

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FOURTH DAY — MONDAY, APRIL 6, 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 110).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycoc; 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; 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 — Phillips.

The invocation was offered by Dr. Steve Washburn, senior pastor, First Baptist Church, Pflugerville, as follows:

Father, I thank you for the opportunity you have given me to stand before this honorable assembly of men and women today. They carry a heavy responsibility, indeed. They are the lawmakers of the great State of Texas, and we are enormously proud of them, Father. As I stand before you this morning, Father, I cannot presume to know the hearts and minds of these good people. So I do not come leading them in prayer. Rather, I come before you interceding on their behalf, praying for them. You have called them to this great service. You have ordained them as our leaders and lawmakers. So now Father, as they begin their divinely appointed role of service in this new day, I lift them up to you and ask you to bless them indeed, each and every one of them.

Bless them in their work. Give them clarity of thought and focus. May all of their thoughts and actions be guided by the good people of Texas who trust them and rely on them. Keep their motives pure and their hearts clean.

Give them strength and wisdom to do the work you have put before them today. The tasks you have assigned to them are vast and require more than they are capable of giving. Be their strength and their supply in all they do in this day.

Father, bless their health today. Keep them healthy. They work under terrible pressure. Help them to rest in you and find relief from their burden as they labor selflessly on behalf of the people of Texas. Please, Father, guard their health today.

No doubt, the demands of this high calling puts a great strain on their marriages. Father, bless their marriages. Strengthen their marriages. Do not allow their marriages to suffer because of their service to the people of Texas.

And Father, bless their children. Protect them and keep them safe. Give their children a good day today. Whether their children are toddlers, teenagers, or adults, bless them today, Father.

And Father, as the end of the day approaches, no matter how early or late that might be, send them home to their families with a great sense of accomplishment, knowing they have given themselves in this day to a high and noble calling. And as they lay their heads down to sleep, give them contentment, fulfillment, and peace. On behalf of the people of the State of Texas, I ask that you love them and care for them in this day, Father. And I ask it in Jesus' name. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Marquez who presented Dr. David Palafox of El Paso as the "Doctor for the Day."

The house welcomed Dr. Palafox 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).

LEAVE OF ABSENCE GRANTED

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

Phillips on motion of Farabee.

REGULAR ORDER OF BUSINESS SUSPENDED

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

HR 1231 - ADOPTED
(by Harper-Brown)

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 1231**.

The motion prevailed.

The following resolution was laid before the house:

HR 1231, Congratulating Edgar and Elizabeth Brown of Dallas on the occasion of their 68th wedding anniversary.

HR 1231 was adopted.

(Gonzalez Toureilles in the chair)

HR 899 - PREVIOUSLY ADOPTED
(by Darby)

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

HR 899, Honoring the life of Eva Camunez Tucker of San Angelo.

On motion of Representative Thompson, the names of all the members of the house were added to **HR 899** as signers thereof.

RESOLUTIONS ADOPTED

Representative C. Turner moved to suspend all necessary rules to take up and consider at this time **HR 1223 - HR 1225**.

The motion prevailed.

The following resolutions were laid before the house:

HR 1223 (by C. Turner), Congratulating the Mansfield Timberview High School boys' basketball team on its outstanding 2008-2009 season.

HR 1224 (by C. Turner), Congratulating the Lady Jaguars basketball team of Summit High School in Mansfield on winning the 2009 University Interscholastic League 5A State Championship.

HR 1225 (by C. Turner), Congratulating the Mansfield Timberview High School girls' basketball team on its achievements during the 2008-2009 season.

The resolutions were adopted.

LEAVES OF ABSENCE GRANTED

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

Sheffield on motion of Gattis.

(Hughes in the chair)

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

Corte on motion of Driver.

HR 560 - PREVIOUSLY ADOPTED
(by Christian)

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

HR 560, Honoring the life of Marion Martin Weaver of Center.

INTRODUCTION OF GUESTS

The chair recognized Representative Christian who introduced family members of Marion Martin Weaver.

HCR 163 - ADOPTED
(by Homer)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 163**.

The motion prevailed.

The following resolution was laid before the house:

HCR 163, Honoring artist George Rodrigue for his philanthropic work following Hurricanes Katrina and Rita.

HCR 163 was adopted.

POSTPONED BUSINESS

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

CSHB 38 ON SECOND READING
(by Corte, Guillen, Maldonado, Flores, Gattis, et al.)

CSHB 38, A bill to be entitled An Act relating to resident tuition rates at public institutions of higher education for certain veterans and their spouses and children.

CSHB 38 was read second time on March 25 and was postponed until 10 a.m. today.

Representative Guillen moved to postpone consideration of **CSHB 38** until 10 a.m. tomorrow.

The motion prevailed.

SB 769 ON SECOND READING
(Thompson - House Sponsor)

SB 769, A bill to be entitled An Act relating to methods for the recovery of system restoration costs incurred by electric utilities following hurricanes, tropical storms, ice or snow storms, floods, and other weather-related events and natural disasters.

SB 769 was considered in lieu of **CSHB 1378**.

(Speaker in the chair)

SB 769 was read second time and was passed to third reading.

CSHB 1378 - LAID ON THE TABLE SUBJECT TO CALL

Representative Thompson moved to lay **CSHB 1378** on the table subject to call.

The motion prevailed.

CSHB 1672 ON SECOND READING

(by **Crownover, Zerwas, Coleman, Dukes, Shelton, et al.**)

CSHB 1672, A bill to be entitled An Act relating to newborn screening information.

CSHB 1672 was read second time on April 2 and was postponed until 10 a.m. today. Amendment No. 1 was pending at the time of postponement.

Representative Crownover moved to postpone consideration of **CSHB 1672** until the end of today's calendar.

The motion prevailed.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**HB 1580 ON SECOND READING
(by **Flynn, Kolkhorst, and McClendon**)**

HB 1580, A bill to be entitled An Act relating to the continuation and functions of the board of directors of the official cotton growers' boll weevil eradication foundation.

Amendment No. 1

Representative Heflin offered the following amendment to **HB 1580**:

Amend **HB 1580** (house committee printing) on page 1, at the end of line 20, by adding "The board shall consult with affected cotton grower steering committees before recommending that the commissioner approve the transfer of proceeds under this subsection."

Amendment No. 1 was adopted.

HB 1580, as amended, was passed to engrossment.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**HB 1079 ON SECOND READING
(by **Kolkhorst**)**

HB 1079, A bill to be entitled An Act relating to the appellate process for the community development block grant program.

Representative Strama moved to postpone consideration of **HB 1079** until the end of today's calendar.

The motion prevailed.

HB 1444 ON SECOND READING
(by Aycock)

HB 1444, A bill to be entitled An Act relating to the definition of an agricultural business for the purposes of the Texas Agricultural Finance Authority.

Representative Aycock moved to postpone consideration of **HB 1444** until 10 a.m. Monday, April 20.

The motion prevailed.

HB 1404 ON SECOND READING
(by Miklos)

HB 1404, A bill to be entitled An Act relating to the establishment and use of a columbarium by a church.

HB 1404 was passed to engrossment.

HB 1484 ON SECOND READING
(by Pitts)

HB 1484, A bill to be entitled An Act relating to the use of certain professional titles by interior designers.

Amendment No. 1

Representative Callegari offered the following amendment to **HB 1484**:

Amend **HB 1484** as follows:

- (1) On page 1, line 22, strike "or 'licensed interior designer'".
- (2) On page 2, lines 3-4, strike "'licensed interior designer' or".
- (3) On page 2, line 6, strike "licensed or".

Amendment No. 1 was adopted.

HB 1484, as amended, was passed to engrossment.

HB 1454 ON SECOND READING
(by Naishtat and Lucio)

HB 1454, A bill to be entitled An Act relating to the establishment of a volunteer-supported decision-making advocate pilot program for persons with intellectual and developmental disabilities and persons with other cognitive disabilities.

Representative Naishtat moved to postpone consideration of **HB 1454** until 10 a.m. tomorrow.

The motion prevailed.

HB 2058 ON SECOND READING
(by Gallego, Miklos, Hodge, Lucio, and Christian)

HB 2058, A bill to be entitled An Act relating to the standards for attorneys representing indigent defendants in capital cases.

HB 2058 was passed to engrossment. (Flynn recorded voting no.)

HB 1918 ON SECOND READING
(by Darby, Chisum, Swinford, Keffer, Hardcastle, et al.)

HB 1918, A bill to be entitled An Act relating to changing the name of the Office of Rural Community Affairs to the Texas Department of Rural Affairs.

HB 1918 was passed to engrossment.

LEAVE OF ABSENCE GRANTED

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

Smithee on motion of Swinford.

(Coleman in the chair)

HB 375 ON SECOND READING
(by S. Miller)

HB 375, A bill to be entitled An Act relating to classifying farm elk as livestock under the Agriculture Code.

HB 375 was passed to engrossment.

HB 1819 ON SECOND READING
(by Bohac, Alvarado, Thibaut, Allen, and Vo)

HB 1819, A bill to be entitled An Act relating to minimum habitability standards for multi-family rental buildings in certain municipalities; providing a penalty.

Amendment No. 1

Representative Thompson offered the following amendment to **HB 1819**:

Amend **HB 1819**, on page 3, line 7, after the period, by inserting the following:

The program shall include inspections under the direction of:

(1) the municipality's building official, as defined by the International Building Code or by a local amendment to the code under Section 214.216;

(2) the chief executive of the municipality's fire department; and

(3) the municipality's health authority, as defined by Section 121.021, Health and Safety Code.

Amendment No. 1 was adopted.

HB 1819, as amended, was passed to engrossment. (Aycock and Flynn recorded voting no.)

POSTPONED BUSINESS

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

HB 1079 ON SECOND READING

(by Kolkhorst)

HB 1079, A bill to be entitled An Act relating to the appellate process for the community development block grant program.

HB 1079 was read second time earlier today and was postponed until this time.

HB 1079 was passed to engrossment.

CSHB 1672 ON SECOND READING

(by Crossover, Zerwas, Coleman, Dukes, Shelton, et al.)

CSHB 1672, A bill to be entitled An Act relating to newborn screening information.

CSHB 1672 was read second time on April 2, was postponed until 10 a.m. today, and was again postponed until this time. Amendment No. 1 was pending at the time of postponement.

Representative Crossover moved to postpone consideration of **CSHB 1672** until 10 a.m. tomorrow.

The motion prevailed.

HB 4765 - PERMISSION TO INTRODUCE

Representative Oliveira requested permission to introduce and have placed on first reading **HB 4765**.

Permission to introduce was granted by (Record 111): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook; Crabb; Craddick; Creighton; Crossover; 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; 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; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra;

Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Corte; Phillips; Sheffield; Smithee.

Absent — Laubenberg.

HB 4766 - PERMISSION TO INTRODUCE

Representative Oliveira requested permission to introduce and have placed on first reading **HB 4766**.

Permission to introduce was granted by (Record 112): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; 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; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Corte; Phillips; Sheffield; Smithee.

Absent — Cook; Rose.

REQUEST TO INTRODUCE HOUSE BILL

Representative Oliveira requested permission to introduce and have placed on first reading a house bill.

Permission to introduce was refused (not receiving the necessary four-fifths vote) by (Record 113): 97 Yeas, 43 Nays, 3 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Berman; Bohac; Bolton; Bonnen; Brown, F.; Burnam; Castro; Chavez; Cohen; Creighton; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez

Tourelles; Guillen; Gutierrez; Hamilton; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Isett; Jones; Keffer; Kent; King, S.; King, T.; Kolkhorst; Kuempel; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Otto; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Smith, T.; Strama; Swinford; Thibaut; Thompson; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Branch; Brown, B.; Button; Callegari; Chisum; Christian; Cook; Crabb; Craddick; Crownover; Darby; Davis, J.; Flynn; Gattis; Geren; Hancock; Harless; Harper-Brown; Howard, C.; Hughes; Jackson; King, P.; Kleinschmidt; Laubenberg; Legler; Lewis; Miller, D.; Miller, S.; Morrison; Orr; Parker; Patrick; Paxton; Shelton; Smith, W.; Solomons; Taylor; Truitt; Weber; Woolley; Zerwas.

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

Absent, Excused — Corte; Phillips; Sheffield; Smithee.

Absent — Alonzo; Rose; Turner, S.

STATEMENTS OF VOTE

When Record No. 113 was taken, I was in the house but away from my desk. I would have voted yes.

Alonzo

I was shown voting yes on Record No. 113. I intended to vote no.

Creighton

I was shown voting yes on Record No. 113. I intended to vote no.

Kolkhorst

When Record No. 113 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

HB 4767 - PERMISSION TO INTRODUCE

Representative Homer requested permission to introduce and have placed on first reading **HB 4767**.

Permission to introduce was granted by (Record 114): 132 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown;

Hartnett; Hernandez; Herrero; Hilderbran; 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; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; Menendez; Miklos; Miller, D.; Miller, S.; Moody; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Corte; Phillips; Sheffield; Smithee.

Absent — Bohac; Elkins; Farrar; Heflin; Hochberg; Madden; McCall; McClendon; McReynolds; Merritt; Morrison; Villarreal.

STATEMENT OF VOTE

When Record No. 114 was taken, I was in the house but away from my desk. I would have voted yes.

Madden

HR 1229 - ADOPTED (by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1229**.

The motion prevailed.

The following resolution was laid before the house:

HR 1229, Commemorating the celebration of Oak Cliff Earth Day 2009.

HR 1229 was adopted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Farrar moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Land and Resource Management to consider **HB 2606**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Land and Resource Management, 8 a.m. Wednesday, April 8, E2.012, for a public hearing, to consider **HB 2606** and the posted agenda.

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

Representative Thompson moved to set a local, consent, and resolutions calendar for 10 a.m. Thursday, April 9.

The motion prevailed.

FIVE-DAY POSTING RULE SUSPENDED

Representative Hunter moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Judiciary and Civil Jurisprudence to consider **HB 4293** today.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 2 p.m. or upon adjournment today, E2.010, for a public hearing, to consider **HB 4293** and the posted agenda.

FIVE-DAY POSTING RULE SUSPENDED

Representative T. Smith moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Elections to consider **HB 2513**, **HB 4418**, and **HB 4421** during tomorrow's public hearing.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Elections, upon final adjournment tomorrow, JHR 120, for a public hearing, to consider **HB 2513**, **HB 4418**, and **HB 4421**.

Elections will meet at 1:15 p.m. today instead of upon adjournment as previously posted.

Ways and Means, upon adjournment today.

FIVE-DAY POSTING RULE SUSPENDED

Representative Homer moved to suspend the five-day posting rule and all necessary rules to allow the Committee on County Affairs to consider **HB 2046**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Culture, Recreation, and Tourism, upon adjournment today, Desk 8, for a formal meeting, to consider pending items.

FIVE-DAY POSTING RULE SUSPENDED

Representative Homer moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Culture, Recreation, and Tourism to consider **HCR 94**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, 2 p.m. today, E2.016, for a public hearing, to consider **HB 2046** and the previously posted agenda.

FIVE-DAY POSTING RULE SUSPENDED

Representative Moody moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Criminal Jurisprudence, Subcommittee on Criminal Procedure, to consider **HB 3680**.

The motion prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Moody requested permission for the Committee on Criminal Jurisprudence, Subcommittee on Criminal Procedure, to meet while the house is in session, during bill referral today, in JHR 120, to consider **HB 3680** and the posted agenda.

Permission to meet was granted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Farrar moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Human Services to consider **HB 3367** and posted bills.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Human Services, 10:30 a.m. or upon adjournment Thursday, April 9, E2.036, for a public hearing, to consider **HB 3367** and posted bills.

FIVE-DAY POSTING RULE SUSPENDED

Representative Pickett moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Transportation to consider **HB 4335** at tomorrow's public hearing.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, 8 a.m. tomorrow, E2.014, for a public hearing, to consider **HB 4335** and the posted agenda.

FIVE-DAY POSTING RULE SUSPENDED

Representative Hochberg moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Environmental Regulation to consider **HB 2587**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Environmental Regulation, 10:30 a.m. or upon adjournment Wednesday, April 8, E1.014, for a public hearing, to consider **HB 2587** and the previously posted agenda.

Calendars, 3 p.m. today, 3W.9, for a formal meeting, to consider the calendar.

Local and Consent Calendars, 4 p.m. today, E2.024, for a formal meeting, to consider the calendar.

Criminal Jurisprudence, Subcommittee on Criminal Procedure, during bill referral today, JHR 120, for a public hearing, to consider **HB 3680** and the previously posted agenda.

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representative McClendon moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, April 9.

The motion prevailed.

PROVIDING FOR ADJOURNMENT

Representative Christian moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Marion Martin Weaver of Center.

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.)

(McClendon in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:02 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 4731 (By Weber), Relating to the creation of the Country Place Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

To County Affairs.

HB 4732 (By Weber), Relating to the compensation and per diem of the commissioners of Brazoria Drainage District Number Four.

To Natural Resources.

HB 4734 (By Creighton), Relating to the creation of the Montgomery County Municipal Utility Districts Nos. 128 and 129; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 4735 (By Eiland), Relating to the powers of the Coastal Water Authority; affecting the authority to issue bonds.

To Natural Resources.

HB 4736 (By Phillips), Relating to the creation of the Red River Groundwater Conservation District; providing authority to issue bonds.

To Natural Resources.

HB 4737 (By Phillips), Relating to the creation of the Lake Texoma Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; incorporating by reference the limited power of eminent domain granted by general law.

To Natural Resources.

HB 4738 (By Alonzo), Relating to the creation of the North Oak Cliff Municipal Management District; providing the authority to impose an assessment, impose a tax, and issue bonds.

To Urban Affairs.

HB 4739 (By Fletcher), Relating to the creation of the Harris County Improvement District No. 13; providing authority to impose an assessment, impose a tax, and issue bonds.

To County Affairs.

HB 4740 (By Fletcher), Relating to the creation of the Harris County Improvement District No. 14; providing authority to impose an assessment, impose a tax, and issue bonds.

To County Affairs.

HB 4741 (By Gutierrez), Relating to the creation of three additional county courts at law in Bexar County.

To Judiciary and Civil Jurisprudence.

HB 4742 (By Naishtat), Relating to the preservation of a record in a proceeding in a municipal court of record in Austin.

To Judiciary and Civil Jurisprudence.

HB 4743 (By Gallego), Relating to the creation of the Terrell County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

To Natural Resources.

HB 4744 (By Gallego), Relating to the creation of the Lajitas Utility District No. 1 of Brewster County; providing authority to impose taxes and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 4745 (By Heflin), Relating to the Lockney General Hospital District.

To County Affairs.

HB 4746 (By Weber), Relating to the authority of the board of hospital managers of the Matagorda County Hospital District of Matagorda County, Texas, to lease district property.

To County Affairs.

HB 4747 (By Hochberg), Relating to the powers of the Westchase District.

To Ways and Means.

HB 4748 (By Gattis), Relating to the authority of the Williamson County Municipal Utility District No. 21 to extend the time limit for holding a confirmation and initial directors' election and to divide into two districts.

To Natural Resources.

HB 4749 (By Eissler), Relating to the authority of the Harris-Montgomery Counties Municipal Utility District No. 386, formerly known as Harris County Municipal Utility District No. 386, to issue bonds supported by ad valorem taxes to finance recreational facilities.

To Natural Resources.

HB 4750 (By Geren), Relating to the appointment of magistrates in the White Settlement municipal courts of record.

To Judiciary and Civil Jurisprudence.

HB 4751 (By Laubenberg), Relating to the creation of the Van Alstyne Municipal Utility District No. 2 of Collin County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 4752 (By Parker), Relating to the creation of the Prosper Management District No. 1; providing authority to impose a tax and issue bonds.

To Ways and Means.

HB 4753 (By Legler), Relating to the creation of the Harris County Improvement District No. 16; providing authority to impose an assessment, impose a tax, and issue bonds.

To Ways and Means.

HB 4754 (By Kuempel), Relating to the creation of the Guadalupe County Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 4755 (By Kuempel), Relating to the creation of the Guadalupe County Development and Management District.

To Ways and Means.

HB 4756 (By D. Howard), Relating to the Lower Colorado River Authority.

To Natural Resources.

HB 4757 (By Eissler), Relating to the creation of the Montgomery County Municipal Utility District No. 118; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 4758 (By Eissler), Relating to the creation of the Montgomery County Water Control and Improvement District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 4760 (By Gonzales), Relating to the minimum salary that must be paid to county court at law judges in Hidalgo County.

To Judiciary and Civil Jurisprudence.

HCR 150 (By Craddick), Congratulating Ashley Carruth Beal of Midland on being named the 2009-2010 Texas Bluebonnet Queen.

To Rules and Resolutions.

HR 1135 (By Gallego), Congratulating Keith Bolle for being named the 2007 Del Rio Fire Department Firefighter of the Year.

To Rules and Resolutions.

HR 1144 (By Gonzalez Toureilles), Congratulating Kimberly Crawford Trevino and Dr. Abram Trevino on the birth of their son, Tanner Luke Trevino.

To Rules and Resolutions.

HR 1146 (By Gonzalez Toureilles), Recognizing April 2, 2009, as Agriculture Day in Texas.

To Rules and Resolutions.

HR 1147 (By Bolton), Honoring the Bedichek Junior Marine Corps program at Bedichek Middle School in Austin.

To Rules and Resolutions.

HR 1148 (By Martinez Fischer), In memory of Angel Acuna of San Antonio.

To Rules and Resolutions.

HR 1152 (By Craddick), In memory of Lydia Wilson Musgrave of Cedar Park.

To Rules and Resolutions.

HR 1153 (By Keffer), In memory of Lloyd Franklin Pitts of Dallas.

To Rules and Resolutions.

HR 1155 (By Branch), Commemorating the 75th anniversary of J. L. Long Middle School in Dallas.

To Rules and Resolutions.

HR 1156 (By Hunter), In memory of Frank S. Adams of Corpus Christi.

To Rules and Resolutions.

SB 43 to Higher Education.

SB 80 to Pensions, Investments, and Financial Services.

SB 83 to Business and Industry.

SB 87 to Public Health.

SB 111 to Technology, Economic Development, and Workforce.

SB 194 to Higher Education.

SB 252 to Ways and Means.

SB 269 to Public Health.

SB 277 to Human Services.

SB 305 to Higher Education.

SB 313 to Ways and Means.

SB 345 to Public Health.

SB 346 to Public Health.

SB 368 to Transportation.

SB 384 to Transportation.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 6, 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:

SB 68 Nelson
Relating to licensing and inspection requirements of the Department of Family and Protective Services for certain facilities and homes providing child care; providing penalties.

SB 69 Nelson
Relating to child protective services and foster care.

SB 82 Nelson
Relating to a fee imposed as a condition of community supervision for an offense involving family violence and to certain nonsubstantive revisions involving court fees.

SB 197 Shapleigh
Relating to the expansion of the financial literacy pilot program in public schools.

SB 199 Shapleigh
Relating to providing training in personal financial literacy instruction for public school teachers.

SB 223 West
Relating to allowing a person who successfully completes a term of deferred adjudication community supervision to be eligible for a pardon.

SB 257 Estes
Relating to the sale or delivery of salvia divinorum or Salvinorin A to a child; providing a penalty.

SB 490 West
Relating to money paid into the registry of a court in certain counties.

SB 747 Carona
Relating to notice of a hospital lien.

SB 777 Ogden
Relating to statistical information on the prosecution of certain offenses relating to the operating of a motor vehicle while intoxicated.

SB 1075 Van de Putte
Relating to the absence of a student from public school to visit with a parent or guardian who has been or will be deployed to a combat zone.

SB 1134 Duncan
Relating to the authority for certain high school students to serve as election clerks.

SB 1354 Jackson, Mike
Relating to the licensing and regulation of plumbers.

SB 1364

Shapiro

Relating to minimum public school attendance for class credit, including limiting school day interruptions that affect such attendance.

SJR 11

West

Proposing a constitutional amendment authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 2

Border and Intergovernmental Affairs - **HCR 75**

Culture, Recreation, and Tourism - **HB 795, HB 3108, HCR 18, HCR 53, HCR 71**

Defense and Veterans' Affairs - **HB 1013, HB 1345, HB 2546, SB 297**

Elections - **HB 1145**

Insurance - **HB 651**

Natural Resources - **HB 1089, HB 1713, HB 1917, HB 1947, HB 2022, HB 2102, HB 2176, HB 2179, HB 3223**

Public Education - **HB 281, HB 709, HB 710, HB 896, HB 1322, HB 2512, HB 2542**

Public Safety - **HB 140**

State Affairs - **HB 232, HB 987, HB 2052, SB 769**

Technology, Economic Development, and Workforce - **HB 161, HB 2169, HB 3378**

April 3

Agriculture and Livestock - **HB 1615, HB 1617, HB 1684, HB 1881**

Border and Intergovernmental Affairs - **HB 2172, HB 2173, HB 4004, HB 4540, HCR 125**

County Affairs - **HB 118, HB 383, HB 667, HB 807, HB 817, HB 2573, HB 3132, HB 3479**

Defense and Veterans' Affairs - **SB 90**

Human Services - **HB 610, HB 785**

Insurance - **HB 1476, HB 1582, HB 1757, HB 1888, HB 1919, HB 2353, HB 2569, HB 2570, HB 2877, HB 3073, HB 4290, HB 4291, HB 4339, HB 4344, HB 4358, HB 4359**

Judiciary and Civil Jurisprudence - **HB 600, HB 2416, HB 2417**

Land and Resource Management - **HB 3971**

Licensing and Administrative Procedures - **HB 70**

Public Safety - **HB 410, HB 502**

State Affairs - **HB 1783, HB 2421**

Urban Affairs - **HB 780, HB 1255, HB 1545, HB 1886, HB 2113, HB 3006**

ENGROSSED

April 3 - HB 25, HB 405, HB 670, HB 703, HB 748, HB 761, HB 806, HB 824, HB 874, HB 982, HB 1023, HB 1081, HB 1161, HB 1162, HB 1332, HB 1595, HB 1830, HB 2558

ENROLLED

April 2 - HCR 92, HCR 135

SENT TO THE GOVERNOR

April 3 - HCR 92

SIGNED BY THE GOVERNOR

April 3 - HCR 36, HCR 83, HCR 84, HCR 92, HCR 98, HCR 133

