

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-FOURTH DAY — SATURDAY, MAY 30, 2009

The house met at 9:30 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1540).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; 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; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent, Excused — Alvarado; Kuempel.

Absent — Driver.

The invocation was offered by Reverend Eric Tarver, pastor, Bethlehem Missionary Baptist Church, Beeville, as follows:

O Lord, our Lord, how excellent is thy name in all the earth! We thank you this morning for the gift of life, love, and laughter as we assemble for this day in this place. It is because of your great mercy that we ask for your blessing and your favor over these men and women who have been elected as voices for our great State of Texas. Your word tells us, "as iron sharpens iron, so one person sharpens another." May these, your people, sharpen one another today as their ideologies clash together, as one philosophy grates against another philosophy different than their own. Give us the gifts of attentive hearts and open minds, that

through our diversity of ideas we may sort out what is best for this state. It is our prayer that even before words are spoken, we may heed your revealed word with longing.

O Lord, our Lord, we dare not conclude our petition by asking not only for your richest blessings in Texas, but also our nation, and the world that you created. Bless our servicemen and women who are fighting in Iraq and Afghanistan, and for those who have lost their lives; we ask that you continue to give comfort and strength to their families. We give you praise now and forever. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Rose who presented Dr. Fred Merian of Wimberley as the "Doctor for the Day."

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

HR 2880 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 2880**, suspending the limitations on the conferees for **SB 1182**.

HR 2888 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 2888**, suspending the limitations on the conferees for **HB 2275**.

HR 2891 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f) of the House Rules, the speaker announced the introduction of **HR 2891**, suspending the limitations on the conferees for **HB 4498**.

LEAVES OF ABSENCE GRANTED

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

Alvarado on motion of Solomons.

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

Farabee on motion of Solomons.

HOUSE AT EASE

At 9:44 a.m., the speaker announced that the house would stand at ease pending the arrival of guests.

**TRIBUTE IN MEMORY OF FALLEN TEXANS
IN THE GLOBAL WAR ON TERRORISM
(The House of Representatives and Senate in Joint Session)**

In accordance with the provisions of **HCR 184**, providing for a joint session of the senate and house of representatives for the purpose of a tribute to fallen soldiers of the Global War on Terrorism, Governor Rick Perry, Lieutenant Governor David Dewhurst, and the honorable senators were announced at the door of the house and were admitted.

The Honorable David Dewhurst, president of the senate, called the senate to order. A quorum of the senate was announced present.

The Honorable Joe Straus, speaker of the house, called the house to order. A quorum of the house of representatives was present.

Speaker Straus stated that the two houses were in joint session pursuant to **HCR 184** in honor of all Texans killed during the Global War on Terrorism and welcomed Governor Perry, Lieutenant Governor Dewhurst, members of the senate, and other state officials, and addressed the assemblage.

Speaker Straus recognized Representative Corte who addressed the families of the honored fallen soldiers.

The joint session and assemblage rose for the posting of the colors.

Jessica Leibowitz, daughter of Representative Leibowitz, sang the national anthem.

Speaker Straus recognized Representative Berman who led the pledges of allegiance to the United States and Texas flags.

Speaker Straus presented Dr. Jerry Hardwick of San Antonio who offered the invocation.

The service medley was played.

Speaker Straus requested the reading clerk to read **HCR 184**, convening a joint memorial session to honor all Texans killed during the Global War on Terrorism.

Lieutenant Governor Dewhurst addressed the joint session and assemblage.

Governor Perry addressed the joint session and assemblage, as follows:

For the past 138 days, this historic room has witnessed leaders engaging in passionate debate over points of difference, but, today, we share a common purpose. In a group representing a great diversity of political viewpoints there is no debate today, as we together express our heartfelt gratitude for the men and women who protect us, and remember those who gave their lives in the process.

When we ponder the concept of laying down one's life for another, we are reminded that such sacrifice is a supreme act of love, love for those protected, and love for the ideals of a nation steeped in freedom. We are amazed by accounts of such selflessness, but also saddened at lives cut short, dreams extinguished, and loved ones left behind.

As we honor these brave Texans who made the ultimate sacrifice, we also offer our heartfelt condolences to those who love them. It can be no easy thing to balance admiration for your fallen warrior with the realities of a life that continues to unfold, one challenging day after another. Know that the people of Texas genuinely appreciate the service and sacrifice of our military personnel, and lift up their survivors in their thoughts and prayers.

Not only do the leaders here today pray for you, but they and their colleagues have been working to express support in tangible ways. For example, when this ceremony concludes today, I will take pen in hand and sign **SB 90**, making it easier for dependents to pursue their education, while enduring the frequent relocations of military life. I want to thank Senator Van de Putte and Representative Geren for carrying these bills.

There is also time left in this session to extend the benefits of the Hazlewood Act to surviving spouses of killed or completely disabled military members. Providing for themselves and their families is a significant burden for these spouses, a burden that can be reduced by the better pay that typically comes with a college degree. I also hope we can say "thank you" to all of our veterans by extending in-state tuition rates to all GI Bill-eligible veterans. No matter the outcome of the debates in this building, the fact remains that Texas owes much to those who have died as well as their families.

In the days to come, I encourage you to live your life fully because you know that each day is precious, and be assured that the cause for which your loved ones fought and died is still a just and noble cause. The wreckage of that fateful September day was long ago removed, and order restored to sites of unimaginable carnage, but the sentiment that drove our attackers still festers.

It is a sterling tribute to the men and women of our armed forces, our intelligence services, and members of the law enforcement community, that no similar attack has occurred on our nation's soil in the intervening days. Because our defenders have been willing to answer the call, and muddy their boots with the soil of faraway lands, we enjoy safety and security here at home. That said, the Global War on Terror is far from over, and the need for vigilance and engagement will continue as long as the hateful ideologies that drive our enemies continue to find a foothold in their hearts and minds. Because these sentiments emanate from the basest parts of human nature, their demise will be a long time coming.

So we will continue to call upon the best and brightest among us to stand between us and those who would do us harm and join the long line that takes up arms to defend others. I am reminded of the words written by Bayard Taylor in his poem, "The Song of the Camp," that conveys the unique character of those defenders and honors them in repose. *"Sleep, soldiers! still in honored rest, Your truth and valor wearing: The bravest are the tenderest, The loving are the daring."*

Today, we remember these Texans, the bravest of our lot, and celebrate their daring. Because of them, we live and breathe free. In the days to come, let us all cling tightly to those ideals that motivated their selfless service. Let us never take

for granted the freedom for which they traded their lives. Let us strive to live in a manner befitting their sacrifice. May God bless you all and, through you, may he continue to bless the great State of Texas.

Governor Perry presented flags flown over the Capitol to family members as Representatives Corte, Chavez, and Aycock and Senators Van de Putte, Lucio, Jr., and Estes read the names of the following fallen soldiers:

Specialist Orlando Antonio Perez, Army; Lance Corporal Johnny Ray Strong, Marine Corps; Specialist Jeffrey Franklin Nichols, Army; Captain Michael Allen Norman, Army; Major Sid William Brookshire, Army; Corporal Steven Ivan Candelo, Army; Specialist Jonathan David Arthur Emard, Army; Private First Class Christopher Michael McCloud, Army; First Sergeant Jeffrey Ray McKinney, Army; Corporal Marquis Jermaine McCants, Army; Specialist Cory Joseph Bertrand, Army; Corporal William David O'Brien, Army; Private First Class Heath Kayne Pickard, Army; Corporal Juan Manuel Lopez, Jr., Army; Captain Rowdy J. Inman, Army; Corporal Brandon William Smitherman, Army; Colonel Sidney Joseph Marceaux, Jr., Army; Specialist Thomas Franklin Duncan III, Army; Private First Class Ron Joseph Joshua, Jr., Army; Specialist Rodney Jerrone Johnson, Army; Corporal Michael James Jaurigue, Army; Sergeant Omar Leonardo Mora, Army; Staff Sergeant Jason Logan Brown, Army; Corporal Zachary Ryan Endsley, Army; Airman Apprentice Adrian Montoya Campos, Navy; Specialist Quincy Jermel Green, Army; Major Rodolpho Ivan Rodriguez, Air Force; Lance Corporal Matthew Sauer Medlicott, Marine Corps; Corporal Joshua Alexander Molina, Army; First Lieutenant Jeremy E. Ray, Army; Staff Sergeant Archie Andrew Taylor, Marine Corps; Specialist Alex Daniel Gonzalez, Army; Corporal Jose A. Rubio Hernandez, Army; Staff Sergeant Jimmy Mac Malone, Army; Private John Alexander Mattox, Army; Private Oscar Saucedo, Jr., Army; Major Christopher M. Cooper, Army; Specialist Matthew Troy Morris, Army; First Lieutenant Matthew R. Vandergrift, Marine Corps; Corporal Rhett Allen Butler, Army; Staff Sergeant Juan Francisco Campos, Army; Sergeant Matthew Elias Mendoza, Marine Corps; Specialist Kamisha Jane Block, Army; First Lieutenant Roberto Vallejo II, Army; Corporal Christopher John Lee West, Army; Corporal Ryan Daniel Collins, Army; Staff Sergeant Edgar Alberto Heredia, Marine Corps; Corporal Scott Alexander McIntosh, Army; Sergeant Conrad Alvarez, Army; Staff Sergeant Wesley G. Hunter, Army; Sergeant Randell Olguin, Army; Sergeant Anselmo Martinez III, Army; Major Thomas Gordon Bostick, Jr., Army; Sergeant Mark Allen Stone, Army; Specialist James Lee Adair, Army; Sergeant Samuel Edbert Kelsey, Army; Private First Class Joseph Graham Harris, Army; Corporal Mathew Philip LaForest, Army; Sergeant Jaime Gonzalez, Jr., Army; Specialist Tracy Clint Willis, Army; Sergeant First Class Lawrence David Ezell, Army; Sergeant Garrett Ian McLead, Army; Petty Officer Third Class Mark Russell Cannon, Navy; Sergeant Chris

Davis, Army; Sergeant Charles Bernard Kitowski III, Army; Private First Class Andrew Travis Engstrom, Army; Specialist Geoffrey Golden Johnson, Army; Staff Sergeant Anthony Luke Mason, Army; Corporal James Heath McRae, Marine Corps; Sergeant John Jared Savage, Army; Sergeant William Wayne Crow, Army; Sergeant Reuben Marcus Fernandez III, Army; Staff Sergeant Gary Wayne Jeffries, Army; Sergeant Christopher David Loza, Army; Lance Corporal Emmanuel Villarreal, Marine Corps; Lance Corporal Bobby Lee Twitty, Marine Corps; Staff Sergeant Fernando Santos, Army; Specialist Eric Domingo Salinas, Army; Sergeant Danny Richard Soto, Army; First Lieutenant Kile Grant West, Army; Sergeant Bacilio Emilio Cuellar, Army; Staff Sergeant Kristopher Allan Higdon, Army; Second Lieutenant Peter H. Burks, Army; Corporal Dustin Ryan Brisky, Army; Staff Sergeant Eric Thomas Duckworth, Army; Second Lieutenant Zachary Ryan Cook, Army; Sergeant Joseph Bradley Milledge, Army; Sergeant Major Julio Cesar Ordonez, Army; Sergeant Chadrick Omar Domino, Army; Staff Sergeant John Christian Stock, Marine Corps; Staff Sergeant Clay Allen Craig, Army; Sergeant First Class Raymond John Munden, Army; Specialist Donald Allen Burkett, Army; Staff Sergeant Timothy Bruce Cole, Jr., Army; Corporal Thomas Layton Hilbert, Army; Lance Corporal Jeremy W. Burris, Marine Corps; Private First Class Rodney A. McCandless, Army; Sergeant Shaun Paul Tousha, Army; Sergeant First Class Justin Shane Monschke, Army; Staff Sergeant Brandon Wade Farley, Army; Specialist Jermaine Donnell Franklin, Army; Specialist Braden Joseph Long, Army; Sergeant First Class Miguel Antonio Wilson, Army; Specialist Dustin Cody Jackson, Army; Lance Corporal Javier Perales, Jr., Marine Corps; Corporal Michael Warner Davis, Army; Corporal Jason K. LaFleur, Army; Specialist Aaron James Walker, Army; Corporal William Troy Warford III, Army; Sergeant Wesley Roy Durbin, Army; Sergeant Jonathon Allan Markham, Army; Private First Class Sean Patrick McCune, Army; Specialist Brandon A. Myer, Army; Corporal Peter John Courcy, Army; Sergeant Gregory Daniel Unruh, Army; Specialist William Lawrence Edwards, Army; Specialist Benjamin Joseph Garrison, Army; Chief Warrant Officer Second Class Corry Ardel Edwards, Army; Corporal Joshua Glen Romero, Army; Private First Class Alan Jerome Austin, Army; Sergeant Dustin Scott Wakeman, Army; Corporal Javier Gonzalo Paredes, Army; First Lieutenant Timothy Wayne Cunningham, Army; Corporal David Phillip McCormick, Army; Sergeant Joshua Allen Ward, Army; Staff Sergeant Jeffery Lee Hartley, Army.

The joint session and assemblage observed a moment of silence.

Michael and Melanie McCracken of San Antonio sang "Amazing Grace."

A cannon salute was offered by the Texas Army National Guard Salute Battery.

"Taps" was played by Cadet Sergeants First Class Chad Kloesel and Tyler Lewis of the Fightin' Texas Aggie Band.

Dr. Jerry Hardwick offered the benediction.

Speaker Straus thanked the attendees of today's service.

SENATE RECESS

At 11:55 a.m., Lieutenant Governor Dewhurst stated that the purpose for which the joint session was called had been completed and that the senate would, in accordance with a previous motion, stand recessed until 1 p.m. today.

HOUSE AT EASE

At 11:55 a.m., the speaker stated that the purpose of the joint session having been concluded, the house would stand at ease pending the departure of guests.

(Menendez in the chair)

The chair called the house to order at 12:18 p.m.

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. 46).

(Speaker in the chair)

RECESS

At 12:22 p.m., the speaker announced that the house would stand recessed until 2 p.m. today.

AFTERNOON SESSION

The house met at 2 p.m. and was called to order by the speaker.

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).

SB 52 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Zerwas, the house granted the request of the senate for the appointment of a Conference Committee on **SB 52**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 52**: Coleman, chair; Harless, Zerwas, S. King, and Branch.

SB 78 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Hartnett, the house granted the request of the senate for the appointment of a Conference Committee on **SB 78**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 78**: Smithee, chair; Eiland, Zerwas, Isett, and Thompson.

**SB 497 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hartnett, the house granted the request of the senate for the appointment of a Conference Committee on **SB 497**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 497**: Hartnett, chair; McReynolds, Hughes, Jackson, and Martinez.

**SB 537 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Vaught, the house granted the request of the senate for the appointment of a Conference Committee on **SB 537**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 537**: Vaught, chair; Moody, Riddle, Fletcher, and Kent.

**SB 546 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Anchia, the house granted the request of the senate for the appointment of a Conference Committee on **SB 546**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 546**: Anchia, chair; Geren, Keffer, Rose, and Strama.

**SB 968 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Truitt, the house granted the request of the senate for the appointment of a Conference Committee on **SB 968**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 968**: Truitt, chair; Kolkhorst, Harper-Brown, D. Miller, and Kent.

**SB 1068 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Rose, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1068**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1068**: Gallego, chair; Fletcher, Christian, Miklos, and Moody.

**SB 1273 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Fletcher, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1273**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1273**: Fletcher, chair; Miklos, Gallego, Phillips, and Cook.

**SB 1620 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative P. King, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1620**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1620**: Paxton, chair; Peña, Taylor, Hilderbran, and Bohac.

**SB 1757 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative D. Howard, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1757**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1757**: D. Howard, chair; Shelton, Hopson, Burnam, and Aycock.

**SB 1759 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Pickett, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1759**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1759**: Pickett, chair; Menendez, Guillen, Otto, and Chisum.

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. 2).

**SB 2440 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Corte, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2440**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2440**: Corte, chair; Martinez Fischer, Menendez, Leibowitz, and Ritter.

**SB 2468 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Walle, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2468**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2468**: Coleman, chair; J. Davis, Hernandez, W. Smith, and Walle.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Corte requested permission for the Conference Committee on **HJR 14** to meet while the house is in session, at 3 p.m. today, in SHB 380, to consider the conference committee report.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Conference Committee on **HJR 14**, 3 p.m. today, SHB 380, for a work session, to consider the conference committee report.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the Conference Committee on **HJR 14**:

Bonnen on motion of F. Brown.

Corte on motion of F. Brown.

Hilderbran on motion of F. Brown.

Peña on motion of F. Brown.

Woolley on motion of F. Brown.

**HR 2403 - ADOPTED
(by Jackson)**

Representative Jackson moved to suspend all necessary rules to take up and consider at this time **HR 2403**.

The motion prevailed.

The following resolution was laid before the house:

HR 2403, Recognizing August 8, 2009, as Robert K. Koga Day in Texas.

HR 2403 was adopted.

**SCR 77 - ADOPTED
(Rose - House Sponsor)**

Representative Rose moved to suspend all necessary rules to take up and consider at this time **SCR 77**.

The motion prevailed.

The following resolution was laid before the house:

SCR 77, Approving the system-wide settlement agreement with the United States Department of Justice resolving certain investigations of state mental retardation facilities.

SCR 77 was adopted. (The vote was reconsidered later today, and **SCR 77** was adopted by Record No. 1541.)

LEAVE OF ABSENCE GRANTED

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

Giddings on motion of S. Turner.

HR 2878 - ADOPTED (by Corte)

Representative Anchia moved to suspend all necessary rules to take up and consider at this time **HR 2878**.

The motion prevailed.

The following resolution was laid before the house:

HR 2878, In memory of Richard John Avery, Jr., of Dallas.

HR 2878 was unanimously adopted by a rising vote.

(Keffer in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

SCR 77 - VOTE RECONSIDERED

Representative Rose moved to reconsider the vote by which **SCR 77** was adopted.

The motion to reconsider prevailed.

SCR 77 - ADOPTED (Rose - House Sponsor)

The following resolution was laid before the house:

SCR 77, Approving the system-wide settlement agreement with the United States Department of Justice resolving certain investigations of state mental retardation facilities.

SCR 77 was laid before the house earlier today and was adopted.

SCR 77 was adopted by (Record 1541): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick;

Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer(C); Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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; 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; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Alvarado; Farabee; Giddings; Kuempel.

Absent, Excused, Committee Meeting — Bonnen; Corte; Hilderbran; Peña; Woolley.

Absent — Deshotel; Driver.

LEAVE OF ABSENCE GRANTED

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

Driver on motion of Anderson.

SCR 72 - NOTICE OF MOTION TO SUSPEND RULES

Pursuant to the provisions of Rule 14, Section 4 of the House Rules, at 3:25 p.m., the chair announced that Representative Hughes would, in at least one hour, be recognized for the purpose of suspending all necessary rules to take up **SCR 72**.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

HCR 220 (by Kuempel)

HCR 220, Requesting the lieutenant governor and the speaker of the house of representatives to create a joint interim committee to study the gaming industry in Texas and its potential direct and indirect economic impact on specific markets and on the state as a whole.

Amendment No. 1

On behalf of Representative C. Howard, Representative Hamilton offered the following amendment to **HCR 220**:

Amend **HCR 220** as follows:

(1) On page 2, between lines 14 and 15, insert the following:

WHEREAS, Patronage of casinos in Texas would predominantly come from the population that lives within a 50-mile radius of the facilities, and economic development after the construction of a facility would only result in a transfer of dollars from within the existing local consumer economy, which would damage existing businesses and family-friendly tourism and diminish sales tax revenue; it is recognized and acknowledged that for a certain percentage of the population, gambling is not a form of entertainment but an addiction, and that the real harm that results from casinos includes an immense increase in the total number of pathological gamblers in this state; reputable, independent economists estimate that for every \$1 in benefits derived from casino-style gambling, there will be \$3 in costs related to the activity; the additional costs resulting from the expansion of casinos in Texas would be absorbed by friends, family members, and local, county, and state governmental entities; and

WHEREAS, National and historic properties in the State of Texas should be protected from any attempt to expand casino-style gambling; the state has contractual agreements with Indian tribes both inside and outside the state that recognize historic properties of the tribes in Texas and allow these properties to be listed in the National Register of Historic Places; any expansion of casinos or video lottery terminals in Texas would constitute approval of Class III games in the state as defined by the Indian Gaming Regulatory Act; the approval of Class III games in Texas would have the immediate effect of allowing Indian tribes, both inside and outside the state, with historic properties and heritage in our state, to potentially open gaming facilities throughout Texas with little state or local community input or oversight; such attempts in other states have resulted in long and costly litigation, at great expense to the taxpayers of those states; and

(2) On page 2, between lines 25 and 26, insert the following:

RESOLVED, That any study or report on the gaming industry expansion into Texas include a cost-benefit analysis that considers both the social and economic costs related to the expansion of casino-style gambling, the effect on existing sales tax revenue, and the effect on Texas lottery sales, as well as an analysis of the tax rates on dollars wagered in the casino business model and the effect on the existing local economies and family-friendly tourism; and, be it further

RESOLVED, That any study or report also include a complete analysis of any agreements between the State of Texas and Indian tribes regarding historic or real properties of Indian tribes in the state, and that the analysis include but not be limited to a complete review of Indian gaming expansion across the United States, including current litigation and case law, and how Indian historic and real properties have been leveraged to expand casino gaming into areas that had not been previously considered Indian land; and, be it further

Amendment No. 1 was adopted.

HCR 220, as amended, was adopted by (Record 1542): 98 Yeas, 36 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bohac; Bolton; Branch; Brown, F.; Burnam; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Creighton; Crownover; Davis, Y.; Dunnam; Dutton; Edwards; Eiland; England; Farias; Farrar; Flores; Gallego; Gattis; Geren; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Howard, D.; Hunter; Isett; Jackson; Jones; King, S.; King, T.; Kleinschmidt; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Ortiz; Otto; Patrick; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Smith, T.; Smith, W.; Strama; Taylor; Thibaut; Thompson; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Berman; Brown, B.; Button; Crabb; Craddick; Darby; Davis, J.; Eissler; Elkins; Fletcher; Flynn; Frost; Hancock; Harper-Brown; Hopson; Howard, C.; Hughes; King, P.; Kolkhorst; Laubenberg; Merritt; Miklos; Miller, S.; Orr; Parker; Paxton; Shelton; Smithee; Solomons; Swinford; Truitt; Turner, S.; Weber; Zerwas.

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

Absent, Excused — Alvarado; Driver; Farabee; Giddings; Kuempel.

Absent, Excused, Committee Meeting — Bonnen; Corte; Hilderbran; Peña; Woolley.

Absent — Castro; Deshotel; Dukes; Kent.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1542. I intended to vote no.

Callegari

I was shown voting yes on Record No. 1542. I intended to vote no.

Christian

I was shown voting no on Record No. 1542. I intended to vote yes.

Craddick

I was shown voting yes on Record No. 1542. I intended to vote no.

Crownover

I was shown voting yes on Record No. 1542. I intended to vote no.

Harless

I was shown voting yes on Record No. 1542. I intended to vote no.

Hartnett

I was shown voting yes on Record No. 1542. I intended to vote no.

Isett

I was shown voting yes on Record No. 1542. I intended to vote no.

Madden

I was shown voting yes on Record No. 1542. I intended to vote no.

McReynolds

I was shown voting yes on Record No. 1542. I intended to vote no.

Patrick

I was shown voting yes on Record No. 1542. I intended to vote no.

T. Smith

I was shown voting yes on Record No. 1542. I intended to vote no.

Taylor

When Record No. 1542 was taken, I was excused to attend a meeting of the Conference Committee on **HJR 14**. Had I been present, I would have voted yes.

Woolley

HR 1591
(by Vaught)

HR 1591, Urging the president of the United States to modify Executive Order 8808 so as to authorize the award of the American Defense Service Medal to members of the United States armed forces who served on active duty after September 1, 1945, and before December 27, 1991.

HR 1591 was adopted by (Record 1543): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farias; Farrar; Fletcher; Flores; Flynn; Gallego; Gattis; Geren; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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; 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; Zerwas.

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

Absent, Excused — Alvarado; Driver; Farabee; Giddings; Kuempel.

Absent, Excused, Committee Meeting — Bonnen; Corte; Hilderbran; Peña; Woolley.

Absent — Frost; Kent.

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. 4).

HCR 50

(by Creighton, Hughes, Berman, Gattis, Guillen, et al.)

HCR 50, Affirming that the State of Texas claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to cease and desist certain mandates, and providing that certain federal legislation be prohibited or repealed.

Amendment No. 1

Representative Coleman offered the following amendment to **HCR 50**:

Amend **HCR 50** as follows:

On page 2, line 19, after "legislation", insert "not necessary to ensure rights guaranteed the people under the constitution of the United States".

(Peña now present)

Amendment No. 1 was adopted.

Amendment No. 2

Representative Dunnam offered the following amendment to **HCR 50**:

Amend **HCR 50** as follows:

(1) On page 1, before line 1, insert:

WHEREAS, Each Member of the Legislature feels great pride in being citizens of the United States of America, which includes the right of citizens to petition their government for redress of grievances; and,

WHEREAS, All Texans have benefited from this State's participation in the unique experience in democracy that first began on a field in Lexington, Massachusetts, and called The United States of America; and

WHEREAS, Countless Texans have served in the Armed Forces of the United States with the brave sons and daughters of all our sister States to protect our State, our Nation, our Union, and many of them gave the last full measure of devotion by offering their lives to preserve that Union; and

WHEREAS, Each Member of the Legislature has sworn a solemn oath to defend our National Union; and

WHEREAS, Each day, millions of Texans assemble in churches, synagogues, schools, arenas, fields, and homes to pledge allegiance to the Flag of the United States of America and the one nation, indivisible, for which that Flag stands; and

(2) On page 2, lines 3, strike "congress" and substitute "the Congress of the United States".

(3) On page 2, between lines 9 and 10, insert:

RESOLVED, by the House of Representatives, the Senate concurring, That the 81st Legislature of the State of Texas reaffirms the pride of all Texans in both our one and indivisible National Union and in our one and indivisible State and the common heritage of both; and, be it further

(5) Strike the last resolving clause and substitute:

RESOLVED, that the Chief Clerk of the House of Representatives is directed to send a copy of this Resolution to the Senators and Representatives of Texas in Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America; and, be it further

RESOLVED, That the Chief Clerk of the House of Representatives is directed to send a copy of this Resolution to the President of the United States of America, the Vice President of the United States of America, the Speaker of the House of Representatives of the United States of America, and to the governor of each sister State as an expression of the affection of the people of Texas for our one National and Indivisible Union.

Amendment No. 2 was adopted.

(Woolley now present)

Amendment No. 3

Representative Veasey offered the following amendment to **HCR 50**:

Amend **HCR 50** on page 2, line 27, between "United States Congress," and "and to all the members", by inserting "to the minority leader of the house of representatives and the minority leader of the senate,".

Amendment No. 3 was adopted.

(Hilderbran now present)

LEAVE OF ABSENCE GRANTED

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

Kent on motion of Shelton.

(Bonnen now present)

HCR 50 - (consideration continued)

HCR 50, as amended, was adopted by (Record 1544): 99 Yeas, 36 Nays, 4 Present, not voting.

Yeas — Anderson; Ayccock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cohen; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Dunnam; Edwards; Eissler; Elkins; Fletcher; Flynn; Frost; Gallego; Gattis; Geren; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Homer; Hopson; Howard, C.; Hughes; Hunter; Isett; Jackson; Jones; Keffer(C); King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Lucio; Madden; Maldonado; Martinez; McCall; McReynolds; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Riddle; Rios Ybarra; Ritter; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Vaught; Weber; Woolley; Zerwas.

Nays — Allen; Alonzo; Anchia; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Farrar; Flores; Gonzales; Gonzalez Toureilles; Hernandez; Herrero; Hodge; Leibowitz; Mallory Caraway; Marquez; Martinez Fischer; McClendon; Menendez; Naishtat; Olivo; Raymond; Rodriguez; Thompson; Turner, S.; Veasey; Villarreal; Vo; Walle.

Present, not voting — Mr. Speaker; Bolton; Howard, D.; Strama.

Absent, Excused — Alvarado; Driver; Farabee; Giddings; Kent; Kuempel.

Absent, Excused, Committee Meeting — Corte.

Absent — England; Heflin; Hochberg; Pierson.

STATEMENTS OF VOTE

When Record No. 1544 was taken, I was excused to attend a meeting of the Conference Committee on **HJR 14**. Had I been present, I would have voted yes.

Corte

I was shown voting yes on Record No. 1544. I intended to vote no.

Edwards

When Record No. 1544 was taken, I was in the house but away from my desk. I would have voted yes.

England

I was shown voting no on Record No. 1544. I intended to vote yes.

Herrero

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. 5 and 6).

HCR 183

(by Farabee, J. Davis, Hardcastle, Gonzalez Toureilles, and Rios Ybarra)

HCR 183, Urging Congress to reject provisions of President Barack Obama's budget that would eliminate certain deductions presently available to the oil and natural gas exploration industry.

HCR 183 was adopted by (Record 1545): 134 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; 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(C); King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; 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.

Nays — Burnam; Dutton; Farias; Mallory Caraway; Naishtat.

Present, not voting — Mr. Speaker.

Absent, Excused — Alvarado; Driver; Farabee; Giddings; Kent; Kuempel.

Absent, Excused, Committee Meeting — Corte.

Absent — England; Farrar; Pierson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 1545. I intended to vote yes.

Farias

When Record No. 1545 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

(Corte now present)

RULES SUSPENDED

Representative Gattis moved to suspend Rule 6, Section 16(c) of the House Rules to consider items eligible on calendar two at this time.

The motion prevailed.

HCR 222
(by Driver)

HCR 222, Directing the Texas Facilities Commission to submit a proposal to the presiding officers of the Texas Legislature to name Building A at the DPS Headquarters Complex in Austin in honor of Thomas A. Davis, Jr., former director of the Texas Department of Public Safety.

HCR 222 was adopted by (Record 1546): 139 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; 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; King, P.; King, T.; Kleinschmidt; Kolkhorst; 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; Weber; Woolley; Zerwas.

Nays — Walle.

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

Absent, Excused — Alvarado; Driver; Farabee; Giddings; Kent; Kuempel.

Absent — England; King, S.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1546. I intended to vote no.

Hopson

I was shown voting no on Record No. 1546. I intended to vote yes.

Walle

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. 7).

**SB 313 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hamilton, the house granted the request of the senate for the appointment of a Conference Committee on **SB 313**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 313**: Hamilton, chair; Isett, Villarreal, Hartnett, and Coleman.

**SB 379 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Guillen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 379**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 379**: Guillen, chair; Gonzales, Flynn, Corte, and Raymond.

**SB 1645 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hopson, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1645**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1645**: Hopson, chair; Frost, W. Smith, Gonzalez Toureilles, and Swinford.

(Giddings now present)

**CSHCR 177
(by D. Howard)**

CSHCR 177, Directing state agencies to initiate emission reduction policies and programs in order to help Central and South Central Texas meet the 2008 National Ambient Air Quality Standard for ground-level ozone.

CSHCR 177 was adopted by (Record 1547): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; 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; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenbergy; 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.

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

Absent, Excused — Alvarado; Driver; Farabee; Kent; Kuempel.

Absent — Dukes; England.

(Kent now present)

SCR 38
(Farias - House Sponsor)

SCR 38, Memorializing Congress to restore the presumption of a service connection for Agent Orange exposure to veterans who served on the inland waterways, territorial waters, and in the airspace of the Republic of Vietnam.

SCR 38 was adopted by (Record 1548): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; 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(C); Kent; King, P.; King, T.; Kleinschmidt; Kolkhorst; 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; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Alvarado; Driver; Farabee; Kuempel.

Absent — King, S.; Pierson.

STATEMENT OF VOTE

When Record No. 1548 was taken, my vote failed to register. I would have voted yes.

Pierson

SB 1449 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED

On motion of Representative Deshotel, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1449**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1449**: Deshotel, chair; Peña, Guillen, Anderson, and Elkins.

**SB 1263 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Rodriguez, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1263**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1263**: Rodriguez, chair; Gattis, Coleman, Thompson, and Kleinschmidt.

**SB 2274 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Chisum, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2274**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2274**: Chisum, chair; Eissler, Hochberg, Aycock, and Gallego.

SB 488 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Harper-Brown submitted the conference committee report on **SB 488**.

Representative Harper-Brown moved to adopt the conference committee report on **SB 488**.

The motion to adopt the conference committee report on **SB 488** prevailed by (Record 1549): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; 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; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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.

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

Absent, Excused — Alvarado; Driver; Farabee; Kuempel.

Absent — Burnam; Giddings.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1549. I intended to vote no.

Anderson

I was shown voting yes on Record No. 1549. I intended to vote no.

Aycock

I was shown voting yes on Record No. 1549. I intended to vote no.

Berman

I was shown voting yes on Record No. 1549. I intended to vote no.

Branch

I was shown voting yes on Record No. 1549. I intended to vote no.

Button

I was shown voting yes on Record No. 1549. I intended to vote no.

Gattis

When Record No. 1549 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

I was shown voting yes on Record No. 1549. I intended to vote no.

D. Miller

I was shown voting yes on Record No. 1549. I intended to vote no.

Weber

SB 1206 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Edwards submitted the conference committee report on **SB 1206**.

Representative Edwards moved to adopt the conference committee report on **SB 1206**.

The motion to adopt the conference committee report on **SB 1206** prevailed by (Record 1550): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; 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; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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.

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

Absent, Excused — Alvarado; Driver; Farabee; Kuempel.

Absent — Giddings.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 1550. I intended to vote no.

Christian

When Record No. 1550 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

I was shown voting yes on Record No. 1550. I intended to vote no.

Phillips

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hughes requested permission for the Committee on Judiciary and Civil Jurisprudence to meet while the house is in session, at 5:30 p.m. today, in 3W.9.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 5:30 p.m. today, 3W.9, for a formal meeting, to consider pending business.

HR 2891 - ADOPTED (by Hamilton)

The following privileged resolution was laid before the house:

HR 2891

BE IT RESOLVED by the House of Representatives of the State of Texas, 81st Legislature, Regular Session, 2009, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the

conference committee appointed to resolve the differences on **HB 4498**, relating to the sale and consumption of alcoholic beverages, to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to allow the conference committee to add text on a matter not in dispute to read as follows:

SECTION 1. Chapter 28, Alcoholic Beverage Code, is amended by adding Section 28.101 to read as follows:

Sec. 28.101. PUBLIC CONSUMPTION. (a) This section applies only to a mixed beverage permit holder whose premises are located in a municipality that:

(1) has a population of less than 15,000;

(2) is located in a county with a population of less than 65,000; and

(3) contains a historic preservation district that borders a lake.

(b) Notwithstanding Section 28.10 or any other law, the holder of a mixed beverage permit whose permitted premises are located on property owned by a municipality that contains a municipally owned conference center and that borders a lake may permit a patron to leave the permitted premises, even though the patron possesses an alcoholic beverage, if:

(1) the beverage is in an open container and appears to be possessed for present consumption; and

(2) the public consumption of alcoholic beverages or possession of an open container of an alcoholic beverage is not prohibited on the municipally owned property where the permitted premises are located.

(c) This section does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle under Section 49.031, Penal Code.

SECTION 2. Chapter 31, Alcoholic Beverage Code, is amended by adding Section 31.06 to read as follows:

Sec. 31.06. PUBLIC CONSUMPTION. (a) This section applies only to the holder of a caterer's permit operating under the permit in an area in a municipality that:

(1) has a population of less than 15,000;

(2) is located in a county with a population of less than 65,000; and

(3) contains a historic preservation district that borders a lake.

(b) Notwithstanding any other law, the holder of a caterer's permit operating under the permit in an area located on property owned by a municipality that contains a municipally owned conference center and that borders a lake may permit a patron to leave the area, even though the patron possesses an alcoholic beverage, if:

(1) the beverage is in an open container and appears to be possessed for present consumption; and

(2) the public consumption of alcoholic beverages or possession of an open container of an alcoholic beverage is not prohibited on the municipally owned property where the area is located.

(c) This section does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle under Section 49.031, Penal Code.

Explanation: The added language is necessary to authorize individuals in certain areas of the state to leave the premises of a mixed beverage permit holder or the area in which a holder of a caterer's permit is operating while possessing an open container of alcohol.

HR 2891 was adopted by (Record 1551): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; 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(C); Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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; 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; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Alvarado; Driver; Farabee; Kuempel.

Absent — Burnam; Pierson; Vo.

STATEMENT OF VOTE

When Record No. 1551 was taken, my vote failed to register. I would have voted yes.

Pierson

HB 4498 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Hamilton submitted the following conference committee report on **HB 4498**:

Austin, Texas, May 27, 2009

The Honorable David Dewhurst
President of the Senate

The Honorable Joe Straus
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 4498** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Shapleigh
Patrick
Jackson
Nichols

Quintanilla
Thompson
Geren
Chisum
Hamilton

On the part of the senate

On the part of the house

HB 4498, A bill to be entitled An Act relating to the sale and consumption of alcoholic beverages.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 28, Alcoholic Beverage Code, is amended by adding Section 28.101 to read as follows:

Sec. 28.101. PUBLIC CONSUMPTION. (a) This section applies only to a mixed beverage permit holder whose premises are located in a municipality that:

- (1) has a population of less than 15,000;
- (2) is located in a county with a population of less than 65,000; and
- (3) contains a historic preservation district that borders a lake.

(b) Notwithstanding Section 28.10 or any other law, the holder of a mixed beverage permit whose permitted premises are located on property owned by a municipality that contains a municipally owned conference center and that borders a lake may permit a patron to leave the permitted premises, even though the patron possesses an alcoholic beverage, if:

(1) the beverage is in an open container and appears to be possessed for present consumption; and

(2) the public consumption of alcoholic beverages or possession of an open container of an alcoholic beverage is not prohibited on the municipally owned property where the permitted premises are located.

(c) This section does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle under Section 49.031, Penal Code.

SECTION 2. Chapter 31, Alcoholic Beverage Code, is amended by adding Section 31.06 to read as follows:

Sec. 31.06. PUBLIC CONSUMPTION. (a) This section applies only to the holder of a caterer's permit operating under the permit in an area in a municipality that:

- (1) has a population of less than 15,000;
- (2) is located in a county with a population of less than 65,000; and
- (3) contains a historic preservation district that borders a lake.

(b) Notwithstanding any other law, the holder of a caterer's permit operating under the permit in an area located on property owned by a municipality that contains a municipally owned conference center and that borders a lake may permit a patron to leave the area, even though the patron possesses an alcoholic beverage, if:

(1) the beverage is in an open container and appears to be possessed for present consumption; and

(2) the public consumption of alcoholic beverages or possession of an open container of an alcoholic beverage is not prohibited on the municipally owned property where the area is located.

(c) This section does not affect the prohibition against possessing an open container in a passenger area of a motor vehicle under Section 49.031, Penal Code.

SECTION 3. Section 501.035(c), Election Code, is amended to read as follows:

(c) In an area where the sale of any type or classification of [all] alcoholic beverages [including mixed beverages] has been legalized, the ballot for a prohibitory election shall be prepared to permit voting for or against the one of the following issues that applies:

(1) "The legal sale of beer for off-premise consumption only."

(2) "The legal sale of beer."

(3) "The legal sale of beer and wine for off-premise consumption only."

(4) "The legal sale of beer and wine."

(5) "The legal sale of all alcoholic beverages for off-premise consumption only."

(6) "The legal sale of all alcoholic beverages except mixed beverages."

(7) "The legal sale of all alcoholic beverages including mixed beverages."

(8) "The legal sale of mixed beverages."

(9) "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only."

(10) "The legal sale of wine on the premises of a holder of a winery permit."

SECTION 4. Sections 501.035(d), (e), and (f), Election Code, are repealed.

SECTION 5. This Act takes effect September 1, 2009.

Representative Hamilton moved to adopt the conference committee report on **HB 4498**.

The motion to adopt the conference committee report on **HB 4498** prevailed by (Record 1552): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; 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(C); Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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.

Present, not voting — Mr. Speaker.

Absent, Excused — Alvarado; Driver; Farabee; Kuempel.

HR 2880 - ADOPTED
(by Ortiz)

The following privileged resolution was laid before the house:

HR 2880

BE IT RESOLVED by the House of Representatives of the State of Texas, 81st Legislature, Regular Session, 2009, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1182** (public information and open government) to consider and take action on the following matter:

House Rule 13, Sections 9(a)(3) and (4), are suspended to permit the committee to add SECTIONS 4 and 13 to the bill:

SECTION 4. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.151 to read as follows:

Sec. 552.151. EXCEPTION: INFORMATION REGARDING SELECT AGENTS. (a) The following information that pertains to a biological agent or toxin identified or listed as a select agent under federal law, including under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Pub. L. No. 107-188) and regulations adopted under that Act, is excepted from the requirements of Section 552.021:

(1) the specific location of a select agent within an approved facility;
(2) personal identifying information of an individual whose name appears in documentation relating to the chain of custody of select agents, including a materials transfer agreement; and

(3) the identity of an individual authorized to possess, use, or access a select agent.

(b) This section does not except from disclosure the identity of the select agents present at a facility.

(c) This section does not except from disclosure the identity of an individual faculty member or employee whose name appears or will appear on published research.

(d) This section does not except from disclosure otherwise public information relating to contracts of a governmental body.

(e) If a resident of another state is present in Texas and is authorized to possess, use, or access a select agent in conducting research or other work at a Texas facility, information relating to the identity of that individual is subject to disclosure under this chapter only to the extent the information would be subject to disclosure under the laws of the state of which the person is a resident.

SECTION 13. Section 552.151, Government Code, as added by this Act, applies in relation to:

(1) a request for public information under Chapter 552, Government Code, made before, on, or after the effective date of this Act; and

(2) information that on the effective date of this Act has not yet been disclosed that:

(A) was the subject of a request for information made before the effective date of this Act; and

(B) the attorney general determined before the effective date of this Act to be subject to disclosure under Chapter 552, Government Code.

Explanation: This addition is necessary to amend the Texas public information law to track federal law by making information pertaining to certain biological agents and toxins confidential.

HR 2880 was adopted by (Record 1553): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; 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; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; 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.

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

Absent, Excused — Alvarado; Driver; Farabee; Kuempel.

Absent — Crownover; Phillips.

SB 1182 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Ortiz submitted the conference committee report on **SB 1182**.

Representative Ortiz moved to adopt the conference committee report on **SB 1182**.

The motion to adopt the conference committee report on **SB 1182** prevailed by (Record 1554): 139 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dunnam; Dutton; Eiland; Eissler; Elkins; England; 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; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; 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.

Nays — Edwards.

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

Absent, Excused — Alvarado; Driver; Farabee; Kuempel.

Absent — Callegari; Dukes; Hodge; Miller, S.

STATEMENT OF VOTE

I was shown voting no on Record No. 1554. I intended to vote yes.

Edwards

RULES SUSPENDED

Representative Gattis moved to suspend Rule 6, Section 16(c) of the House Rules to consider items eligible on calendar three at this time.

The motion prevailed.

SB 1970 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative T. Smith, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1970**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1970**: T. Smith, chair; Hilderbran, Anchia, Heflin, and Bohac.

**SB 2080 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative McClendon, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2080**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2080**: McClendon, chair; Coleman, Gattis, Kolkhorst, and J. Davis.

**HR 2876 - ADOPTED
(by Isett)**

Representative Isett moved to suspend all necessary rules to take up and consider at this time **HR 2876**.

The motion prevailed.

The following resolution was laid before the house:

HR 2876, Congratulating Iylana Nassiri of Texas Tech University in Lubbock on winning the 2009 Texas Hospitality Association poster contest in the university and college student division.

HR 2876 was adopted.

HOUSE AT EASE

At 5:35 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 6:32 p.m.

RULES SUSPENDED

Representative Gattis moved to suspend Rule 6, Section 16(c) of the House Rules to consider items eligible on calendar four at this time.

The motion prevailed.

**SB 2096 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative McClendon, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2096**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2096**: McClendon, chair; Leibowitz, Martinez Fischer, Gutierrez, and Farias.

**SB 636 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Rose, the house granted the request of the senate for the appointment of a Conference Committee on **SB 636**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 636**: Rose, chair; Thompson, Hartnett, Lucio, and Strama.

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, Senate List No. 46).

**SB 1833 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Madden, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1833**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1833**: W. Smith, chair; Taylor, Dutton, Callegari, and Harless.

RESOLUTIONS 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.)

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. 8).

RULES SUSPENDED

Representative Gattis moved to suspend Rule 6, Section 16(c) of the House Rules to consider items eligible on calendar five at this time.

The motion prevailed.

**SB 1742 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hughes, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1742**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1742**: Paxton, chair; Laubenberg, Madden, McCall, and Parker.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Corte requested permission for the Conference Committee on **SB 2440** to meet while the house is in session, at 7:25 p.m. today, in 1W.14, the Agriculture Museum, to consider the conference committee report.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Conference Committee on **SB 2440**, 7:25 p.m. today, 1W.14, the Agriculture Museum, for a work session, to consider the conference committee report.

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. 9).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Corte requested permission for the Conference Committee on **HJR 14** to meet while the house is in session, at 8 p.m. today, in SHB 380.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Conference Committee on **HJR 14**, 8 p.m. today, SHB 380, for a work session, to consider the conference committee report.

SCR 59 - NOTICE OF MOTION TO SUSPEND RULES

Pursuant to the provisions of Rule 14, Section 4 of the House Rules, at 7:45 p.m., the chair announced that Representative Taylor would, in at least one hour, be recognized for the purpose of suspending all necessary rules to take up **SCR 59**.

RULES SUSPENDED

Representative Gattis moved to suspend Rule 6, Section 16(c) of the House Rules to consider items eligible on calendar six at this time.

The motion prevailed.

SB 2442 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Gallego, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2442**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2442**: Gallego, chair; Naishtat, Farabee, Moody, and Miklos.

HOUSE AT EASE

At 8:16 p.m., the chair announced that the house would stand at ease.

(Speaker pro tempore in the chair)

The chair called the house to order at 9:41 p.m.

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. 10).

ADJOURNMENT

Representative Gattis moved that the house adjourn until 1 p.m. tomorrow.

The motion prevailed.

The house accordingly, at 9:43 p.m., adjourned until 1 p.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

HCR 275 (By Homer), In memory of Albert A. "Tootie" Anderson of Roxton.

To Rules and Resolutions.

HCR 276 (By Homer), In memory of LuLane Caraway of Paris, Texas.

To Rules and Resolutions.

HCR 277 (By Homer), In memory of Helen Louise Whitney of Paris, Texas.

To Rules and Resolutions.

HCR 278 (By Homer), In memory of Mary Ellen Border Tubbs McDowell.

To Rules and Resolutions.

HCR 279 (By W. Smith), Honoring Gary K. Trietsch of Houston for his more than 40 years of exemplary service with the Texas Department of Transportation.

To Rules and Resolutions.

HR 2534 (By Craddick), Congratulating Joe and Ora Williams of Midland on their 56th wedding anniversary.

To Rules and Resolutions.

HR 2885 (By S. King), In memory of Nancy Jane Still of Abilene.

To Rules and Resolutions.

HR 2886 (By Maldonado), Honoring the staff of the housekeeping/grounds and maintenance divisions of the State Preservation Board for their role in preserving the Texas State Capitol.

To Rules and Resolutions.

HR 2887 (By Rios Ybarra), Honoring Jo Ann Evans for her service to the South Padre Island Board of Aldermen.

To Rules and Resolutions.

HR 2889 (By Farabee), In memory of philanthropist Elizabeth Perkins Prothro of Wichita Falls.

To Rules and Resolutions.

HR 2890 (By Peña), Honoring Valley EMS, Inc., of Edinburg in conjunction with Texas First Responders Day on September 11, 2009.

To Rules and Resolutions.

HR 2892 (By Marquez), Commending Ben Kruger-Robbins of Austin for his service as a legislative assistant in the office of State Representative Marisa Marquez.

To Rules and Resolutions.

HR 2893 (By Veasey), Honoring Franchesca Cain of Meadowbrook Elementary School in Fort Worth on being chosen to participate in the 2009 Raise Your Hand Texas Leadership Program.

To Rules and Resolutions.

HR 2894 (By Alonzo), Recognizing the importance of continuing support for the Texas Guaranteed Student Loan Corporation and directing TG to seek out opportunities to maintain its role in administering the Federal Family Education Loan Program or other federal student loan programs.

To Higher Education.

HR 2895 (By Alonzo), Commending Clarissa Ramon for her service as an intern in the office of Representative Roberto Alonzo.

To Rules and Resolutions.

HR 2896 (By Alonzo), Honoring Madeline Dunn for her service as an intern in the office of Representative Roberto Alonzo.

To Rules and Resolutions.

HR 2897 (By Alonzo), Commending Daniela Santoni for her service as an intern in the office of State Representative Roberto Alonzo.

To Rules and Resolutions.

HR 2899 (By Quintanilla), Honoring the participants in the Speak Up! Speak Out! program at Horizon High School in El Paso.

To Rules and Resolutions.

HR 2901 (By Riddle), Congratulating Lance Edison Lee of Houston on becoming an Eagle Scout.

To Rules and Resolutions.

HR 2902 (By Kent), Honoring Stephen and Asher Yearout of Garland for saving the life of Aden Yearout.

To Rules and Resolutions.

HR 2903 (By Kent), Congratulating Catherine Huff on her graduation from Boerne-Samuel V. Champion High School.

To Rules and Resolutions.

HR 2904 (By Fletcher), Honoring Justin Silver on his service as an intern in the office of State Representative Allen Fletcher.

To Rules and Resolutions.

HR 2905 (By Fletcher), Honoring Cassie Suttle on her service as an intern in the office of State Representative Allen Fletcher during the 81st Texas Legislature.

To Rules and Resolutions.

HR 2906 (By Fletcher), Honoring Diane Paralapiano for her service as an intern in the office of State Representative Allen Fletcher during the 81st Texas Legislature.

To Rules and Resolutions.

HR 2907 (By Fletcher), Honoring Claire McLaughlin on her service as an intern in the office of State Representative Allen Fletcher during the 81st Texas Legislature.

To Rules and Resolutions.

HR 2908 (By Fletcher), Honoring Robin Rosenthal on her service as an intern in the office of State Representative Allen Fletcher during the 81st Texas Legislature.

To Rules and Resolutions.

HR 2909 (By Hughes), Congratulating Dr. Bob E. Riley on his retirement as president of East Texas Baptist University.

To Rules and Resolutions.

HR 2910 (By Gallego), Honoring Diane Lacy for her service as a Jeff Davis County commissioner.

To Rules and Resolutions.

HR 2912 (By Alonzo), Commending Brad Isbon for his service as an intern in the office of Representative Roberto Alonzo.

To Rules and Resolutions.

HR 2913 (By Dunnam), Commemorating the 2009 Davis Family Reunion.

To Rules and Resolutions.

HR 2914 (By Dunnam), Congratulating Miguel "Mike" Wise, Jr., on his graduation from The University of Texas at Austin.

To Rules and Resolutions.

HR 2915 (By W. Smith), In memory of Becky Adams Urban of Baytown.

To Rules and Resolutions.

HR 2916 (By W. Smith), In memory of Lisa Hood Urban of Baytown.

To Rules and Resolutions.

HR 2917 (By W. Smith), Honoring Gerhardt Schulle, Jr., on his legislative and business achievements.

To Rules and Resolutions.

HR 2918 (By Kent), Congratulating Dr. Michael W. Mansfield on his retirement from Baylor University.

To Rules and Resolutions.

HR 2919 (By Chavez), Congratulating John C. Padalino of El Paso on his appointment as a special assistant in the Rural Utilities Service of the United States Department of Agriculture.

To Rules and Resolutions.

HR 2920 (By Sheffield), Honoring Dr. J. James Rohack on his installation as president of the American Medical Association.

To Rules and Resolutions.

HR 2921 (By Hunter), Honoring County Judge C. H. "Burt" Mills, Jr., for his service to Aransas County.

To Rules and Resolutions.

HR 2923 (By Dutton), Commemorating the second annual Health Summit and Business Expo of the Houston Hispanic Chamber of Commerce.

To Rules and Resolutions.

SIGNED BY THE SPEAKER

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

House List No. 46

HB 58, HB 200, HB 319, HB 694, HB 773, HB 871, HB 1038, HB 1187, HB 1275, HB 1310, HB 1325, HB 1423, HB 1517, HB 1614, HB 1633, HB 1665, HB 1711, HB 1799, HB 1841, HB 1888, HB 1937, HB 1945, HB 1946, HB 2291, HB 2307, HB 2348, HB 2368, HB 2438, HB 2556, HB 2642, HB 2703, HB 2708, HB 2751, HB 2925, HB 2961, HB 3089, HB 3113, HB 3226, HB 3330, HB 3352, HB 3353, HB 3417, HB 3438, HB 3547, HB 3654, HB 3854, HB 3861, HB 3866, HB 4412, HB 4471, HB 4501, HB 4529, HB 4704, HB 4742, HB 4745, HB 4775, HB 4785, HB 4795, HB 4800, HB 4818, HB 4829, HCR 22, HCR 161, HCR 184, HCR 228, HCR 243, HCR 254, HJR 85, HJR 102, HJR 132

Senate List No. 46

SB 1

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
Saturday, May 30, 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 REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 313

Senate Conferees: Wentworth - Chair/Deuell/Hinojosa/Ogden/Zaffirini

SB 379

Senate Conferees: Carona - Chair/Huffman/Patrick, Dan/Shapleigh/Whitmire

SB 1263

Senate Conferees: Watson - Chair/Carona/Ellis/Shapleigh/Wentworth

SB 1449

Senate Conferees: West - Chair/Ellis/Eltife/Wentworth/Williams

SB 1645

Senate Conferees: Van de Putte - Chair/Duncan/Nelson/Nichols/Zaffirini

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 103

Senate Conferees: Patrick, Dan - Chair/Davis, Wendy/Deuell/Duncan/Ogden

HB 269

Senate Conferees: Van de Putte - Chair/Duncan/Ogden/Shapleigh/Zaffirini

HB 451

Senate Conferees: Lucio - Chair/Carona/Deuell/Shapiro/Van de Putte

HB 469

Senate Conferees: Seliger - Chair/Averitt/Fraser/Ogden/Shapleigh

HB 498

Senate Conferees: Ellis - Chair/Carona/Hegar/Huffman/Whitmire

HB 548

Senate Conferees: Carona - Chair/Davis, Wendy/Huffman/Nichols/Watson

HB 666

Senate Conferees: Uresti - Chair/Hinojosa/Seliger/Whitmire/Williams

HB 770

Senate Conferees: Jackson, Mike - Chair/Eltife/Huffman/Wentworth/Williams

HB 853

Senate Conferees: Uresti - Chair/Davis, Wendy/Hinojosa/Nelson/Whitmire

HB 882

Senate Conferees: Eltife - Chair/Deuell/Seliger/Van de Putte/Watson

HB 1161

Senate Conferees: Harris - Chair/Eltife/Lucio/Van de Putte/Watson

HB 1218

Senate Conferees: Watson - Chair/Averitt/Deuell/Nelson/Van de Putte

HB 1320

Senate Conferees: Ellis - Chair/Averitt/Carona/Hinojosa/Whitmire

HB 1796

Senate Conferees: Watson - Chair/Averitt/Davis, Wendy/Duncan/Eltife

HB 1914

Senate Conferees: Nichols - Chair/Patrick, Dan/Shapleigh/Whitmire/Williams

HB 1924

Senate Conferees: Seliger - Chair/Nelson/Nichols/Uresti/Van de Putte

HB 2003

Senate Conferees: Watson - Chair/Ellis/Seliger/Wentworth/Whitmire

HB 2093

Senate Conferees: Hegar - Chair/Patrick, Dan/Seliger/West/Whitmire

HB 2531

Senate Conferees: Shapiro - Chair/Davis, Wendy/Eltife/Harris/Van de Putte

HB 2571

Senate Conferees: Hinojosa - Chair/Carona/Nelson/Williams/Zaffirini

HB 2644

Senate Conferees: Deuell - Chair/Carona/Nelson/Nichols/Uresti

HB 2647

Senate Conferees: Deuell - Chair/Eltife/Gallegos/Nichols/West

HB 2649

Senate Conferees: Deuell - Chair/Jackson, Mike/Lucio/Watson/Wentworth

HB 2682

Senate Conferees: Wentworth - Chair/Carona/Davis, Wendy/Ellis/Watson

HB 2854

Senate Conferees: Deuell - Chair/Averitt/Ellis/Hinojosa/Wentworth

HB 2919

Senate Conferees: Fraser - Chair/Davis, Wendy/Uresti/Van de Putte/Wentworth

HB 3526

Senate Conferees: Averitt - Chair/Hegar/Hinojosa/Lucio/Seliger

HB 3676

Senate Conferees: Seliger - Chair/Eltife/Shapiro/Shapleigh/Watson

HB 4409

Senate Conferees: Jackson, Mike - Chair/Fraser/Huffman/Nichols/Van de Putte

HB 4817

Senate Conferees: Ogden - Chair/Nichols/Watson/West/Williams

HJR 14

Senate Conferees: Duncan - Chair/Estes/Hegar/Van de Putte/Whitmire

HJR 127

Senate Conferees: Carona - Chair/Averitt/Deuell/Jackson, Mike/Watson

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2**MESSAGE FROM THE SENATE
SENATE CHAMBER**

Austin, Texas
Saturday, May 30, 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 REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 2274

Senate Conferees: Seliger - Chair/Ogden/Shapiro/Watson/Whitmire

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 756

Senate Conferees: Ellis - Chair/Deuell/Duncan/Wentworth/Zaffirini

HB 2347

Senate Conferees: Whitmire - Chair/Duncan/Gallegos/Ogden/Zaffirini

HB 2521

Senate Conferees: West - Chair/Deuell/Eltife/Harris/Watson

HB 3065

Senate Conferees: Ellis - Chair/Averitt/Carona/Wentworth/West

HB 3309

Senate Conferees: Ogden - Chair/Estes/Fraser/Lucio/Williams

HB 3389

Senate Conferees: Deuell - Chair/Carona/Hegar/West/Whitmire

HB 3452

Senate Conferees: Ogden - Chair/Davis, Wendy/Estes/Huffman/Van de Putte

HB 3461

Senate Conferees: Watson - Chair/Averitt/Carona/Ogden/Seliger

HB 3632

Senate Conferees: Averitt - Chair/Duncan/Eltife/Hegar/Uresti

HB 3646

Senate Conferees: Shapiro - Chair/Duncan/Ogden/Patrick, Dan/Van de Putte

HB 3653

Senate Conferees: Davis, Wendy - Chair/Carona/Seliger/Whitmire/Zaffirini

HB 3864

Senate Conferees: Seliger - Chair/Deuell/Eltife/Hinojosa/Shapleigh

HB 4009

Senate Conferees: Van de Putte - Chair/Hinojosa/Ogden/Whitmire/Williams

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Saturday, May 30, 2009 - 3

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 REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 1970

Senate Conferees: Duncan - Chair/Estes/Hinojosa/Van de Putte/Williams

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 459

Senate Conferees: Zaffirini - Chair/Carona/Ellis/Eltife/Hinojosa

HB 537

Senate Conferees: Eltife - Chair/Deuell/Huffman/Shapleigh/Watson

HB 715

Senate Conferees: Estes - Chair/Averitt/Carona/Shapleigh/West

HB 1506

Senate Conferees: Hinojosa - Chair/Averitt/Seliger/West/Whitmire

HB 1795

Senate Conferees: Uresti - Chair/Averitt/Huffman/Williams/Zaffirini

HB 1801

Senate Conferees: Shapiro - Chair/Duncan/Hinojosa/Seliger/Williams

HB 1959

Senate Conferees: Hegar - Chair/Averitt/Estes/Hinojosa/Huffman

HB 2153

Senate Conferees: Shapiro - Chair/Davis, Wendy/Duncan/Ellis/Hinojosa

HB 2163

Senate Conferees: Uresti - Chair/Deuell/Nelson/West/Zaffirini

HB 2774

Senate Conferees: Wentworth - Chair/Duncan/Eltife/Van de Putte/Watson

HB 2917

Senate Conferees: Shapiro - Chair/Carona/Fraser/Huffman/Nelson

HB 3220

Senate Conferees: Patrick, Dan - Chair/Lucio/Shapiro/Van de Putte/Williams

HB 3221

Senate Conferees: Van de Putte - Chair/Averitt/Harris/Hegar/Watson

HB 3872

Senate Conferees: Estes - Chair/Jackson, Mike/Lucio/Patrick, Dan/Van de Putte

HB 4583

Senate Conferees: Ogden - Chair/Duncan/Eltife/Hinojosa/Whitmire

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 4**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Saturday, May 30, 2009 - 4

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 GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 51

Senate Conferees: Zaffirini - Chair/Duncan/Van de Putte/Watson/Williams

HB 431

Senate Conferees: Hinojosa - Chair/Averitt/Nelson/Whitmire/Williams

HB 432

Senate Conferees: Estes - Chair/Averitt/Van de Putte/Watson/Williams

HB 1041

Senate Conferees: West - Chair/Averitt/Nelson/Shapiro/Uresti

HB 1935

Senate Conferees: Duncan - Chair/Averitt/Ellis/Shapiro/Zaffirini

HB 2000

Senate Conferees: Van de Putte - Chair/Deuell/Duncan/Watson/Zaffirini

HB 2169

Senate Conferees: Hinojosa - Chair/Eltife/Shapiro/Watson/Williams

HB 2240

Senate Conferees: Nelson - Chair/Patrick, Dan/Seliger/Shapiro/Whitmire

HB 2730

Senate Conferees: Hinojosa - Chair/Carona/Hegar/Nelson/Whitmire

HB 2752

Senate Conferees: Averitt - Chair/Ellis/Estes/Van de Putte/Williams

HB 2833

Senate Conferees: Shapleigh - Chair/Averitt/Gallegos/Huffman/Nichols

HB 3335

Senate Conferees: Averitt - Chair/Deuell/Duncan/Uresti/Williams

HB 3454

Senate Conferees: Williams - Chair/Deuell/Ellis/Eltife/Uresti

HB 3479

Senate Conferees: Uresti - Chair/Patrick, Dan/Shapleigh/Wentworth/West

HB 3689

Senate Conferees: Hinojosa - Chair/Hegar/Ogden/West/Whitmire

HB 3737

Senate Conferees: Davis, Wendy - Chair/Carona/Eltife/Nelson/Uresti

HB 3827

Senate Conferees: Deuell - Chair/Averitt/Estes/Hegar/Williams

HB 3876

Senate Conferees: Harris - Chair/Eltife/Hinojosa/Watson/Wentworth

HB 4275

Senate Conferees: West - Chair/Nichols/Shapleigh/Whitmire/Williams

HB 4424

Senate Conferees: Gallegos - Chair/Harris/Hinojosa/Uresti/Wentworth

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Saturday, May 30, 2009 - 5

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 GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 764

Senate Conferees: Wentworth - Chair/Harris/Hinojosa/Watson/Williams

HB 1357

Senate Conferees: Deuell - Chair/Patrick, Dan/Uresti/Van de Putte/Williams

HB 2555

Senate Conferees: Ogden - Chair/Deuell/Harris/Wentworth/Zaffirini

HB 2582

Senate Conferees: Hegar - Chair/Averitt/Eltife/Hinojosa/Patrick, Dan

HB 3076

Senate Conferees: West - Chair/Averitt/Patrick, Dan/Shapiro/Watson

HB 3287

Senate Conferees: Ogden - Chair/Eltife/Nichols/West/Williams

HB 3612

Senate Conferees: Williams - Chair/Carona/Hinojosa/Patrick, Dan/West

HB 3768

Senate Conferees: Wentworth - Chair/Averitt/Eltife/Watson/Whitmire

HB 3907

Senate Conferees: Whitmire - Chair/Hegar/Hinojosa/Seliger/Zaffirini

HB 4244

Senate Conferees: Zaffirini - Chair/Averitt/Seliger/Shapleigh/Uresti

HB 4833

Senate Conferees: Wentworth - Chair/Duncan/Ellis/Harris/Hinojosa

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 6**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Saturday, May 30, 2009 - 6

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 REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 2080

Senate Conferees: Uresti - Chair/Averitt/Huffman/West/Williams

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 635

Senate Conferees: Zaffirini - Chair/Averitt/Lucio/Ogden/Van de Putte

HB 1030

Senate Conferees: Ellis - Chair/Nichols/Patrick, Dan/Shapleigh/Wentworth

HB 2086

Senate Conferees: Whitmire - Chair/Carona/Ellis/Ogden/Seliger

HB 3621

Senate Conferees: Carona - Chair/Averitt/Davis, Wendy/Watson/Wentworth

HB 3751

Senate Conferees: Shapiro - Chair/Averitt/Hinojosa/Ogden/Patrick, Dan

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 7

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Saturday, May 30, 2009 - 7

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 CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 44 (31 Yeas, 0 Nays)

SB 175 (27 Yeas, 4 Nays)

SB 194 (31 Yeas, 0 Nays)

SB 292 (31 Yeas, 0 Nays)

SB 300 (31 Yeas, 0 Nays)

SB 361 (31 Yeas, 0 Nays)

SB 683 (31 Yeas, 0 Nays)

SB 939 (31 Yeas, 0 Nays)

SB 1247 (31 Yeas, 0 Nays)

SB 1492 (31 Yeas, 0 Nays)

SB 1629 (31 Yeas, 0 Nays)

SB 2033 (31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 636

Senate Conferees: Seliger - Chair/Deuell/Eltife/West/Williams

SB 1833

Senate Conferees: Patrick, Dan - Chair/Eltife/Harris/Ogden/Williams

SB 2096

Senate Conferees: Wentworth - Chair/Carona/Davis, Wendy/Nichols/Watson

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 148

Senate Conferees: Wentworth - Chair/Duncan/Harris/Hinojosa/Watson

HB 171

Senate Conferees: Gallegos - Chair/Ogden/Shapiro/Watson/Zaffirini

HB 963

Senate Conferees: Whitmire - Chair/Carona/Fraser/Jackson, Mike/Van de Putte

HB 1322

Senate Conferees: Watson - Chair/Davis, Wendy/Ogden/Shapiro/Van de Putte

HB 1831

Senate Conferees: Carona - Chair/Ellis/Nichols/Whitmire/Williams

HB 2139

Senate Conferees: Hinojosa - Chair/Ellis/Huffman/Seliger/Whitmire

HB 2908

Senate Conferees: Wentworth - Chair/Eltife/Watson/Whitmire/Williams

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 8

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Saturday, May 30, 2009 - 8

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 CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 771 (31 Yeas, 0 Nays)

SB 870 (31 Yeas, 0 Nays)

SB 978 (29 Yeas, 2 Nays)

SB 1199 (31 Yeas, 0 Nays)

SB 1304 (31 Yeas, 0 Nays)

SB 1343 (31 Yeas, 0 Nays)

SB 1369 (31 Yeas, 0 Nays)

SB 1440 (31 Yeas, 0 Nays)

SB 1458 (31 Yeas, 0 Nays)

SB 1693 (31 Yeas, 0 Nays)

SB 1735 (31 Yeas, 0 Nays)

SB 2064 (31 Yeas, 0 Nays)

SB 2253 (31 Yeas, 0 Nays)

SB 2324 (31 Yeas, 0 Nays)

SB 2543 (31 Yeas, 0 Nays)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1343

Senate Conferees: Van de Putte - Chair/Hinojosa/Patrick, Dan/Shapiro/Uresti

HB 2012

Senate Conferees: Carona - Chair/Deuell/Watson/Whitmire/Williams

HB 2553

Senate Conferees: Davis, Wendy - Chair/Carona/Ogden/Watson/Williams

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 9

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Saturday, May 30, 2009 - 9

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 REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 2442

Senate Conferees: Uresti - Chair/Ogden/Shapiro/Williams/Zaffirini

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 10

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Saturday, May 30, 2009 - 10

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 181 Miller, Sid SPONSOR: Averitt
Designating the section of the Brazos River Basin and its contributing watershed in Somervell County as the Scenic Riverway of Somervell County.

HCR 252 Thompson SPONSOR: Averitt
Requesting the governor to appoint a Governor's Task Force on Horse and Greyhound Racing.

HCR 258 Vo SPONSOR: Hinojosa
Urging the University of Houston and other institutions of higher education to cease displaying the flag of the Socialist Republic of Vietnam and to replace it with the Freedom and Heritage Flag.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO
THE FOLLOWING MEASURES:

SB 704	(30 Yeas, 1 Nay)
SB 958	(31 Yeas, 0 Nays)
SB 1003	(31 Yeas, 0 Nays)
SB 1143	(31 Yeas, 0 Nays)
SB 1145	(31 Yeas, 0 Nays)
SB 1317	(23 Yeas, 8 Nays)
SB 1616	(31 Yeas, 0 Nays)
SB 1764	(31 Yeas, 0 Nays)
SB 1844	(31 Yeas, 0 Nays)
SB 1896	(31 Yeas, 0 Nays)
SB 2047	(31 Yeas, 0 Nays)
SB 2453	(31 Yeas, 0 Nays)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE
APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING
MEASURES:

HB 3224

Senate Conferees: Whitmire - Chair/Hegar/Seliger/Van de Putte/Williams

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE
COMMITTEE REPORTS:

HB 2030	(31 Yeas, 0 Nays)
HB 2196	(31 Yeas, 0 Nays)
HB 2626	(31 Yeas, 0 Nays)
SB 58	(31 Yeas, 0 Nays)
SB 482	(31 Yeas, 0 Nays)
SB 562	(31 Yeas, 0 Nays)
SB 727	(31 Yeas, 0 Nays)
SB 1152	(31 Yeas, 0 Nays)
SB 1206	(31 Yeas, 0 Nays)
SB 2298	(31 Yeas, 0 Nays)
SB 2306	(31 Yeas, 0 Nays)
SB 2423	(31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENROLLED

May 29 - HB 118, HB 144, HB 176, HB 221, HB 233, HB 400, HB 434, HB 534, HB 585, HB 610, HB 646, HB 732, HB 765, HB 780, HB 781, HB 796, HB 821, HB 874, HB 878, HB 960, HB 965, HB 1003, HB 1056, HB 1063, HB 1083, HB 1145, HB 1146, HB 1177, HB 1193, HB 1230, HB 1233, HB 1256, HB 1265, HB 1286, HB 1295, HB 1321, HB 1360, HB 1372, HB 1448, HB 1457, HB 1460, HB 1461, HB 1470, HB 1473, HB 1474, HB 1518, HB 1551, HB 1600, HB 1686, HB 1688, HB 1691, HB 1730, HB 1739, HB 1750, HB 1757, HB 1783, HB 1843, HB 1850, HB 1884, HB 1925, HB 1960, HB 1972, HB 1973, HB 1995, HB 2002, HB 2022, HB 2031, HB 2035, HB 2052, HB 2082, HB 2102, HB 2168, HB 2228, HB 2232, HB 2236, HB 2237, HB 2242, HB 2276, HB 2385, HB 2435, HB 2449, HB 2456, HB 2465, HB 2502, HB 2846, HB 2847, HB 2916, HB 3001, HB 3003, HB 3069, HB 3070, HB 3075, HB 3080, HB 3098, HB 3112, HB 3128, HB 3136, HB 3140, HB 3147, HB 3206, HB 3316, HB 3450, HB 3464, HB 3468, HB 3496, HB 3593, HB 3597, HB 3599, HB 3601, HB 3602, HB 3623, HB 3638, HB 3649, HB 3666, HB 3671, HB 3767, HB 3802, HB 3829, HB 3844, HB 3857, HB 3918,

HB 3945, HB 4002, HB 4136, HB 4257, HB 4281, HB 4343, HB 4353, HB 4359, HB 4360, HB 4376, HB 4402, HB 4685, HB 4698, HB 4710, HB 4712, HB 4713, HB 4719, HB 4790, HB 4793, HB 4798

SENT TO THE GOVERNOR

May 29 - HB 101, HB 108, HB 389, HB 453, HB 527, HB 533, HB 583, HB 586, HB 598, HB 978, HB 1055, HB 1326, HB 1596, HB 1597, HB 1598, HB 1599, HB 1601, HB 1664, HB 2128, HB 2142, HB 2181, HB 2208, HB 2547, HB 2585, HB 2664, HB 2690, HB 2692, HB 2728, HB 2748, HB 2799, HB 2804, HB 2806, HB 2813, HB 2814, HB 2820, HB 2906, HB 2994, HB 3005, HB 3385, HB 3611, HB 3625, HB 3922, HB 4007, HB 4064, HB 4068, HB 4103, HB 4464, HB 4465, HB 4492, HB 4493, HB 4519, HB 4560, HB 4594, HB 4607, HB 4611, HB 4700, HB 4723, HB 4737, HB 4741, HB 4748, HB 4750, HB 4752, HB 4754, HB 4771, HB 4772, HB 4777, HB 4803, HB 4811, HB 4815, HCR 5, HCR 16, HCR 53, HCR 71, HCR 79, HCR 81, HCR 119, HCR 120, HCR 182

SIGNED BY THE GOVERNOR

May 29 - HB 1793, HB 1965, HB 4114

RETURNED TO THE SENATE

May 29 - Pursuant to Rule 13, Section 5A of the House Rules, 81st Legislature, the house returned **HB 3552** and **HB 4067** to the senate for further consideration due to nongermane amendments.