

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTEENTH DAY — TUESDAY, FEBRUARY 17, 2009

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 29).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent, Excused — Alvarado.

The invocation was offered by Dr. Griffin Jones, senior pastor, CrossRoads Fellowship, Odessa.

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

CAPITOL PHYSICIAN

The speaker recognized Representative S. Miller who presented Dr. Jeffrey Edwards of Stephenville as the "Doctor for the Day."

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

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of a death in the family:

Alvarado on motion of Shelton.

REGULAR ORDER OF BUSINESS SUSPENDED

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

INTRODUCTION OF GUESTS

The speaker recognized Representative Farrar who introduced a group of legislators from West Africa.

**HR 458 - ADOPTED
(by Branch)**

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 458**.

The motion prevailed.

The following resolution was laid before the house:

HR 458, Recognizing February 17, 2009, as John Goodwin Tower Center for Political Studies Day at the State Capitol.

(Otto in the chair)

HR 458 was read and was adopted.

**HR 459 - ADOPTED
(by Branch)**

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 459**.

The motion prevailed.

The following resolution was laid before the house:

HR 459, Recognizing February 17, 2009, as Dallas Assembly Day at the State Capitol.

HR 459 was read and was adopted.

(Speaker in the chair)

**HR 261 - ADOPTED
(by Madden)**

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 261**.

The motion prevailed.

The following resolution was laid before the house:

HR 261, Welcoming the visiting delegation from Catholic Charities and commending the organization for its many good works.

HR 261 was read and was adopted.

**HR 460 - ADOPTED
(by Corte)**

Representative Corte moved to suspend all necessary rules to take up and consider at this time **HR 460**.

The motion prevailed.

The following resolution was laid before the house:

HR 460, Recognizing February 17, 2009, as Viva San Antonio Day at the State Capitol.

HR 460 was read and was adopted.

On motion of Representative Menendez, the names of all the members of the house were added to **HR 460** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Corte who introduced a delegation from Bexar County.

(Kolkhorst in the chair)

**HR 371 - ADOPTED
(by Dukes)**

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 371**.

The motion prevailed.

The following resolution was laid before the house:

HR 371, Welcoming the Austin Knowledge is Power Program to the State Capitol.

HR 371 was read and was adopted.

On motion of Representative Rose, the names of all the members of the house were added to **HR 371** as signers thereof.

**HR 276 - ADOPTED
(by Aycock)**

Representative Aycock moved to suspend all necessary rules to take up and consider at this time **HR 276**.

The motion prevailed.

The following resolution was laid before the house:

HR 276, Congratulating Lampasas County Sheriff Gordon Morris on his retirement.

HR 276 was adopted.

**HR 457 - ADOPTED
(by Laubenberg)**

Representative Laubenberg moved to suspend all necessary rules to take up and consider at this time **HR 457**.

The motion prevailed.

The following resolution was laid before the house:

HR 457, Recognizing February 17, 2009, as Rockwall County Day at the State Capitol.

HR 457 was read and was adopted.

**HCR 24 - PREVIOUSLY ADOPTED
(by Craddick and Lewis)**

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

HCR 24, Recognizing February 17, 2009, as Midland-Odessa Day at the State Capitol.

INTRODUCTION OF GUESTS

The chair recognized Representative Lewis who introduced a delegation from Midland and Odessa.

(Pierson in the chair)

HCR 46 - ADOPTED
(by Craddick)

Representative Craddick moved to suspend all necessary rules to take up and consider at this time **HCR 46**.

The motion prevailed.

The following resolution was laid before the house:

HCR 46, Honoring the Commemorative Air Force, based in Midland, for its inspiring educational programs and for its crucial efforts to preserve the military aviation history of the United States.

HCR 46 was read and was adopted.

HR 474 - ADOPTED
(by Patrick)

Representative Patrick moved to suspend all necessary rules to take up and consider at this time **HR 474**.

The motion prevailed.

The following resolution was laid before the house:

HR 474, Recognizing February 17, 2009, as Prekindergarten Day and welcoming the Women of Tocqueville to the State Capitol.

HR 474 was read and was adopted.

(Marquez in the chair)

HR 489 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 489**.

The motion prevailed.

The following resolution was laid before the house:

HR 489, Congratulating April Castro, Elise Hu, and John Moritz on their birthdays.

HR 489 was read and was adopted.

HR 194 - ADOPTED
(by Pierson, et al.)

Representative Pierson moved to suspend all necessary rules to take up and consider at this time **HR 194**.

The motion prevailed.

The following resolution was laid before the house:

HR 194, Recognizing February 17, 2009, as Mansfield Day at the State Capitol.

HR 194 was read and was adopted.

On motion of Representative C. Turner, the names of all the members of the house were added to **HR 194** as signers thereof.

**HR 436 - ADOPTED
(by Thibaut)**

Representative Thibaut moved to suspend all necessary rules to take up and consider at this time **HR 436**.

The motion prevailed.

The following resolution was laid before the house:

HR 436, Congratulating Barbara Broughton Sliva on her selection as the 2009 Woman of the Year by the Bay City Chamber of Commerce and Agriculture.

HR 436 was adopted.

**HR 468 - ADOPTED
(by Kleinschmidt)**

Representative Kleinschmidt moved to suspend all necessary rules to take up and consider at this time **HR 468**.

The motion prevailed.

The following resolution was laid before the house:

HR 468, Welcoming Leadership Fayette County to the State Capitol.

HR 468 was read and was adopted.

**HR 476 - ADOPTED
(by Kolkhorst)**

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 476**.

The motion prevailed.

The following resolution was laid before the house:

HR 476, Recognizing February 17, 2009, as Sheriffs' Association of Texas Day at the State Capitol.

HR 476 was adopted.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 476** as signers thereof.

(Maldonado in the chair)

**HR 478 - ADOPTED
(by Harper-Brown)**

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 478**.

The motion prevailed.

The following resolution was laid before the house:

HR 478, Recognizing the Irving Police Department and Police Chief Larry Boyd for their success in reducing crime.

HR 478 was read and was adopted.

**HR 401 - ADOPTED
(by Harper-Brown, England, and Anchia)**

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 401**.

The motion prevailed.

The following resolution was laid before the house:

HR 401, Recognizing February 17, 2009, as Irving Day at the State Capitol.

HR 401 was read and was adopted.

On motion of Representatives England and Anchia, the names of all the members of the house were added to **HR 401** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Harper-Brown who introduced a delegation from Irving.

HCR 48 - ADOPTED

(by Isett, et al.)

Representative Isett moved to suspend all necessary rules to take up and consider at this time **HCR 48**.

The motion prevailed.

The following resolution was laid before the house:

HCR 48, Recognizing February 17, 2009, as Texas Tech University System Day at the State Capitol.

(Marquez in the chair)

HCR 48 was read and was adopted.

On motion of Representative Keffer, the names of all the members of the house were added to **HCR 48** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Isett who introduced representatives of The Texas Tech University System.

HR 281 - ADOPTED

(by Hunter and Herrero)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 281**.

The motion prevailed.

The following resolution was laid before the house:

HR 281, Commending the Patriot Guard Riders of South Texas for their service to American military personnel.

HR 281 was read and was adopted.

On motion of Representatives Herrero and Ortiz, the names of all the members of the house were added to **HR 281** as signers thereof.

HR 448 - ADOPTED

(by Chavez, Pickett, Quintanilla, Moody, and Marquez)

Representative Pickett 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, Recognizing February 17, 2009, as El Paso Day at the State Capitol.

HR 448 was read and was adopted.

On motion of Representative Moody, the names of all the members of the house were added to **HR 448** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Chavez who introduced a delegation from El Paso County.

(Villarreal 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).

HCR 33 - ADOPTED (by Hilderbran)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HCR 33**.

The motion prevailed.

The following resolution was laid before the house:

HCR 33, Welcoming Leadership Kerr County to the State Capitol.

HCR 33 was read and was adopted.

HR 490 - ADOPTED (by Merritt)

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HR 490**.

The motion prevailed.

The following resolution was laid before the house:

HR 490, Congratulating the 60th anniversary of Johnny Cace's Seafood and Steak House.

HR 490 was read and was adopted.

(Speaker in the chair)

On motion of Representative Sheffield, the names of all the members of the house were added to **HR 490** as signers thereof.

HR 484 - ADOPTED (by Miklos)

Representative Miklos moved to suspend all necessary rules to take up and consider at this time **HR 484**.

The motion prevailed.

The following resolution was laid before the house:

HR 484, Recognizing February 17, 2009, as Sunnyvale Government Day at the State Capitol.

HR 484 was adopted.

HCR 42 - ADOPTED (by Taylor)

Representative Taylor moved to suspend all necessary rules to take up and consider at this time **HCR 42**.

The motion prevailed.

The following resolution was laid before the house:

HCR 42, Welcoming the League City Chamber of Commerce and its legislative committee on their visit to the State Capitol.

HCR 42 was adopted.

RESOLUTIONS ADOPTED

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 43 - HCR 45**.

The motion prevailed.

The following resolutions were laid before the house:

HCR 43 (by Homer), In memory of Hoyle R. Barr of Paris.

HCR 44 (by Homer), In memory of Frances Virginia Reeves Lowrey of Paris.

HCR 45 (by Homer), In memory of Tyler Nicole Henderson of Detroit, Texas.

The resolutions were unanimously adopted by a rising vote.

COMMITTEE GRANTED PERMISSION TO MEET

Representative McClendon requested permission for the Committee on Rules and Resolutions to meet while the house is in session.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, 10:30 a.m. today, E2.016, for a formal meeting, to consider house resolutions.

PROVIDING FOR ADJOURNMENT

Representative Flores moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES 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.)

(Phillips in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:43 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 201 (By Dukes), Relating to state financial assistance to school districts that make contributions for social security coverage.

To Appropriations.

HB 202 (By Dukes), Relating to the guaranteed benefits of a public school educator.

To Public Education.

HB 203 (By Castro), Relating to notice to certain public school high school seniors and their parents or guardians of automatic college admission.

To Higher Education.

HB 204 (By Castro), Relating to a survey to monitor the postsecondary education plans of seniors at public high schools.

To Public Education.

HB 205 (By Aycock), Relating to the applicability of certain city requirements affecting the restraint of certain dogs on annexed or otherwise acquired property used for agricultural operations.

To Agriculture and Livestock.

HB 206 (By Jackson), Relating to the on-premises consumption of certain alcoholic beverages; providing a penalty.

To Licensing and Administrative Procedures.

HB 207 (By Jackson), Relating to enforcement of commercial motor vehicle safety standards in certain counties.

To Public Safety.

HB 208 (By Jackson), Relating to the cancellation of the voter registration and to the eligibility to vote of persons who are deceased or not citizens of the United States.

To Elections.

HB 209 (By Bohac), Relating to the determination of the appraised value of a residence homestead for ad valorem taxation.

To Ways and Means.

HB 210 (By Aycock), Relating to the confidentiality under the public information law of certain name and address information provided to a governmental body.

To State Affairs.

HB 211 (By Jackson), Relating to an exemption from public insurance adjuster license requirements for certain persons.

To Insurance.

HB 212 (By Jackson), Relating to the transfer of service credits to or from the elected class in the Employees Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 213 (By F. Brown), Relating to the amount and disposition of funds retained by a state agency under the savings incentive program for state agencies.
To Appropriations.

HB 214 (By Bonnen), Relating to certain requirements imposed on a sex offender who enters the premises of a school.
To Criminal Jurisprudence.

HB 215 (By Guillen), Relating to limitations on increases in fees and designated tuition charged by public institutions of higher education.
To Higher Education.

HB 216 (By Menendez), Relating to licensing and regulation of certain facilities providing personal care to elderly or disabled persons; providing penalties.
To Human Services.

HB 217 (By Menendez), Relating to prohibiting the sale or use of unsafe children's products; providing a civil penalty.
To State Affairs.

HB 218 (By Menendez), Relating to the regulation of the sale of aerosol paint by counties and municipalities.
To County Affairs.

HB 219 (By Menendez), Relating to an offense of using a wireless communication device while operating a motor vehicle in a school crossing zone.
To Transportation.

HB 220 (By Menendez), Relating to prohibitions on the use of a wireless communication device while operating a motor vehicle.
To Transportation.

HB 221 (By Menendez), Relating to delaying parole eligibility for an individual convicted of certain violent offenses who evades arrest.
To Criminal Jurisprudence.

HB 222 (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 223 (By Eiland), Relating to regulation of the secondary market in certain physician and health care provider discounts; providing administrative penalties.
To Insurance.

HB 224 (By Olivo), Relating to available training for school resource officers and school district peace officers.
To Public Education.

HB 225 (By Aycock), Relating to an exemption from ad valorem taxation of the portion of the appraised value of a person's property attributable to the implementation on the property of water conservation initiatives, desalination projects, or brush control initiatives.

To Ways and Means.

HB 226 (By Pitts), Relating to prohibiting employers from requiring employees to make certain charitable contributions.

To Business and Industry.

HB 227 (By Pitts), Relating to an exemption from investigation company license requirements for certain information technology professionals.

To Licensing and Administrative Procedures.

HB 228 (By Pitts), Relating to a defendant's payment of the costs of legal services provided by court-appointed counsel in a criminal case.

To Criminal Jurisprudence.

HB 229 (By Pitts), Relating to bond or insurance requirements for applicants for or holders of certain on-site sewage disposal system-related licenses.

To Environmental Regulation.

HB 230 (By Pitts), Relating to exempting certain schools and nonprofit athletic or sports associations from certain demand charges by transmission and distribution utilities.

To State Affairs.

HB 231 (By Pitts), Relating to local regulation of distance requirements for businesses selling alcoholic beverages near a public school.

To Public Education.

HB 232 (By Rodriguez), Relating to grants for community-based telephone voice-mail services for individuals in crisis or in transition.

To State Affairs.

HB 233 (By Rodriguez), Relating to the creation of an advisory committee to establish and recommend qualifications for certain health care translators and interpreters.

To Public Health.

HB 234 (By Rodriguez), Relating to notice and hearing requirements for an application to transfer a municipal solid waste permit.

To Environmental Regulation.

HB 235 (By Rodriguez), Relating to the collection of recyclable material from buildings under the jurisdiction of the State Preservation Board.

To Culture, Recreation, and Tourism.

HB 236 (By Rodriguez), Relating to the procedures to obtain an exemption from the motor vehicle sales tax for motor vehicles driven by persons who have orthopedic handicaps.

To Ways and Means.

HB 237 (By Rodriguez), Relating to a deduction under the franchise tax for certain renewable energy devices.

To Ways and Means.

HB 238 (By Rodriguez), Relating to an exemption from the sales tax for certain renewable energy devices.

To Ways and Means.

HB 239 (By Rodriguez), Relating to a study of the proportion of this state's electric energy that can be generated using renewable energy technology.

To State Affairs.

HB 240 (By Alonzo), Relating to the appointment of members to the governing body of a political subdivision.

To County Affairs.

HB 241 (By Alonzo), Relating to a study and report concerning predicted faculty retirement at general academic teaching institutions.

To Higher Education.

HB 242 (By Alonzo), Relating to a personal identification device provided to residents of certain institutions and assisted living facilities.

To Human Services.

HB 243 (By Alonzo), Relating to equipping each K-9 law enforcement vehicle with a heat alarm system.

To Public Safety.

HB 244 (By Alonzo), Relating to regulation of residential tenancies by local governments.

To State Affairs.

HB 245 (By Alonzo), Relating to the registration of voters at a polling place and related procedures.

To Elections.

HB 246 (By Alonzo), Relating to the date of the primary election and related procedures.

To Elections.

HB 247 (By Alonzo), Relating to allowing certain early voting polling places to serve as election day polling places.

To Elections.

HB 248 (By Alonzo), Relating to the protection of the rights of Texas voters without regard to race, color, ethnicity, or membership in a language minority group.

To Elections.

HB 249 (By Alonzo), Relating to the procedures for registering to vote at the time of applying for a driver's license or personal identification card.

To Elections.

HB 250 (By Alonzo), Relating to the abolition of certain district courts, the creation of additional district courts, and the election of district court judges in certain counties.

To Judiciary and Civil Jurisprudence.

HB 251 (By Berman), Relating to the use of public resources to make communications that contain political advertising; providing a criminal penalty.

To Elections.

HB 252 (By Berman), Relating to authorizing the appointment of students to serve as election clerks.

To Elections.

HB 253 (By Berman), Relating to language requirements for engaging in certain regulated activities.

To State Affairs.

HB 254 (By Berman), Relating to restricting illegal immigrants to certain geographic regions.

To State Affairs.

HB 255 (By Berman), Relating to prohibiting admission by public institutions of higher education of applicants who are not lawfully authorized to be present in the United States.

To House Administration.

HB 256 (By Berman), Relating to birth records of children born in this state; creating an offense.

To State Affairs.

HB 257 (By Berman), Relating to extension or modification of restrictive covenants in certain residential real estate subdivisions.

To Business and Industry.

HB 258 (By Berman), Relating to the date on which a declaration of write-in candidacy must be filed.

To Elections.

HB 259 (By Berman), Relating to the impoundment of motor vehicle license plates and the suspension of the vehicle registration for failure to maintain financial responsibility.

To Transportation.

HB 260 (By Berman), Relating to the eligibility of certain persons to receive a sentence of community supervision, including deferred adjudication community supervision.

To State Affairs.

HB 261 (By Berman), Relating to the enforcement of state and federal laws by certain governmental entities.

To State Affairs.

HB 262 (By Berman), Relating to information regarding the citizenship status of students.

To Public Education.

HB 263 (By Berman), Relating to the imposition of a fee for money transmissions sent to certain destinations outside the United States.

To Ways and Means.

HB 264 (By Berman), Relating to the date that an increase in the salary of a member of a county commissioners court may take effect.

To County Affairs.

HB 265 (By Berman), Relating to the applicability of sex offender registration requirements to the offense of improper relationship between educator and student.

To Criminal Jurisprudence.

HB 266 (By Berman), Relating to regulating the provision of benefits and services to, and the verification of the employment status of, immigrants and to enforcing laws relating to immigrants; providing civil and criminal penalties.

To State Affairs.

HB 267 (By Bonnen), Relating to the interstate purchase of certain firearms.

To Public Safety.

HB 268 (By Lucio), Relating to considering ownership interests of disabled veterans in determining whether a business is a historically underutilized business for purposes of state contracting.

To Defense and Veterans' Affairs.

HB 269 (By Lucio), Relating to the award of course credit to a student at a public institution of higher education for the completion of military service.

To Defense and Veterans' Affairs.

HB 270 (By F. Brown), Relating to the definition of qualified employee for purposes of the enterprise zone program.

To Technology, Economic Development, and Workforce.

HB 271 (By Ortiz), Relating to the designation of enterprise projects during a biennium.

To Technology, Economic Development, and Workforce.

HB 272 (By Ortiz), Relating to disease control programs to reduce the risk of certain communicable diseases.

To Public Health.

HB 273 (By Harper-Brown), Relating to a motor vehicle passing a bicyclist; providing penalties.

To Transportation.

HB 274 (By Callegari), Relating to supplemental annuity payments by the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 275 (By Rodriguez), Relating to methods to increase the number of students who participate in school breakfast programs.

To Public Education.

HB 276 (By Zerwas), Relating to the requirement that state agencies report the cost of services and benefits provided to unlawful immigrants.

To State Affairs.

HB 277 (By Zerwas), Relating to the franchise tax and alternative revenue sources and spending priorities for this state.

To Ways and Means.

HB 279 (By Anchia), Relating to reimbursement for medical assistance provided by a school-based health center to certain recipients.

To Human Services.

HB 281 (By Anchia), Relating to grants for school-based health centers.

To Public Education.

HB 282 (By Anchia), Relating to the designation of certain election days as state holidays.

To Elections.

HB 283 (By Anchia), Relating to prohibited deceptive election practices; providing a criminal penalty.

To Elections.

HB 284 (By Anchia), Relating to reporting of international shipments of electronic waste.

To Environmental Regulation.

HB 285 (By Hodge), Relating to the use of tobacco products and cigarettes on property owned, used, or controlled by the Texas Department of Criminal Justice.

To Corrections.

HB 286 (By Martinez Fischer), Relating to the appointment and duties of and the funding for an executive commissioner for the prevention of driving while intoxicated.

To Public Safety.

HB 287 (By Dutton), Relating to the penalty for possession of a small amount of certain controlled substances.

To Criminal Jurisprudence.

HB 288 (By Dutton), Relating to authorizing a justice or municipal court to grant an occupational driver's license.

To Public Safety.

HB 289 (By Dutton), Relating to the provision of courses in behavioral modification by disciplinary alternative education programs and juvenile justice alternative education programs.

To Public Education.

HB 290 (By Dutton), Relating to the consideration of the cumulative effects of air contaminant emissions in the emissions permitting process.

To Environmental Regulation.

HB 291 (By Dutton), Relating to discovery procedures for a claim against a governmental entity under the Texas Tort Claims Act.

To Judiciary and Civil Jurisprudence.

HB 292 (By Dutton), Relating to the restoration of certain rights to a criminal defendant.

To Criminal Jurisprudence.

HB 293 (By Dutton), Relating to the automatic expunction of criminal records.

To Criminal Jurisprudence.

HB 294 (By Dutton), Relating to a maximum class size for certain public school students who perform poorly on an assessment instrument.

To Public Education.

HB 295 (By Dutton), Relating to requiring a judge to explain certain matters concerning conditions of community supervision before a defendant enters a plea of not guilty or nolo contendere.

To Criminal Jurisprudence.

HB 296 (By Dutton), Relating to the secrecy of grand jury proceedings.

To Criminal Jurisprudence.

HB 297 (By Dutton), Relating to the abolition of the death penalty.

To Criminal Jurisprudence.

HB 298 (By Dutton), Relating to the admissibility of certain evidence in capital cases in which the state seeks the death penalty.

To Criminal Jurisprudence.

HB 299 (By Dutton), Relating to mediation procedures in certain family law suits.

To Judiciary and Civil Jurisprudence.

HB 301 (By Dutton), Relating to discovery in a criminal case.

To Criminal Jurisprudence.

HB 302 (By Dutton), Relating to preferences and designations of certain district courts in Harris County.

To Judiciary and Civil Jurisprudence.

HB 303 (By Dutton), Relating to an exemption from the sales tax for labor to install certain tangible personal property in buildings that obtain LEED certification.

To Ways and Means.

HB 304 (By Dutton), Relating to the extent of a defendant's criminal responsibility for the conduct of a co-conspirator in certain felony cases.

To Criminal Jurisprudence.

HB 305 (By Dutton), Relating to circumstances involving extrinsic fraud in establishment of paternity.

To Judiciary and Civil Jurisprudence.

HB 306 (By Dutton), Relating to the compensation of an election judge or clerk.

To Elections.

HB 307 (By Dutton), Relating to the provision of and funding for Saturday classes for elementary school students who fail to pass certain assessment instruments.

To Public Education.

HB 308 (By Dutton), Relating to payment of wages to certain employees who miss work to perform jury duty; providing a criminal penalty.

To Technology, Economic Development, and Workforce.

HB 309 (By F. Brown), Relating to the number of license plates to be issued for and displayed on a motor vehicle.

To Transportation.

HB 310 (By F. Brown), Relating to the requirement that members of the Texas Medical Board provide contact information to license holders.

To Public Health.

HB 311 (By Leibowitz), Relating to certain fees authorized by the Texas Residential Construction Commission Act.

To Business and Industry.

HB 312 (By Raymond), Relating to electioneering near certain privately owned polling places.

To Elections.

HB 313 (By Raymond), Relating to access to certain information contained in a decree of dissolution of a marriage or in an order in a suit affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 314 (By Raymond), Relating to the dissemination of criminal history record information by the Department of Public Safety concerning certain intoxication offenses.

To Public Safety.

HB 315 (By Raymond), Relating to the instruction of American Sign Language in public high schools.

To Public Education.

HB 316 (By Raymond), Relating to mandatory kindergarten attendance in public schools.

To Public Education.

HB 317 (By Raymond), Relating to the appointment of a parenting coordinator in a suit affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 318 (By Raymond), Relating to a pilot program establishing a safe schools unit in the Department of Public Safety.

To Corrections.

HB 319 (By Raymond), Relating to an exemption from jury service for certain persons with legal custody of a child.

To Judiciary and Civil Jurisprudence.

HB 320 (By Raymond), Relating to the civil liability of an employer or former employer of a mental health services provider who engages in sexual exploitation of a patient or former patient.

To Judiciary and Civil Jurisprudence.

HB 321 (By Raymond), Relating to leave for junior college district or university system employees who are physically assaulted while on duty.

To Higher Education.

HB 322 (By Raymond), Relating to requiring parties in a suit affecting the parent-child relationship to disclose to the court knowledge of certain registered sex offenders; providing a penalty.

To Judiciary and Civil Jurisprudence.

HB 323 (By Raymond), Relating to the establishment of a program for detecting and giving notice of an unauthorized discharge of industrial, municipal, or other waste into any water in the state.

To Natural Resources.

HB 324 (By Raymond), Relating to monetary assistance for substitute care provided to a child by a relative caregiver.

To Human Services.

HB 325 (By Raymond), Relating to exempting books purchased by university and college students from the sales tax for a limited period.

To Ways and Means.

HB 326 (By Raymond), Relating to limits on the size of prekindergarten classes in public schools.

To Public Education.

HB 327 (By Raymond), Relating to a grant program for after-school child-care programs provided by school districts.

To Public Education.

HB 328 (By Heflin), Relating to abolishing the office of inspector of hides and animals.

To Agriculture and Livestock.

HB 329 (By Pierson), Relating to the guaranteed level of state and local funds for the instructional facilities allotment and the existing debt allotment under the public school finance system.

To Public Education.

HB 330 (By Pierson), Relating to the creation of a faculty position on the board of regents of The University of Texas System.

To Higher Education.

HB 331 (By Pierson), Relating to liability insurance for persons holding certain alcoholic beverage permits.

To Licensing and Administrative Procedures.

HB 332 (By Aycock), Relating to the date for a political party's precinct conventions.

To Elections.

HB 333 (By Aycock), Relating to tuition and fee exemptions for the spouses of certain military personnel.

To Defense and Veterans' Affairs.

HB 334 (By Aycock), Relating to requiring an election authority to provide notice to certain county chairs regarding certain election activities.

To Elections.

HB 335 (By Aycock), Relating to stabilizing the amount of tuition charged to certain residents of this state by general academic teaching institutions.

To Higher Education.

HB 336 (By Harless), Relating to the repeal of the requirement that school districts conduct emergency school bus evacuation training.

To Public Education.

HB 337 (By Harless), Relating to the costs of holding certain joint elections.

To Elections.

HB 338 (By Leibowitz), Relating to ensuring that at least 75 percent of dedicated revenues are spent for the purpose of the dedication.

To Appropriations.

HB 339 (By Phillips), Relating to driver education and driver's licensing requirements for minors.

To Public Education.

HB 340 (By Naishtat), Relating to required use by insurers of certain standard insurance policy forms for residential property insurance.

To Insurance.

HB 341 (By Herrero), Relating to an exemption from ad valorem taxation of a portion of the appraised value of the residence homesteads of military servicemembers who are serving on active duty.

To Ways and Means.

HB 342 (By Herrero), Relating to a consumer debt owed by certain military personnel called to active duty.

To Pensions, Investments, and Financial Services.

HB 343 (By Herrero), Relating to consumer debt owed by certain military servicemembers.

To Pensions, Investments, and Financial Services.

HB 344 (By Leibowitz), Relating to reimbursement under the state Medicaid program for health care services associated with certain adverse events.
To Human Services.

HB 345 (By Elkins), Relating to a business's duty to protect sensitive personal information contained in its customer records.
To Business and Industry.

HB 348 (By Peña), Relating to the punishment for theft of certain aluminum, bronze, or copper materials.
To Criminal Jurisprudence.

HB 349 (By Strama), Relating to placement of public school students with certain disabilities in juvenile justice alternative education programs.
To Public Education.

HB 350 (By Leibowitz), Relating to use of school district resources for athletic facilities.
To Public Education.

HB 351 (By Dutton), Relating to an exemption from or refund of tuition and fees for lower-division students enrolled in a general academic teaching institution who maintain a high grade-point average.
To Higher Education.

HB 352 (By Orr), Relating to coverage of mineral interests in title insurance policies, commitments, binders, and endorsements.
To Insurance.

HB 353 (By Rodriguez), Relating to certain health care rights of domestic partners.
To Public Health.

HB 354 (By F. Brown), Relating to the eligibility and drug testing of certain persons seeking food stamp benefits.
To Human Services.

HB 355 (By Aycock), Relating to the use of certain voting equipment in an election that does not involve a federal office.
To Elections.

HB 356 (By Quintanilla), Relating to the penalty for certain traffic offenses committed while using a wireless communication device.
To Transportation.

HB 357 (By Quintanilla), Relating to the sale of lottery tickets at a location at which a person holds an alcoholic beverage permit.
To Licensing and Administrative Procedures.

HB 358 (By Flynn), Relating to criminal offenses applicable to gambling and gambling devices.
To Licensing and Administrative Procedures.

HB 359 (By Strama), Relating to the absence of a student from public school to visit with a parent who has been or will be deployed to a combat zone.
To Public Education.

HB 360 (By Kuempel), Relating to the crediting and charging of investment gains and losses on the assets held in trust by the Texas Municipal Retirement System and providing a guaranteed minimum credit to employee accounts.
To Pensions, Investments, and Financial Services.

HB 361 (By Aycock), Relating to the civil liability of a political party on primary election day.
To Elections.

HB 362 (By B. Brown), Relating to the authority of certain counties to enact noise regulations; providing a criminal penalty.
To County Affairs.

HB 363 (By B. Brown), Relating to certain requirements relating to the issuance of a marriage license or the recording of a declaration of informal marriage and to the maintenance of marriage and divorce indexes by the bureau of vital statistics.
To Judiciary and Civil Jurisprudence.

HB 364 (By Thibaut), Relating to a fixed tuition rate provided by general academic teaching institutions and public lower-division institutions of higher education to certain undergraduate students.
To Higher Education.

HB 365 (By Flynn), Relating to the composition of the Finance Commission of Texas.
To Pensions, Investments, and Financial Services.

HB 367 (By Anderson), Relating to restrictions on written information required to be provided by school districts and public school teachers.
To Public Education.

HB 368 (By Anderson), Relating to site-based public school discipline policy committees.
To Public Education.

HB 369 (By B. Brown), Relating to assessment of damages in a condemnation proceeding.
To Land and Resource Management.

HB 370 (By Berman), Relating to the establishment of English as the official language of Texas and the requirement that official acts of government be taken in English.
To State Affairs.

HB 371 (By Jackson), Relating to dissolution of certain property owners' associations.
To Business and Industry.

HB 372 (By Jackson), Relating to the meetings and records of certain property owners' associations.

To Business and Industry.

HB 373 (By Anderson), Relating to requiring a voter to present proof of identification.

To Elections.

HB 374 (By Bonnen), Relating to the repeal of the requirement that school districts conduct emergency school bus evacuation training.

To Public Education.

HB 375 (By S. Miller), Relating to classifying farm elk as livestock under the Agriculture Code.

To Agriculture and Livestock.

HB 376 (By S. Miller), Relating to the requirement that livestock at auction facilities located in or near a fever tick quarantine area be dipped.

To Agriculture and Livestock.

HB 377 (By S. Miller), Relating to the creation and funding of the Texas Rural Job Development Fund.

To Appropriations.

HB 378 (By S. Miller), Relating to non-veterinary horse dentistry.

To Agriculture and Livestock.

HB 379 (By Harper-Brown), Relating to requiring the use of an ignition interlock device on conviction of certain intoxication offenses.

To Public Safety.

HB 380 (By Veasey), Relating to tuition and fees charged to employees of public institutions of higher education and a spouse, child, or dependent of those employees.

To Higher Education.

HB 381 (By Callegari), Relating to the use of certain voting equipment in an election that does not involve a federal office.

To Elections.

HB 382 (By Heflin), Relating to the regulation of the towing of vehicles.

To Transportation.

HB 383 (By Heflin), Relating to county bail bond board meetings in certain counties.

To County Affairs.

HB 384 (By Burnam), Relating to the prevention of racial profiling by certain civilian employees of the Department of Public Safety.

To Public Safety.

HB 385 (By Ortiz), Relating to the prosecution and consequences of certain offenses involving graffiti; providing penalties.

To Criminal Jurisprudence.

HB 386 (By S. Miller), Relating to the selection of the board of directors of an appraisal district.

To Ways and Means.

HB 387 (By Peña), Relating to the exemption of volunteer fire departments from certain motor fuel taxes.

To Ways and Means.

HB 388 (By Zerwas), Relating to the creation of the Wharton County Drainage District.

To Natural Resources.

HB 389 (By Zerwas), Relating to requirements for expedited credentialing of certain physicians by managed care plans.

To Insurance.

HB 390 (By Zerwas), Relating to health benefit plan coverage for routine patient care costs for enrollees participating in certain clinical trials.

To Insurance.

HB 391 (By Villarreal), Relating to limits on political contributions and direct campaign expenditures by individuals, partnerships, partners, and limited liability companies; providing civil and criminal penalties.

To Elections.

HB 392 (By Bohac), Relating to automated external defibrillators in nursing homes and related institutions.

To Human Services.

HB 393 (By Menendez), Relating to the Bexar Metropolitan Water District.

To Natural Resources.

HB 394 (By Rose), Relating to use of the money from the Texas Enterprise Fund to benefit small businesses.

To Technology, Economic Development, and Workforce.

HB 396 (By Hartnett), Relating to expunction of a notice of lis pendens.

To Judiciary and Civil Jurisprudence.

HB 397 (By Hartnett), Relating to the regulation of private process servers; providing penalties.

To Judiciary and Civil Jurisprudence.

HB 398 (By Ortiz), Relating to special event trust funds used to promote major athletic, motor sports racing, and other special events in this state.

To State Affairs.

HB 399 (By Villarreal), Relating to state employees' enrollment in the higher education savings plan and the prepaid tuition unit undergraduate education program.

To Higher Education.

HB 400 (By Herrero), Relating to the dismissal of a charge of unlawfully parking a vehicle in a space designated specifically for persons with disabilities.

To Transportation.

HJR 25 (By Aycocock), Proposing a constitutional amendment to authorize the legislature by general law to exempt from ad valorem taxes the portion of the assessed value of property attributable to the implementation on the property of a water conservation initiative, desalination project, or brush control initiative.

To Ways and Means.

HJR 28 (By Herrero), Proposing a constitutional amendment authorizing the legislature to exempt from ad valorem taxation a portion of the assessed value of the residence homesteads of military servicemembers who are serving on active duty.

To Ways and Means.

SCR 9 to Rules and Resolutions.

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
Tuesday, February 17, 2009

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 39 Gonzales SPONSOR: Hinojosa
Commending Edinburg Mayor Joe Ochoa for his years of service.

SCR 19 Duncan
Recognizing February 17, 2009, as Kidney Day at the State Capitol.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENROLLED

February 12 - HCR 31, HCR 37, HCR 38