

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTIETH DAY (CONTINUED) — TUESDAY, MARCH 31, 2009

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 73).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycok; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; 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.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent, Excused — Hernandez.

Absent — Hughes; Peña.

The invocation was offered by Ross D. Shelton, senior pastor, First Baptist Church, Woodville, as follows:

Dear Heavenly Father, I thank you for our great State of Texas. I thank you for those who have gone before us: the community leaders, the business men and women, the men and women who served in the military, the educators, the ministers, the farmers, the ranchers, and the everyday people who helped lay the foundation for our state.

I also thank you for the present. I thank you for the men and women here today and the service they give to our state. I thank you for our men and women in uniform from Texas and their defense of our freedom. I pray you will protect

them from the physical and emotional harm that can come from combat. I thank you for our small and large businesses and the jobs that they provide. I pray you will bless the work of our business leaders.

And, finally, I pray for our future. I pray for the school teachers who are educating our next generation, that you will guide them as they prepare the minds of our future leaders. I pray as well for the decisions made today that will impact the future. I pray you give every man and woman here the wisdom to know what is right and the courage to carry it out. I pray these petitions and words of thanks, with respect to every person and all beliefs present, in Jesus' name. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Smithee who presented Dr. Thomas Smith of Amarillo as the "Doctor for the Day."

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

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

LEAVE OF ABSENCE GRANTED

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

Hernandez on motion of Walle.

HR 806 - PREVIOUSLY ADOPTED (by D. Miller)

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

HR 806, In memory of Doyle Elmer Krueger of New Braunfels.

On motion of Representative Darby, the names of all the members of the house were added to **HR 806** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative D. Miller who introduced family members and friends of Doyle Elmer Krueger.

(S. Miller in the chair)

HR 1115 - ADOPTED (by Veasey)

Representative Veasey moved to suspend all necessary rules to take up and consider at this time **HR 1115**.

The motion prevailed.

The following resolution was laid before the house:

HR 1115, Recognizing March 31, 2009, as REALTOR Appreciation Day at the State Capitol.

HR 1115 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Veasey who introduced members of the Texas Association of REALTORS.

HR 568 - PREVIOUSLY ADOPTED (by Madden)

The chair laid out the following previously adopted resolution:

HR 568, Commending members of the McDermott Scholars Program of The University of Texas at Dallas and welcoming them to the State Capitol.

HR 809 - PREVIOUSLY ADOPTED (by Anchia)

The chair laid out the following previously adopted resolution:

HR 809, Congratulating the Honorable Eric V. Moyé of Dallas on his election as judge of the 14th Civil District Court.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 809** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Anchia who introduced the Honorable Eric V. Moyé and members of his family and friends.

(Speaker in the chair)

HR 844 - ADOPTED (by Olivo)

Representative Olivo moved to suspend all necessary rules to take up and consider at this time **HR 844**.

The motion prevailed.

The following resolution was laid before the house:

HR 844, Recognizing the Respect Life and Family Life ministries for their good works and accomplishments.

HR 844 was adopted.

On motion of Representative Alonzo, the names of all the members of the house were added to **HR 844** as signers thereof.

(Hughes now present)

(Gallego in the chair)

HR 1032 - ADOPTED
(by J. Davis, et al.)

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1032**.

The motion prevailed.

The following resolution was laid before the house:

HR 1032, Congratulating George and Laura Murphy of Salado on their 40th wedding anniversary.

HR 1032 was adopted.

On motion of Representative Sheffield, the names of all the members of the house were added to **HR 1032** as signers thereof.

RESOLUTIONS ADOPTED

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 540**, **HR 897**, **HR 1134**, **HR 1136**, and **HR 1137**.

The motion prevailed.

The following resolutions were laid before the house:

HR 540 (by Chavez), Honoring the life of Cesar Chavez on March 31, 2009, Cesar Chavez Day.

HR 897 (by Chavez), Recognizing March 31 to April 23, 2009, as Cesar Chavez Farmworker Appreciation Month.

HR 1134 (by Gallego), Recognizing March 31, 2009, as Hudspeth County Day at the State Capitol.

HR 1136 (by Gallego), Recognizing March 31, 2009, as Culberson County Day at the State Capitol.

HR 1137 (by Gallego), Recognizing March 31, 2009, as Loving County Day at the State Capitol.

The resolutions were adopted.

On motion of Representative Alonzo, the names of all the members of the house were added to **HR 1134**, **HR 1136**, and **HR 1137** as signers thereof.

HR 1118 - ADOPTED
(by Villarreal)

Representative Villarreal moved to suspend all necessary rules to take up and consider at this time **HR 1118**.

The motion prevailed.

The following resolution was laid before the house:

HR 1118, Commemorating the 25th anniversary of the publication of The House on Mango Street by Sandra Cisneros.

HR 1118 was adopted.

(Speaker pro tempore in the chair)

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
SECOND READING**

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

HB 78 was deferred until the end of today's local, consent, and resolutions calendar.

HB 551 (by Madden and Peña), A bill to be entitled An Act relating to the electronic transmission of a federal postcard application used for voting.

HB 753 (by Gonzalez Tourelles), A bill to be entitled An Act relating to the date for electing directors of the Goliad County Groundwater Conservation District.

HB 963 (by Guillen), A bill to be entitled An Act relating to a criminal history evaluation letter determining occupational license eligibility.

HB 1063 was withdrawn.

HB 1683 (by Cook), A bill to be entitled An Act relating to the election, and validation of acts, of members of the board of directors of Anderson County Underground Water Conservation District.

HB 1758 (by Thompson), A bill to be entitled An Act relating to the requirements for a plumber's apprentice to obtain a plumber's license.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hamilton, Representative Thompson offered the following committee amendment to **HB 1758**:

Amend **HB 1758** as follows:

On page 1, line 21 substitute "500" for "1,000".

Amendment No. 1 was adopted.

HB 1871 (by W. Smith), A bill to be entitled An Act relating to the use of Texas Department of Transportation facilities or property to serve a project aiding security in a ship channel security district.

HB 1963 (by Kuempel), A bill to be entitled An Act relating to eliminating the limitation on lottery advertising expenses based on the lottery prize payout percentage. (Harper-Brown, P. King, Leibowitz, Riddle, and Taylor recorded voting no.)

HB 1975 (by Hancock), A bill to be entitled An Act relating to refund of excess unearned premiums by insurance premium finance companies.

HB 2208 (by Gonzales), A bill to be entitled An Act relating to the calculation of current market value of certain water rights by the Rio Grande Regional Water Authority.

HB 2237 (by Hamilton), A bill to be entitled An Act relating to possession by certain alcoholic beverage permit holders of certain alcoholic beverages for cooking purposes.

CSHB 2275 (by Raymond, Guillen, Flynn, Shelton, and Martinez), A bill to be entitled An Act relating to creating a task force to develop uniform standards for subdivisions in the unincorporated areas of counties near the international border and in economically distressed counties.

HB 2433 (by W. Smith), A bill to be entitled An Act relating to the powers of certain freight rail districts.

(Peña now present)

HB 2434 (by W. Smith), A bill to be entitled An Act relating to the supervision by the Texas Department of Transportation of money appropriated by the federal government for the construction and maintenance of rail facilities.

HB 2560 (by Kuempel), A bill to be entitled An Act relating to delinquent payment of an alcoholic beverage retailer's account for liquor.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Thompson, Representative Kuempel offered the following committee amendment to **HB 2560**:

Amend **HB 2560** (Introduced version) on page 1, line 11, between "commission" and "is" by inserting "or whose permit has expired".

Amendment No. 1 was adopted.

HB 78 was withdrawn.

ADJOURNMENT

Representative Geren moved that the house adjourn until 11:35 a.m. today.

The motion prevailed.

The house accordingly, at 11:28 a.m., adjourned until 11:35 a.m. today.

ADDENDUM

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, March 31, 2009

The Honorable Speaker of the House

House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 261 Deuell

Relating to the taking of a specimen of the breath or blood of a person arrested for an intoxication offense under certain circumstances.

SB 538 Estes

Relating to the amount of wine certain wineries may sell directly to consumers.

SB 540 Estes

Relating to notice of an application for a permit to dispose of oil and gas waste in a disposal well.

SB 899 Deuell

Relating to the participation in state travel service contracts by certain local governmental entities.

Respectfully,

Patsy Spaw

Secretary of the Senate

