the last month of calendar year 2007 in which the assessment is imposed on the utility.

(c) Not later than April 1, the commission shall adopt rules requiring that the total amount of the reimbursement received by each certificated telecommunications utility under subsection (b) be used to credit customers' accounts in the manner and within the time frame prescribed by the commission."

Representative Straus moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 133): 77 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cohen; Cook, B.; Corte; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Dukes; Eissler; England; Flynn; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Isett; Keffer; King, P.; Kolkhorst; Krusee; Latham; Laubenberg; Macias; Madden; McReynolds; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Peña; Phillips; Pierson; Pitts; Puente; Rose; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Taylor; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Anderson; Bolton; Burnam; Coleman; Cook, R.; Crabb; Davis, Y.; Dunnam; Dutton; Eiland; Elkins; Escobar; Farabee; Farias; Farrar; Flores; Frost; Gallego; Garcia; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jackson; Jones; King, T.; Kuempel; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miles; Moreno; Naishat; Noriega; Oliveira; Olivo; Ortiz; Paxton; Pickett; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Solomons; Talton; Thompson; Truitt; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Chavez.

Absent — Castro; Driver; Guillen; Hughes; King, S.; Lucio.

#### STATEMENTS OF VOTE

I was shown voting yes on Record No. 133. I intended to vote no.

Callegari

I was shown voting yes on Record No. 133. I intended to vote no.

Deshotel

I was shown voting yes on Record No. 133. I intended to vote no.

Gonzales

I was shown voting yes on Record No. 133. I intended to vote no.

Gonzalez Toureilles

When Record No. 133 was taken, my vote failed to register. I would have voted no.

Guillen

I was shown voting yes on Record No. 133. I intended to vote no.

C. Howard

When Record No. 133 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 133 was taken, I was in the house but away from my desk. I would have voted no.

Lucio

I was shown voting no on Record No. 133. I intended to vote yes.

McClendon

I was shown voting yes on Record No. 133. I intended to vote no.

Miller

I was shown voting yes on Record No. 133. I intended to vote no.

Peña

I was shown voting yes on Record No. 133. I intended to vote no.

Phillips

I was shown voting yes on Record No. 133. I intended to vote no.

Pierson

**HB 735**, 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: Hodge recorded voting yes; Jones recorded voting no.)

### **SB 378 ON SECOND READING**

**(Driver, P. King, Talton, Rose, Riddle, et al. - House Sponsors)**

**SB 378**, A bill to be entitled An Act relating to the use of force or deadly force in defense of a person.

**SB 378** was considered in lieu of **CSHB 284**.

**SB 378** was passed to third reading. (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: Burnam, Coleman, Y. Davis, Dukes, Farrar, Hodge, D. Howard, Moreno, Naishtat, and Thompson recorded voting no.)

**CSHB 284 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Driver moved to lay **CSHB 284** on the table subject to call.

The motion prevailed.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 109 ON SECOND READING  
(by Turner, J. Davis, Dukes, England, Peña, et al.)**

**CSHB 109**, A bill to be entitled An Act relating to eligibility for and information regarding the child health plan program.

**CSHB 109 - POINT OF ORDER**

Representative Talton raised a point of order against further consideration of **CSHB 109** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order.

**CSHB 109** was returned to the Committee on Human Services.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 963 ON SECOND READING  
(by Guillen)**

**CSHB 963**, A bill to be entitled An Act relating to providing notice of the release or escape of a defendant to certain crime victims and witnesses in criminal trials.

**Amendment No. 1**

Representative Guillen offered the following amendment to **CSHB 963**:

Amend **CSHB 963** (House Committee Printing) as follows:

(1) On page 1, line 12, between "offense" and "whenever", insert ", other than a witness who testified in the course and scope of the witness's official or professional duties,".

(2) Strike the language on page 2, line 17, through page 3, line 5, and substitute the following:

(e) The Texas Department of Criminal Justice or the sheriff, as appropriate:

(1) [7] shall make a reasonable attempt to give any ~~the~~ notice required by Subsection (a):

(A) ~~[(1)]~~ not later than the 30th day before the date the defendant ~~[person]~~ completes the sentence and is released; or

(B) ~~[(2)]~~ immediately if the defendant ~~[person]~~ escapes from the correctional facility; and

(2) may give any notice required by Subsection (a) by e-mail, if possible.

(f) An attempt by the Texas Department of Criminal Justice or the sheriff to give notice to a ~~the~~ victim or witness at the victim's or witness's last known mailing address or, if notice via e-mail is possible, last known e-mail address, as shown on the records of the department or agency, constitutes a reasonable attempt to give notice under this article.

(3) On page 3, line 6, strike "Immediately" and substitute "Not later than immediately".

Amendment No. 1 was adopted.

**CSHB 963**, 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.)

### **CSHB 965 ON SECOND READING** (by Guillen)

**CSHB 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.

**CSHB 965** was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Anchia, Anderson, Bohac, Bolton, Bonnen, F. Brown, Callegari, Castro, Cohen, Coleman, R. Cook, Crabb, Creighton, J. Davis, Y. Davis, Deshotel, Dukes, Dunnam, Farabee, Farrar, Gallego, Gattis, Geren, Giddings, Harper-Brown, Heflin, Hernandez, Hochberg, Hodge, T. King, Kolkhorst, Kuempel, Latham, Laubenberg, Macias, Madden, Martinez, McClendon, McReynolds, Menendez, Miles, Naishtat, Noriega, Otto, Parker, Paxton, Peña, Phillips, Pierson, Solomons, Taylor, Thompson, Truitt, Vaught, Veasey, and Zedler recorded voting no.)(The vote was reconsidered later today, and **CSHB 965** was postponed until 2 p.m. Monday, March 26.)

### **CSHB 143 ON SECOND READING** (by Deshotel)

**CSHB 143**, A bill to be entitled An Act relating to application of the Texas no-call list to certain transmissions to a mobile telephone number.

**Amendment No. 1**

Representative Farabee offered the following amendment to **CSHB 143**:

Amend **CSHB 143** as follows:

(1) On page 1, line 5, strike "44.002 (9)" and substitute "44.002".  
 (2) On page 1, line 6, between "amended" and "to read" insert "by amending Subdivision (9) and adding Subdivision (10)".

(3) On page 1, following line 24, add the following:

(10) "Automated campaign call" means a call made by an automated telephone dialing system that conveys a prerecorded or synthesized voice message to the number called for the purpose of encouraging or discouraging voting for or otherwise supporting a candidate or measure. For purposes of this subdivision, "candidate" and "measure" have the meanings assigned by Section 251.001, Election Code.

SECTION 2. The heading to Section 44.102, Business & Commerce Code, is amended to read as follows:

Sec. 44.102. PROHIBITED CONTACT [TELEMARKETING] OF PERSONS ON TEXAS NO-CALL LIST; ENFORCEMENT; PENALTIES.

SECTION 3. Sections 44.102 (a), (e), and (f), Business & Commerce Code, are amended to read as follows:

(a) A telemarketer may not make a telemarketing call to a telephone number, and a person may not cause to be made an automated campaign call to a mobile telephone number, if the number [that] has been published on the Texas no-call list more than 60 days after the telephone number appears on the then-current list.

(e) Venue for an action based on a violation of this subchapter is in the county where the telemarketing call or automated campaign call was made or received, or if brought by the attorney general, commission, or a state agency, in Travis County.

(f) For purposes of this subchapter, a consumer on the Texas no-call list:

(1) is presumed to be adversely affected by:

(A) a telemarketer who calls the consumer more than once; or

(B) a person causing automated campaign calls to be made to the mobile telephone number of the consumer more than once; and

(2) may bring a civil action based on the second or a subsequent violation of this subchapter if:

(A) [~~(1)~~] the consumer has notified the telemarketer or other person of the alleged violation and not later than the 30th day after the date of the call files a verified complaint setting forth the relevant facts surrounding the violation with the commission, the attorney general, or a state agency that licenses the person making the call; and

(B) [~~(2)~~] the commission, the attorney general, or state agency receiving the complaint fails to initiate an administrative action or a civil enforcement action, as appropriate, against the telemarketer or other person named in the complaint before the 121st day after the date the complaint is filed.

(4) On page 2, line 1, strike "SECTION 2" and substitute "SECTION 4".

(5) On page 2, line 2, between "amended by" and "adding", insert "amending Subsection (a) and".

(6) On page 2, between lines 2 and 3, insert the following:

(a) The commission may adopt rules to administer this subchapter. The commission shall adopt rules:

(1) requiring each local exchange telephone company and each commercial mobile service provider that provides commercial mobile service in this state to inform its customers of the requirements of this subchapter by annual inserts in billing statements mailed to customers, notification in a customer's electronic bill, notification printed on a customer's paper bill, notification sent free of charge by messaging service to a customer's mobile telephone number, or conspicuous publication of the notice in the consumer information pages of local telephone directories or other appropriate notice to consumers;

(2) providing that a telemarketing call made to a telephone number on the Texas no-call list or an automated campaign call made to a mobile telephone number on the Texas no-call list is not a violation of Section 44.102 if the telemarketing call or automated campaign call is an isolated occurrence made or caused to be made by a person who has in place adequate procedures to comply with this subchapter; and

(3) providing for:

(A) the dissemination of the Texas no-call lists in formats, including electronic formats, commonly used by persons making telemarketing calls or causing to be made automated campaign calls; and

(B) a fee for each such distribution not to exceed \$75.

(7) On page 2, line 7, strike "SECTION 3" and substitute "SECTION 5".

Amendment No. 1 was withdrawn.

**CSHB 143** 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 385 ON SECOND READING**

**(by Callegari, Flynn, and Zedler)**

**HB 385**, A bill to be entitled An Act relating to condemnation of historical sites at the direction of the Commission of Control for Texas Centennial Celebrations.

**HB 385** 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 386 ON SECOND READING**

**(by Callegari, Flynn, and Zedler)**

**HB 386**, A bill to be entitled An Act relating to the repeal of the law creating the Texas Deepwater Port Authority.

**HB 386** 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.)

(Castro now present)

### **CSHB 965 - VOTE RECONSIDERED**

Representative Pickett moved to reconsider the vote by which **CSHB 965** was passed to engrossment.

The motion to reconsider prevailed.

### **CSHB 965 ON SECOND READING**

(by Guillen)

**CSHB 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.

Representative Guillen moved to postpone consideration of **CSHB 965** until 2 p.m. Monday, March 26.

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Border and International Affairs, during bill referral today, E1.010, for a public hearing, to consider previously posted business.

Local and Consent Calendars, during bill referral today, to set the calendar.

### **PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**

Representative C. Howard moved to set a local, consent, and resolutions calendar for 9 a.m., Thursday, March 22.

The motion prevailed.

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

Representative Swinford moved to suspend the five day posting rule to allow the Committee on State Affairs to consider **HB 2914** and **HB 2936** at 2 p.m. or upon adjournment today in E2.010.

The motion prevailed.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider the calendar.

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

Pursuant to House Rule 4, Section 9, Representative Woolley 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.

### **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. 2.)

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

Representative Hill moved to suspend the five day posting rule to allow the Committee on Local Government Ways and Means to consider **SB 190** during bill referral today in E2.026.

The motion prevailed.

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

Representative McClendon moved to set a congratulatory and memorial calendar for 9 a.m. Thursday, March 22.

The motion prevailed.

### **PROVIDING FOR ADJOURNMENT**

Representative Kolkhorst 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 William Prentice Mearns of Brenham.

The motion prevailed.

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

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. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Murphy in the chair)

### **ADJOURNMENT**

In accordance with a previous motion, the house, at 4:13 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 3024** (By Frost), Relating to the weight accorded in a taxpayer protest hearing to the determination by a certified appraiser of appraised value of real property.

To Local Government Ways and Means.

**HB 3025** (By Frost), Relating to the use of municipal hotel occupancy taxes for the enhancement and upgrading of sports facilities and fields by certain municipalities.

To Local Government Ways and Means.

**HB 3026** (By Frost), Relating to financial responsibility requirements for certain persons licensed or permitted under the Alcoholic Beverage Code.

To Licensing and Administrative Procedures.

**HB 3027** (By Frost), Relating to the authority of school districts to enter into property tax abatement agreements in connection with realigned or closed military facilities.

To Ways and Means.

**HB 3028** (By Frost), Relating to the powers of the Red River Redevelopment Authority; providing authority to issue bonds.

To Defense Affairs and State-Federal Relations.

**HB 3029** (By Frost), Relating to allocation of responsibility for damages arising out of the sale or service of alcoholic beverages.

To Civil Practices.

**HB 3030** (By Frost), Relating to declarations of taking for toll projects.

To Transportation.

**HB 3031** (By Frost), Relating to the civil and criminal consequences of driving while intoxicated with a child passenger.

To Criminal Jurisprudence.

**HB 3032** (By McClendon), Relating to the transportation of hazardous materials in high-threat areas; providing a penalty.

To Transportation.

**HB 3033** (By McClendon), Relating to the dedication of certain sales and use tax and franchise tax revenue to the Texas rail relocation and improvement fund.

To Ways and Means.

**HB 3035** (By Turner), Relating to the authority of physicians and chiropractors to form certain entities.

To Business and Industry.

**HB 3036** (By Delisi), Relating to tuition and fee exemptions for the spouses of certain military personnel.

To Defense Affairs and State-Federal Relations.

**HB 3037** (By Rose), Relating to employment leave to comply with certain family or medical obligations; providing a civil penalty.

To Economic Development.

**HB 3038** (By Rose), Relating to the appointment of a taxpayer liaison officer for certain appraisal districts.

To Local Government Ways and Means.

**HB 3039** (By Rose), Relating to a restriction on permits authorizing discharges of treated wastewater into or adjacent to any water in the contributing or recharge zone of the Barton Springs segment of the Edwards Aquifer.

To Natural Resources.

**HB 3040** (By Rose), Relating to background and criminal history checks for certain providers of subsidized child care.

To Human Services.

**HB 3041** (By Rose), Relating to the imposition of additional inspection and background and criminal history check requirements for day-care centers.

To Human Services.

**HB 3042** (By Rose), Relating to certain convictions barring employment at certain facilities serving the elderly or persons with disabilities.

To Human Services.

**HB 3043** (By Rose), Relating to an exemption from ad valorem taxation for property of certain fraternal organizations.

To Ways and Means.

**HB 3044** (By Martinez Fischer), Relating to the authority of a county to issue bonds to establish drug and alcohol rehabilitation facilities.

To County Affairs.

**HB 3045** (By Martinez Fischer), Relating to the penalty for failing to carry a driver's license while operating a motor vehicle.

To Transportation.

**HB 3046** (By Martinez Fischer), Relating to the punishment for certain criminal offenses involving family violence.

To Criminal Jurisprudence.

**HB 3047** (By Martinez Fischer), Relating to information provided to parents of public school students regarding financial aid for postsecondary education.  
To Public Education.

**HB 3048** (By Martinez Fischer), Relating to providing free parking to certain witnesses during a criminal trial.  
To Criminal Jurisprudence.

**HB 3049** (By Martinez Fischer), Relating to the punishment for certain intoxication related offenses; creating an offense for aggravated driving while intoxicated.  
To Criminal Jurisprudence.

**HB 3050** (By Martinez Fischer), Relating to monitoring and testing in connection with mercury emissions from coal-fired electric generating facilities.  
To Environmental Regulation.

**HB 3051** (By Martinez Fischer), Relating to subsidies relating to Spanish language college advanced placement tests.  
To Public Education.

**HB 3052** (By Martinez Fischer), Relating to the fee for impoundment of a motor vehicle impounded for a second or subsequent conviction of failure to maintain evidence of financial responsibility for the vehicle.  
To Transportation.

**HB 3053** (By Corte), Relating to the authority of a county or municipality to enter into certain debt collection contracts and to charge certain collection fees.  
To County Affairs.

**HB 3054** (By Corte), Relating to the adjudication of claims arising under written contracts with local governmental entities.  
To Civil Practices.

**HB 3055** (By Corte), Relating to the eminent domain authority of common carriers.  
To Land and Resource Management.

**HB 3056** (By Corte), Relating to regulations on certain complementary and alternative health care services.  
To Government Reform.

**HB 3057** (By Callegari), Relating to the acquisition of real property for public use.  
To Government Reform.

**HB 3058** (By Rose), Relating to the ad valorem tax appraisal of certain real property on which action is taken to conserve groundwater.  
To Ways and Means.

**HB 3059** (By Peña), Relating to the appearance of certain misdemeanor offenders before a magistrate.  
To Criminal Jurisprudence.

**HB 3060** (By Peña), Relating to issuance by a court of a *capias* or a *capias pro fine*.

To Criminal Jurisprudence.

**HB 3061** (By Peña), Relating to the creation and administration of the professional nurse graduate education scholarship program.

To Higher Education.

**HB 3062** (By Peña), Relating to exempting textbooks for university and college courses from the sales tax.

To Ways and Means.

**HB 3063** (By Peña), Relating to the filing of a foreign judgment in a Texas court.

To Civil Practices.

**HB 3064** (By Delisi), Relating to registration and regulation of certain discount health plans; providing penalties.

To Public Health.

**HB 3065** (By Truitt), Relating to a study on increasing the number of medical residency programs, medical residents, and physicians practicing medical specialties in this state.

To Public Health.

**HB 3066** (By Truitt), Relating to the use of political contributions to make payments in connection with the rental of certain real property; providing a criminal penalty.

To Elections.

**HB 3067** (By Guillen), Relating to a limitation on the total amount of ad valorem taxes that may be imposed by a taxing unit on the residence homestead of an eligible person who is a member of a reserve component of the United States armed forces and is ordered to active military duty.

To Ways and Means.

**HB 3068** (By Guillen), Relating to the authority of certain municipalities and counties to regulate subdivisions near an international border.

To Border and International Affairs.

**HB 3069** (By Goolsby), Relating to the licensing and regulation of appliance installers and appliance installation contractors.

To Licensing and Administrative Procedures.

**HB 3070** (By Strama), Relating to a study of methods for increasing the availability of certain information on energy efficiency of certain residential property.

To Government Reform.

**HB 3071** (By Strama), Relating to the recovery of reasonable attorney's fees for certain claims relating to hazardous wastes intentionally abandoned on the claimant's property.

To Civil Practices.

**HB 3072** (By Creighton), Relating to the availability of certain school district financial information on districts' Internet websites.

To Public Education.

**HB 3073** (By Creighton), Relating to the transfer of authority for dam safety and levee management from the Texas Commission on Environmental Quality to the division of emergency management in the office of the governor and the transfer of authority for the National Flood Insurance Program from the commission to the Texas Water Development Board.

To Natural Resources.

**HB 3074** (By Creighton), Relating to advertising of entities that contract with local workforce development boards.

To Economic Development.

**HB 3075** (By C. Howard), Relating to the transfer of course credit between public and private institutions of higher education.

To Higher Education.

**HB 3076** (By Goolsby), Relating to certain exemptions from the requirements of electrical licensing.

To Licensing and Administrative Procedures.

**HB 3077** (By Villarreal), Relating to consent by certain adults serving as a parent to the performance of an abortion on a minor.

To State Affairs.

**HB 3078** (By Delisi), Relating to the distribution and redistribution of certain drugs.

To Public Health.

**HB 3079** (By Hilderbran), Relating to the development of unrelated infrastructure on certain venue projects.

To Urban Affairs.

**HB 3080** (By Hilderbran), Relating to funding of the tuition equalization grant program.

To Higher Education.

**HB 3081** (By Herrero), Relating to the right of certain municipalities to maintain local control over wages, hours, and other terms and conditions of employment.

To Urban Affairs.

**HB 3082** (By Herrero), Relating to requiring certain municipalities to make certain payroll deductions on the request of a municipal employee.

To Urban Affairs.

**HB 3083** (By Phillips), Relating to the creation of a judicial district in Grayson County and to the composition of the 6th Judicial District and the 336th Judicial District.

To Judiciary.

**HB 3084** (By Phillips), Relating to the municipal street maintenance sales tax.

To Local Government Ways and Means.

**HB 3085** (By Phillips), Relating to the authority of certain persons to bring suit to require an appraisal district or appraisal review board to comply with applicable law.

To Local Government Ways and Means.

**HB 3086** (By Phillips), Relating to the statute of limitations applicable to certain actions on a claim under a marital property agreement.

To Juvenile Justice and Family Issues.

**HB 3087** (By Phillips), Relating to the development of applied mathematics and science courses for use in public high schools.

To Public Education.

**HB 3088** (By Phillips), Relating to the fee for a permit to operate an overweight motor vehicle.

To Transportation.

**HB 3089** (By Phillips), Relating to the definition of a roadway.

To Transportation.

**HB 3090** (By Phillips), Relating to the appraisal and assessment of property for ad valorem tax purposes and the collection of ad valorem taxes.

To Local Government Ways and Means.

**HB 3091** (By Frost), Relating to dispute resolution.

To Civil Practices.

**HB 3092** (By Hilderbran), Relating to considering for school district accountability purposes the performance of students confined by court order in a residential program or facility.

To Public Education.

**HB 3093** (By C. Howard), Relating to verification of a customer's zip code in a credit card transaction.

To Business and Industry.

**HB 3094** (By Van Arsdale), Relating to the annexation of a municipally owned airport.

To Land and Resource Management.

**HB 3095** (By Van Arsdale), Relating to the periods for disposing of certain actions and petitions by appellate courts in this state.

To Judiciary.

**HB 3096** (By Darby), Relating to dealer agreements regarding the purchase and sale of certain all-terrain vehicles or equipment or machinery used for agricultural, off-road construction, utility, industrial, mining, forestry, and landscaping purposes.

To Business and Industry.

**HB 3097** (By W. Smith), Relating to the regulation of the sale of tow trucks at certain vehicle shows or exhibitions.

To County Affairs.

**HB 3098** (By Puente), Relating to the fees imposed by the Texas Commission on Environmental Quality in connection with plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer.

To Natural Resources.

**HB 3099** (By Rodriguez), Relating to the proportionate retirement program.

To Pensions and Investments.

**HB 3100** (By Anchia), Relating to required training for package store employees; providing an administrative penalty.

To Licensing and Administrative Procedures.

**HB 3101** (By Anchia), Relating to a residential tenant's rights and remedies.

To Business and Industry.

**HB 3102** (By Anchia), Relating to procedures governing the application for certain alcoholic beverage licenses and permits.

To Licensing and Administrative Procedures.

**HB 3103** (By Anchia), Relating to the time for affiliation with a political party.

To Elections.

**HB 3104** (By Anchia), Relating to the administration of political party precinct, county, and senatorial district conventions.

To Elections.

**HB 3105** (By Anchia), Relating to a program allowing for countywide voting locations in certain elections.

To Elections.

**HB 3106** (By Isett), Relating to the implementation of enterprise resource planning by the comptroller.

To Government Reform.

**HB 3107** (By Isett), Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

To Appropriations.

**HB 3108** (By Bolton), Relating to caseloads for certain employees of the Department of Family and Protective Services.

To Human Services.

**HB 3109** (By B. Cook), Relating to the authority of the governor to contract in relation to a clean coal project.

To Energy Resources.

**HB 3110** (By B. Cook), Relating to indemnification requirements relating to a clean coal project.

To Energy Resources.

**HB 3111** (By B. Cook), Relating to a franchise tax credit for purchasing electricity from a clean coal project.

To Energy Resources.

**HB 3112** (By B. Cook), Relating to contracting authority and indemnification requirements in relation to a clean coal project.

To Energy Resources.

**HB 3113** (By B. Cook), Relating to the transfer of the Texas State Railroad to, and the creation of, the Texas State Railroad Authority; granting authority to issue bonds or other similar obligations or to create public debt.

To Culture, Recreation, and Tourism.

**HB 3114** (By Swinford), Relating to student fees at component institutions of The Texas A&M University System.

To Higher Education.

**HB 3115** (By Zerwas), Relating to the identification of certain practitioners of the healing arts; providing civil and criminal penalties.

To Public Health.

**HB 3116** (By Pickett), Relating to certain fees and taxes collected by this state in connection with a motor vehicle.

To Transportation.

**HB 3117** (By Noriega), Relating to the use of effects screening levels in controlling emissions of air contaminants under the Texas Clean Air Act.

To Environmental Regulation.

**HB 3118** (By Berman), Relating to requiring a voter to be affiliated with a political party to vote in that party's primary election or otherwise participate in that party's affairs.

To Elections.

**HB 3119** (By Miles), Relating to the approval of direct recording electronic voting machines that use publicly disclosed program codes.

To Elections.

**HB 3120** (By Miles), Relating to automatic admission to institutions of higher education for children of certain public servants killed in the line of duty.

To Higher Education.

**HB 3121** (By Miles), Relating to health coverage or health services for Texans.

To Insurance.

**HB 3122** (By Miles), Relating to labeling and other designations for certain malt beverages.

To Licensing and Administrative Procedures.

**HB 3123** (By Miles), Relating to involvement in charitable events by holders of alcoholic beverage licenses and permits.

To Licensing and Administrative Procedures.

**HB 3124** (By Miles), Relating to the quantity of beer or malt liquor a distributor or wholesaler may withdraw from a retailer.

To Licensing and Administrative Procedures.

**HB 3125** (By Macias), Relating to the issuance of bonds or other obligations by library districts.

To Financial Institutions.

**HB 3126** (By Callegari), Relating to the planning and management of state telecommunications services by the Department of Information Resources.

To Government Reform.

**HB 3127** (By Harless), Relating to the immunization requirements for admission to schools and during certain declared disasters; providing a penalty.

To Public Education.

**HB 3128** (By R. Cook), Relating to the administration of certain housing programs by the Texas Department of Housing and Community Affairs.

To Urban Affairs.

**HB 3129** (By R. Cook), Relating to the creation of a judicial district composed of Bastrop County.

To Judiciary.

**HB 3130** (By R. Cook), Relating to the appraisal for ad valorem tax purposes of certain property used to provide affordable housing.

To Ways and Means.

**HB 3131** (By R. Cook), Relating to the issuance of certain search warrants.

To Criminal Jurisprudence.

**HB 3132** (By R. Cook), Relating to the authority of certain counties to impose a county hotel occupancy tax and to the rate of the tax.

To Local Government Ways and Means.

**HB 3133** (By Hughes), Relating to the admissibility in certain proceedings of certain hearsay statements made by a young child or disabled individual.

To Criminal Jurisprudence.

**HB 3134** (By Hughes), Relating to the applicability of the offense of criminal trespass in certain situations involving hunting.

To Culture, Recreation, and Tourism.

**HB 3135** (By Hughes), Relating to the compensation paid to visiting judges.

To Judiciary.

**HB 3136** (By Hughes), Relating to the definition of "institution" in the law regulating convalescent and nursing homes.

To Human Services.

**HB 3137** (By Otto), Relating to including in a bill or invoice an item represented to be for the full or partial payment of a state tax.

To Ways and Means.

**HB 3138** (By Bohac), Relating to the authority to operate a mobile food unit, roadside food vendor, or temporary food service establishment in certain counties.

To Urban Affairs.

**HB 3139** (By Menendez), Relating to criminal history checks for state employees, applicants for state employment, and certain other persons who may perform work for the state.

To Government Reform.

**HB 3140** (By Flynn), Relating to the review and functions of the Veterans' Land Board.

To Defense Affairs and State-Federal Relations.

**HB 3141** (By Flynn), Relating to the calculation of certain fees collected to defray certain expenses incurred in conjunction with the sale of a motor vehicle.

To Financial Institutions.

**HB 3142** (By Flynn), Relating to equal representation for each political party among the election officers for early voting.

To Elections.

**HB 3143** (By Flynn), Relating to electioneering near a polling place.

To Elections.

**HB 3144** (By Flynn), Relating to requirements for obtaining a mortgage broker or loan officer license.

To Financial Institutions.

**HB 3145** (By Solomons), Relating to requirements for participation in extracurricular athletic activities.

To Public Education.

**HB 3146** (By Solomons), Relating to the sale of alcoholic beverages in the jurisdiction of certain municipalities.

To Licensing and Administrative Procedures.

**HB 3147** (By Solomons), Relating to claims against a contractor for construction of common elements under a condominium or cooperative system.

To Business and Industry.

**HB 3148** (By Bailey), Relating to certain shipments by package stores and wine only package stores to customers.

To Licensing and Administrative Procedures.

**HB 3149** (By Bohac), Relating to the authority of the governing body of a taxing unit that imposes ad valorem taxes on real property in Harris County, other than a school district or junior college district, to establish a limitation of not less than five percent on the maximum average annual increase in the appraised value of residence homesteads for ad valorem taxation by the taxing unit.

To Local Government Ways and Means.

**HB 3150** (By Van Arsdale), Relating to requirements for joint elections for trustees of an independent school district.

To Elections.

**HB 3151** (By Harper-Brown), Relating to a mortgage fraud task force to study mortgage fraud in this state.

To Financial Institutions.

**HB 3152** (By Harper-Brown), Relating to driver training and safety courses for commercial driver's license recipients.

To Transportation.

**HB 3153** (By Harper-Brown), Relating to eligibility criteria for information logo signs and tourist-oriented directional signs located along a highway.

To Transportation.

**HB 3154** (By Laubenberg), Relating to the creation of a review committee to study the potential for a regional health care system in certain counties.

To Public Health.

**HB 3155** (By Laubenberg), Relating to the practice of psychological associates.

To Public Health.

**HB 3156** (By Noriega), Relating to an air pollutant watch list to aid in controlling the emissions of air contaminants under the Texas Clean Air Act.

To Environmental Regulation.

**HB 3157** (By Noriega), Relating to public meetings held by the Texas Commission on Environmental Quality in geographic areas listed on the commission's air pollutant watch list.

To Environmental Regulation.

**HB 3158** (By W. Smith), Relating to the name, powers, and board of directors of the Chambers County-Cedar Bayou Navigation District.

To County Affairs.

**HB 3159** (By Flores), Relating to taxable items for exempt entities.

To Ways and Means.

**HB 3160** (By Ortiz), Relating to the manner in which the roll of members-elect is called when a house of the legislature convenes in regular session.

To State Affairs.

**HB 3161** (By Ortiz), Relating to advisory committees that recommend entities receive grants from the Texas Enterprise Fund and the Texas emerging technology fund.

To Economic Development.

**HB 3162** (By Ortiz), Relating to the sales and use tax rate for a fire control, prevention, and emergency medical services district.

To Ways and Means.

**HB 3163** (By Ortiz), Relating to the proportional distribution of money from the Texas Enterprise Fund and the Texas emerging technology fund to different regions in this state.

To Economic Development.

**HB 3164** (By Talton), Relating to the use of testimony of certain expert witnesses as evidence in criminal and civil proceedings.

To Civil Practices.

**HB 3165** (By Farrar), Relating to medically accurate information in the provision of instruction or the development of material relating to human development and human sexuality.

To State Affairs.

**HB 3166** (By Swinford), Relating to the nonsubstantive revision of certain local laws concerning special districts, including conforming amendments.

To State Affairs.

**HB 3167** (By Swinford), Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 79th Legislature to other Acts of that legislature.

To State Affairs.

**HB 3168** (By Swinford), Relating to incentives for biofuel production, distribution, and use in this state.

To Agriculture and Livestock.

**HB 3169** (By Swinford), Relating to the transfer of certain state property from the Texas Health and Human Services Commission, on behalf of the Department of State Health Services or the Department of Aging and Disability Services, as appropriate, to Texas Panhandle Mental Health Mental Retardation.

To State Affairs.

**HB 3170** (By Swinford), Relating to the authority of certain counties to impose a hotel occupancy tax.

To Local Government Ways and Means.

**HB 3171** (By Swinford), Relating to the development by the Texas Education Agency of an Internet safety and use curriculum for use by school districts.

To Public Education.

**HB 3172** (By Talton), Relating to limits on the appropriations by the Legislature.

To Appropriations.

**HB 3173** (By Giddings), Relating to the transmission of an unsolicited commercial electronic mail message.

To Business and Industry.

**HB 3174** (By Vo), Relating to withdrawal and restriction plans for certain insurers.

To Insurance.

**HB 3175** (By Vo), Relating to regulation of residential property insurance; providing penalties.

To Insurance.

**HB 3176** (By Dutton), Relating to petition requirements for ordering a local option election to legalize or prohibit the sale of certain alcoholic beverages.

To Licensing and Administrative Procedures.

**HB 3177** (By T. King), Relating to the eminent domain authority of certain school districts.

To Border and International Affairs.

**HB 3178** (By Anchia), Relating to the admission of foreign exchange students to the public high schools of the state.

To Public Education.

**HB 3179** (By Anchia), Relating to voting at a state party convention.

To Elections.

**HB 3180** (By Parker), Relating to the obligation of a physician and a health care facility to provide life-sustaining treatment.

To Public Health.

**HB 3181** (By Parker), Relating to the offense of obstructing emergency vehicles at railroad crossings.

To Transportation.

**HB 3182** (By Parker), Relating to the creation of the Tradition Municipal Utility District No. 2 of Denton County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 3183** (By Coleman), Relating to the requirement that certain children receive the influenza vaccine.

To Public Health.

**HB 3184** (By Coleman), Relating to the education of parents of young children about the benefits of vaccination against influenza.

To Public Health.

**HB 3185** (By Menendez), Relating to agreements between certain municipalities and counties to provide law enforcement services in unincorporated areas.

To County Affairs.

**HB 3186** (By Menendez), Relating to the authorization and regulation of poker gaming and the duties of the Texas Lottery Commission; providing civil and criminal penalties.

To Licensing and Administrative Procedures.

**HB 3187** (By Callegari), Relating to restrictions on the geographic area in which a conservator must maintain a child's primary residence.

To Juvenile Justice and Family Issues.

**HB 3188** (By C. Howard), Relating to granting a change in the zoning classification of property based on an inability to market or develop the property under that classification.

To Land and Resource Management.

**HB 3189** (By C. Howard), Relating to the notice of the public hearings to be held on a proposal to increase the total ad valorem tax revenues of a taxing unit.

To Local Government Ways and Means.

**HB 3190** (By Giddings), Relating to minimum standards for school bus operators.

To Transportation.

**HB 3191** (By Hill), Relating to the exemption from ad valorem taxation of certain property used to provide low-income housing.

To Local Government Ways and Means.

**HB 3192** (By Hill), Relating to the powers and duties of a regional tollway authority related to turnpikes and other related projects.

To Transportation.

**HB 3193** (By Hill), Relating to the circumstances under which an appraisal review board hearing shall be closed to the public.

To Local Government Ways and Means.

**HB 3194** (By Hill), Relating to binding arbitration of certain appraisal review board orders.

To Local Government Ways and Means.

**HB 3195** (By Hill), Relating to the requirements of a municipal or county budget that raises more property taxes than in the previous year's budget.

To Local Government Ways and Means.

**HB 3196** (By Hill), Relating to toll collection and enforcement.

To Transportation.

**HB 3197** (By Hartnett), Relating to expunction of a notice of lis pendens.

To Judiciary.

**HB 3198** (By Hartnett), Relating to the removal of a trustee.

To Judiciary.

**HB 3199** (By Hartnett), Relating to the creation of the Judicial Compensation Commission.

To Judiciary.

**HB 3200** (By Madden), Relating to the computation of certain funding for community supervision and corrections departments.

To Corrections.

**HB 3201** (By F. Brown), Relating to the regulation of certain postsecondary degrees and of private educational institutions or other persons offering to confer such degrees, and to the use of those degrees by a person for certain purposes.

To Higher Education.

**HB 3202** (By Madden), Relating to the provision of a competitive grant program at the Texas Education Agency funding disciplinary programs for at-risk youth.

To Public Education.

**HB 3203** (By Naishtat), Relating to regulation of certain private security services.

To Law Enforcement.

**HB 3204** (By Naishtat), Relating to the penalty for driving while a driver's license is invalid.

To Transportation.

**HB 3205** (By Naishtat), Relating to a teacher's authority regarding use of classroom time for preparation for the administration of certain assessment instruments.

To Public Education.

**HB 3207** (By Quintanilla), Relating to telecommunications services provided by cable service providers.

To Regulated Industries.

**HB 3208** (By Quintanilla), Relating to including the international symbol of access on certain specialty license plates.

To Transportation.

**HB 3209** (By Heflin), Relating to the eligibility of bonds used for the payment of certain school facilities.

To Public Education.

**HB 3210** (By Harless), Relating to the authority of an investigator employed by a prosecuting attorney.

To Judiciary.

**HB 3211** (By Harless), Relating to access to criminal history record information by certain county attorneys.

To County Affairs.

**HB 3212** (By Zedler), Relating to confirming the identity of a parent, managing conservator, or legal guardian who gives consent for an unemancipated minor to have an abortion.

To State Affairs.

**HB 3213** (By Rodriguez), Relating to the consolidation of state vehicle fleets.

To Government Reform.

**HB 3214** (By Turner), Relating to mitigation of certain excessive punishment imposed for a criminal conviction.

To Criminal Jurisprudence.

**HB 3215** (By Branch), Relating to the eligibility of private or independent institutions of higher education to participate in the advanced research program administered by the Texas Higher Education Coordinating Board.

To Higher Education.

**HB 3216** (By Branch), Relating to the participation of certain family members in a family-controlled state trust company.

To Financial Institutions.

**HB 3217** (By Darby), Relating to access to or from state highways.

To Transportation.

**HB 3218** (By Elkins), Relating to state agency rules affecting small businesses.

To Economic Development.

**HB 3219** (By Elkins), Relating to the Uniform Commercial Code provisions relating to negotiable instruments.

To Business and Industry.

**HB 3220** (By Elkins), Relating to the environmental regulation and remediation of dry cleaning facilities.

To Business and Industry.

**HB 3221** (By Elkins), Relating to the waiver of penalty and interest on a late payment by a taxing unit of the unit's share of an appraisal district budget.

To Local Government Ways and Means.

**HB 3222** (By Elkins), Relating to a business's duty to protect and safeguard sensitive personal information contained in its customer records.

To Business and Industry.

**HB 3223** (By Elkins), Relating to public improvement districts designated by a county or municipality.

To County Affairs.

**HB 3224** (By Murphy), Relating to creating a database of and issuing identification cards to certain essential first responder personnel who operate or restore critical infrastructure.

To Defense Affairs and State-Federal Relations.

**HB 3225** (By Murphy), Relating to the Automobile Theft Prevention Authority.

To Transportation.

**HCR 148** (By Isett), Refusing to implement the federal REAL ID Act of 2005.

To Defense Affairs and State-Federal Relations.

**HCR 149** (By Bonnen), Urging Congress and the Environmental Protection Agency to recognize that the State of Texas has done everything in its power to meet the current attainment deadline for the eight-hour ozone standard.

To Environmental Regulation.

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

To Culture, Recreation, and Tourism.

**HJR 96** (By Guillen), Proposing a constitutional amendment to authorize a political subdivision to establish a limitation on the total amount of ad valorem taxes that may be imposed by the political subdivision on the residence homestead of an eligible person who is a member of a reserve component of the United States armed forces and is ordered to active military duty.

To Ways and Means.

**HJR 97** (By Bohac), Proposing a constitutional amendment authorizing the legislature to permit the governing body of a political subdivision that imposes ad valorem taxes on real property in Harris County, other than a school district or junior college district, to establish a limitation of not less than five percent on the maximum average annual increase in the appraised value of residence homesteads for ad valorem taxation by the political subdivision.

To Local Government Ways and Means.

## **List No. 2**

**SB 190** to Local Government Ways and Means.

### **SIGNED BY THE SPEAKER**

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

## **House List No. 13**

**HB 542, HCR 133, HCR 147**

### **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 19, 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 199** Nelson  
Relating to certain convictions barring employment at certain facilities serving the elderly or persons with disabilities.

**SB 218** Carona  
Relating to licensing and inspection requirements of the Department of Family and Protective Services for certain facilities.

**SB 459** Carona  
Relating to the provision of benefits to members or senior employees of the Texas Transportation Commission; providing criminal penalties.

**SB 482** Fraser  
Relating to competition, customer choice, and customer protection in the retail electric market; providing an administrative penalty.

**SB 483** Fraser  
Relating to regulation of electric generation capacity ownership in the electric power market.

**SB 545** Carona  
Relating to the enforcement of commercial motor vehicle safety standards by certain peace officers.

**SB 896** Fraser  
Relating to procedures of the Public Utility Commission of Texas with regard to certain transactions.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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APPENDIX

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**March 15**

Agriculture and Livestock - **HB 461**

County Affairs - **HB 398, HB 591, HB 694**

Criminal Jurisprudence - **HB 1212, SB 378**

Culture, Recreation, and Tourism - **HCR 30**

Elections - **HB 27, HB 862, HB 1071**

Government Reform - **HB 389**

Insurance - **HB 1070**

Judiciary - **HB 1343, HB 1388, HB 1485, HB 1554, HB 1628, HB 1709, HB 2068, HB 2168, HB 2272, SB 272**

Licensing and Administrative Procedures - **HB 365, HB 1331, HB 1670**

State Affairs - **HB 83, HB 167, HB 374, HB 459, HB 674, HB 675, HB 1077, HB 1497, HB 1703, HJR 19**

Transportation - **HB 733**

Ways and Means - **HB 685**

**March 16**

Business and Industry - **HB 34, HB 473**

Criminal Jurisprudence - **HB 1779, HB 1887**

Elections - **HB 186**

Judiciary - **HB 818, HB 1342**

Land and Resource Management - **HB 610, HB 699, HB 1387**

Local Government Ways and Means - **HB 604, HB 1008, HB 1109, HB 1210, HB 1216, HB 1397, HB 1669**

Public Health - **HB 1396, HB 1449, HB 1676**

State Affairs - **HB 860**

Transportation - **HB 1521**

Ways and Means - **HB 36, HB 688, HB 1206, HB 1332, HB 1618**

**ENGROSSED**

**March 15 - HB 35, HB 84, HB 117, HB 194, HB 208, HB 290, HB 368, HB 373, HB 417, HB 484, HB 486, HB 487, HB 496, HB 564, HB 622, HB 632, HB 679, HB 680, HB 708, HB 923, HB 930, HB 937, HB 978, HB 989, HB 1009, HB 1092, HB 1138, HB 1141, HB 1204, HB 1221, HB 1379, HB 1382, HB 1491**

**ENROLLED****March 15 - HCR 2, HCR 133, HCR 147****SENT TO THE GOVERNOR****March 15 - HCR 54, HCR 56, HCR 63, HCR 75, HCR 79, HCR 100,  
HCR 135, HCR 2****March 16 - HCR 39, HCR 73**