

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FORTY-SIXTH DAY (CONTINUED) — THURSDAY, APRIL 9, 2009

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

The roll of the house was called and a quorum was announced present (Record 139).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycok; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; 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; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent, Excused — Castro.

Absent — Hartnett.

The invocation was offered by Dr. Kermit S. Bridges, president, Southwestern Assemblies of God University, Waxahachie, as follows:

Heavenly Father, we thank you for the liberties and freedoms we enjoy as Americans and that you have given this house the privilege of governing the people of the great State of Texas. We would now ask that you would endow each of them as individuals with wisdom to sort through the conflicting interests, desires, and needs of our state's constituents; courage to find an honorable balance between the tensions of conscience and constituents, principles and popularity, and private and public good; and insight into the needs of their respective communities, economic centers, and social groups.

We pray for them collectively that you would give them vision to see the future needs, opportunities, and problems that our great state will face; grace in sorting through the various views of discussion and deliberation; favor in guiding the economic growth of our state; and faith to trust you to direct their path and courage to follow your direction even when it is unpopular.

We know that you desire to help your people as we humbly follow you; therefore, we ask your blessings to rest on the membership of this assembly. In Jesus' name, we pray. Amen.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Farrar who presented Dr. Neeta Gautam of Houston as the "Doctor for the Day."

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

(Speaker pro tempore in the chair)

### **LEAVE OF ABSENCE GRANTED**

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

Castro on motion of Farias.

(Hochberg in the chair)

### **HR 1286 - ADOPTED (by Hughes)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 1286**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1286**, Recognizing April 9, 2009, as Harrison County Day at the State Capitol.

**HR 1286** was read and was adopted.

On motion of Representatives Hopson and Merritt, the names of all the members of the house were added to **HR 1286** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Hughes who introduced a delegation from Harrison County.

**HCR 94 - ADOPTED**  
**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HCR 94**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 94**, Proclaiming April 2009 as Jazz Appreciation Month in Texas.

**HCR 94** was adopted.

On motion of Representative Merritt, the names of all the members of the house were added to **HCR 94** as signers thereof.

**HR 1085 - ADOPTED**  
**(by Mallory Caraway)**

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1085**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1085**, Urging Congress to enact legislation facilitating the ability of cities to access appropriate financing for critically needed municipal projects.

**HR 1085** was adopted.

On motion of Representative Mallory Caraway, the names of all the members of the house were added to **HR 1085** as signers thereof.

**HR 1138 - ADOPTED**  
**(by Mallory Caraway)**

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1138**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1138**, Urging U.S. Treasury Secretary Timothy Geithner to implement a plan that will allow cities affected by the credit crisis to access traditional market interest rates for bonds.

**HR 1138** was adopted.

On motion of Representative Mallory Caraway, the names of all the members of the house were added to **HR 1138** as signers thereof.

**HR 1230 - ADOPTED**  
**(by B. Brown)**

Representative B. Brown moved to suspend all necessary rules to take up and consider at this time **HR 1230**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1230**, Commemorating the dedication of a Texas Historical Marker at St. Paul Industrial Training School in Caney City.

**HR 1230** was adopted.

### 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 1 - RULES SUSPENDED

Representative Gallego moved to suspend Rule 11, Section 6(h) of the House Rules to allow amendments to **SB 1** to be filed with the chief clerk until 9 p.m. Tuesday, April 14.

The motion prevailed.

(Hartnett now present)

### SB 1 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative McCall moved to adopt the following rule governing floor consideration for **SB 1**:

During second reading and third reading consideration of the bill, any amendment that adds or increases an item of appropriation:

(1) in Articles I-X is not in order unless the amendment contains an equal or greater reduction in one or more other items of appropriation in one of those articles from the fund or funds against which the appropriation is to be certified; and

(2) in Article XII is not in order unless the amendment contains an equal or greater reduction in one or more other items of appropriation in that article from the fund or funds against which the appropriation is to be certified.

The provisions of this rule do not apply to an amendment that makes an adjustment in an item of appropriations solely to correct a technical clerical error.

The motion to adopt the Committee on Calendars rule prevailed by (Record 140): 145 Yeas, 2 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; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall;

McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Nays — Dutton; Turner, S.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro.

Absent — Edwards.

### **HB 4586 - COMMITTEE ON CALENDARS RULE ADOPTED**

Pursuant to Rule 3, Section 5(2), and Rule 6, Section 16(f) of the House Rules, Representative McCall moved to adopt the following rule governing floor consideration of **HB 4586**:

Section 1. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by 8 p.m. on Tuesday, April 14.

Section 2. (a) During second and third reading consideration of the bill, any amendment that adds or increases an item of appropriation in the bill is not in order unless the amendment contains an equal or greater reduction in one or more items of appropriation in the bill from the fund or funds against which the appropriation is to be certified.

(b) The provisions of this section do not apply to an amendment that makes an adjustment in an item of appropriations solely to correct a technical clerical error.

The motion to adopt the Committee on Calendars rule prevailed by (Record 141): 145 Yeas, 2 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; Corte; Crabb; Craddock; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle;

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

Nays — Dutton; Turner, S.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Castro.

Absent — Edwards.

(Villarreal in the chair)

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative McCall requested permission for the Committee on Calendars to meet while the house is in session, 10:20 a.m. today, in 2W.6, for a formal meeting, to consider the calendar.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 10:20 a.m. today, 2W.6, for a formal meeting, to consider the calendar.

(Speaker pro tempore in the chair)

### **SCR 56 - ADOPTED (Villarreal - House Sponsor)**

Representative Villarreal moved to suspend all necessary rules to take up and consider at this time **SCR 56**.

The motion prevailed.

The following resolution was laid before the house:

**SCR 56**, Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, April 9, 2009, and ending on Tuesday, April 14, 2009.

**SCR 56** was adopted by (Record 142): 144 Yeas, 0 Nays, 2 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; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; 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; 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; 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; Eiland(C).

Absent, Excused — Castro.

Absent — Harless; Jones; Patrick.

### STATEMENTS OF VOTE

When Record No. 142 was taken, I was in the house but away from my desk. I would have voted yes.

Harless

When Record No. 142 was taken, I was in the house but away from my desk. I would have voted yes.

Patrick

### HR 1273 - ADOPTED (by Fletcher)

Representative Fletcher moved to suspend all necessary rules to take up and consider at this time **HR 1273**.

The motion prevailed.

The following resolution was laid before the house:

**HR 1273**, Honoring U.S. Army Specialist Blake Allen Fletcher of Tomball for his exemplary service to his country.

**HR 1273** was read and was adopted.

On motion of Representatives Patrick, Eissler, Moody, and Corte, the names of all the members of the house were added to **HR 1273** as signers thereof.

### INTRODUCTION OF GUEST

The chair recognized Representative Fletcher who introduced U.S. Army Specialist Blake Allen Fletcher.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Thompson requested permission for the Committee on Local and Consent Calendars to meet while the house is in session, 10:25 a.m. today, in 2W.6, for a formal meeting, to consider the local and consent calendar.

Permission to meet was granted.

**PROVIDING FOR A LOCAL, CONSENT,  
AND RESOLUTIONS CALENDAR**

Representative Thompson moved to set a local, consent, and resolutions calendar for 10 a.m. Wednesday, April 15.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Local and Consent Calendars, 10:25 a.m. today, 2W.6, for a formal meeting, to consider the local and consent calendar.

**HR 587 - ADOPTED  
(by Kolkhorst)**

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 587**.

The motion prevailed.

The following resolution was laid before the house:

**HR 587**, Congratulating the Blinn College Lady Buccaneers volleyball team on winning the 2008 NJCAA Division 1 national championship.

**HR 587** was adopted.

On motion of Representative Taylor, the names of all the members of the house were added to **HR 587** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Kolkhorst who introduced coaches and players of the Lady Buccaneers volleyball team.

(McClendon in the chair)

**CONGRATULATORY AND MEMORIAL CALENDAR**

The following congratulatory resolutions were laid before the house:

**HR 949** (by Lewis), Congratulating Toby S. Eoff on his induction into the Odessa Chamber of Commerce Hall of Fame.

**HR 1051** (by Craddick), Congratulating the Crane High School boys' golf team on winning the overall title at the 2009 Crane Invitational tournament.

**HR 1052** (by Craddick), Congratulating Chandice Covington of Lubbock on her appointment as the Florence Thelma Hall Endowed Chair for Nursing Excellence in Women's Health at the Texas Tech University Health Sciences Center.

**HR 1053** (by Craddick), Commemorating the 50th anniversary of Ref-Chem L.P.



**HR 1055** (by Deshotel), Paying tribute to the life and work of Robert Rauschenberg, who is being posthumously honored with the 2009 Texas Medal of Arts Award for Lifetime Achievement.

**HR 1056** (by Deshotel), Congratulating Don Pumphrey of Beaumont on his selection as 2008 Person of the Year by Quota International of Southeast Texas.

**HR 1058** (by Parker), Congratulating Tyler Lee of Flower Mound on winning back-to-back state wrestling titles.

**HR 1059** (by Parker), Congratulating Cody Ray on his graduation from the Justin Community Volunteer Fire Department Academy.

**HR 1060** (by Parker), Congratulating Michael Turner on his graduation from the Justin Community Volunteer Fire Department Academy.

**HR 1061** (by Parker), Congratulating Paul Winkler on his graduation from the Justin Community Volunteer Fire Department Academy.

**HR 1062** (by Parker), Congratulating Brandon Smith on his graduation from the Justin Community Volunteer Fire Department Academy.

**HR 1063** (by Parker), Congratulating Matthew Thiede on attaining the rank of Eagle Scout.

**HR 1064** (by Parker), Congratulating Stephen Nelson on his graduation from the Justin Community Volunteer Fire Department Academy.

**HR 1065** (by Parker), Congratulating Mikel Thomas on his graduation from the Justin Community Volunteer Fire Department Academy.

**HR 1066** (by Parker), Congratulating Jason Taylor on his graduation from the Justin Community Volunteer Fire Department Academy.

**HR 1067** (by Parker), Congratulating Jarred Irby on his graduation from the Justin Community Volunteer Fire Department Academy.

**HR 1068** (by Creighton), Recognizing Kirby's Lone Star Smokehouse in Montgomery County.

**HR 1069** (by Creighton), Welcoming the members of the Montgomery County Republican Women, North Shore Republican Women, and Lake Conroe Area Republican Women to the Capitol.

**HR 1072** (by Anderson), Congratulating the football team of Reicher Catholic High School in Waco on winning the 2008 TAPPS Division 3 state title.

**HR 1073** (by Anderson), Congratulating the girls' basketball team from Midway High School in Waco on winning the 2009 UIL 4A state championship.

**HR 1074** (by Harper-Brown), Honoring Sue Richardson for her service to the community of Irving.

**HR 1075** (by Harper-Brown), Honoring the Greater Irving-Las Colinas Chamber of Commerce for earning a five-star accreditation from the U.S. Chamber of Commerce.

**HR 1079** (by Y. Davis), Congratulating Dallas County Department of Health and Human Services director Zachary Thompson on receiving the 2009 Health Care Award from the Interdenominational Ministerial Alliance of Greater Dallas.

**HR 1080** (by Merritt), Commemorating Dalton Days and the Mowdown Showdown in Longview on April 11, 2009.

**HR 1082** (by Sheffield), Honoring Bob and Betty Thrasher of Temple on the occasion of their 60th wedding anniversary.

**HR 1086** (by Legler), Congratulating the Pasadena ISD Communications Department on its receipt of 11 Gold Star Awards and two Best of Category honors from the Texas Schools Public Relations Association.

**HR 1087** (by Legler), Congratulating John Manlove Marketing and Communications of Pasadena on winning 14 Addy Awards at the 2009 American Advertising Federation Houston gala.

**HR 1088** (by Craddick), Honoring Courtney and Jay Smith of Midland on their 50th wedding anniversary.

**HR 1091** (by Lewis), Congratulating Jane Hext on her receipt of a 2009 Community Statesman Award from the Heritage of Odessa Foundation.

**HR 1092** (by Lewis), Congratulating the Reverend Mark J. Woodruff on his receipt of a 2009 Community Statesman Award from the Heritage of Odessa Foundation.

**HR 1093** (by Lewis), Congratulating Michael Moore on his receipt of a 2009 Community Statesman Award from the Heritage of Odessa Foundation.

**HR 1094** (by Lewis), Congratulating Jon Smith on his receipt of a 2009 Community Statesman Award from the Heritage of Odessa Foundation.

**HR 1095** (by Lewis), Congratulating Dr. Anne Acreman on her receipt of a 2009 Community Statesman Award from the Heritage of Odessa Foundation.

**HR 1096** (by Lewis), Congratulating Cynthia Wiehle on her receipt of a 2009 Community Statesman Award from the Heritage of Odessa Foundation.

**HR 1097** (by Lewis), Congratulating Bernadine Spears on her receipt of a 2009 Community Statesman Award from the Heritage of Odessa Foundation.

**HR 1098** (by Lewis), Congratulating Ted Hogan on his receipt of a 2009 Community Statesman Award from the Heritage of Odessa Foundation.

**HR 1099** (by Lewis), Congratulating Craig Van Amburgh on his receipt of a 2009 Community Statesman Award from the Heritage of Odessa Foundation.

**HR 1100** (by Lewis), Congratulating Fred M. Jones on his receipt of a 2009 Community Statesman Award from the Heritage of Odessa Foundation.

**HR 1101** (by Lewis), Congratulating Mike Adkins on his receipt of a 2009 Community Statesman Award from the Heritage of Odessa Foundation.

**HR 1102** (by Lewis), Congratulating Dr. Gregory D. Williams on his receipt of a 2009 Community Statesman Award from the Heritage of Odessa Foundation.

**HR 1103** (by Lewis), Congratulating Dr. Robert L. Chappell, Jr., on his receipt of a 2009 Community Statesman Award from the Heritage of Odessa Foundation.

**HR 1105** (by Marquez), Honoring Alicia Rascon for her work with Latinitas.

**HR 1106** (by Ortiz), Commemorating the 2009 Pan American Golf Association tournament in Corpus Christi.

**HR 1109** (by Vaught), Honoring Lakewood Elementary School in Dallas for being named a 2008 No Child Left Behind—Blue Ribbon School.

**HR 1110** (by Vaught), Honoring Victor H. Hexter Elementary School in Dallas on its nomination for the 2009 No Child Left Behind—Blue Ribbon Schools award.

**HR 1111** (by Vaught and Kent), Congratulating Dallas County District Attorney Craig Watkins on being named 2008 Texan of the Year by the Dallas Morning News and on his selection as one of Governing Magazine's 2008 Public Officials of the Year.

**HR 1112** (by Vaught), Congratulating Jack Pippen of Dallas on being accepted as an honored scholar in the Junior National Young Leaders Conference in Washington, D.C.

**HR 1114** (by Veasey), Commemorating the opening of the Lenora Rolla Heritage Center in Fort Worth.

**HR 1116** was withdrawn.

**HR 1117** (by Olivo), Congratulating Sandi Newkirk on her selection as a 2009 YMCA of Greater Houston Minority Achiever.

**HR 1123** (by Martinez Fischer), Congratulating San Antonio restaurateur Lisa Wong on her professional success.

**HR 1124** (by Martinez Fischer), Congratulating Dr. Kaye Wilkins of San Antonio on earning the American Academy of Orthopaedic Surgeons' Humanitarian Award.

**HR 1126** (by Martinez Fischer), Honoring San Antonio author Sandra Cisneros on her renowned literary career and on her contributions to her community through the Macondo Foundation.

**HR 1127** (by Martinez Fischer), Honoring Barbara Effenberger of Seguin for her professional accomplishments and civic service.

**HR 1130** (by Martinez Fischer), Honoring Bert Pfeister of San Antonio for his outstanding service as president and CEO of Respite Care.

**HR 1132** (by Martinez Fischer), Honoring Harvey Najim of San Antonio for being recognized as one of the top philanthropists in the nation by the Chronicle of Philanthropy and BusinessWeek.

**HCR 141** (by Isett), Congratulating Stacie George of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

**HCR 142** (by Isett), Congratulating Cathy Pope of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

**HCR 143** (by Isett), Congratulating Jennifer McGrew of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

**HCR 144** (by Isett), Congratulating Mitzi Jo Hopper Ziegner of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

**HCR 145** (by Isett), Congratulating Christina Esperat of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

**HCR 146** (by Isett), Congratulating Sally Kipyego of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

**HCR 147** (by Isett), Congratulating Melinda Corwin of Lubbock on earning a 2009 Women of Excellence Award from the YWCA of Lubbock.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

**HR 796** (by Ortiz), Paying tribute to the life of Texas music legend Freddy Fender.

**HR 1054** (by Deshotel), In memory of Amos James Evans of Port Arthur.

**HR 1057** (by Deshotel), In memory of James A. Roberts of Orange.

**HR 1071** (by Anderson), In memory of William Eugene Nichols of Hewitt.

**HR 1076** (by Gattis), In memory of Patricia Ann Matheny of Austin.

**HR 1077** (by Gattis), In memory of Susan Carol Streit Blount of Round Rock.

**HR 1078** (by Gattis), Honoring the life of teacher Debra Lynn Picha of Round Rock.

**HR 1104** (by Lewis), In memory of U.S. Army Sergeant Bacilio E. "Bozzy" Cuellar.

**HR 1122** (by Martinez Fischer), In memory of Felipe "Hector" Tamez of San Antonio.

**HR 1125** (by Martinez Fischer), In memory of Harold William Charles Nemky of San Antonio.

**HR 1128** (by Martinez Fischer), In memory of Flavia Cuellar Gutierrez of San Antonio.

**HR 1129** (by Martinez Fischer), In memory of Ramiro Bernal of San Antonio.

**HR 1131** (by Martinez Fischer), In memory of Esther L. Garza.

**HR 1133** (by Martinez Fischer), In memory of Nick E. Garza, Sr., of San Antonio.

**HCR 140** (by Homer), In memory of Sarah Helen Stewart Coker of Paris, Texas.

The resolutions were unanimously adopted by a rising vote.

(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 161** (by Deshotel), A bill to be entitled An Act relating to block grant funding for certain workforce training and employment programs and functions by the Texas Workforce Commission.

**CSHB 374** (by Bonnen, Patrick, Laubenberg, Branch, et al.), A bill to be entitled An Act relating to school bus emergency evacuation training.

**HB 396** (by Hartnett), A bill to be entitled An Act relating to expunction of a notice of lis pendens.

#### **Amendment No. 1**

On behalf of Representative Thompson, Representative Hartnett offered the following amendment to **HB 396**:

Amend **HB 396** (house committee printing) as follows:

(1) On page 1, line 6, strike "seventh" and substitute "third".

(2) On page 2, line 16, strike "notice does not:" and substitute the following:  
notice:

(1) does not:

(3) On page 2, line 17, strike "(1)" and substitute "(A)".

(4) On page 2, line 19, strike "or".

(5) On page 2, line 20, strike "(2)" and substitute "(B)".

(6) On page 2, line 21, strike the period and substitute the following:

; or

(C) affect the validity of a conveyance to a purchaser for value or of a mortgage to a lender for value; and

(2) is not enforceable against a purchaser or lender described by Subdivision (1)(C), regardless of whether the purchaser or lender knew of the lis pendens action.

Amendment No. 1 was adopted.

**CSHB 401** (by Raymond, Phillips, and Guillen), A bill to be entitled An Act relating to the authority of certain political subdivisions to change the date of their general elections.

**CSHB 536** (by Anchia, Peña, and Madden), A bill to be entitled An Act relating to the voter registration of a person who submits a federal postcard application to vote in an election.

**CSHB 559** (by Hernandez and Peña), A bill to be entitled An Act relating to the nondisclosure of certain personal information in voter registration records, concealed handgun license records, and tax appraisal records that relates to a justice of the peace.

**HB 602** (by Farabee), A bill to be entitled An Act relating to designation of Midwestern State University as a public liberal arts university.

**HB 651** (by Darby), A bill to be entitled An Act relating to compensation of certain persons by a domestic insurance company.

**CSHB 652** (by Darby), A bill to be entitled An Act relating to licensing of escrow officers.

**CSHB 675** (by Bonnen), A bill to be entitled An Act relating to a retired status license for an optometrist or therapeutic optometrist practicing voluntary charity care.

**HB 763** (by Hartnett), A bill to be entitled An Act relating to the recusal or disqualification of a statutory probate court judge and subsequent assignment of another judge.

**HB 962** (by Guillen), A bill to be entitled An Act relating to the purchase of library goods and services by public junior colleges.

**CSHB 1145** (by B. Brown), A bill to be entitled An Act relating to the appointment of election judges.

**CSHB 1178** (by Guillen), A bill to be entitled An Act relating to the creation of the Starr County Drainage District.

**CSHB 1213** (by Rios Ybarra), A bill to be entitled An Act relating to the promulgation by the commissioner of the General Land Office of rules authorizing the use on a public beach of a golf cart for the transportation of a person with a physical disability.

**HB 1215** (by Farias), A bill to be entitled An Act relating to the collection of administrative fees by the commissioners courts of certain counties.

**HB 1232** (by Menendez), A bill to be entitled An Act relating to establishing a local behavioral health intervention pilot project.

**HB 1265** (by Hochberg), A bill to be entitled An Act relating to the information about certain candidates required to be filed with the secretary of state.

**HB 1300** (by C. Turner), A bill to be entitled An Act relating to the creation of the Kennedale TownCenter Development District; providing authority to impose a tax and issue bonds.

**HB 1345** (by Menendez), A bill to be entitled An Act relating to titles by which certain officers of a defense base development authority may be known.

**CSHB 1363** (by Gutierrez and Castro), A bill to be entitled An Act relating to the diabetes mellitus registry pilot program.

**Amendment No. 1**

On behalf of Representative Castro, Representative Gutierrez offered the following amendment to **CSHB 1363**:

Amend **CSHB 1363** (House Committee Report) by striking lines 13-21 on page 1 and substituting the following:  
person who:

(1) has a laboratory test to determine that level performed at a clinical laboratory in the district; and

(2) consents in writing to the inclusion of the person's information in the registry.

(d) A physician practicing in the participating public health district who orders a glycosylated hemoglobin test for a patient shall submit to the clinical laboratory the diagnosis codes of a patient along with the patient's sample if the patient consents in writing to have the patient's information included in the registry. A clinical laboratory located in the participating public health district shall submit to the district and the department for a patient who has given written consent the results of the patient's ~~each~~ glycosylated hemoglobin test along with the diagnostic codes provided by the physician for that patient ~~[that the laboratory performs]~~.

Amendment No. 1 was adopted.

**CSHB 1382** (by Y. Davis), A bill to be entitled An Act relating to assessment of certain charges by a commercial landlord that is a governmental entity.

**CSHB 1406** (by Geren, Kuempel, Thompson, Menendez, and Hamilton), A bill to be entitled An Act relating to practices and professions regulated by the Texas Real Estate Commission.

**CSHB 1409** (by Hopson), A bill to be entitled An Act relating to the minimum patient age for administration of an influenza vaccination by a pharmacist.

**HB 1622** (by Giddings, Rios Ybarra, Crabb, et al.), A bill to be entitled An Act relating to a grant program to provide children at risk of hunger or obesity with increased access to nutritious foods. (Phillips and Riddle recorded voting no.)

**CSHB 1759** (by Thompson), A bill to be entitled An Act relating to health benefit plan coverage for certain orally administered anticancer medications.

**Amendment No. 1**

Representative Thompson offered the following amendment to **CSHB 1759**:

Amend **CSHB 1759** by striking page 2, line 26 through page 3, line 1 and substituting the following:

"(A) only for fixed indemnity benefits for a specified disease or diseases;".

Amendment No. 1 was adopted.

**HB 1785** (by Kuempel), A bill to be entitled An Act relating to the licensing of occupational therapists.

**CSHB 1786** (by Kuempel), A bill to be entitled An Act relating to notice of proposed increases in fees charged by the Parks and Wildlife Department for certain permits.

**CSHB 1805** (by Kuempel, et al.), A bill to be entitled An Act relating to the use of laser sighting devices by hunters who have certain documented disabilities.

**HB 1809** (by Hartnett), A bill to be entitled An Act relating to proceedings in a statutory probate court during the judge's absence.

**HB 1974** (by Hamilton), A bill to be entitled An Act relating to distilled spirits samplings by the holder of a distiller's and rectifier's permit.

**HB 2055** (by Guillen), A bill to be entitled An Act relating to the Chronic Kidney Disease Task Force.

**HB 2101** (by Pierson), A bill to be entitled An Act relating to the place for the convening of a county convention.

**HB 2102** (by Dutton), A bill to be entitled An Act relating to the powers and duties of the Harris County Municipal Utility District No. 403; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**HB 2104** (by Geren), A bill to be entitled An Act relating to the statute of limitations for an action under the Beer Industry Fair Dealing Law.

**HB 2169** (by Chavez, Moody, Harless, Pickett, and Button), A bill to be entitled An Act relating to the establishment of additional job incentive programs by the Texas Workforce Commission using the skills development fund.

**HB 2196** (by Truitt), A bill to be entitled An Act relating to the establishment of a workgroup to study and make recommendations on the integration of health and behavioral health services.

**CSHB 2238** (by Hamilton), A bill to be entitled An Act relating to the regulation of manufactured housing.

**HB 2263** (by Eissler), A bill to be entitled An Act relating to extending the high school innovation grant initiative to middle and junior high schools.



**HB 2263 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HEFLIN: Thank you, Mr. Eissler. On this bill—excuse me just a second here, I thought we had this worked out in an amendment—this bill changes the language in Sec. 39.115. Is it necessary? Because in that bill it was secondary schools. Would that also not include middle and junior high schools?

REPRESENTATIVE EISSLER: Yes, it does.

HEFLIN: So would this not be a redundant change to that section?

EISSLER: No, it's a high school innovation bill, the original **HB 2237**. This allows the commissioner to provide those innovation grants to middle and junior highs because that's a better target for dropout prevention funding.

HEFLIN: Okay, so this bill would allow the education bill to award grants that are consistent with this strategic plan under Sec. 39.357?

EISSLER: **HB 2237**, is that what you mean?

HEFLIN: Yes. Okay, now do you recall on March 29 of '07, this body adopted an amendment to **HB 1** on the vote of 129-8 that prohibited spending state money on vouchers or pilot voucher programs for private schools?

EISSLER: There is no intent for vouchers to be included in these grants.

HEFLIN: So it's your assurance that this is not a vehicle to divert any funds to voucher programs for private schools?

EISSLER: I am positive.

**REMARKS ORDERED PRINTED**

Representative Heflin moved to print remarks between Representative Eissler and Representative Heflin.

The motion prevailed.

**CSHB 2310** (by Kuempel), A bill to be entitled An Act relating to the powers and duties of the Texas Department of Licensing and Regulation, including the power to issue emergency orders and temporary and emergency licenses.

**HB 2330** (by Guillen), A bill to be entitled An Act relating to laboratory tests measuring kidney function.

**CSHB 2449** (by Eiland), A bill to be entitled An Act relating to requirements for county mutual insurance companies.

**HB 2457** (by Eiland), A bill to be entitled An Act relating to the duty of the General Land Office to clean, maintain, and clear debris from a public beach affected by a declared disaster.

**HB 2483** (by Pickett), A bill to be entitled An Act relating to the repeal of the authority for the establishment and administration of the Border Health Institute in the city of El Paso.

**HB 2509** (by Geren), A bill to be entitled An Act relating to the payment of a lottery prize awarded to a minor.

**HB 2512** (by Aycock), A bill to be entitled An Act relating to authorization to make an audio recording of a meeting or proceeding arising from a grievance reported by a public school employee.

**CSHB 2594** (by Thompson), A bill to be entitled An Act relating to the hours for the wholesale delivery or sale of alcoholic beverages. (Harper-Brown recorded voting no.)

**HB 2752** (by Eiland), A bill to be entitled An Act relating to independent audits of insurer financial statements and insurer internal controls.

**HB 2763** (by Kuempel), A bill to be entitled An Act relating to the regulation of industrialized housing and buildings.

**HB 2765** (by Anderson), A bill to be entitled An Act relating to the authority of a veterinarian to fill certain prescriptions in an emergency.

**HCR 53** (by Phillips, Swinford, Smithee, Chisum, and Homer), Designating the American quarter horse as the official State Horse of Texas.

**HCR 79** (by Guillen and Raymond), Memorializing Congress to refine Department of Homeland Security policy to consider risk levels as well as population size in assessing the financial needs of first responders in border communities along the international boundary created by the Rio Grande.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Urban Affairs, upon first adjournment today, Desk 88, for a formal meeting.

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

Environmental Regulation, upon first adjournment today, Desk 26, for a formal meeting.

Public Education, upon first adjournment today, Desk 31, for a formal meeting, to consider pending business.

Land and Resource Management, upon first adjournment today, Desk 1, for a formal meeting, to consider pending business.

Licensing and Administrative Procedures, upon first adjournment today, Desk 28, for a formal meeting.

Pensions, Investments, and Financial Services, upon first adjournment today, Desk 6, for a formal meeting, to consider pending business.

### **ADJOURNMENT**

Representative Eissler moved that the house adjourn until 11:45 a.m. today.

The motion prevailed.

The house accordingly, at 11:28 a.m., adjourned until 11:45 a.m. today.

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**ADDENDUM**

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**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

Thursday, April 9, 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:

**HCR 138** Gonzalez Toureilles SPONSOR: Hinojosa  
In memory of Orange Grove educator Roxie M. Fine.

**HCR 163** Homer SPONSOR: Huffman  
Honoring artist George Rodrigue for his philanthropic work following Hurricanes Katrina and Rita.

**SB 6** Duncan  
Relating to the creation of the Healthy Texas Program.

**SB 66** Nelson  
Relating to health care coverage for children in Title IV-D cases.

**SB 98** Lucio  
Relating to establishing a health science center and medical school in South Texas.

**SB 184** Watson  
Relating to "no regrets" greenhouse gas emissions reduction strategies.

**SB 238** West  
Relating to the availability of a property owners' association's books and records.

**SB 240** West  
Relating to the enforcement of deed restrictions.

**SB 241** West  
Relating to procedures required for the foreclosure of a property owners' association's assessment lien.

**SB 361** Patrick, Dan

Relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.

**SB 375** Carona

Relating to the release of certain motor vehicle accident report information.

**SB 567** Hegar

Relating to the course levels offered by the University of Houston-Victoria.

**SB 669** Shapleigh

Relating to the availability of online testing for high school equivalency examinations.

**SB 684** Lucio

Relating to the establishment of the Texas Rural Development Fund and to the establishment, operation, and funding of certain programs for rural economic development.

**SB 794** Fraser

Relating to the composition of the board of directors of the Central Colorado River Authority.

**SB 839** Hinojosa

Relating to the punishment for a capital felony committed by a juvenile whose case is transferred to criminal court.

**SB 961** Ellis

Relating to the sale of certain annuities.

**SB 1208** Seliger

Relating to the creation of an appellate judicial system for the Seventh Court of Appeals District.

**SB 1238** Ogden

Relating to a study regarding the Carrizo-Wilcox aquifer.

**SB 1389** Wentworth

Relating to the penalty for the offense of reckless driving.

**SB 1654** Van de Putte

Relating to the criteria for evaluating requests for defense economic adjustment assistance grants.

**SB 1711** Hegar

Relating to the use of reservoirs for sediment control or to satisfy certain environmental and safety requirements at surface mining operations.

Respectfully,

Patsy Spaw

Secretary of the Senate