

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, FIRST CALLED SESSION

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## PROCEEDINGS

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FIRST DAY — WEDNESDAY, JULY 1, 2009

In obedience of the proclamation of His Excellency, Rick Perry, governor of the State of Texas, convening the Eighty-First Legislature, First Called Session, to meet in special session at Austin, Texas, the seat of government, on this the first day of July 2009, the members of the house of representatives assembled in the hall of the house of representatives, and at 10 a.m. the house was called to order by the Honorable Joe Straus, speaker.

The roll of the house was called and a quorum was announced present (Record 1).

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

Absent, Excused — Smithee.

Absent — Corte, F.

The invocation was offered by Reverend Peter Haas, associate pastor for community, Westlake Hills Presbyterian Church, Austin.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Strama who presented Dr. Larry Kravitz of Austin as the "Doctor for the Day."

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

### **LEAVE OF ABSENCE GRANTED**

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

Smithee on motion of Solomons.

### **PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS**

The chair laid before the house and had read the following proclamation by the governor:

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the legislature adjourned the 81st Regular Legislative Session without enacting sunset legislation for several state agencies that were subject to sunset review by the 81st Legislature; and

WHEREAS, without legislative action, the state's Sunset Act, Chapter 325, Government Code, in conjunction with statutory law applicable to those agencies, abolishes the agencies on September 1, 2009, and requires each of the agencies to begin on that date a wind-down process that will culminate in the termination and cessation of all activities of each agency on September 1, 2010; and

WHEREAS, the Sunset Advisory Commission, in its report presented to the legislature and the governor at the 81st Regular Legislative Session, recommended that the agencies be continued in existence; and

WHEREAS, the continuation of the existence of the agencies is crucial for the operation of state governmental activities; and

WHEREAS, passage of enabling legislation to implement the authority granted in Article III, Section 49-p of the Texas Constitution to issue general obligation bonds for highway improvement projects is necessary to assist in providing adequate financing for future transportation infrastructure; and

WHEREAS, the general statutory authority to enter into comprehensive development agreements expires in August 2009, and, with limited means of funding transportation projects, comprehensive development agreements are a necessary tool for providing financing for future transportation infrastructure; and

WHEREAS, the people have placed the constitutional power to call and convene the legislature into special session in the hands of the chief executive officer of the state;

NOW, THEREFORE, I, RICK PERRY, GOVERNOR OF THE STATE OF TEXAS, by the authority vested in me by Article IV, Section 8 of the Texas Constitution, do hereby call an extraordinary session of the 81st Legislature, to be convened in the city of Austin, commencing at 10 a.m. on Wednesday, the first day of July 2009, for the following purposes:

To consider legislation that provides for extending the existence of several state agencies that were subject to sunset review by the 81st Legislature and will be abolished without legislative action under the state's Sunset Act, that changes the review schedule for certain state agencies to balance the workload of the Sunset Advisory Commission.

To consider legislation relating to the issuance by the Texas Transportation Commission, pursuant to Article III, Section 49-p of the Texas Constitution, of general obligation bonds for highway improvement projects, and to the creation, administration, financing, and use of a Texas Transportation Revolving Fund to provide financial assistance for transportation projects.

To consider legislation relating to the date on which the authority of the Texas Department of Transportation and a regional mobility authority to enter into a comprehensive development agreement expires.

The secretary of state will take notice of this action and will notify the members of the legislature of my action.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of the State to be affixed at my office in the city of Austin, Texas, this the 25th day of June 2009.

Rick Perry  
Governor of Texas

(SEAL)  
Coby Shorter III  
Deputy Secretary of State

#### **LEAVES OF ABSENCE GRANTED**

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

Castro on motion of Farias.

Vaught on motion of Martinez.

#### **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**STATEMENT BY THE SPEAKER**

The speaker announced, in accordance with Article XVI, Section 72 of the Texas Constitution, a selection of temporary acting representative was in order and must be approved by the house by resolution.

**HR 18 - ADOPTED  
(by Chisum)**

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HR 18**.

The motion prevailed.

The following resolution was laid before the house:

**HR 18**

WHEREAS, The Honorable Frank Corte, Jr., duly elected to serve as state representative for House District 122 for the 81st Texas Legislature, is serving on active duty in the armed forces of the United States as a colonel in the United States Marine Corps stationed in Okinawa and, under the terms of his activation, will be on active duty for longer than 30 days; and

WHEREAS, Representative Frank Corte, Jr., has taken the oath of office from an officer authorized by Texas law to give the oath and has begun serving his term as a member of the House of Representatives of the 81st Texas Legislature; and

WHEREAS, Pursuant to Section 72, Article XVI, Texas Constitution, Representative Frank Corte, Jr., has selected Valerie Ryder Corte to serve as temporary acting representative for House District 122; now, therefore, be it

RESOLVED, That the House of Representatives of the 81st Texas Legislature, First Called Session, hereby approve Representative Frank Corte, Jr.'s selection of Valerie Ryder Corte to serve as temporary acting representative for House District 122 for the shorter period of:

(1) the term of Representative Frank Corte, Jr.'s active military service;  
or

(2) the term of office to which Representative Frank Corte, Jr., was elected; and, be it further

RESOLVED, That Temporary Acting Representative Valerie Ryder Corte has all the powers, privileges, and duties of the office and is entitled to the same compensation, payable in the same manner and from the same source, as Representative Frank Corte, Jr., the member of the house whom Temporary Acting Representative Valerie Ryder Corte is temporarily replacing.

**HR 18** was read and was adopted by (Record 2): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias;

Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro; Smithee; Vaught.

Absent — Corte, F.; Peña.

### OATH OF OFFICE ADMINISTERED

Valerie Ryder Corte took the constitutional oath of office as temporary acting state representative, which was administered by Speaker Straus, as follows:

"I, Valerie Ryder Corte, as a duly selected temporary acting representative, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of State Representative, District 122, of the State of Texas, and will to the best of my ability preserve, protect, and defend the constitution and laws of the United States and of this state. So help me God."

### HR 15 - ADOPTED

(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 15**.

The motion prevailed.

The following resolution was laid before the house:

**HR 15**, Commemorating the 20th anniversary of the Texas Maritime Museum in Rockport.

**HR 15** was adopted.

### BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

**24-HOUR POSTING RULE SUSPENDED**

Representative Pickett moved to suspend the 24-hour posting rule and all necessary rules to allow the Committee on Transportation to consider **HB 3**.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Transportation, 11 a.m. today, E2.014, for a public hearing, to consider **HB 3**.

**24-HOUR POSTING RULE SUSPENDED**

Representative Pitts moved to suspend the 24-hour posting rule and all necessary rules to allow the Committee on Appropriations to consider **HB 1**.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Appropriations, 11 a.m. today, E1.030, for a public hearing, to consider **HB 1**.

**24-HOUR POSTING RULE SUSPENDED**

Representative Solomons moved to suspend the 24-hour posting rule and all necessary rules to allow the Committee on State Affairs to consider **HB 2**.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

State Affairs, 11 a.m. today, JHR 140, for a public hearing, to consider **HB 2**.

Calendars, 3:30 p.m. today, 2W.6, for a formal meeting, to consider the calendar.

**LEAVE OF ABSENCE GRANTED**

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

Zerwas on motion of Parker.

**INTRODUCTION OF GUEST**

The speaker recognized Representative Farrar who introduced her grandmother, Leonor Villanueva, on the occasion of her 90th birthday.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 3.)

**RECESS**

Representative Hamilton moved that the house recess until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 10:51 a.m., recessed until 10 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**HB 1** (By Pitts), Relating to certain sources of revenue for the funding of highways and transportation projects.

To Appropriations.

**HB 2** (By Isett), Relating to the governmental entities subject to the sunset review process.

To State Affairs.

**HB 3** (By Pickett), Relating to the design, development, financing, construction, and operation of certain toll projects; granting the authority to issue bonds.

To Transportation.

**List No. 2**

**HB 11** (By Coleman), Relating to the child health plan program.

To Human Services.

**HB 12** (By Frost), Relating to an employee's transportation and storage of certain firearms or ammunition while on certain property owned or controlled by the employee's employer.

To Public Safety.

**List No. 3**

**HB 4** (By Pickett), Relating to the authority of certain transportation entities to enter into a comprehensive development agreement.

To Transportation.

**HCR 1** (By Martinez Fischer), Honoring former state representative Paul C. Moreno for his public service and directing the Texas Facilities Commission to name the building that houses the State Office of Administrative Hearings in El Paso the Paul C. Moreno State Office Building.

To State Affairs.