

HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FIRST DAY (CONTINUED) — THURSDAY, MARCH 22, 2007

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 160).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Escobar; Farabee; Farias; Farrar; Flores; Flynn; 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; 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; O'Day; Oliveira; Ortiz; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Rodriguez; Smith, T.; Smith, W.; Smithee; Strama; Straus; Swinford; Talton; Taylor; Thompson; Van Arsdale; Vaught; Veasey; Vo; West; Woolley; Zedler; Zerwas.

Absent — Bonnen; Davis, J.; England; Frost; Haggerty; Naishtat; Noriega; Olivo; Orr; Otto; Ritter; Rose; Solomons; Truitt; Turner; Villarreal.

The invocation was offered by Representative Flynn.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Hochberg who presented Dr. Stephen Spann of Houston as the "Doctor for the Day."

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

(Truitt now present)

LEAVE OF ABSENCE GRANTED

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

Geren on motion of Hamilton.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Corrections, 9:30 a.m. today, JHR 131, for a work session, to consider legislation relating to the Texas Youth Commission.

HR 883 - ADOPTED

(by Escobar)

Representative Escobar moved to suspend all necessary rules to take up and consider at this time **HR 883**.

The motion prevailed.

The following resolution was laid before the house:

HR 883, Honoring the directors and members of the Rio Hondo High School Band on their many achievements.

HR 883 was read and was adopted.

On motion of Representative Anchia, the names of all the members of the house were added to **HR 883** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Escobar who introduced directors and members of the Rio Hondo High School Band.

(Olivo now present)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Madden requested permission for the Committee on Corrections to meet while the house is in session, 9:30 a.m. today, JHR 131, for a work session, to consider legislation relating to the Texas Youth Commission.

Permission to meet was granted.

(Woolley in the chair)

(J. Davis, England, Orr, Otto, Ritter, and Solomons now present)

HR 911 - ADOPTED

(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 911**.

The motion prevailed.

The following resolution was laid before the house:

HR 911, Honoring Houston jazz pianist and composer Joseph Leslie "Joe" Sample.

(Speaker in the chair)

HR 911 was read and was adopted.

On motion of Representative West, the names of all the members of the house were added to **HR 911** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Dutton who introduced Joe Sample.

(Bonnen now present)

HR 469 - ADOPTED

(by Anchia)

Representative Anchia moved to suspend all necessary rules to take up and consider at this time **HR 469**.

The motion prevailed.

The following resolution was laid before the house:

HR 469, In memory of John Burton Smith of San Antonio.

HR 469 was read and was unanimously adopted by a rising vote.

On motion of Representative Gonzalez Toureilles, the names of all the members of the house were added to **HR 469** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Anchia who introduced family members of John Burton Smith.

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).

(Rose now present)

HR 902 - ADOPTED

(by Herrero)

Representative Herrero moved to suspend all necessary rules to take up and consider at this time **HR 902**.

The motion prevailed.

The following resolution was laid before the house:

HR 902, Commending the members of Leadership Corpus Christi and welcoming them to the State Capitol.

HR 902 was read and was adopted.

(Frost now present)

HR 893 - ADOPTED
(by Branch)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 893**.

The motion prevailed.

The following resolution was laid before the house:

HR 893, Recognizing Burford & Ryburn, LLP, on its receipt of the Texas Treasure Business Award from the Texas Historical Commission.

HR 893 was read and was adopted.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 893** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Branch who introduced attorneys from Burford & Ryburn, LLP.

LEAVE OF ABSENCE GRANTED

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

Homer on motion of Farabee.

(Macias in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HCR 136 (by Flynn), Designating the Ghostriders as the official Rodeo Drill Team of Texas.

HCR 137 (by Miller), Designating the Barnie McBee Memorial Cook-off in Comanche as the official North Central Texas Regional Championship Barbecue Cook-off.

HCR 139 (by Rodriguez, Corte, Garcia, Noriega, and Vaught), Designating May 1, 2007, as Silver Star Day in Texas in honor of wounded service members.

HCR 140 (by S. King), Honoring the history of the Buffalo Soldiers for their outstanding military service and contributions to the Lone Star State.

HR 24 (by Gallego), Honoring Mario Rivera for his service as the treasurer of Presidio County.

HR 261 (by Gallego), Honoring track athlete James Ortiz of Uvalde for his courageous recovery from a serious accident.

HR 262 (by Gallego), Commending Oscar G. Gonzalez for his service as commissioner of Pecos County, Precinct 2.

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

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

HR 662 (by Rodriguez), Congratulating LatinWorks on being the first Hispanic advertising agency in Texas ever to place an ad during the Super Bowl.

HR 675 (by Ortiz), Honoring the Texas Society Colonial Dames XVII Century on the occasion of the group's 69th annual state conference on March 8-10, 2007, in Corpus Christi.

HR 676 (by Truitt), Congratulating Steve Vinson on his receipt of the 2007 Texas Small Business Partnership Award and the Gold Award by the Texas Association of Partners in Education.

HR 693 (by Miller), Honoring the 2007 Barbecue, Beans, and Blarney celebration being held in Dublin.

HR 694 (by R. Cook), Honoring Sidney and Mary Frey of Alleyton on their 60th wedding anniversary.

HR 695 (by Hughes), Honoring Carolyn Burns on the occasion of her retirement from Wood County Electric Cooperative.

HR 696 (by Hughes), Honoring Joe and Joyce Archer of Alba on their 50th wedding anniversary.

HR 697 (by Hughes), Honoring James Virgil and Mabel Galyean of Golden on their 60th wedding anniversary.

HR 698 (by Hughes), Honoring Dollie Howle of Quitman on her 100th birthday.

(Turner now present)

HR 703 (by Martinez), Extending sincere best wishes for the future to Weslaco resident Melody Swinnea, who remains in a coma after suffering an accident in November 2006.

HR 706 (by Raymond), Honoring the memory of Sabas Perez and commemorating the dedication of the new wing at the LISD Magnet for Engineering and Technology Education at Dr. Leo Gonzalez Cigarroa High School in his honor.

HR 707 (by Hopson), Honoring the city of Carthage for its contributions to country music.

HR 708 (by Woolley), Honoring Anna DeSanctis for winning a 2007 Prudential Spirit of Community Award.

HR 714 was withdrawn.

HR 717 (by Moreno), Congratulating Dr. Rene Rosas of El Paso on his receipt of the 2006 Gold Medal for Distinguished Service from the Texas Dental Association.

HR 719 (by Coleman), Commending Roland Glowinski of the University of Houston on his professional achievements.

HR 721 was withdrawn.

HR 722 (by Castro), Recognizing CHRISTUS Santa Rosa Health Care on its receipt of the Distinguished Hospital Award for Clinical Excellence.

HR 723 (by Castro), Honoring James Christopher Elswood of San Antonio on attaining the rank of Eagle Scout.

HR 745 (by Parker), Honoring David and Susan Kleven of Animal Edutainment.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 582 (by Woolley), In memory of William James "Bill" Miller of Houston.

HR 674 (by Delisi), In memory of Roy Edward Barfield of Rogers.

HR 687 (by Zedler), In memory of Samuel J. West of Arlington.

HR 709 (by Vaught), In memory of Christopher James Holt of Austin.

HR 718 (by Raymond), In memory of the Honorable Lloyd Bentsen.

HR 724 (by Heflin), In memory of Doug Ryburn of Brownfield.

The resolutions were unanimously adopted by a rising vote.

(Speaker pro tempore in the chair)

MOTIONS TO ADD NAMES

On motion of Representative Gallego, the names of all the members of the house were added to **HR 24**, **HR 261**, **HR 262**, **HR 436**, **HR 438**, and **HR 724** as signers thereof.

On motion of Representative Hochberg, the names of all the members of the house were added to **HR 718** as signers thereof.

HR 912 - ADOPTED **(by Zedler)**

Representative Zedler moved to suspend all necessary rules to take up and consider at this time **HR 912**.

The motion prevailed.

The following resolution was laid before the house:

HR 912, Honoring the members of the Texas Council of Child Welfare Boards for their efforts in protecting abused and neglected children.

HR 912 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Zedler who introduced members of the Texas Council of Child Welfare Boards.

INTRODUCTION OF GUEST

The chair recognized Representative Goolsby who introduced Eric Sims.

HR 620 - READ

(by Aycock)

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

HR 620, Honoring the 24th annual Burnet Bluebonnet Festival being held from April 13 through April 15, 2007.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

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

SB 272 (Hardcastle - House Sponsor), A bill to be entitled An Act relating to the appointment of bailiffs for the 97th Judicial District.

HB 90 was withdrawn.

CSHB 189 (by Hochberg, et al.), A bill to be entitled An Act relating to the receipt of financial benefits by school district superintendents for services performed for business entities.

CSHB 195 (by Gonzalez Toureilles), A bill to be entitled An Act relating to the transfer of certain abandoned or forfeited property to county or municipal agencies.

HB 364 was deferred until the end of today's local, consent, and resolutions calendar.

HB 479 (by Flores), A bill to be entitled An Act relating to the succession of the La Joya Water Supply Corporation by the La Joya Special Utility District.

HB 505 (by Berman), A bill to be entitled An Act relating to specialty license plates for certain vehicles transporting agricultural products, drilling equipment, or construction equipment.

HB 585 (by Laubenberg), A bill to be entitled An Act relating to the jurisdiction of a probate court in certain guardianship proceedings.

HB 587 (by Gonzalez Toureilles, Peña, and Escobar), A bill to be entitled An Act relating to the recording of certain information by the clerk of a court.

(Naishtat now present)

HB 618 (by Bonnen, et al.), A bill to be entitled An Act relating to the eligibility of emergency medical services personnel to participate in a low-interest home loan program offered by the state.

CSHB 660 (by Hartnett), A bill to be entitled An Act relating to venue or transfer of certain probate matters and guardianship matters.

HB 674 (by Swinford), A bill to be entitled An Act relating to the authority of the Department of Information Resources to accept gifts and grants.

HB 675 (by Swinford), A bill to be entitled An Act relating to the membership of the governing board of the Department of Information Resources.

HB 682 (by Eissler and Creighton), A bill to be entitled An Act relating to the creation of an additional county court at law in Montgomery County.

HB 738 (by Bonnen), A bill to be entitled An Act relating to an exemption from Texas Commission on Fire Protection training requirements for certain aircraft fire fighting and rescue fire protection personnel.

HB 899 (by W. Smith), A bill to be entitled An Act relating to the operation and functions of the Texas Board of Professional Engineers and the regulation of the practice of engineering.

HB 1064 (by Laubenberg), A bill to be entitled An Act relating to the term of a food manager certificate.

HB 1176 (by Smithee), A bill to be entitled An Act relating to providing that a municipality may allow a municipal fire marshal or arson investigator to travel in an unmarked municipal vehicle when performing official duties.

HB 1180 was withdrawn.

CSHB 1237 (by Farabee), A bill to be entitled An Act relating to the confidentiality of certain information of a person licensed to practice law held by the State Bar of Texas.

HB 1447 (by Bohac), A bill to be entitled An Act relating to the requirement that a railroad corporation submit articles of incorporation or an amendment to articles of incorporation to the attorney general.

HB 1488 (by Naishtat), A bill to be entitled An Act relating to the creation of an additional statutory county court in Travis County.

HB 1518 (by Paxton), A bill to be entitled An Act relating to circumstances under which court reporting firms, shorthand reporting firms, and affiliate offices are considered to provide services in this state.

(Noriega now present)

HB 1562 (by Bailey), A bill to be entitled An Act relating to hours of labor in certain fire departments.

HB 2168 (by Hill), A bill to be entitled An Act relating to the powers of municipal and county hospital authorities and hospital districts created under general or special law.

HCR 15 (by B. Brown), Designating Athens, Texas, as the Original Home of the Hamburger. (Veasey recorded voting present, not voting.)

HCR 30 (by Bonnen), Designating the Texas blind salamander as the official State Amphibian of Texas. (Veasey recorded voting present, not voting.)

HB 364 (by Jones), A bill to be entitled An Act relating to authority to conduct a closed meeting to discuss certain personnel matters involving a municipal advisory body.

ADJOURNMENT

Representative Anchia moved that the house adjourn until 10:30 a.m. today in memory of John Burton Smith of San Antonio.

The motion prevailed.

The house accordingly, at 10:21 a.m., adjourned until 10:30 a.m. today.

ADDENDUM

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

Thursday, March 22, 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:

HCR 157 Hughes SPONSOR: Eltife
Recognizing March 21, 2007, as Wood County Day at the State Capitol.

SB 12 Averitt
Relating to programs for the enhancement of air quality, including energy efficiency standards in state purchasing and energy consumption; providing penalties.

SB 526 Seliger
Relating to providing that a municipality may allow a municipal fire marshal or arson investigator to travel in an unmarked municipal vehicle when performing official duties.

SB 621 Carona

Relating to payments by the Texas Department of Transportation to an unsuccessful private entity that submits a proposal for a comprehensive development agreement.

Respectfully,

Patsy Spaw

Secretary of the Senate