

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-FIFTH DAY — TUESDAY, APRIL 7, 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 115).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; 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; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; 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; 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.

Absent — Branch; Christian; Hamilton; Hernandez; Howard, C.; Menendez; Zerwas.

The invocation was offered by Reverend Charles Schneider, pastor, Sagemont Church, Houston, as follows:

Dear Heavenly Father, we are grateful to you for "Texas our Texas," and we do collectively "all hail the mighty state" that you have entrusted to us. Lord, we do indeed believe that it is the "boldest and grandest, withstanding every test;" and that in fact as Texans, we acknowledge to you that we are "supremely blest."

Father, we pray for your continued blessings on this state that we so dearly love. And Father, I pray to you for wisdom for these representatives who have sacrificed to lead and govern our great state. Grace them, Heavenly Father, with insight as they protect "we the people." Guide them, Heavenly Father, as they protect "life, liberty, and the pursuit of happiness." Guard them as they carry the heavy load of leadership upon their shoulders, and grant them the ability to serve others as you modeled servanthood to us. Father, I pray that these elected

servants would always be mindful of the Psalmist who penned the words, "Unless the Lord builds the house; they labor in vain." (Psalms 127:1) It is you Lord God in whom we trust. In Jesus' name, I pray. Amen.

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

(Hamilton and Zerwas now present)

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).

CAPITOL PHYSICIAN

The speaker recognized Representative Truitt who presented Dr. Erica Swegler of Keller as the "Doctor for the Day."

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

(Parker in the chair)

LEAVE OF ABSENCE GRANTED

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

Branch on motion of Hamilton.

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. 15).

HCR 138 - ADOPTED

(by Gonzalez Toureilles)

Representative Gonzalez Toureilles moved to suspend all necessary rules to take up and consider at this time **HCR 138**.

The motion prevailed.

The following resolution was laid before the house:

HCR 138, In memory of Orange Grove educator Roxie M. Fine.

HCR 138 was unanimously adopted by a rising vote.

On motion of Representative Flynn, the names of all the members of the house were added to **HCR 138** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Gonzalez Toureilles who introduced family members of Roxie M. Fine.

HR 1195 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1195**.

The motion prevailed.

The following resolution was laid before the house:

HR 1195, In memory of Dr. William Gordon McGee of El Paso.

HR 1195 was unanimously adopted by a rising vote.

On motion of Representatives Quintanilla and Moody, the names of all the members of the house were added to **HR 1195** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Chavez who introduced family members of Dr. William Gordon McGee.

RESOLUTIONS ADOPTED

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 1119 - HR 1121**.

The motion prevailed.

The following resolutions were laid before the house:

HR 1119 (by Lewis), Honoring Dr. Sajjadul Islam on his 2009 induction into the Odessa Chamber of Commerce Hall of Fame.

HR 1120 (by Lewis), Honoring Harold Moore on his 2009 induction into the Odessa Chamber of Commerce Hall of Fame.

HR 1121 (by Lewis), Congratulating Sony Roethemeyer on her 2009 induction into the Odessa Chamber of Commerce Hall of Fame.

The resolutions were adopted.

(Speaker in the chair)

HR 1212 - ADOPTED
(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 1212**.

The motion prevailed.

The following resolution was laid before the house:

HR 1212, Commending students of the Texas Home School Coalition for completing the Good Citizen Pack.

HR 1212 was adopted.

(Menendez now present)

HCR 123 - ADOPTED
(by Straus and Homer)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 123**.

The motion prevailed.

The following resolution was laid before the house:

HCR 123, Honoring the recipients of the 2009 Texas Medal of Arts Awards.

HCR 123 was read and was adopted.

On motion of Representative Deshotel, the names of all the members of the house were added to **HCR 123** as signers thereof.

(C. Howard now present)

INTRODUCTION OF GUESTS

The speaker recognized Representatives Deshotel and Homer who introduced recipients of the 2009 Texas Medal of Arts Awards.

(Callegari in the chair)

HR 900 - ADOPTED
(by Maldonado)

Representative Maldonado moved to suspend all necessary rules to take up and consider at this time **HR 900**.

The motion prevailed.

The following resolution was laid before the house:

HR 900, Honoring Jeff Svoboda for being named Citizen of the Year by the Hutto Chamber of Commerce.

HR 900 was adopted.

HR 1191 - ADOPTED
(by Legler)

Representative Legler moved to suspend all necessary rules to take up and consider at this time **HR 1191**.

The motion prevailed.

The following resolution was laid before the house:

HR 1191, Honoring Melvin Elton Cowart on being named the 2008 Citizen of the Year by the Pasadena Chamber of Commerce.

HR 1191 was adopted.

On motion of Representative J. Davis, the names of all the members of the house were added to **HR 1191** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Gonzalez Toureilles who introduced representatives of Orange Grove High School Family, Career, and Community Leaders of America.

**HR 1169 - ADOPTED
(by Alonzo)**

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1169**.

The motion prevailed.

The following resolution was laid before the house:

HR 1169, Honoring Gordo's Restaurant in Dallas.

HR 1169 was adopted.

**HR 1203 - ADOPTED
(by Alonzo, Kent, and Y. Davis)**

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1203**.

The motion prevailed.

The following resolution was laid before the house:

HR 1203, Congratulating Edith O'Donnell of Dallas on being named the 2009 Texas Medal of Arts honoree for Individual Arts Patron by the Texas Cultural Trust.

HR 1203 was adopted.

**HR 1070 - ADOPTED
(by Creighton)**

Representative Creighton moved to suspend all necessary rules to take up and consider at this time **HR 1070**.

The motion prevailed.

The following resolution was laid before the house:

HR 1070, Recognizing April 7, 2009, as Montgomery County Day at the State Capitol.

HR 1070 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representatives Creighton and Eissler who introduced a delegation from Montgomery County.

(Speaker in the chair)

(Christian and Hernandez now present)

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

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

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

HB 1580 was passed by (Record 116): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, 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; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; 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(C).

Absent, Excused — Branch.

Absent — King, S.; Pierson; Pitts; Smith, W.

STATEMENT OF VOTE

When Record No. 116 was taken, my vote failed to register. I would have voted yes.

S. King

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

SB 769 ON THIRD READING
(Thompson - House Sponsor)

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

SB 769 was passed by (Record 117): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Absent, Excused — Branch.

Absent — King, S.; Pierson.

STATEMENTS OF VOTE

When Record No. 117 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 117 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 1404 ON THIRD READING
(by Miklos)

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

HB 1404 was passed by (Record 118): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; 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(C).

Absent, Excused — Branch.

Absent — Crownover; Pierson.

STATEMENT OF VOTE

When Record No. 118 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

HB 1484 ON THIRD READING
(by Pitts)

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

HB 1484 was passed by (Record 119): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch.

Absent — King, S.

STATEMENT OF VOTE

When Record No. 119 was taken, my vote failed to register. I would have voted yes.

S. King

HB 2058 ON THIRD READING

(by Gallego, Miklos, Hodge, Lucio, and Christian)

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

HB 2058 was passed by (Record 120): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch.

Absent — Kent.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 120. I intended to vote no.

Flynn

When Record No. 120 was taken, I was in the house but away from my desk. I would have voted yes.

Kent

HB 1918 ON THIRD READING

(by Darby, Chisum, Swinford, Keffer, Hardcastle, et al.)

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

HB 1918 was passed by (Record 121): 147 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch.

Absent — King, S.

STATEMENT OF VOTE

When Record No. 121 was taken, my vote failed to register. I would have voted yes.

S. King

HB 375 ON THIRD READING
(by S. Miller)

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

Amendment No. 1

Representative S. Miller offered the following amendment to **HB 375**:

Amend **HB 375** (house committee printing) on page 1, line 8, by striking "farm elk," and substituting "elk, elk hybrids,".

Amendment No. 1 was adopted.

HB 375, as amended, was passed by (Record 122): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Absent, Excused — Branch.

Absent — King, S.; Pickett.

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

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

HB 1819 was passed by (Record 123): 129 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Cohen; Coleman; Cook; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; 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, T.; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lucio; 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; Patrick; Paxton; Peña; Pickett; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Woolley; Zerwas.

Nays — Aycock; Berman; Chisum; Christian; Crabb; Craddick; Flynn; Hancock; Kleinschmidt; Lewis; Madden; Parker; Phillips; Sheffield; Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch.

Absent — Callegari; Eiland; King, S.; Pierson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 123. I intended to vote no.

Anderson

When Record No. 123 was taken, I was in the house but away from my desk. I would have voted no.

Callegari

When Record No. 123 was taken, I was in the house but away from my desk. I would have voted yes.

Eiland

I was shown voting yes on Record No. 123. I intended to vote no.

C. Howard

When Record No. 123 was taken, my vote failed to register. I would have voted yes.

S. King

I was shown voting yes on Record No. 123. I intended to vote no.

S. Miller

When Record No. 123 was taken, I was in the house but away from my desk. I would have voted yes.

Pierson

I was shown voting yes on Record No. 123. I intended to vote no.

Smithee

I was shown voting yes on Record No. 123. I intended to vote no.

Woolley

HB 1079 ON THIRD READING
(by Kolkhorst)

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

HB 1079 was passed by (Record 124): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; 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; 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, 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; 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(C).

Absent, Excused — Branch.

Absent — Harless; King, S.; Pierson; Woolley.

STATEMENTS OF VOTE

When Record No. 124 was taken, my vote failed to register. I would have voted yes.

S. King

When Record No. 124 was taken, my vote failed to register. I would have voted yes.

Pierson

When Record No. 124 was taken, I was in the house but away from my desk. I would have voted yes.

Woolley

POSTPONED BUSINESS

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

CSHB 38 ON SECOND READING

(by Corte, Guillen, Maldonado, Flores, Gattis, et al.)

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

CSHB 38 was read second time on March 25, postponed until April 6, and was again postponed until 10 a.m. today.

Representative Corte moved to postpone consideration of **CSHB 38** until the end of today's calendar.

The motion prevailed.

HB 1454 ON SECOND READING

(by Naishtat and Lucio)

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

HB 1454 was read second time on April 6 and was postponed until 10 a.m. today.

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

The motion prevailed.

CSHB 1672 ON SECOND READING

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

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

CSHB 1672 was read second time on April 2, postponed until April 6, and was again postponed until 10 a.m. today. Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representatives Laubenberg, Coleman, Taylor, and Zerwas offered the following amendment to **CSHB 1672**:

Amend **CSHB 1672** (House Committee Report) as follows:

(1) On page 1, strike lines 7 through 18, and substitute the following:

Sec. 33.0111. DISCLOSURE. (a) The department shall develop a disclosure statement that clearly discloses to the parent, managing conservator, or guardian of a newborn child subjected to screening tests under Section 33.011:

(1) that the department or a laboratory established or approved by the department under Section 33.016 may retain for use by the department or laboratory genetic material used to conduct the newborn screening tests and discloses how the material is managed; and

(2) that the parent, managing conservator, or guardian may limit the use of the genetic material by providing to the department in accordance with Section 33.0112 a written statement prohibiting the department or laboratory from retaining the genetic material.

(2) On page 1, between lines 18 and 19, insert the following:

(b) The disclosure statement required by Subsection (a) must be included on the form developed by the department to inform parents about newborn screening. The disclosure statement must:

(1) be on a separate sheet of the form; and

(2) be presented together with the written statement described by Subsection (a)(2) in a format that allows a parent, managing conservator, or guardian of a newborn child to either:

(A) sign, detach, and mail a portion of the form to the department to require the department or laboratory to destroy the genetic material on completion of the newborn screening tests; or

(B) check a box and sign next to the box on the form a statement indicating the parent, managing conservator, or guardian is requiring the department or laboratory to destroy the genetic material on completion of the newborn screening tests;

(3) include instructions on how to complete the portions of the form described by Subdivisions (2)(A) and (B);

(4) include the department's mailing address; and

(5) be made available to a parent, managing conservator, or guardian of a newborn child through alternative sources.

(3) On page 1, line 19, strike "(b)" and substitute "(c)".

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

(d) The department shall establish procedures for a physician attending a newborn child or the person attending the delivery of a newborn child to provide verification to the department that the physician or person has provided the parent, managing conservator, or guardian of the newborn child the disclosure required under this section.

(5) On page 2, line 4, between "department a" and "written", insert "signed".

(6) On page 2, line 7, after the period, insert the following:

A parent, managing conservator, or guardian may file the written statement on a form provided by the department.

(7) On page 4, between lines 11 and 12, insert the following:

SECTION 3. (a) The speaker of the house of representatives shall charge a committee of members selected by the speaker or a house standing committee to conduct an interim study on newborn screening in this state.

(b) The committee designated under Subsection (a) of this section shall:

(1) study the timeframe and procedures for the disclosure required by Chapter 33, Health and Safety Code, to the parent, managing conservator, or guardian of a newborn child;

(2) analyze whether procedures should be developed by the Department of State Health Services to provide confirmation to a parent, managing conservator, or guardian of a newborn child that a stored specimen has been destroyed as required by a written statement submitted by the parent, managing conservator, or guardian; and

(3) study standardization of the disclosure process for health care facilities in this state.

(c) Not later than December 15, 2010, the committee designated under Subsection (a) of this section, shall file a report on the results of the interim study conducted under this section with both houses of the legislature.

(8) On page 4, line 15, strike "may" and substitute "shall".

(9) Renumber remaining SECTIONS of the bill accordingly.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Coleman offered the following amendment to **CSHB 1672**:

Amend **CSHB 1672** (House Committee Report) by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 33, Health and Safety Code, is amended by adding Section 33.0021 to read as follows:

Sec. 33.0021. SICKLE CELL TRAIT. Notwithstanding any provision of this chapter, the department shall include sickle cell trait in the detection and treatment program established under this chapter, in the screening for heritable diseases conducted under Subchapter B, and the newborn screening services provided under Subchapter C.

SECTION _____. As soon as practicable after the effective date of this Act, the Department of State Health Services shall implement Section 33.0021, Health and Safety Code, as added by this Act.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Hartnett offered the following amendment to **CSHB 1672**:

Amend **CSHB 1672** (House Committee Report) on page 2, between lines 10 and 11, by inserting the following:

(c) An adult individual may file with the department a written statement instructing the department or a laboratory established or approved by the department to destroy any genetic material of the individual that is retained under this subchapter.

Amendment No. 4 was adopted.

CSHB 1672, as amended, was passed to engrossment. (Phillips recorded voting no.)

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 2064 ON SECOND READING
(by Smithee, Hardcastle, Eiland, Bohac, Alonzo, et al.)**

CSHB 2064, A bill to be entitled An Act relating to premium discounts for certain participants in the Texas Health Insurance Risk Pool and to related tax credits for health benefit plan issuers.

CSHB 2064 was passed to engrossment.

**CSHB 2030 ON SECOND READING
(by Zerwas)**

CSHB 2030, A bill to be entitled An Act relating to the Medicaid Drug Utilization Review Program and prescription drug use under the Medicaid program.

CSHB 2030 was passed to engrossment.

**HB 328 ON SECOND READING
(by Heflin)**

HB 328, A bill to be entitled An Act relating to abolishing the office of inspector of hides and animals.

HB 328 was passed to engrossment.

CSHB 1282 ON SECOND READING
(by McClendon, Riddle, Hodge, and Vo)

CSHB 1282, A bill to be entitled An Act relating to the penalty for theft of a driver's license, commercial driver's license, or personal identification certificate.

CSHB 1282 was passed to engrossment.

HB 2374 ON SECOND READING
(by Guillen, Lucio, Peña, and Martinez)

HB 2374, A bill to be entitled An Act relating to financing of water and wastewater connections and plumbing improvements in economically distressed areas.

Amendment No. 1

Representative Chisum offered the following amendment to **HB 2374**:

Amend **HB 2374** as follows:

- (1) On page 1, strike lines 19 and 20.
- (2) On page 1, line 21, strike "(4)" and substitute "(3)".
- (3) On page 1, line 23, strike "(5)" and substitute "(4)".
- (4) On page 1, line 24, strike "(6)" and substitute "(5)".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Berman offered the following amendment to **HB 2374**:

Amend **HB 2374**, on page 2, between lines 2 and 3, by inserting the following:

(c) A political subdivision may only use the money under Subsection (b) to provide financial assistance to a United States citizen.

Amendment No. 2 was adopted. (Alonzo recorded voting no.)

HB 2374, as amended, was passed to engrossment by (Record 125): 109 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Aycock; Berman; Bohac; Bolton; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Cohen; Coleman; Corte; Craddick; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hardcastle; Harless; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hunter; Isett; Jackson; Keffer; Kent; King, T.; Kleinschmidt; Kolkhorst; Leibowitz; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Ortiz; Patrick; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Thibaut; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Alonzo; Bonnen; Brown, B.; Chisum; Christian; Cook; Crabb; Creighton; Elkins; Fletcher; Flynn; Hancock; Harper-Brown; Hilderbran; Howard, C.; Hughes; Jones; King, P.; Kuempel; Laubenberg; Legler; Lewis; Miller, S.; Orr; Otto; Parker; Paxton; Phillips; Riddle; Taylor; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch.

Absent — Anderson; Hamilton; King, S.; Merritt; Thompson.

STATEMENTS OF VOTE

When Record No. 125 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

I was shown voting yes on Record No. 125. I intended to vote no.

F. Brown

When Record No. 125 was taken, my vote failed to register. I would have voted yes.

S. King

CSHB 1084 ON SECOND READING (by Truitt)

CSHB 1084, A bill to be entitled An Act relating to shipment of wine to ultimate consumers.

CSHB 1084 was passed to engrossment. (Flynn recorded voting no.)

CSHB 19 ON SECOND READING (by Leibowitz and Naishtat)

CSHB 19, A bill to be entitled An Act relating to the labeling requirements for drugs dispensed by pharmacists.

Amendment No. 1

Representative Cook offered the following amendment to **CSHB 19**:

Amend **CSHB 19** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 562.0061, Occupations Code, is amended to read as follows:

Sec. 562.0061. OTHER PRESCRIPTION INFORMATION. The board shall adopt rules specifying the information a pharmacist must provide to a consumer when dispensing a prescription to the consumer for self-administration. The information must [~~be~~]:

- (1) be written in plain language;
- (2) be relevant to the prescription; [~~and~~]
- (3) be printed in an easily readable font size; and

(4) include the statement "Do not flush unused medications or pour down a sink or drain."

Amendment No. 1 was adopted.

CSHB 19, as amended, was passed to engrossment.

HB 2666 ON SECOND READING

(by Ritter)

HB 2666, A bill to be entitled An Act relating to the authority of the Lower Neches Valley Authority to acquire, own, operate, maintain, and improve the Devers Canal System, its water rights, and associated property.

Amendment No. 1

Representative Ritter offered the following amendment to **HB 2666**:

Amend **HB 2666** as follows:

(1) On page 1, between lines 13 and 14, insert the following:

(3) "Navigation district" means the Chambers-Liberty Counties Navigation District.

(2) On page 1, line 17, between "system" and "in", insert "east of the Trinity River".

(3) On page 1, lines 21 and 22, strike "the Devers Canal Company, the Trinity River Authority on behalf of the Devers Canal System, and".

(4) Strike page 2, lines 3 through 8, and substitute the following:

(e) Before entering into a contract to sell or provide water for any use other than irrigation in Chambers County outside the district's boundaries that the navigation district had authority to provide or sell under the navigation district's water rights on May 1, 2009, the district must:

(1) send to the navigation district a written notice of intent to sell or provide water for nonirrigation use in Chambers County outside the district's boundaries; and

(2) allow the navigation district 30 days to exercise a right of first refusal to provide the water.

(f) Not later than the 30th day after the date the navigation district receives the notice of intent under Subsection (e) of this section, the navigation district may exercise its right of first refusal under Subsection (e) of this section by delivering to the district notice that it intends to exercise that right.

(g) The district may enter into a contract described by Subsection (e) of this section only if the navigation district:

(1) fails to comply with Subsection (f) of this section; or

(2) complies with Subsection (f) of this section and does not enter into a contract to sell or otherwise provide water for the use described by the district's notice of intent under Subsection (e) of this section before the expiration of four months after the date the navigation district receives the notice of intent.

Amendment No. 1 was adopted.

HB 2666, as amended, was passed to engrossment.

HB 2073 ON SECOND READING
(by Bonnen)

HB 2073, A bill to be entitled An Act relating to plans by local governments in coastal areas for reducing public expenditures for erosion and storm damage losses to public and private property.

HB 2073 was passed to engrossment.

POSTPONED BUSINESS

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

SB 297 ON SECOND READING
(Corte, Guillen, Maldonado, Flores, Gattis, et al. - House Sponsors)

SB 297, A bill to be entitled An Act relating to resident tuition rates and fees at public institutions of higher education for certain veterans and their spouses and children.

SB 297 was considered in lieu of **CSHB 38**.

SB 297 was read second time.

Amendment No. 1

Representative Veasey offered the following amendment to **SB 297**:

Amend **SB 297** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 54.203, Education Code, is amended by adding Subsection (b-2) to read as follows:

(b-2) The governing board of an institution of higher education shall exempt from the payment of resident tuition at the institution a dependent child, including a stepchild, of a member of the Armed Forces of the United States who is a resident of this state or is entitled to pay resident tuition under this subchapter, for any semester or other academic term during which the member of the armed forces is deployed on active duty for the purpose of engaging in a combative military operation outside the United States.

SECTION _____. Section 54.203(b-2), Education Code, as added by this Act, applies beginning with tuition charged for the 2009 fall semester. Tuition charged for an academic period before that semester are covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(Villarreal in the chair)

Amendment No. 2

Representatives Morrison, Sheffield, and Aycock offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 to **SB 297** after the period on page 1, line 14, by adding the following:

In its appropriations to institutions of higher education, the legislature shall provide sufficient funds to cover the full costs of the exemptions provided by this subsection.

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted by (Record 126): 125 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Brown, F.; Burnam; Button; Castro; Chavez; Christian; Cohen; Coleman; Cook; Corte; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Farabee; Farias; Farrar; Fletcher; Flores; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; 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; Rios Ybarra; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Taylor; Thibaut; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal(C); Vo; Walle.

Nays — Brown, B.; Chisum; Crabb; Craddick; Creighton; Elkins; Flynn; Hancock; Hartnett; Howard, C.; Legler; Riddle; Sheffield; Shelton; Smithee; Swinford; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker; Callegari.

Absent, Excused — Branch.

Absent — England; Thompson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 126. I intended to vote yes.

B. Brown

When Record No. 126 was taken, I was in the house but away from my desk. I would have voted yes.

England

I was shown voting yes on Record No. 126. I intended to vote no.

Laubenberg

I was shown voting no on Record No. 126. I intended to vote yes.

Legler

I was shown voting yes on Record No. 126. I intended to vote no.

Paxton

I was shown voting no on Record No. 126. I intended to vote yes.

Sheffield

I was shown voting no on Record No. 126. I intended to vote yes.

Shelton

I was shown voting no on Record No. 126. I intended to vote yes.

Weber

SB 297, as amended, was passed to third reading.

CSHB 38 - LAID ON THE TABLE SUBJECT TO CALL

Representative Corte moved to lay **CSHB 38** on the table subject to call.

The motion prevailed.

FIVE-DAY POSTING RULE SUSPENDED

Representative Deshotel moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Business and Industry, Subcommittee on Consumer and Employee Issues, to consider **HB 2544**, **HB 2547**, **HB 2815**, **HB 4637**, and previously posted bills.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Business and Industry, Subcommittee on Consumer and Employee Issues, 10 a.m. or upon adjournment tomorrow, JHR 110, for a public hearing, to consider **HB 2544**, **HB 2547**, **HB 2815**, **HB 4637**, and previously posted bills.

Human Services, during bill referral today, 3W.9, for a formal meeting, to consider pending legislation.

Appropriations, upon adjournment today, Desk 96, for a formal meeting, to consider pending business.

Public Safety, upon adjournment today, Desk 17, for a formal meeting, to consider committee business.

Business and Industry, upon adjournment today, Desk 47, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Rose requested permission for the Committee on Human Services to meet while the house is in session, during bill referral today, in 3W.9.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Elections will meet at 1:45 p.m. today instead of upon adjournment as previously posted.

FIVE-DAY POSTING RULE SUSPENDED

Representative Coleman moved to suspend the five-day posting rule and all necessary rules to allow the Committee on County Affairs to consider **HB 1063**, **HB 3487**, **HB 4532**, **HB 4707**, and **HB 4722** on Thursday, April 9 in E2.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, upon adjournment Thursday, April 9, E2.030, for a public hearing, to consider **HB 1063**, **HB 3487**, **HB 4532**, **HB 4707**, **HB 4722**, and the previously posted agenda.

COMMITTEE GRANTED PERMISSION TO MEET

Representative McClendon requested permission for the Committee on Rules and Resolutions to meet while the house is in session, during bill referral today, in 1W.14.

Permission to meet was granted.

PROVIDING FOR ADJOURNMENT

Representative Chavez moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 9 a.m. tomorrow in memory of Dr. William Gordon McGee of El Paso.

The motion prevailed.

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

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. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:56 p.m., adjourned until 9 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 4759 (By Quintanilla), Relating to the creation of the Tornillo Management District; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

To Natural Resources.

HB 4761 (By Rose), Relating to the Parklands Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

To Natural Resources.

HB 4762 (By T. King), Relating to the territory of and the validation of certain governmental acts and proceedings of the Edwards Aquifer Authority.

To Natural Resources.

HB 4763 (By Crownover), Relating to the creation of the Denton County Municipal Utility District No. 8; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HB 4764 (By Chisum), Relating to the creation of the Gray County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

To Natural Resources.

HCR 153 (By Guillen), In memory of Manuel Benavidez, Jr.

To Rules and Resolutions.

HCR 154 (By Homer), In memory of G. G. "Jelly" May of Blossom.

To Rules and Resolutions.

HCR 155 (By Homer), Congratulating Duane and Martha Glover on the occasion of their 60th wedding anniversary.

To Rules and Resolutions.

HCR 156 (By Homer), In memory of Thomas Shelby Justiss of Fort Worth.

To Rules and Resolutions.

HCR 157 (By Homer), In memory of Charlie Summerlin of Mount Vernon.

To Rules and Resolutions.

HCR 158 (By Homer), In memory of Joan Sims Vaughan of Clarksville.

To Rules and Resolutions.

HCR 159 (By Alonzo), Commemorating the 30th anniversary of the creation of the Texas Guaranteed Student Loan Corporation.

To Rules and Resolutions.

HCR 160 (By Coleman), Directing the Health and Human Services Commission to pursue federal funding for the support of kinship caregivers.

To Human Services.

HCR 161 (By Burnam), Granting John Cook permission to sue the Benbrook Water Authority.

To Judiciary and Civil Jurisprudence.

HCR 162 (By Craddick), Congratulating Eddie W. Klatt on his retirement from the Midland Fire Department.

To Rules and Resolutions.

HCR 164 (By Homer), Designating April 21, 2009, as Delta County Day at the State Capitol.

To Rules and Resolutions.

HCR 165 (By Homer), In memory of Gratie Mae Potts of Clarksville.

To Rules and Resolutions.

HR 1150 (By Woolley), In memory of Wayne E. Glenn of Houston.

To Rules and Resolutions.

HR 1157 (By Hunter), Congratulating Dr. Lalitha M. Janaki of Corpus Christi on being named a Fellow of the American College of Radiology.

To Rules and Resolutions.

HR 1158 (By Herrero), In memory of Eduardo E. de Ases of Corpus Christi.

To Rules and Resolutions.

HR 1159 (By Herrero), Congratulating Yolanda Garcia Olivarez of Corpus Christi on receiving a 2009 Sor Juana Women of Achievement award from the National Museum of Mexican Art.

To Rules and Resolutions.

HR 1160 (By Herrero), In memory of Stuart Jay Alexander of Corpus Christi.

To Rules and Resolutions.

HR 1161 (By P. King), Honoring Dr. Noel Nicholas Troxclair on the occasion of his 60th birthday.

To Rules and Resolutions.

HR 1164 (By Merritt), Congratulating David Smitherman of Longview on being named a 2009 Carrier of the Year by the Texas Circulation Management Association.

To Rules and Resolutions.

HR 1165 (By Gattis), In memory of Julie Reisinger Bassett of Round Rock.

To Rules and Resolutions.

HR 1166 (By Gattis), In memory of U.S. Army Specialist Matthew Troy Morris.

To Rules and Resolutions.

HR 1167 (By Gattis), In memory of U.S. Marine First Lieutenant Matthew R. Vandegrift.

To Rules and Resolutions.

HR 1168 (By Gattis), In memory of U.S. Air Force Major Christopher Cooper.

To Rules and Resolutions.

HR 1171 (By Shelton), Commending members of the Leadership Fort Worth Class of 2009 for their civic engagement and volunteerism.

To Rules and Resolutions.

HR 1172 (By B. Brown), In memory of U.S. Army Specialist Jonathan David Arthur "J. D." Emard of Terrell.

To Rules and Resolutions.

HR 1173 (By Martinez Fischer), In memory of Ruben Villarreal "Ruby" Guerra of San Antonio.

To Rules and Resolutions.

HR 1174 (By Harper-Brown), Commemorating the completion of the Campion Trails greenbelt extension to Sam Houston Trail Park in Irving.

To Rules and Resolutions.

HR 1178 (By Hopson), Congratulating the Beta Alpha Chapter of Delta Kappa Gamma Society International on its 75th anniversary.

To Rules and Resolutions.

HR 1179 (By Legler), Congratulating Odin and Clara Clay for receiving prizes in writing, photography, and oratory from the Press Women of Texas.

To Rules and Resolutions.

HR 1180 (By Sheffield), Congratulating Richard and Mary Clark of Temple on the occasion of their 50th wedding anniversary.

To Rules and Resolutions.

HR 1181 (By Sheffield), Congratulating E. L. and Ina Lee Hochstedler on the occasion of their 65th wedding anniversary.

To Rules and Resolutions.

HR 1182 (By Crownover), Congratulating Wen Chyan of Denton on winning the Siemens Competition in Math, Science & Technology.

To Rules and Resolutions.

HR 1183 (By Maldonado), Congratulating Rosanne Greenway on receiving the 2008 Educator of the Year award from the Hutto Chamber of Commerce.

To Rules and Resolutions.

HR 1184 (By Guillen), Commemorating the 150th anniversary of the founding of the First United Methodist Church of Rio Grande City.

To Rules and Resolutions.

HR 1185 (By Hilderbran), In memory of Barbara Ann Neal McLaughlin of Uvalde.

To Rules and Resolutions.

HR 1186 (By Hilderbran), In memory of William Theodore McElroy of Uvalde.

To Rules and Resolutions.

HR 1187 (By Hilderbran), In memory of Monroe Wilson Boles of Winters.

To Rules and Resolutions.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

HB 509 (By Riddle), Relating to the persons authorized to draw a blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances.

To Criminal Jurisprudence.

HB 3244 (By Riddle), Relating to the establishment of a centralized sex offender registration authority in certain counties in this state.

To Criminal Jurisprudence.

SIGNED BY THE SPEAKER

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

House List No. 15

HCR 135

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, April 7, 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 17 Nichols

Relating to the design, development, financing, construction, and operation of certain toll projects; granting the authority to issue bonds.

- SB 386** Carona
Relating to the administrative fine and the late payment fee for a violation of a parking rule applicable to the Capitol Complex.
- SB 404** Carona
Relating to the authority of certain toll project entities to enter into a comprehensive development agreement.
- SB 796** Hinojosa
Relating to the provision and evaluation of comprehensive substance abuse treatment under the state Medicaid program.
- SB 970** Seliger
Relating to the qualifications required of the executive director of the Texas Department of Transportation.
- SB 1290** Van de Putte
Relating to authorization for school districts to provide mentors for teachers assigned to a new subject or grade level.
- SB 1386** Seliger
Relating to priority groundwater management areas.
- SJR 35** Duncan
Proposing a constitutional amendment establishing the national research university fund to enable emerging research universities in this state to achieve national prominence as major research universities and transferring the balance of the higher education fund to the national research university fund.
- Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 6

Corrections - **HB 2804, HB 2813, SB 633**

Criminal Jurisprudence - **HB 107, HB 483, HB 558, HB 608, HB 666, HB 1060, HB 1320, HB 1360, HB 1590, HB 1722, HB 1869, HB 1983, HB 1985, HB 2062, HB 2066, HB 2086**

Culture, Recreation, and Tourism - **HB 836, HCR 94**

Defense and Veterans' Affairs - **HB 1831**

Higher Education - **HB 52, HB 425, HB 2440**

Human Services - **HB 67, HB 415, HB 1462, HB 1574**

Insurance - **SB 39**

Natural Resources - **HB 2668**

Pensions, Investments, and Financial Services - **HB 360, HB 407, HB 582**

Public Education - **HB 462, HB 1020, HB 1423, HB 3643**

Public Health - **HB 858, HB 888, HB 890, HB 1310, HB 1468, HB 1802, HB 2027, HB 3004, HB 4471**

Public Safety - **HB 267, HB 598, HB 750**

State Affairs - **HB 870, HB 2305**

Urban Affairs - **HR 1085, HR 1138**