

# HOUSE JOURNAL

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EIGHTIETH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-FIRST DAY (CONTINUED) — WEDNESDAY, MAY 9, 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 1081).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; 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; 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, Excused — Moreno.

Absent — Deshotel.

The invocation was offered by Dr. Scott Sager, senior minister, Preston Road Church of Christ, Dallas, as follows:

Heavenly Father, we come to you today acknowledging your awesome power in creating this world and for your control over all things, including the affairs of mankind. We come thanking you for another day and for the privilege of serving our God and country through the tasks we perform today. We ask this day that your spirit be upon every member of this house. May you give us a spirit of wisdom and understanding, of counsel and might, of knowledge, and of fear of you, and may we all take comfort in knowing you are looking down upon us this day.

Please bless every spouse of a house member today. May they know they are loved, and may you give them an extra measure of grace to make it through the day while their partner is away. We pray a blessing upon every child and grandchild who brings a smile to the face and a gleam to the eye of the people who gather here to serve. Give our children special counsel and comfort, and allow us as parents to keep that calling as priority number one even as a hectic day unfolds here at the Capitol.

Most of all, please bless us as your people who have gathered here to serve today. Give us a joy for our work and a spirit of camaraderie and mutual friendship. May this session end on a high note of friendship and mutual respect, and may friendships blossom in this chamber that will serve each member for a lifetime. We pray this prayer, with respect for all faiths, in the name of Jesus Christ. Amen.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Gattis who presented Dr. Paul Berg of Georgetown as the "Doctor for the Day."

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

(Deshotel now present)

### **LEAVE OF ABSENCE GRANTED**

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

Moreno on motion of Herrero.

### **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. 35).

### **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):

(Speaker pro tempore in the chair)

**HB 1358** (by Gattis), A bill to be entitled An Act relating to the definition of private or independent institution of higher education applicable to certain statutes.

**SB 1542** (Eiland - House Sponsor), in lieu of **HB 2759**, A bill to be entitled An Act relating to registration statements filed by an insurer that is a member of an insurance company holding system.

Representative Eiland moved to lay **HB 2759** on the table subject to call.

The motion prevailed.

**HB 2760** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 2779** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 4071** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 160** (by Menendez and Straus), A bill to be entitled An Act relating to a study on the relocation of freight trains away from residential areas of the state.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Murphy, Representative Menendez offered the following committee amendment to **HB 160**:

Amend SECTION 1 (a) by adding; in municipalities with a population of more than 1.2 million. after the words 'residential areas of the state' on page 1 line 8.

Amendment No. 1 was adopted.

**HB 614** (by Quintanilla, et al.), A bill to be entitled An Act relating to requiring a standard change interval for a yellow signal at intersections at which a municipality uses a photographic traffic monitoring system to enforce compliance with a traffic-control signal.

**HB 779** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 781** (by Dutton), A bill to be entitled An Act relating to a credit against arrearages for child support payments made by the obligor directly to the obligee. (Harper-Brown recorded voting no.)

**CSHB 828** (by Hochberg, et al.), A bill to be entitled An Act relating to the amount of the guaranteed yield under the Foundation School Program.

**CSHB 976** (by Van Arsdale), A bill to be entitled An Act relating to the amendment or extension of restrictive covenants on residential property.

**CSHB 1222** (by Goolsby), A bill to be entitled An Act relating to the use by a county of certain fees for the management, protection, and preservation of records.

**CSHB 1330** (by F. Brown), A bill to be entitled An Act relating to the pilot program providing for reduced undergraduate tuition during a term of the summer session at Texas A&M University.

**SB 168** (Flores - House Sponsor), in lieu of **HB 1406**, A bill to be entitled An Act relating to the State Bar of Texas fee to provide legal services to the indigent. (Harper-Brown recorded voting no.)

Representative Hartnett moved to lay **HB 1406** on the table subject to call.

The motion prevailed.

**CSHB 1415** (by Leibowitz, Strama, and Anchia), A bill to be entitled An Act relating to crediting public schools for the value of electricity generated by solar panels on public school building rooftops.

**CSHB 1427** (by Alonzo, et al.), A bill to be entitled An Act relating to an optometry career program at the University of Houston.

**CSHB 1493** (by Bonnen), A bill to be entitled An Act relating to the establishment and operation of a severe storm research and planning center.

**SB 1660** (Rodriguez - House Sponsor), in lieu of **HB 1918**, A bill to be entitled An Act relating to the creation of the Travis-Creedmoor Municipal Utility District; providing authority to impose taxes and issue bonds.

Representative Naishtat moved to lay **HB 1918** on the table subject to call.

The motion prevailed.

**CSHB 2030** (by Giddings), A bill to be entitled An Act relating to the issuance of citations to certain students on school property during regular school hours. (Harper-Brown recorded voting no.)

**HB 2101** (by Haggerty), A bill to be entitled An Act relating to the authority of a commissioned security officer to carry certain weapons.

**CSHB 2103** (by Kolkhorst and Gonzalez Toureilles), A bill to be entitled An Act relating to a pilot program to provide student loan repayment assistance to certain correctional officers who graduate from Sam Houston State University.

**CSHB 2210** (by Bolton), A bill to be entitled An Act relating to law enforcement reports concerning the commission of certain offenses and the provision of certain information in those reports to victims of those offenses.

**CSHB 2225** (by Giddings), A bill to be entitled An Act relating to student representation on the Texas Higher Education Coordinating Board and certain coordinating board advisory committees.

**HB 2268** was deferred until the end of today's local, consent, and resolutions calendar.

**CSHB 2291** (by Farias), A bill to be entitled An Act relating to a victim-offender mediation program administered by certain juvenile boards.

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

Representative Farias offered the following amendment to **CSHB 2291**:

Amend **CSHB 2291** by striking everything below the enacting clause and substituting the following:

SECTION 1. Subchapter C, Chapter 141, Human Resources Code, is amended by adding Section 141.055 to read as follows:

Sec. 141.055. STUDY OF VICTIM-OFFENDER MEDIATION PROGRAMS FOR JUVENILE OFFENDERS; REPORT. (a) The commission shall conduct a study of established victim-offender mediation programs for juvenile offenders in this state for the purpose of determining the potential effect on the state's juvenile justice system of establishing guidelines for and expanding the implementation of victim-offender mediation programs for juvenile offenders. The study must evaluate:

(1) the methodology of established victim-offender mediation programs for juvenile offenders;

(2) any reduction in recidivism for juvenile offenders who have successfully completed victim-offender mediation programs;

(3) the success rates for the collection of restitution by juvenile probation departments and the fulfillment of restitution agreements by juvenile offenders; and

(4) typical costs and funding sources for victim-offender mediation programs for juvenile offenders.

(b) Before conducting the study, the commission shall:

(1) consult any relevant guidelines issued by the United States Department of Justice's Office for Victims of Crime; and

(2) seek assistance from leading experts on victim-offender mediation programs in establishing parameters, information collection techniques, and reasonable legal assumptions in evaluating victim-offender mediation programs for juvenile offenders.

(c) Experts from whom the commission may seek assistance under Subsection (b)(2) include:

(1) persons who have established and who currently operate victim-offender mediation programs;

(2) persons who direct national projects on victim-offender mediation;  
and

(3) professors of law or criminal justice who are employed by institutions of higher education, as defined by Section 61.003, Education Code.

(d) Not later than July 1, 2008, the commission shall provide a report describing the results of the study to each member of the legislature. The report must include:

(1) the estimated cost to the state and local governments of expanding the implementation and administration of victim-offender mediation programs for juvenile offenders;

(2) a review of the benefits to juvenile offenders and victims of participating in victim-offender mediation programs for juvenile offenders; and

(3) any recommendations for legislation establishing guidelines for and expanding the implementation and administration of victim-offender mediation programs for juvenile offenders in this state.

(e) This section expires December 1, 2008.

SECTION 2. 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.

Amendment No. 1 was adopted.

**CSHB 2323** (by Goolsby), A bill to be entitled An Act relating to imposing a civil penalty on a political subdivision that spends the proceeds of an impact fee for a purpose other than the purpose for which the fee was imposed.

**SB 1306** (Goolsby - House Sponsor), in lieu of **HB 2374**, A bill to be entitled An Act relating to the attendance by a quorum of a governmental body at certain events under the open meetings law.

Representative Goolsby moved to lay **HB 2374** on the table subject to call.

The motion prevailed.

**CSHB 2389** (by Madden), A bill to be entitled An Act relating to the right of a minor in the custody of the Texas Department of Criminal Justice to consent to medical, dental, psychological, and surgical treatment.

**HB 2422** (by Leibowitz and Martinez), A bill to be entitled An Act relating to the accessibility of emergency crossovers on a state highway toll project.

**HB 2523** (by Parker), A bill to be entitled An Act relating to the authority of the Denton County Municipal Utility District No. 6 to divide into two districts.

**HB 2531** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**CSHB 2702** (by Truitt), A bill to be entitled An Act relating to the exemption from tuition and fees at a public institution of higher education for adopted students.

**HB 2782** (by Otto), A bill to be entitled An Act relating to the creation of the Liberty County Municipal Utility District No. 5.

**CSHB 2926** (by Van Arsdale), A bill to be entitled An Act relating to using county election precincts in every county for any election held on the November uniform election date.

**CSHB 2940** (by Bolton), A bill to be entitled An Act relating to the authority of an associate judge in certain family law proceedings.

**CSHB 3024** (by Frost), A bill to be entitled An Act relating to the weight accorded in a taxpayer protest hearing to the determination by a certified appraiser of appraised value of real property.

**HB 3100** (by Anchia), A bill to be entitled An Act relating to required training for package store employees; providing an administrative penalty. (Aycock, Harper-Brown, and T. King recorded voting no.)

**CSHB 3154** (by Laubenberg and Jackson), A bill to be entitled An Act relating to the creation of a review committee to study the provision of indigent health care through county and regional health care services. (Harper-Brown recorded voting no.)

#### **CSHB 3154 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE BURNAM: I would appreciate an explanation of this bill for the record and will ask that it be reduced to writing.

REPRESENTATIVE LAUBENBERG: It creates a regional health care study for indigent health care in the North Texas Dallas area—the counties in Region 3—to study the different options of providing health care in our region between counties.

BURNAM: For funding options or what?

LAUBENBERG: Funding options are part of it, yes, and providing services.

BURNAM: It is not intended to look at who the indigent recipients are?

LAUBENBERG: No, not at all, Lon. We have a county hospital in Dallas that is serving a lot of the surrounding counties and there are some issues of compensation.

BURNAM: Because the hospital has been long overburdened?

LAUBENBERG: Yes.

#### **REMARKS ORDERED PRINTED**

Representative Burnam moved to print remarks between Representative Laubenberg and Representative Burnam.

The motion prevailed.

**CSHB 3182** (by Parker), A bill to be entitled An Act 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 a limited power of eminent domain.

**HB 3377** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**CSHB 3435** (by Herrero), A bill to be entitled An Act relating to peace officers of navigation districts.

**HB 3481** (by Puente), A bill to be entitled An Act relating to disclosure and availability of certain information concerning certain officers of regional water planning groups.

**CSHB 3559** (by Swinford), A bill to be entitled An Act relating to the administration and powers of the Canadian River Municipal Water Authority.

**SB 1430** (Puente - House Sponsor), in lieu of **HB 3644**, A bill to be entitled An Act relating to designation of certain customer bill payment assistance program costs as an expense of operation that is a first lien against revenue securing certain public securities or obligations.

Representative Puente moved to lay **HB 3644** on the table subject to call.

The motion prevailed.

**SB 1084** (Allen - House Sponsor), in lieu of **HB 3650**, A bill to be entitled An Act relating to advertising in Department of Public Safety of the State of Texas driver's license mailings.

Representative Allen moved to lay **HB 3650** on the table subject to call.

The motion prevailed.

**CSHB 3770** (by Puente), A bill to be entitled An Act relating to the acquisition of road powers by a municipal utility district. (Aycock recorded voting no.)

**HB 3834** (by Gonzales and Martinez), A bill to be entitled An Act relating to authorizing the amount of a fee charged by certain counties for issuing certain utility certificates.

**CSHB 3842** (by Hilderbran), A bill to be entitled An Act relating to the issuance of statements of ownership and location for manufactured homes to certain lienholders without the consent of the owners of those homes.

**HB 3849** (by Hilderbran), A bill to be entitled An Act relating to the registration of all-terrain vehicles by the Texas Department of Transportation.

**CSHB 3871** (by Menendez and Chisum), A bill to be entitled An Act relating to the evaluation of an application for a low income housing tax credit.

**CSSB 1372** (Allen - House Sponsor), in lieu of **HB 3947**, A bill to be entitled An Act relating to the operation of motor vehicles and commercial motor vehicles.

Representative Allen moved to lay **HB 3947** on the table subject to call.

The motion prevailed.

**CSHB 3979** (by Laubenberg), A bill to be entitled An Act relating to the creation of the McKinney Municipal Utility Districts Nos. 1 and 2 of Collin County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 3980** (by Eiland), A bill to be entitled An Act relating to the navigation district powers and the confirmation of the Galveston County Municipal Utility District No. 67; providing authority to issue bonds.

**CSHB 3981** (by Eissler), A bill to be entitled An Act relating to the creation of the Hardin Store Road Municipal Utility District No. 1 of Montgomery County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 3987** (by Deshotel), A bill to be entitled An Act relating to the compensation of the members of the board of port commissioners of the Port of Port Arthur Navigation District of Jefferson County.

**HB 3988** (by Murphy), A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 438; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 3989** (by Murphy), A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 437; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 3994** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 3995** (by Chisum), A bill to be entitled An Act relating to the name, administration, powers, and duties of the Collingsworth County Underground Water Conservation District.

**CSHB 3997** (by Puente), A bill to be entitled An Act relating to the Uniform Parentage Act, termination of the rights of an alleged father, and other matters relating to determination of paternity.

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

Representatives Morrison and Puente offered the following amendment to **CSHB 3997**:

Amend **CSHB 3997** by adding the following appropriately numbered sections and renumbering the sections of the bill accordingly:

SECTION \_\_\_\_\_. Sections 263.407(a) and (c), Family Code, are amended to read as follows:

(a) There is a rebuttable presumption that a parent who delivers a child to a designated emergency infant care provider in accordance with Subchapter D, Chapter 262:

- (1) is the child's biological parent; ~~and~~
- (2) intends to relinquish parental rights and consents to the termination of parental rights with regard to the child; and
- (3) intends to waive the right to notice of the suit terminating the parent-child relationship.

(c) Before the court may render an order terminating ~~[filing a petition to terminate the]~~ parental rights with regard to a child taken into the department's custody under Section 262.303, the department must:

- (1) verify with the National Crime Information Center and state and local law enforcement agencies that the child is not a missing child; and
- (2) obtain a certificate of the search of the paternity registry under Subchapter E, Chapter 160, not earlier than the date the department estimates to be the 30th day after the child's date of birth.

SECTION \_\_\_\_\_. The change in law made by this Act by the amendment of Sections 263.407(a) and (c), Family Code, applies to a child for whom the Department of Family and Protective Services assumes responsibility under Subchapter D, Chapter 262, Family Code, regardless of whether the department assumed responsibility for the child before, on, or after the effective date of this Act.

Amendment No. 1 was adopted.

#### **Amendment No. 2**

Representative Puente offered the following amendment to **CSHB 3997**:

Amend **CSHB 3997** by striking page 4, lines 19 through 22, and substituting the following:

(d) The termination of rights of an alleged father under Subsection (b)(4) [~~(b)(3)~~] does not require service of citation by publication on the alleged father.

Amendment No. 2 was adopted.

**HB 3998** (by Creighton), A bill to be entitled An Act relating to the creation of the Southeast Montgomery County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**CSHB 4006** (by Olivo), A bill to be entitled An Act relating to the creation of Booth Ranch Municipal Utility District of Fort Bend County, Texas; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

**HB 4009** (by Hilderbran), A bill to be entitled An Act relating to the name, directors, and elections of the Emerald Underground Water Conservation District.

**SB 1977** (Olivo - House Sponsor), in lieu of **HB 4012**, A bill to be entitled An Act relating to the creation of Fort Bend County Municipal Utility District No. 189; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

Representative Olivo moved to lay **HB 4012** on the table subject to call.

The motion prevailed.

**HB 4016** (by W. Smith), A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 508; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4017** (by W. Smith), A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 510; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**CSHB 4018** (by Van Arsdale), A bill to be entitled An Act relating to the powers and duties of the Harris County Municipal Utility District No. 416; providing authority to impose a tax and issue bonds.

**HB 4029** (by Morrison), A bill to be entitled An Act relating to the creation of the Lavaca County Groundwater Conservation District; providing authority to impose a tax.

**HB 4038** (by C. Howard), A bill to be entitled An Act relating to the powers and duties of the Harris County Municipal Utility District No. 473; providing authority to impose a tax and issue bonds. (W. Smith recorded voting present, not voting.)

**CSHB 4039** (by Anderson), A bill to be entitled An Act relating to the appointment of magistrates in McLennan County.

**CSHB 4041** (by Rose), A bill to be entitled An Act relating to the powers and duties of the Sunfield Municipal Utility District No. 3 regarding elections and road projects; providing authority to impose a tax and issue bonds.

**CSHB 4042** (by Rose), A bill to be entitled An Act relating to the powers and duties of the Sunfield Municipal Utility District No. 4 regarding elections and road projects; providing authority to impose a tax and issue bonds.

**CSHB 4043** (by Rose), A bill to be entitled An Act relating to the powers and duties of the Sunfield Municipal Utility District No. 1 regarding elections and road projects; providing authority to impose a tax and issue bonds.

**HB 4046** (by Eissler), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 104; providing authority to impose taxes and issue bonds.

**CSHB 4047** (by Farabee), A bill to be entitled An Act relating to the powers and duties of the Electra Hospital District.

**HB 4055** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**CSHB 4056** (by Rose), A bill to be entitled An Act relating to the creation of the Hays County Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4058** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**CSHB 4061** (by Parker), A bill to be entitled An Act relating to the creation of the Denton County Municipal Utility District No. 7; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4069** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**CSHB 4070** (by Eiland), A bill to be entitled An Act relating to the creation of the Galveston County Municipal Utility District No. 65; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4073** (by Eissler), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 103; providing authority to impose taxes and issue bonds.

**HB 4075** (by Eissler), A bill to be entitled An Act relating to the creation of the Magnolia Woods Municipal Utility District No. 1 of Montgomery, Waller, and Grimes Counties; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4079** (by Eissler), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 119; providing authority to impose taxes and issue bonds.

**CSHB 4080** (by Talton), A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 509; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**CSHB 4081** (by O'Day), A bill to be entitled An Act relating to the creation of the Sedona Lakes Municipal Utility District No. 1 of Brazoria County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4083** (by Eissler), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 117; providing authority to impose taxes and issue bonds.

**HB 4084** (by Eissler), A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility District No. 120; providing authority to impose taxes and issue bonds.

**HB 4097** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**HB 4098** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**CSHB 4099** (by Phillips), A bill to be entitled An Act relating to the creation of the Preston Summit Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4102** (by Parker), A bill to be entitled An Act relating to the creation of the Canyon Falls Water Control and Improvement District No. 2 of Denton County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4104** (by Eissler), A bill to be entitled An Act relating to the powers and duties of the Montgomery County Municipal Utility District No. 112; providing authority to impose a tax and issue bonds.

**CSHB 4111** (by Smithee), A bill to be entitled An Act relating to the creation of the Randall County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**CSHB 4113** (by Cohen), A bill to be entitled An Act relating to the Buffalo Bayou Management District.

**HB 4115** (by Phillips), A bill to be entitled An Act relating to the creation of the Sangani Ranch Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4116** (by Phillips), A bill to be entitled An Act relating to the creation of the Kimberlin Ranch Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4118** (by Phillips), A bill to be entitled An Act relating to the creation of the Kimberlin Ranch Municipal Utility District No. 2 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4119** (by Phillips), A bill to be entitled An Act relating to the creation of the Kimberlin Ranch Municipal Utility District No. 3 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4120** (by Phillips), A bill to be entitled An Act relating to the creation of the Sangani Ranch Municipal Utility District No. 2 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4121** (by Phillips), A bill to be entitled An Act relating to the creation of the Sangani Ranch Municipal Utility District No. 3 of Grayson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**HB 4135** was withdrawn and was postponed until the beginning of the local, consent, and resolutions calendar on Friday, May 11.

**HCR 93** (by S. King), Designating August 2007 as American Indian Scouts Month.

**CSHCR 164** (by Gallego), Encouraging the United States and Mexican federal governments to reopen the bridge and border crossing at La Linda, Coahuila, Mexico.

**HR 1671** (by Chisum), Granting the Texas DeMolay Association permission to use the house chamber on February 16 and 17, 2008.

**HB 2760** was deferred until the end of today's local, consent, and resolutions calendar.

**HB 2779** was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Calendars.

**HB 4071** (by B. Brown), A bill to be entitled An Act relating to the authority of the Las Lomas Municipal Utility District No. 4 of Kaufman County to undertake road projects.

**HB 779** (by Dutton), A bill to be entitled An Act relating to the dismissal of certain enforcement actions alleging the failure to pay child support. (Harper-Brown recorded voting no.)

**CSHB 2268** (by Murphy), A bill to be entitled An Act relating to certain acquisitions of real property by the Texas Department of Transportation for highway purposes.

### **CSHB 2268 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE BURNAM: Mr. Murphy, could you explain this bill and if there are any safeguards to keep TxDOT from abusing—we've had conversations about my utter distrust of TxDOT—environmental issues?

REPRESENTATIVE MURPHY: Sure, I understand that and I appreciate that your questions are well-intended on this bill. The environmental protections in this bill are in addition to what's required under NEPA and the other statutes under the construction of roadways. The environmental regulation here asks TxDOT to conduct a study of that property and make sure it's suitable for

highway construction before acquiring it. So this is in addition to before they do construction, there will still be the whole NEPA process, Representative Burnam. So nothing is taken away from environmental regulations. In fact, it's added to, just to make sure we don't acquire property that's unsuitable for the purposes of transportation construction.

#### **REMARKS ORDERED PRINTED**

Representative Burnam moved to print remarks between Representative Murphy and Representative Burnam.

The motion prevailed.

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

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

R. Cook on motion of Hopson.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Land and Resource Management, upon first adjournment today, Desk 136, for a formal meeting, to consider pending business.

Licensing and Administrative Procedures, upon first adjournment today, Desk 99, for a formal meeting, to consider **SB 1229**.

Economic Development, upon first adjournment today, Desk 47, for a formal meeting, to consider **SB 194**, **SB 637**, **SB 1023**, **SB 1365**, **SB 1425**, **SB 1523**, and **SB 1619**.

Government Reform, upon first adjournment today, Desk 109, for a formal meeting, to consider pending business.

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

Representative W. Smith moved to suspend the five day posting rule to allow the Committee on County Affairs to consider **SB 191**, **SB 878**, **SB 1180**, **SB 1440**, and **SB 1969** during lunch recess today in E2.016.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

County Affairs, upon lunch recess today, E2.016, for a public hearing, to consider **SB 191**, **SB 878**, **SB 1180**, **SB 1440**, **SB 1969**, and pending business.

Defense Affairs and State-Federal Relations, upon lunch recess today, Desk 76, for a formal meeting, to consider HCRs and senate bills.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**  
**(consideration continued)**

**CSHB 3994** (by P. King), A bill to be entitled An Act relating to the creation of the Morning Star Ranch Municipal Utility Districts Nos. 1 and 2 of Parker County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

**CSHB 3994 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE BURNAM: Where is Morning Star?

REPRESENTATIVE P. KING: It is in southwest Parker County, almost in Tarrant County.

BURNAM: Southeast?

P. KING: Southeast Parker County, almost in Tarrant County.

BURNAM: Where is it in relationship to the city of Aledo?

P. KING: It would be southeast to the city of Aledo.

BURNAM: So actually on the county line?

P. KING: To be honest, I don't know if it crosses the county line or not.

BURNAM: You don't know whether it crosses into Tarrant County?

P. KING: To my knowledge it doesn't, no one has ever suggested that before. I thought it was wholly in Parker County and the chairman here says it's all in Parker County.

BURNAM: Could you postpone this until the end of the agenda so we can talk about it?

P. KING: Yes, sure.

**REMARKS ORDERED PRINTED**

Representative Burnam moved to print remarks between Representative P. King and Representative Burnam.

The motion prevailed.

**SB 1836** (Eiland - House Sponsor), in lieu of **HB 2760**, A bill to be entitled An Act relating to the management and control of certain port improvements and facilities.

Representative Eiland moved to lay **HB 2760** on the table subject to call.

The motion prevailed.

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

Representative C. Howard moved to suspend all necessary rules including the 48-hour layout rule to set a local, consent, and resolutions calendar for 9 a.m. Friday, May 11.

The motion prevailed.

**ADJOURNMENT**

The speaker pro tempore announced that the house would adjourn until 10:55 a.m. today.

The house accordingly, at 10:41 a.m., adjourned until 10:55 a.m. today.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

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

**House List No. 35**

**HB 85, HB 121, HB 823, HB 923, HB 1344, HB 1505**