

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-THIRD DAY (CONTINUED) — TUESDAY, MAY 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 542).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; 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.

The invocation was offered by Bob Alderman, pastor, First Baptist Church, Rio Grande City, as follows:

Dear Heavenly Father, as we gather here in this solemn chamber today we stand before your presence in the precious and powerful name of your son, Jesus Christ. Lord, we pray for your grace and wisdom to be upon every member of the Texas House of Representatives. I pray that each of their decisions be guided by your Spirit and centered in your holy will for them and the state they serve.

Father, I pray for their families today. I pray that you, in your divine grace and mercy, would protect their families, bless their children, and build closer relationships with their spouses. May each family represented here today know your presence and experience the fullness of your joy.

Today, Texas faces many challenges. We are concerned about our finances, our future, our families, and, of course, the flu virus that is impacting our country. Never before has the prayer, "Give us this day our daily bread" been uttered with such fervency and importance.

We call on you, O Lord, to be our protection and our provision. Build the economy of this wonderful state and provide both employment and opportunity to our fellow Texans. Build strong, healthy families who live in freedom and not fear. Lord, bless the men and women who serve you by serving in the Texas House of Representatives. Bless the staff that works so diligently and everyone who serves day by day in their roles to support the mission of this body of government.

O God, we ask for your divine protection upon the sons and daughters of not only Texas, but from all across our great country, who have volunteered to serve in the armed forces of these United States. We pray for the success of their missions and their safe return to their homes and families. Hold them safe in your hands and be their strong shield.

Lord, today we also pray for the Texas Senate as they conduct their business and for our governor, Rick Perry, and his family. We thank you for them and their service. Today, Father, I pray that you would wrap your arms around the Texas House of Representatives and draw them in close to you. May they know your presence, seek your will, and find your peace. We ask all of these things in Jesus' name. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Naishtat who presented Dr. Michelle Markley of Austin as the "Doctor for the Day."

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

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

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. 24).

HR 1627 - ADOPTED (by Marquez)

Representative Marquez moved to suspend all necessary rules to take up and consider at this time **HR 1627**.

The motion prevailed.

The following resolution was laid before the house:

HR 1627, In memory of Ernest Berlanga Sosa of San Antonio.

HR 1627 was read and was unanimously adopted by a rising vote.

On motion of Representative Marquez, the names of all the members of the house were added to **HR 1627** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Marquez who introduced family members of Ernest Berlanga Sosa.

HR 1279 - ADOPTED (by Straus and Menendez)

Representative Menendez moved to suspend all necessary rules to take up and consider at this time **HR 1279**.

The motion prevailed.

The following resolution was laid before the house:

HR 1279, Commemorating the 200th anniversary of the birth of Louis Braille and recognizing the Braille Revival League of Texas.

HR 1279 was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representative Menendez who introduced representatives of the Braille Revival League of Texas.

(Hopson in the chair)

HR 1243 - ADOPTED (by D. Howard)

Representative D. Howard moved to suspend all necessary rules to take up and consider at this time **HR 1243**.

The motion prevailed.

The following resolution was laid before the house:

HR 1243, Recognizing May 5, 2009, as Children's Mental Health Awareness Day.

HR 1243 was adopted.

HR 1724 - ADOPTED (by Frost)

Representative Frost moved to suspend all necessary rules to take up and consider at this time **HR 1724**.

The motion prevailed.

The following resolution was laid before the house:

HR 1724, Congratulating George Louis McWilliams for being named the first recipient of the President's Distinguished Service Award from Texas A&M University–Texarkana.

HR 1724 was adopted.

HR 1739 - ADOPTED
(by D. Miller)

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 1739**.

The motion prevailed.

The following resolution was laid before the house:

HR 1739, Honoring Clarence and Shirley Legler of New Braunfels on their 64th wedding anniversary.

HR 1739 was adopted.

On motion of Representative Legler, the names of all the members of the house were added to **HR 1739** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Legler who introduced his parents, Clarence and Shirley Legler.

HR 1820 - ADOPTED
(by Swinford)

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 1820**.

The motion prevailed.

The following resolution was laid before the house:

HR 1820, Honoring John Lemons on his retirement as superintendent of the Bushland Independent School District.

HR 1820 was adopted.

(Speaker pro tempore in the chair)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
SECOND READING

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

CSHB 101 (by F. Brown), A bill to be entitled An Act relating to the formula funding for public institutions of higher education for certain credit hours that do not count toward a degree.

CSHB 334 (by Aycock), A bill to be entitled An Act relating to requiring an election authority to provide notice to certain county chairs regarding certain election activities.

Amendment No. 1

Representative Aycock offered the following amendment to **CSHB 334**:

Amend **CSHB 334** as follows:

(1) On page 1, line 9, strike "city secretary".

(2) On page 1, line 11, between "secretary" and "under", insert "for that political subdivision".

Amendment No. 1 was adopted.

HB 434 (by Lucio and Leibowitz), A bill to be entitled An Act relating to a requirement that program materials for the Energy Services Program for Low-Income Individuals be provided in certain languages. (Aycock, Chisum, Christian, Crabb, Harless, Harper-Brown, Laubenberg, Madden, Phillips, and Riddle recorded voting no.)

CSHB 739 (by Quintanilla), A bill to be entitled An Act relating to certain continuing education requirements for insurance agents who sell Medicare-related products. (Aycock, Crabb, Phillips, and Riddle recorded voting no.)

Amendment No. 1

Representative Taylor offered the following amendment to **CSHB 739**:

Amend **CSHB 739**, House committee printing, on page 2, lines 16 through 22, by striking "must annually complete four hours of continuing education that specifically relates to Medicare-related products. The annual period under this section must be based on the agent's license expiration date or another date specified by the commissioner by rule, and the education requirement under this subsection must be met within that annual period, notwithstanding Section 4004.051(b)." and substituting "must complete four hours of continuing education that specifically relates to Medicare-related products during the agent's two-year licensing period."

Amendment No. 1 was adopted.

CSHB 756 (by Martinez Fischer), A bill to be entitled An Act relating to the making or acceptance of political contributions in a building owned by or leased to the state. (Aycock, Chisum, Christian, and Darby recorded voting no.)

HB 871 (by Farrar, et al.), A bill to be entitled An Act relating to the method of mailing notice a municipal management district may use to notify a property owner about a scheduled hearing.

CSHB 878 (by Bonnen), A bill to be entitled An Act relating to the Sweeny Hospital District.

SB 658 (Hughes - House Sponsor), in lieu of **HB 966**, A bill to be entitled An Act relating to the creation of an appellate judicial system for the Sixth Court of Appeals District. (Phillips recorded voting no.)

Representative Hughes moved to lay **HB 966** on the table subject to call, and the motion prevailed.

SB 659 (Hughes - House Sponsor), in lieu of **HB 967**, A bill to be entitled An Act relating to the creation of an appellate judicial system for the Twelfth Court of Appeals District.

Representative Hughes moved to lay **HB 967** on the table subject to call, and the motion prevailed.

HB 1030 (by Callegari), A bill to be entitled An Act relating to the scheduling of hearings before appraisal review boards on property tax protests.

HB 1111 (by Zerwas), A bill to be entitled An Act relating to the powers and duties of the Fort Bend County Municipal Utility District No. 163; providing authority to impose a tax and issue bonds.

HB 1112 (by Zerwas), A bill to be entitled An Act relating to the powers and duties of the Fort Bend County Municipal Utility District No. 161; providing authority to impose a tax and issue bonds.

HB 1113 (by Zerwas), A bill to be entitled An Act relating to the powers and duties of the Fort Bend County Municipal Utility District No. 194; providing authority to impose a tax and issue bonds.

CSHB 1138 (by Shelton, Hopson, Hunter, and Zerwas), A bill to be entitled An Act relating to information required on pharmacy benefit cards. (Flynn recorded voting no.)

HB 1146 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 1151 (by Thompson), A bill to be entitled An Act relating to temporary orders and orders for modification in suits affecting the parent-child relationship.

Amendment No. 1

On behalf of Representative Thompson, Representative Cook offered the following amendment to **CSHB 1151**:

Amend **CSHB 1151** (House Committee Printing) as follows:

(1) On page 1, strike lines 5-24.
(2) Strike page 2, line 15, through page 3, line 1, and substitute the following:

(3) the child is 12 years of age or older and has expressed to ~~filed with~~ the court in chambers as provided by Section 153.009 ~~in writing~~ the name of the person who is the child's preference to have the exclusive right to designate the primary residence of the child ~~and the temporary order designating that person is in the best interest of the child~~.

(3) On page 3, strike line 18 and substitute:

"expressed to ~~filed with~~ the court in chambers as provided by Section 153.009".

(4) On page 3, between lines 25 and 26, insert the following appropriately numbered SECTION:

SECTION _____. Section 153.008, Family Code, is repealed.

(5) Strike page 3, line 26, through page 4, line 2.

(6) On page 4, line 3, strike "(b)" and substitute "SECTION ____."

(7) Renumber the sections of the bill appropriately.

Amendment No. 1 was adopted.

HB 1187 (by Kolkhorst), A bill to be entitled An Act relating to the membership of the board of managers for certain emergency communication districts.

CSHB 1233 (by Menendez), A bill to be entitled An Act relating to the court-ordered administration of psychoactive medication to certain criminal defendants.

CSHB 1256 (by Allen, et al.), A bill to be entitled An Act relating to requiring the posting of notice of voter complaint information at a polling place.

HB 1285 (by Eiland, et al.), A bill to be entitled An Act relating to persons authorized to administer an oath in this state.

HB 1384 was deferred until the end of today's local, consent, and resolutions calendar.

HB 1461 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 1518 (by Corte), A bill to be entitled An Act relating to the addition of territory to and the amount of production fees imposed by the Trinity Glen Rose Groundwater Conservation District.

HB 1569 was deferred until the end of today's local, consent, and resolutions calendar.

HB 1730 (by Pitts), A bill to be entitled An Act relating to authorizing the issuance of bonds for the reimbursement of the cost of public improvements located in public improvement districts in certain counties. (Miklos recorded voting present, not voting.)

CSHB 1883 (by Farabee), A bill to be entitled An Act relating to the authority of the Railroad Commission of Texas to determine whether certain transporters of natural or synthetic gas are gas utilities.

HB 1925 (by Gutierrez, Leibowitz, Lewis, et al.), A bill to be entitled An Act relating to the compensation of certain court administrators. (Chisum, Christian, Harper-Brown, and Laubenberg recorded voting no.)

HB 1997 (by McCall), A bill to be entitled An Act 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.

HB 2022 (by Weber), A bill to be entitled An Act relating to the powers and duties of the Sedona Lakes Municipal Utility District No. 1 of Brazoria County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

HB 2090 (by Darby), A bill to be entitled An Act relating to the execution docket of certain court clerks. (Chisum, Christian, Harper-Brown, and Laubenberg recorded voting no.)

CSHB 2209 (by Peña, Bohac, Leibowitz, et al.), A bill to be entitled An Act relating to a voter educator program for high school seniors. (Aycock, Crabb, Darby, and Riddle recorded voting no.)

CSHB 2212 (by Craddick), A bill to be entitled An Act relating to the division of certain emergency services districts.

HB 2214 (by Farrar), A bill to be entitled An Act relating to requiring instruction on the use of traffic circles. (Aycock and Darby recorded voting no.)

CSHB 2344 (by Giddings and Y. Davis), A bill to be entitled An Act relating to the urban land bank demonstration program in certain municipalities.

HB 2349 (by Dutton), A bill to be entitled An Act relating to reporting certain information on the Internet relating to cases heard by administrative law judges employed by the State Office of Administrative Hearings.

CSHB 2424 (by Morrison, Deshotel, and Hamilton), A bill to be entitled An Act relating to exempting Lamar State College–Orange and Lamar State College–Port Arthur from certain requirements relating to student admissions.

HB 2467 (by Rodriguez and Leibowitz), A bill to be entitled An Act relating to the definition of a playground for purposes of certain places protected from certain criminal activities.

CSHB 2628 (by Rodriguez and Leibowitz), A bill to be entitled An Act relating to an exemption from ad valorem taxation of certain property owned by a charitable organization and used in providing housing and related services to certain individuals.

HB 2665 (by Ritter), A bill to be entitled An Act relating to authorizing the commissioners court of a county to adopt and impose standards and specifications for the design and installation of address number signs to identify properties located in unincorporated areas of the county; providing a penalty. (Chisum, Christian, Gattis, and Harper-Brown recorded voting no.)

CSHB 2692 (by Rodriguez), A bill to be entitled An Act relating to certain municipal requirements regarding sales of residential properties in certain areas. (Aycock, Chisum, Christian, Cook, Crabb, Darby, Flynn, Hancock, Harless, Harper-Brown, Olivo, and Phillips recorded voting no.)

Amendment No. 1

Representative Rodriguez offered the following amendment to **CSHB 2692**:

Amend **CSHB 2692** (house committee printing), on page 1, by striking lines 11-13 and substituting the following:

more residential units:

(A) intended for private sale;

(B) located less than one mile from a commuter rail station; and

(C) located in a municipality:

(i) with a population of more than 650,000;

(ii) that has a governing body consisting only of members who are elected at large; and

(iii) in which a commuter rail system was approved by an election held after November 1, 2004.

Amendment No. 1 was adopted.

CSHB 2737 (by Bolton, et al.), A bill to be entitled An Act relating to the sale of used, surplus, or salvage property and firefighting equipment by an emergency services district.

SB 293 (Alonzo - House Sponsor), in lieu of **HB 2738**, A bill to be entitled An Act relating to the pledge of certain revenue of a regional transportation authority to the payment of bonds.

Representative Alonzo moved to lay **HB 2738** on the table subject to call, and the motion prevailed.

HB 2772 (by Eissler), A bill to be entitled An Act relating to the authority of the Montgomery County Hospital District in relation to ambulance service providers.

CSHB 2805 (by Maldonado, Gattis, Sheffield, Aycock, and Anderson), A bill to be entitled An Act relating to the administration, powers, duties, operation, and financing of the East Williamson County Multi-Institution Teaching Center.

HB 2845 (by Riddle, Martinez, and Fletcher), A bill to be entitled An Act relating to the certification of and disciplinary actions against emergency medical services personnel.

CSHB 2854 (by Hughes), A bill to be entitled An Act relating to license plates created by the Texas Department of Transportation for professional firefighters.

HB 2888 was withdrawn.

CSHB 2961 (by Coleman), A bill to be entitled An Act relating to authorizing an increase in the student union fee at the University of Houston. (Bohac, Crabb, Madden, and Riddle recorded voting no.)

HB 3001 (by Homer), A bill to be entitled An Act relating to the consideration of longevity and cost of living in setting the salaries for certain municipal employees.

CSHB 3003 (by Homer), A bill to be entitled An Act relating to the creation of a bail bond board by the commissioners court of certain counties.

HB 3009 was deferred until the end of today's local, consent, and resolutions calendar.

HB 3072 (by Geren), A bill to be entitled An Act relating to the transfer of municipal property to economic development corporations by certain municipalities. (Christian, Flynn, and Sheffield recorded voting no.)

CSHB 3098 (by Bolton), A bill to be entitled An Act relating to the use by certain municipalities of hotel occupancy tax revenue for the construction of a recreational venue near hotels. (Aycock, Flynn, and Sheffield recorded voting no.)

HB 3132 (by Gallego), A bill to be entitled An Act relating to the creation of the Presidio County Emergency Services District; providing authority to issue bonds and impose taxes. (Anderson, Aycock, F. Brown, Christian, Cook, Crabb, Flynn, Madden, Olivo, and Phillips recorded voting no.)

Amendment No. 1

Representative Gallego offered the following amendment to **HB 3132**:

Amend **HB 3132** as follows:

(1) On page 7, strike lines 6-7.

Amendment No. 1 was adopted.

CSHB 3358 (by S. Turner, Pierson, and Leibowitz), A bill to be entitled An Act relating to allowing municipal or county housing authorities in certain counties to create housing communities for veterans.

CSHB 3398 (by Darby), A bill to be entitled An Act relating to the office of county treasurer.

HB 3487 was deferred until the end of today's local, consent, and resolutions calendar.

HB 3544 (by Lucio), A bill to be entitled An Act relating to electronic notices by the Texas Commission on Environmental Quality, electronically stored information provided by a governmental body, and confidentiality of e-mail addresses provided to a governmental body.

HB 3544 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE KENT: Representative Lucio, you and I have spoken before today, and I'd like to ask a question of you regarding Section 5.128, Subsection 5. Could you tell me what it means with regard to providing the governmental body by a person of purpose for providing public comment and receiving notices, orders, and decisions from a governmental body? In what senses will that information be defined?

REPRESENTATIVE LUCIO: For instance, all public comment is already subject to open records requests. So when someone goes and registers their name and information and e-mail when they make public comment, that's already subject to open records. What we want to protect is those who just want to receive information they would receive otherwise via hardcopy through e-mail,

and those e-mails will be protected and kept confidential and not subject to open records requests. But any other interaction with the agency not related to the parameters of this bill, whether it's public comment, whether it's "I'm a vendor and I do work with the agency," or whether it's any information that I submit to the agency in the normal course of public interaction with the agency, those will, as they already are, be subject to open records.

KENT: And that would be including hearings where people come to sign in and give their e-mail at that point?

LUCIO: That's correct.

KENT: What about e-mails that come to my office personally as a state representative of somebody asking for information? Would those e-mails be public information?

LUCIO: No, and those e-mails would be not subject to public information because of the confidentiality that you have, as your office, between your interaction with the agency, and any information you communicate is usually kept confidential.

REMARKS ORDERED PRINTED

Representative Kent moved to print remarks between Representative Lucio and Representative Kent.

The motion prevailed.

CSHB 3552 (by Bonnen), A bill to be entitled An Act relating to the evaluation of certain regional planning commissions.

CSHB 3554 (by Bonnen), A bill to be entitled An Act relating to the appointment of an associate judge to serve a district court in Brazoria County.

CSHB 3635 (by Geren), A bill to be entitled An Act relating to administration of a trust with cotrustees.

CSHB 3668 (by Hopson), A bill to be entitled An Act relating to the injunction of municipal purchasing contracts.

HB 3677 (by P. King), A bill to be entitled An Act relating to the residency requirement for an elected or appointed official in certain municipalities. (Miklos recorded voting no.)

Amendment No. 1

Representative P. King offered the following amendment to **HB 3677**:

Amend **HB 3677** as follows:

On page 1, line 14, strike "or elected or appointed to, and" and substitute "an unelected".

Amendment No. 1 was adopted.

SB 836 (Ortiz - House Sponsor), in lieu of **HB 3722**, A bill to be entitled An Act relating to the Port of Corpus Christi Authority of Nueces County, Texas.

Representative Ortiz moved to lay **HB 3722** on the table subject to call, and the motion prevailed.

CSHB 3758 (by W. Smith), A bill to be entitled An Act relating to the port authority advisory committee and funding of port security, facility projects, and studies.

CSHB 3767 (by Paxton), A bill to be entitled An Act relating to homestead property transferred to a trustee of certain trusts.

Amendment No. 1

Representative Paxton offered the following amendment to **CSHB 3767**:

Amend **CSHB 3767** (committee printing) is amended as follows:

- (1) On page 1, line 11, strike ", with capacity,".
- (2) On page 1, lines 15 and 16, strike "is considered homestead property" and substitute "qualifies for the homestead exemption".

Amendment No. 1 was adopted.

HB 3800 (by Frost), A bill to be entitled An Act relating to the designation of a portion of U.S. Highway 59 as the Trooper Scott Burns Memorial Highway.

HB 3802 (by Frost), A bill to be entitled An Act relating to certain powers of the Red River Redevelopment Authority.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Y. Davis, Representative Frost offered the following committee amendment to **HB 3802**:

Amend **HB 3802** (introduced version) as follows:

1. In SECTION 2 of the bill (page 4, line 9) strike "and"
2. In SECTION 2 of the bill (page 4, line 11), between "development authority" and ":", insert the following:
": and

(25) exercise the powers of a municipality under Chapters 211 and 212 of the Local Government Code in the territory of the Authority, including an area of the Authority that is in the boundaries of a municipality's limited purpose jurisdiction and extraterritorial jurisdiction. On annexation of an area of the Authority for full purposes by a municipality, the Authority's power to regulate the area under Chapters 211 or 212 expires. The Authority regains the power in an area if the municipality disannexes the area"

Amendment No. 1 was adopted.

HB 3881 (by Alonzo), A bill to be entitled An Act relating to the right to an expunction of records and files relating to a person's arrest. (Aycock, Darby, Harless, and Phillips recorded voting no.)

CSHB 3988 (by Merritt, Leibowitz, and Miklos), A bill to be entitled An Act relating to the issuance of disabled veteran license plates to surviving disabled spouses and of certain military license plates to the surviving spouses of military servicemembers who die while on active duty.

CSHB 4029 (by Marquez), A bill to be entitled An Act relating to written authorization for the release of certain health care information.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1**:

Zerwas on motion of Parker.

HB 4180 (by Guillen), A bill to be entitled An Act relating to the allocation of funds for public transportation by the Texas Department of Transportation. (Aycock, Chisum, Christian, Crabb, Darby, Harless, Laubenberg, and Riddle recorded voting no.)

Amendment No. 1

Representative Guillen offered the following amendment to **HB 4180**:

Amend **HB 4180** (house committee printing) as follows:

(1) On page 1, line 10, strike "Subject to Subsection (c), of" and substitute "Of".

(2) On page 1, strike lines 16 through 21.

Amendment No. 1 was adopted.

CSHB 4244 (by Hochberg), A bill to be entitled An Act relating to resident tuition rates for certain competitive scholarship recipients at public institutions of higher education.

CSHB 4257 (by Hilderbran), A bill to be entitled An Act relating to the Sutton County Hospital District.

HB 4275 (by Menendez, Kent, and Leibowitz), A bill to be entitled An Act relating to the application process and scoring for the low income housing tax credit program. (Bohac, Crabb, Harless, Madden, and Riddle recorded voting no.)

CSHB 4276 (by Menendez, J. Davis, et al.), A bill to be entitled An Act relating to a transportation plan for persons furloughed or discharged from certain mental health facilities.

HB 4279 was deferred until the end of today's local, consent, and resolutions calendar.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the Conference Committee on **SB 1**:

Dukes on motion of McClendon.

CSHB 4338 (by Smithee), A bill to be entitled An Act relating to title insurance agents and title insurance companies.

HB 4376 (by W. Smith), A bill to be entitled An Act relating to the authority of the Baytown Municipal Development District to use sales tax revenue to promote new or expanded business development. (Chisum recorded voting no.)

CSHB 4402 (by Martinez Fischer, Zerwas, Hopson, and D. Howard), A bill to be entitled An Act relating to a study regarding insurance coverage of prescription drugs provided under a health benefit plan. (Chisum, Christian, Harper-Brown, Laubenberg, and Phillips recorded voting no.)

CSHB 4461 (by Smithee), A bill to be entitled An Act relating to confidentiality of certain information maintained by the Texas Department of Insurance.

CSHB 4501 (by Coleman), A bill to be entitled An Act relating to an intercollegiate athletics fee at Texas Southern University.

HB 4644 (by Lucio), A bill to be entitled An Act relating to communications with utility customers.

CSHB 4661 (by F. Brown), A bill to be entitled An Act relating to the rate of the municipal hotel occupancy tax in certain municipalities and to the use of certain revenue from the tax. (Sheffield recorded voting no.)

HB 4713 (by D. Miller), A bill to be entitled An Act relating to certain exemptions from ad valorem taxes imposed by the Cow Creek Groundwater Conservation District. (Sheffield recorded voting no.)

CSHB 4720 (by Anchia), A bill to be entitled An Act relating to the creation of the Trinity River West Municipal Management District; providing the authority to impose an assessment, impose a tax, and issue bonds.

HB 4723 (by Taylor), A bill to be entitled An Act relating to the powers and duties of the Bayview Municipal Utility District of Galveston County; providing authority to impose a tax and issue bonds.

HB 4727 (by Olivo), A bill to be entitled An Act relating to the powers and duties of the Sienna Plantation Management District; providing authority to impose a fee or issue bonds.

HB 4728 (by P. King), A bill to be entitled An Act relating to the Parker County Utility District No. 1.

CSHB 4730 (by Craddick), A bill to be entitled An Act relating to the Martin County Hospital District.

HB 4748 (by Gattis), A bill to be entitled An Act 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.

HB 4760 (by Gonzales), A bill to be entitled An Act relating to the minimum salary that must be paid to county court at law judges in Hidalgo County.

HB 4762 (by T. King), A bill to be entitled An Act relating to the territory of and the validation of certain governmental acts and proceedings of the Edwards Aquifer Authority.

HB 4779 (by Gattis), A bill to be entitled An Act relating to the powers and duties of the 3 B&J Municipal Utility District; providing authority to impose a tax and issue bonds.

SB 799 (Otto - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Plum Creek Fresh Water Supply District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SB 811 (Darby - House Sponsor), A bill to be entitled An Act relating to authorizing the board of regents of the Texas Tech University System to transfer the San Angelo Museum of Fine Arts to a nonprofit organization to operate the museum.

SB 848 (Cook - House Sponsor), A bill to be entitled An Act relating to the election, and validation of acts, of members of the board of directors of Anderson County Underground Water Conservation District.

SB 914 (Otto - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Liberty Lakes Fresh Water Supply District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

SB 1658 (Crownover - House Sponsor), A bill to be entitled An Act relating to an increase in the fee for natural gas pipeline safety inspections.

SB 1755 was withdrawn.

CSHB 1146 (by Anchia, Y. Davis, Miklos, Kent, Mallory Caraway, et al.), A bill to be entitled An Act relating to the hours worked during a week by firefighters in certain municipalities.

Representative Anchia moved to postpone consideration of **CSHB 1146** until 10 a.m. Tuesday, May 12.

The motion prevailed.

HB 1384 (by Y. Davis), A bill to be entitled An Act relating to authorizing certain nature centers to charge admission fees.

Amendment No. 1 (Committee Amendment No. 1)

Representative Pierson offered the following committee amendment to **HB 1384**:

Amend **HB 1384** on page one line 12 by deleting the following language: "but not more than 50 acres"

Amendment No. 1 was adopted.

CSHB 1461 (by Paxton), A bill to be entitled An Act relating to the contents of an application for probate of a will as a muniment of title.

HB 1569 (by Thompson and Chavez), A bill to be entitled An Act relating to equal access to places of public accommodation. (Aycock, Cook, Crabb, Hancock, Lewis, Olivo, Phillips, and Riddle recorded voting no.)

HB 1569 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GEREN: Strictly for legislative intent, if a person with a motorcycle is misbehaving in my restaurant and I refuse service to them, does that give them a cause of action just because they have a motorcycle and I threw them out?

REPRESENTATIVE THOMPSON: No, sir. You have a right to refuse service to anyone who is disrupting or who is causing trouble in your restaurant and that should not cause a cause of action against you or your business.

REMARKS ORDERED PRINTED

Representative Geren moved to print remarks between Representative Thompson and Representative Geren.

The motion prevailed.

CSHB 3009 (by Coleman), A bill to be entitled An Act relating to the authority of municipal management districts to consolidate.

CSHB 3487 (by Coleman), A bill to be entitled An Act relating to the purchasing and contracting authority of counties; providing penalties. (Aycock recorded voting no.)

HB 4279 was withdrawn.

FIVE-DAY POSTING RULE SUSPENDED

Representative Strama moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Technology, Economic Development, and Workforce to consider **SB 2052** and pending business.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Technology, Economic Development, and Workforce, upon first adjournment today, Desk 137, for a formal meeting, to consider **SB 2052** and pending business.

Licensing and Administrative Procedures, upon first adjournment today, Desk 28, for a formal meeting, to consider **HB 2091**, **HB 2094**, **HB 2339**, and **HB 3180**.

Appropriations, upon first adjournment today, Desk 96, for a formal meeting, to consider **HB 4325**, **HB 4583**, and **HJR 37**.

Rules and Resolutions, upon first adjournment today, 1W.14, for a formal meeting, to consider the calendar.

Criminal Jurisprudence, upon first adjournment today, Desk 92, for a formal meeting, to consider pending business.

Transportation, upon first adjournment today, Desk 15, for a formal meeting, to consider pending business.

Public Health, upon first adjournment today, E2.012, to continue testimony on **SB 188**.

ADJOURNMENT

Representative Marquez moved that the house adjourn until 1:25 p.m. today in memory of Ernest Sosa of San Antonio.

The motion prevailed.

The house accordingly, at 12:35 p.m., adjourned until 1:25 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 24

HB 806, HB 2433

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, May 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:

LOCAL AND UNCONTESTED CALENDAR

HB 401 Raymond SPONSOR: Duncan
Relating to the authority of certain political subdivisions to change the date of their general elections.

HB 609 Castro SPONSOR: Wentworth
Relating to the composition of the jury in certain adjudication hearings in juvenile court.

HB 1382 Davis, Yvonne SPONSOR: Harris

Relating to assessment of certain charges by a commercial landlord that is a governmental entity.

(Committee Substitute)

HB 1974

Hamilton

SPONSOR: Fraser

Relating to distilled spirits samplings by the holder of a distiller's and rectifier's permit.

HB 2238

Hamilton

SPONSOR: Eltife

Relating to the regulation of manufactured housing.

(Committee Substitute)

SB 97

Van de Putte

Relating to the authority of a dental hygienist to provide services in certain facilities.

SB 994

Hegar

Relating to the creation of the Fort Bend County Municipal Utility District No. 192; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 1050

Uresti

Relating to the release of certain information relating to child fatalities resulting from abuse or neglect.

SB 1068

Wentworth

Relating to allowing a governmental body to redact certain personal information under the public information law without the necessity of requesting a decision from the attorney general.

SB 1204

Hegar

Relating to the powers and duties of the Bastrop County Water Control and Improvement District No. 2.

SB 1244

Carona

Relating to the regulation of investigations companies and the performance of investigative services.

SB 1245

Carona

Relating to the regulation of the business of private security.

SB 1375

West

Relating to the establishment of the Texas savvy homeowner program.

SB 1391

Wentworth

Relating to the prosecution and punishment of the offense of criminal trespass.

SB 1506

Whitmire

Relating to the payment of the costs associated with certain conditions of bond.

SB 1641

Harris

Relating to certain construction liens under the Texas Residential Construction Commission Act; providing civil penalties.

SB 1672

Nichols

Relating to extension or modification of restrictive covenants in certain residential real estate subdivisions.

SB 1675 Hinojosa

Relating to donations of juror reimbursements.

SB 1766 Watson

Relating to informal caregiver support services.

SB 1932 Carona

Relating to the licensing requirements of hospitals temporarily providing outpatient dialysis services to a person because of a disaster.

SB 2006 Hegar

Relating to the matters to be taken into consideration by a groundwater conservation district in determining whether to grant or deny a permit or permit amendment.

SB 2008 Hegar

Relating to the consideration by a groundwater conservation district of groundwater produced from exempt wells in issuing a permit.

SB 2148 Patrick, Dan

Relating to information and assistance provided by the chief appraiser to emergency management authorities.

SB 2178 Shapleigh

Relating to the establishment by the commissioner of education of a computer lending pilot program for public schools.

SB 2221 Carona

Relating to the eligibility of certain criminal defendants for an order of nondisclosure.

SB 2231 Averitt

Relating to the authority to establish, operate, and maintain a foreign trade zone and subzones in Ellis County.

SB 2344 Uresti

Relating to examination requirements in certain guardianship matters concerning persons with mental retardation.

SB 2381 West

Relating to the fee charged for registration on the master bidders list.

SB 2435 Uresti

Relating to medical assistance program reimbursement for guardianship expenses of certain recipients.

SB 2463 Wentworth

Relating to the creation of the Comal County Water Improvement District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2464 Wentworth

Relating to the creation of the Comal County Water Improvement District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2468 Gallegos

Relating to the postemployment activities of certain local government officers in certain counties; providing a penalty.

SB 2507 Jackson, Mike

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

SB 2521 Jackson, Mike

Relating to the creation of the Brazoria County Municipal Utility District No. 63; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, May 5, 2009 - 2

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 10 Duncan

Relating to adoption of alternative payment method pilot programs for the provision of health care services to certain state employees and certain active and retired public school employees.

SB 18 Estes

Relating to the use of eminent domain authority.

SB 1257 Averitt

Relating to the regulation of certain market conduct activities of certain life, accident, and health insurers and health benefit plan issuers; providing civil liability and administrative and criminal penalties.

SB 1835 Patrick, Dan

Relating to the offenses of unauthorized duplication, unauthorized recording, and improper labeling of recordings.

SB 2258

Zaffirini

Relating to intensive summer programs for public school students and to college readiness programs at public institutions of higher education.

Respectfully,

Patsy Spaw

Secretary of the Senate

