

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

TWENTY-SEVENTH DAY — THURSDAY, MARCH 5, 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 42).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; 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; Frost; Gallego; 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 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; 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; Christian; Flynn; Gattis.

Absent — Martinez; Rios Ybarra.

The invocation was offered by Ricky Pfeil, pastor, Kingdom Keys Church, Amarillo, as follows:

Almighty God, our Heavenly Father, I want to thank you today for the opportunity to stand before these legislators and pray for them before they begin this session. Many times, we've seen an atmosphere of arrogance in elected representatives, especially in Washington. I pray that it be not so in our Texas state government. Remind each member of this honorable body today, and every day, of their accountability to not only the people who elected them, but even more so to you, O Lord. If we'll all remember that, O Lord, we will all serve in our assignments in life with humility.

May we always remember the Scriptures that tell us in Romans, Chapter 13, that governmental officials are ministers of God, just as we preachers and leaders of churches are ministers of God. It is a different area of ministry, but it is a ministry ordained of God for a man or woman to serve their state as an elected representative. Help each representative realize that they get themselves and our State of Texas in trouble when they write and pass laws that are contrary to the law of God written in the Bible. I pray that your holy word and the commands and ordinances of God will be honored in this state. President John Adams said of the White House, "May none but honest and wise men ever rule under this roof."

I thank you today for the acknowledgement of God and the word of God by such elected officials as our governor, Rick Perry, and so many others in this state's government. May none but honest and wise men serve in this government. Don't let us forget that you said in Psalm 33:12, "Blessed is the nation whose God is the Lord," and that you said in Proverbs 14:34, "Righteousness exalteth a nation: but sin is a reproach to any people."

I ask that these representatives of ours will have godly wisdom and direction in their deliberations. I ask that you would put it into their hearts and minds to always desire that you would rule in their decisions. May they be protected by your angels, Father. May their thoughts be in agreement with your perfect will. If any among this body have thoughts or intentions contrary to the word of God, may those plans be overruled by the power of your Holy Spirit. I pray that they would always know they are holding an honorable position, but a servant's position, and that they will remember that they are mere mortals in need of your help as they strive to do their job with excellence and nobility. I pray that the fear of God would characterize this legislative body. Let righteousness prevail and evil be defeated for the glory and honor of God. Make all of our elected officials be aware of matters that would threaten our safety and security. May they be found ready to act swiftly to avert danger to our citizens. Give strength and courage to each one here to protect our state and to do their very best in the sight of God to preserve our liberty. I pray all of these things in the name of the Lord of lords, the King of kings, the one who died for our sins on the cross and rose again from the dead—the Lord Jesus Christ. Amen.

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

#### **CAPITOL PHYSICIAN**

The speaker recognized Representative Kolkhorst who presented Dr. Henry Boehm of Brenham as the "Doctor for the Day."

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

#### **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).

### LEAVES OF ABSENCE GRANTED

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

Gattis on motion of Sheffield.

The following members were granted leaves of absence for today because of important business in the district:

Alvarado on motion of Deshotel.

Martinez on motion of Legler.

Rios Ybarra on motion of Lucio.

The following member was granted leave of absence for today because of important business with the governor:

Flynn on motion of Berman.

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

Parker on motion of Creighton.

### 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. 9).

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Walle on motion of C. Turner.

### HR 338 - ADOPTED (by Gattis and Maldonado)

Representative Maldonado moved to suspend all necessary rules to take up and consider at this time **HR 338**.

The motion prevailed.

The following resolution was laid before the house:

**HR 338**, In memory of Robert Mueller of Taylor.

**HR 338** was read and was unanimously adopted by a rising vote.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Maldonado who introduced family members of Robert Mueller.

**HR 649 - ADOPTED**  
**(by Zerwas)**

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 649**.

The motion prevailed.

The following resolution was laid before the house:

**HR 649**, Recognizing the West I-10 Chamber of Commerce.

**HR 649** was read and was adopted.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Zerwas who introduced members of the West I-10 Chamber of Commerce.

(Hopson in the chair)

**HR 706 - ADOPTED**  
**(by S. King)**

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 706**.

The motion prevailed.

The following resolution was laid before the house:

**HR 706**, Recognizing March 5, 2009, as Big Country Support the Troops Legislative Day.

**HR 706** was read and was adopted.

**HR 343 - ADOPTED**  
**(by Bolton)**

Representative Bolton moved to suspend all necessary rules to take up and consider at this time **HR 343**.

The motion prevailed.

The following resolution was laid before the house:

**HR 343**, Commending Menchaca Elementary School in Austin for its achievements in mathematics.

**HR 343** was read and was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Bolton who introduced student parent Richard Barner and teacher of the year Cindy Quick of Menchaca Elementary School.

**INTRODUCTION OF GUESTS**

The chair recognized Representative J. Davis who introduced representatives of NASA.

**HR 616 - ADOPTED**  
**(by Kolkhorst)**

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 616**.

The motion prevailed.

The following resolution was laid before the house:

**HR 616**, Recognizing March 5, 2009, as Grimes County Day at the State Capitol.

**HR 616** was read and was adopted.

On motion of Representative Kuempel, the names of all the members of the house were added to **HR 616** as signers thereof.

(McClendon in the chair)

**CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HR 254** was withdrawn.

**HR 404** was withdrawn.

**HR 524** (by Bolton), Honoring U.S. Navy Chief Petty Officer James R. O'Donnell for his outstanding service to this country.

**HR 525** (by Bolton), Honoring U.S. Navy Chief Petty Officer Louis Ojeda of Austin for his exemplary service to this country.

**HR 538** (by P. King), Congratulating Fire Marshal Kurt Harris on his retirement from the Weatherford Fire Department.

**HR 574** (by Kent), Honoring the Richardson Independent School District board of trustees.

**HR 578** (by Hopson), Congratulating Austin Bank on its selection as one of the Best Companies to Work for in Texas in 2009.

**HR 579** (by Miklos), Honoring Lieutenant Larry Allen on the occasion of his retirement from the Mesquite Police Department.

**HR 585** (by Kolkhorst), Recognizing the Texas Leadership Institute for its outstanding contributions to communities across the state.

**HR 589** (by Heflin), Commemorating the centennial of Abernathy in 2009.

**HR 594** (by Gallego), Congratulating Manuel M. Carrillo on his retirement from Sul Ross State University.

**HR 602** (by Parker), Expressing appreciation to the Reverend Lisa Marshall for her service as Pastor of the Day for March 11, 2009.

**HR 608** (by Kent), Honoring the Hamilton Park neighborhood in Dallas.

**HR 614** (by Kolkhorst), Commending James "Buddy" Reynolds for his service as Walker County commissioner.

**HR 618** (by Gonzales), Commemorating the dedication of Lucile McKee Hendricks Elementary School in McAllen.

**HR 620** (by Raymond), Congratulating Carny and Emma Guerra of San Antonio on their 50th wedding anniversary.

**HR 621** (by Raymond), Honoring the Clinton Global Initiative for its contributions to people the world over and commending former president Bill Clinton for his dedication to humanitarian causes.

**HR 623** (by Leibowitz), Congratulating Dr. Velma Villegas on her selection as the 2008 Superintendent of the Year by the Texas Computer Education Association.

**HR 626** (by Kent), Honoring Lake Highlands Military Moms for supporting North Texas servicemen and women.

**HR 629** (by Dunnam), Honoring Dr. William Doyle Farney of Georgetown on his retirement as director of the University Interscholastic League.

**HR 630** (by Craddick), Congratulating Dewey and Daphne Baucum of Midland on the occasion of their 50th wedding anniversary.

**HR 631** (by Craddick), Congratulating Peter and Esther Cordova of Midland on their 50th wedding anniversary.

**HR 632** (by Craddick), Honoring Clyde and Martha Hamblin of Midland on their 65th wedding anniversary.

**HR 633** was withdrawn.

**HR 635** was withdrawn.

**HR 639** was previously adopted.

**HR 640** (by D. Miller), Honoring Leadership Bulverde–Spring Branch for its promotion of civic leadership and volunteerism.

**HR 641** (by D. Miller), Honoring Youth Leadership New Braunfels for its promotion of civic leadership and volunteerism.

**HR 642** (by D. Miller), Honoring the 60th anniversary of Wright Distributing Company of Central Texas.

**HR 643** (by Flynn), Congratulating Greenville Christian School on winning the 2008 state title in TAPPS 3A Division 1 six-man football.

**HR 644** (by Flynn), Honoring Merle and Kay Watson of Caddo Mills on their 50th wedding anniversary.

**HR 645** (by Flynn), Honoring James and Jewel Smart of Lone Oak on their 65th wedding anniversary.

**HR 646** (by Flynn), Honoring Joe and Ann Pendergrass of Greenville on their 50th wedding anniversary.

**HR 647** was withdrawn.

**HR 648** (by Pierson), Commemorating the 50th anniversary of the Boys and Girls Clubs of Arlington.

**HCR 36** (by Solomons, Crownover, and Parker), Commending all those in Denton County who participated in the emergency response to Hurricane Ike.

**HCR 65** (by Isett), Honoring Dr. James R. Reckner on his retirement from Texas Tech University.

**SCR 31** (Swinford - House Sponsor), Recognizing Bell Helicopter Textron on the occasion of the 10th anniversary of its Amarillo Military Aircraft Assembly Center.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HR 36** (by Hilderbran), In memory of Ruth Slayton Hyde of Kerrville.

**HR 141** was withdrawn.

**HR 144** (by Heflin), In memory of NFL legend Samuel Adrian "Slingin' Sammy" Baugh of Rotan.

**HR 182** was withdrawn.

**HR 217** (by P. King), In memory of Donald Eugene Allen of Weatherford.

**HR 481** (by McReynolds), In memory of John D. Parker of Lufkin.

**HR 482** (by McReynolds), In memory of Trinity County Sheriff Brent Lee.

**HR 555** (by Anderson), In memory of Judith Ann Francis of Waco.

**HR 580** (by Dutton), In memory of Daisy DeLeon Hannah Procter of Houston.

**HR 593** (by Gallego), In memory of Samuel Cavness of Marathon.

**HR 595** (by Gallego), In memory of Santiago T. "Jimmy" Gallego of Alpine.

**HR 596** (by Gallego), In memory of Irene Cardenas Cardwell of Del Rio.

**HR 597** (by Gallego), In memory of Herminia Galindo of Del Rio.

**HR 598** (by Gallego), In memory of Conrado Galindo, Jr., of Del Rio.

**HR 599** (by Gallego), In memory of Timothy Wayne Breckenridge of Del Rio.

**HR 600** (by Gallego), In memory of Dr. Manuel Adrian Martinez, Jr., of Del Rio.

**HR 601** (by Gallego), In memory of Mary Linn Brown Reider of Brewster County.

**HR 605** (by Pickett), In memory of Veronica Teresa Cook of El Paso.

**HR 619** (by Gonzales), Honoring the life of Lucile McKee Hendricks of McAllen.

**HR 625** (by Woolley), In memory of Wilhelmina Daisy Cullen Robertson Smith of Houston.

**SCR 18** (J. Davis - House Sponsor), In memory of Raul "Rudy" Acosta.

**SCR 29** (Naishtat - House Sponsor), In memory of Coach Patrick Honeycutt of Austin.

The resolutions were unanimously adopted by a rising vote.

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

Representative Y. Davis requested permission for the Committee on Urban Affairs to meet while the house is in session, during bill referral today, in E2.028.

Permission to meet was granted.

Representative McReynolds requested permission for the Committee on Corrections to meet while the house is in session, during bill referral today, in E2.010, for a public hearing, to continue the regularly scheduled meeting.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

House Administration, Subcommittee on House Policies and Procedures, during bill referral today, 3W.9, for a formal meeting, to consider the House Policies and Procedures manual.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Rose requested permission for the Committee on House Administration, Subcommittee on House Policies and Procedures, to meet while the house is in session, during bill referral today, in 3W.9.

Permission to meet was granted.

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

Representative Eiland moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Appropriations, Subcommittee on Hurricane, to consider invited testimony from the LBB.

The motion prevailed.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Appropriations, Subcommittee on Hurricane, 8:30 a.m. tomorrow, E1.030, for a public hearing, to hear invited testimony from the LBB on hurricane costs.

#### **PROVIDING FOR ADJOURNMENT**

Representative Maldonado moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 2 p.m. Monday, March 9.

The motion prevailed.



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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Speaker in the chair)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 11:41 a.m., adjourned until 2 p.m. Monday, March 9.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**HB 6** (By Eiland), Relating to supplemental appropriations to pay for damages and disruptions suffered by state agencies and institutions of higher education caused by natural disasters.

To Appropriations.

**HB 1114** (By Hamilton), Relating to application requirements and performance standards for agricultural biomass and landfill diversion incentive grants.

To Agriculture and Livestock.

**HB 1866** (By Solomons), Relating to distributed renewable generation of electric power.

To State Affairs.

**HB 1867** (By Anchia), Relating to requirements for businesses that offer plastic checkout bags to customers; providing civil and administrative penalties.

To Environmental Regulation.

**HB 1868** (By Anchia), Relating to distribution of sexual barrier protection devices to inmates and state jail defendants confined in facilities operated by or under contract with the Texas Department of Criminal Justice and the testing of certain inmates for HIV.

To Corrections.

**HB 1869** (By Madden), Relating to a determination of value for purposes of punishment of the offense of abuse of official capacity.

To Criminal Jurisprudence.

**HB 1870** (By Madden), Relating to the manner in which inmates may receive certain cash payments on discharge or release from the Texas Department of Criminal Justice.

To Corrections.

**HB 1871** (By W. Smith), Relating to the use of Texas Department of Transportation facilities or property to serve a project aiding security in a ship channel security district.

To Transportation.

**HB 1872** (By Leibowitz), Relating to the creation of additional judicial districts in Bexar County.

To Judiciary and Civil Jurisprudence.

**HB 1873** (By Leibowitz), Relating to the creation of three additional county courts at law in Bexar County.

To Judiciary and Civil Jurisprudence.

**HB 1874** (By Truitt), Relating to regulation of the practice of barbering.

To Licensing and Administrative Procedures.

**HB 1875** (By Truitt), Relating to requiring a health benefit plan for enrollment at certain public institutions of higher education.

To Higher Education.

**HB 1876** (By Chisum), Relating to creating the health care access fund to recruit health care providers in health professional shortage areas and to support federally-qualified health centers and to using for those purposes revenue from a tax imposed on certain tobacco products.

To Public Health.

**HB 1877** (By Alvarado), Relating to physical activity requirements for students enrolled in public school prekindergarten programs.

To Public Education.

**HB 1878** (By J. Davis), Relating to monitoring physicians' compliance with continuing medical education requirements.

To Public Health.

**HB 1879** (By J. Davis), Relating to the receipt and release of immunization information by the immunization registry in connection with a disaster.

To Public Health.

**HB 1880** (By Pierson), Relating to an enhanced penalty for an operator who commits certain traffic offenses while using a wireless communication device to read, write, or send a text-based communication.

To Transportation.

**HB 1881** (By S. Miller), Relating to the creation of the Texas Equine Incentive Program.

To Agriculture and Livestock.

**HB 1882** (By S. Miller), Relating to the investigation of certain criminal conduct in election matters.

To Elections.

**HB 1883** (By Farabee), Relating to the authority of the Railroad Commission of Texas to determine whether certain transporters of natural or synthetic gas are gas utilities.

To Energy Resources.

**HB 1884** (By Peña), Relating to authorizing the conveyance of certain state real property from the Department of State Health Services to Hidalgo County for the operation of a primary care and substance abuse treatment facility.

To Public Health.

**HB 1885** (By Peña), Relating to a qualified privilege of a journalist not to testify.

To Judiciary and Civil Jurisprudence.

**HB 1886** (By Miklos), Relating to enforcement of a juvenile curfew ordinance.

To Urban Affairs.

**HB 1887** (By Dutton), Relating to competitive bidding by school districts for professional services.

To Public Education.

**HB 1888** (By J. Davis), Relating to standards required for certain rankings of physicians by health benefit plans.

To Insurance.

**HB 1889** (By J. Davis), Relating to the electronic transmission of certain information by and to health benefit plan issuers.

To Insurance.

**HB 1890** (By Creighton), Relating to notification of applications for permits for certain injection wells.

To Natural Resources.

**HB 1891** (By Madden), Relating to state funding for certain children to attend certain private prekindergarten programs.

To Public Education.

**HB 1892** (By Berman), Relating to nominations by primary election by all political parties.

To Elections.

**HB 1893** (By Driver), Relating to the carrying of concealed handguns on the campuses of institutions of higher education.

To Public Safety.

**HB 1894** (By J. Davis), Relating to the deadline for reallocating local sales and use taxes.

To Ways and Means.

**HB 1895** (By J. Davis), Relating to authorization for the Department of Aging and Disability Services to conduct a desk review instead of an inspection when issuing a license after a change in ownership of certain facilities.

To Human Services.

**HB 1896** (By J. Davis), Relating to the exemption from the sales and use tax of boat slip rental fees charged at certain marinas severely damaged by Hurricane Ike.

To Ways and Means.

**HB 1897** (By Oliveira), Relating to transportation services provided to aged or disabled clients of certain programs and facilities.

To Human Services.

**HB 1898** (By Shelton), Relating to notice required for certain recreational activities on premises owned, operated, or maintained by a governmental unit.

To Judiciary and Civil Jurisprudence.

**HB 1899** (By S. Turner), Relating to the release from the Texas Department of Criminal Justice of certain inmates who complete a rehabilitation program.

To Corrections.

**HB 1900** (By S. Turner), Relating to the requirement that electric utilities use standardized written contracts in providing services to customers.

To State Affairs.

**HB 1901** (By Branch), Relating to transportation safety training requirements for certain child-care providers.

To Human Services.

**HB 1902** (By Branch), Relating to exemptions from the sales tax for certain energy-efficient products.

To Ways and Means.

**HB 1903** (By Bolton), Relating to eligibility for and administration of the child health plan program.

To Human Services.

**HB 1904** (By S. Turner), Relating to benefits and protections for certain residential electric customers.

To State Affairs.

**HB 1905** (By Guillen), Relating to studying the costs and benefits of a pilot program for services for adults with autism.

To Human Services.

**HB 1906** (By Guillen), Relating to the amount of a surcharge assessed on conviction of certain intoxicated driver offenses on the driver's license of certain persons who complete a drug court program.

To Public Safety.

**HB 1907** (By Guillen), Relating to the retirement benefits payable to retirees of the Teacher Retirement System of Texas who are employed as school counselors.

To Pensions, Investments, and Financial Services.

**HB 1908** (By T. King), Relating to the safety of the fresh fruit and vegetables produced in this state.

To Agriculture and Livestock.

**HB 1909** (By Button), Relating to rules of the Texas Commission on Environmental Quality related to motor vehicle idling.

To Environmental Regulation.

**HB 1910** (By Hochberg), Relating to the operation of toll projects.

To Transportation.

**HB 1911** (By Isett), Relating to the Texas Rural Investment Fund.

To Agriculture and Livestock.

**HB 1912** (By Rodriguez), Relating to the Transitional Living Services Program and the Preparation for Adult Living Program for foster children transitioning to independent living.

To Human Services.

**HB 1913** (By McReynolds), Relating to identification requirements for certain fire hydrants and flush valves.

To Urban Affairs.

**HB 1914** (By McReynolds), Relating to abolishing the Private Sector Prison Industries Oversight Authority and to the certification and operation of private sector prison industries programs.

To Corrections.

**HB 1915** (By Kolkhorst), Relating to authorizing the issuance of revenue bonds for capital projects at Sam Houston State University.

To Higher Education.

**HB 1916** (By Kolkhorst), Relating to authorizing the issuance of revenue bonds for capital projects at Sam Houston State University.

To Higher Education.

**HB 1917** (By Fletcher), Relating to the creation of the Harris County Municipal Utility District No. 478; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

**HB 1918** (By Darby), Relating to changing the name of the Office of Rural Community Affairs to the Texas Department of Rural Affairs.

To Agriculture and Livestock.

**HB 1919** (By Kent), Relating to the maturity date of certain annuities.

To Insurance.

**HB 1920** (By Kent), Relating to rules of the Texas Commission on Environmental Quality related to motor vehicle idling.

To Environmental Regulation.

**HB 1921** (By Smithee), Relating to the authority of the board of directors of the Dallam-Hartley Counties Hospital District to employ health care providers.

To County Affairs.

**HB 1922** (By Martinez Fischer), Relating to the authorization of certain reuse water system contributions and discharges.

To Natural Resources.

**HB 1923** (By Heflin), Relating to the Irion County Water Conservation District.

To Natural Resources.

**HB 1924** (By Heflin), Relating to the performance of pharmacy services in certain rural hospitals.

To Public Health.

**HB 1925** (By Gutierrez), Relating to the compensation of certain court administrators.

To Judiciary and Civil Jurisprudence.

**HB 1926** (By Smithee), Relating to the creation of an appellate judicial system for the Seventh Court of Appeals District.

To Judiciary and Civil Jurisprudence.

**HB 1927** (By Farias), Relating to Voter Education Week.

To Elections.

**HB 1928** (By Flores), Relating to requirements for attorneys in fact under Lloyd's plans.

To Insurance.

**HB 1929** (By Jackson), Relating to payment of claims of certain out-of-network physicians and health care providers.

To Insurance.

**HB 1930** (By Jackson), Relating to health services provided to health benefit plan enrollees by certain out-of-network health care providers.

To Insurance.

**HB 1931** (By Thompson), Relating to judicial review of a decision to terminate certain federal housing assistance.

To Urban Affairs.

**HB 1932** (By Thompson), Relating to consumer labeling requirements for certain health benefit plans; providing penalties.

To Insurance.

**HB 1933** (By Thompson), Relating to restrictions on holders of package store permits.

To Licensing and Administrative Procedures.

**HB 1934** (By Naishtat), Relating to the powers of certain hospital districts and to the retirement benefits of employees of the districts and related entities.

To Pensions, Investments, and Financial Services.

**HB 1935** (By Villarreal), Relating to the establishment of the Texas Adult Career Education Grant Program to support community-based initiatives that assist unemployed and underemployed adults in receiving postsecondary education necessary to obtain employment in local, high-demand occupations.

To Technology, Economic Development, and Workforce.

**HB 1936** (By Villarreal), Relating to the authority of the governing body of a municipality to exempt a portion of the value of a residence homestead from ad valorem taxation if the homestead meets certain energy efficiency standards.

To Ways and Means.

**HB 1937** (By Villarreal), Relating to the voluntary assessment of property owners by a municipality to finance certain energy conservation improvements.

To Urban Affairs.

**HB 1938** (By Villarreal), Relating to the exclusion of certain college savings plan assets and benefits from eligibility determination for certain public assistance programs.

To Human Services.

**HB 1939** (By Villarreal), Relating to the regulation of facilitators of tax refund anticipation loans.

To Pensions, Investments, and Financial Services.

**HB 1940** (By Herrero), Relating to authorizing a power of attorney for a caregiver of a child.

To Judiciary and Civil Jurisprudence.

**HB 1941** (By Herrero), Relating to the election of the commissioner of insurance and qualifications of the commissioner and certain employees of the Texas Department of Insurance; providing civil penalties.

To Insurance.

**HB 1942** (By Herrero), Relating to a franchise tax credit for wages paid to graduates of certain institutions of higher education.

To Ways and Means.

**HB 1943** (By Herrero), Relating to the appointment of guardians ad litem in suits affecting the parent-child relationship.

To Human Services.

**HB 1944** (By Giddings), Relating to actions required to be taken by the Texas Education Agency and a school district when the district fails to file its annual audit report in a timely manner.

To Public Education.

**HB 1945** (By Herrero), Relating to the date of the general election for certain political subdivisions.

To Elections.

**HB 1946** (By Bonnen), Relating to the creation of the Brazoria County Municipal Utility District No. 64; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

**HB 1947** (By Kuempel), Relating to the election and terms of office of directors of the Guadalupe County Groundwater Conservation District.

To Natural Resources.

**HB 1948** (By Rios Ybarra), Relating to a public health extension service pilot program.

To Public Health.

**HB 1949** (By Rios Ybarra), Relating to the issuance and execution of agriculture warrants; creating an offense.

To Agriculture and Livestock.

**HB 1950** (By Solomons), Relating to state travel policies and procedures for the reimbursement or payment of travel expenses.

To State Affairs.

**HB 1951** (By Alonzo), Relating to the offer of certain unusable remainder real property acquired by the Texas Department of Transportation to nonprofit corporations.

To Transportation.

**HB 1952** (By Callegari), Relating to a municipal consent agreement regarding the inclusion of land in the extraterritorial jurisdiction of a municipality on the creation or expansion of certain municipal utility districts.

To Natural Resources.

**HB 1953** (By Y. Davis), Relating to the provision of video programming service to consumers.

To Business and Industry.

**HB 1954** (By Y. Davis), Relating to the provision of Internet service to consumers.

To Technology, Economic Development, and Workforce.

**HB 1955** (By Coleman), Relating to administrative and contract provisions applicable to certain nonprofit corporations located in large counties.

To Business and Industry.

**HB 1956** (By Smithee), Relating to the recovery of medical or health care expenses in civil actions.

To Judiciary and Civil Jurisprudence.

**HB 1957** (By Edwards), Relating to a limitation on the amount of tuition charged by public institutions of higher education.

To Higher Education.

**HB 1958** (By Edwards), Relating to the release from the Texas Department of Criminal Justice of certain inmates who complete a rehabilitation program.

To Corrections.



**HB 1959** (By Isett), Relating to the governmental entities subject to the sunset review process.

To State Affairs.

**HB 1960** (By Maldonado), Relating to the payment for an appearance as a witness for certain peace officers and firefighters.

To Urban Affairs.

**HB 1961** (By B. Brown), Relating to the recipients and subrecipients of financial assistance administered by the Texas Department of Housing and Community Affairs.

To Urban Affairs.

**HB 1962** (By Legler), Relating to the liability of and legal fees for a trustee of certain facilities.

To Judiciary and Civil Jurisprudence.

**HB 1963** (By Kuempel), Relating to eliminating the limitation on lottery advertising expenses based on the lottery prize payout percentage.

To Licensing and Administrative Procedures.

**HB 1964** (By Hilderbran), Relating to the crediting of appropriated funds from the collection of taxes imposed on the sale of sporting goods.

To Ways and Means.

**HB 1965** (By Darby), Relating to permits to control protected wildlife; providing a penalty.

To Culture, Recreation, and Tourism.

**HB 1966** (By J. Davis), Relating to an e-prescribing implementation plan under the Medicaid and child health plan programs.

To Public Health.

**HB 1967** (By Aycock), Relating to the statutory limitation imposed on certain university systems to issue revenue bonds to fund facilities at certain institutions of higher education.

To Higher Education.

**HB 1968** (By Hartnett), Relating to the estates of decedents.

To Judiciary and Civil Jurisprudence.

**HB 1969** (By Hartnett), Relating to the enforcement of a penalty clause for instituting a challenge of a will or trust.

To Judiciary and Civil Jurisprudence.

**HB 1970** (By Gutierrez), Relating to the minimum standards for operators and employees of child-care facilities and family homes.

To Human Services.

**HB 1971** (By Hamilton), Relating to regulation of fire protection sprinkler technicians.

To Insurance.

**HB 1972** (By Hamilton), Relating to contracts and purchases by certain navigation districts.

To Transportation.

**HB 1973** (By Hamilton), Relating to the licensing and regulation of pool-related electrical maintenance technicians and pool-related electrical maintenance contractors.

To Licensing and Administrative Procedures.

**HB 1974** (By Hamilton), Relating to distilled spirits samplings by the holder of a distiller's and rectifier's permit.

To Licensing and Administrative Procedures.

**HB 1975** (By Hancock), Relating to refund of excess unearned premiums by insurance premium finance companies.

To Insurance.

**HB 1976** (By Solomons), Relating to the operation of property owners' associations.

To Business and Industry.

**HB 1977** (By Solomons), Relating to encumbrances that may be fixed on homestead property.

To Business and Industry.

**HB 1978** (By Farias), Relating to the establishment of an evidence-based youth development competitive grant pilot program.

To Human Services.

**HB 1979** (By Rodriguez), Relating to retirement under public retirement systems for employees of certain municipalities.

To Pensions, Investments, and Financial Services.

**HB 1980** (By Rodriguez), Relating to the use of solar energy in certain state buildings, public school facilities, and higher education facilities.

To Energy Resources.

**HB 1981** (By Rodriguez), Relating to the regulation of stormwater management by certain counties.

To Natural Resources.

**HB 1982** (By Martinez Fischer), Relating to the regulation of dangerous and vicious dogs; providing penalties.

To County Affairs.

**HB 1983** (By Martinez Fischer), Relating to the punishment for certain intoxication related offenses; creating the offense of aggravated driving while intoxicated.

To Criminal Jurisprudence.

**HB 1984** (By Martinez Fischer), Relating to the statute of limitations in a civil suit for sexual assault.

To Judiciary and Civil Jurisprudence.

**HB 1985** (By Martinez Fischer), Relating to the requirement that certain defendants in a criminal case undergo testing for AIDS, HIV infection, or related conditions.

To Criminal Jurisprudence.

**HB 1986** (By Martinez Fischer), Relating to protective orders against dating violence.

To Judiciary and Civil Jurisprudence.

**HB 1987** (By Harless), Relating to fees paid to a constable for serving civil process.

To County Affairs.

**HB 1988** (By McReynolds), Relating to the duties of a peace officer in connection with the suspension of a driver's license for a failure to pass a blood or breath test for intoxication or the presence of alcohol.

To Public Safety.

**HB 1989** (By McReynolds), Relating to certain amounts payable by the Texas Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

To Insurance.

**HB 1990** (By McReynolds), Relating to a diabetes self-management training pilot program under the state Medicaid program.

To Public Health.

**HB 1991** (By Anchia), Relating to the use of money from the Texas emerging technology fund for the research and development of clean energy.

To Technology, Economic Development, and Workforce.

**HB 1992** (By Rodriguez), Relating to a franchise tax credit for certain investments made in relation to certain renewable energy generation projects.

To Ways and Means.

**HB 1993** (By Anchia), Relating to certain energy security technologies for critical governmental facilities.

To Energy Resources.

**HB 1994** (By McCall), Relating to a deduction under the franchise tax for physicians who administer vaccines.

To Ways and Means.

**HB 1995** (By McCall), Relating to the liability of volunteer audiologists and speech-language pathologists who provide certain speech, language, and hearing evaluations.

To Judiciary and Civil Jurisprudence.

**HB 1996** (By McCall), Relating to exempting the sale of certain property used for research and development from the sales tax.

To Ways and Means.

**HB 1997** (By McCall), Relating to the making of political contributions to and acceptance of political contributions by statewide officers and members of the legislature before and during a special session of the legislature; providing a criminal penalty.

To Elections.

**HB 1998** (By McCall), Relating to temporary housing and emergency shelters provided by a political subdivision for disaster victims.

To Defense and Veterans' Affairs.

**HB 1999** (By McCall), Relating to the exclusion of certain amounts from the total revenue of certain taxable entities for purposes of the franchise tax.

To Ways and Means.

**HB 2000** (By McCall), Relating to health benefit plan coverage for certain amino acid-based elemental formulas.

To Insurance.

**HJR 75** (By Villarreal), Proposing a constitutional amendment authorizing the governing body of a municipality to exempt a portion of the value of a residence homestead from ad valorem taxation if the homestead meets certain energy efficiency standards.

To Ways and Means.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**HB 672** (By Hodge), Relating to the inclusion of an incarcerated person in the population data used for redistricting according to the person's last residence before incarceration.

To Corrections.

#### **SIGNED BY THE SPEAKER**

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

#### **House List No. 9**

**HCR 12, HCR 58, HCR 59**

#### **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 5, 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:

**SCR 34** Van de Putte  
Recognizing March 2009 as National Women's History Month.

**SCR 37** Duncan  
Welcoming members of the Texas Organization of Rural and Community Hospitals and the Texas Rural Health Association to the Capitol.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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**APPENDIX**

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**ENROLLED**

**March 4 - HCR 28**

