

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-FIFTH DAY — THURSDAY, APRIL 23, 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 250).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; 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, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; 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 — Maldonado; Rios Ybarra.

The invocation was offered by Dr. Phil McClendon, senior pastor, The Springs Fellowship, Lubbock.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Zerwas who presented Dr. Art Klawitter of Needville as the "Doctor for the Day."

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

MESSAGE FROM THE SENATE

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

(Cohen in the chair)

LEAVES OF ABSENCE GRANTED

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

Rios Ybarra on motion of Lucio.

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

Maldonado on motion of Marquez.

HR 1242 - ADOPTED

(by D. Howard)

Representative D. Howard moved to suspend all necessary rules to take up and consider at this time **HR 1242**.

The motion prevailed.

The following resolution was laid before the house:

HR 1242, Recognizing the Honorable L. DeWitt Hale of Austin for his outstanding service to this state and wishing him a happy 92nd birthday.

HR 1242 was adopted.

On motion of Representatives Jones and Woolley, the names of all the members of the house were added to **HR 1242** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative D. Howard who introduced the Honorable L. DeWitt Hale and members of his family.

HR 1533 - ADOPTED

(by Geren)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1533**.

The motion prevailed.

The following resolution was laid before the house:

HR 1533, Recognizing April 23, 2009, as Technosaurus Day and commending Shashwath Murthy of Irving for his research on the species.

HR 1533 was adopted.

On motion of Representative Phillips, the names of all the members of the house were added to **HR 1533** as signers thereof.

HR 1366 - ADOPTED
(by Crownover)

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 1366**.

The motion prevailed.

The following resolution was laid before the house:

HR 1366, Congratulating the recipients of the 2009 Communities In Schools Best of Texas awards.

HR 1366 was adopted.

On motion of Representative Taylor, the names of all the members of the house were added to **HR 1366** as signers thereof.

HR 1377 - ADOPTED
(by Aycock)

Representative Aycock moved to suspend all necessary rules to take up and consider at this time **HR 1377**.

The motion prevailed.

The following resolution was laid before the house:

HR 1377, Recognizing April 23, 2009, as Burnet County Day at the State Capitol.

HR 1377 was adopted.

HR 1473 - ADOPTED
(by Taylor)

Representative Taylor moved to suspend all necessary rules to take up and consider at this time **HR 1473**.

The motion prevailed.

The following resolution was laid before the house:

HR 1473, Honoring former Alaska state senator and native Texan Lyda Green on her many accomplishments.

HR 1473 was adopted.

On motion of Representative Kuempel, the names of all the members of the house were added to **HR 1473** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Taylor who introduced Lyda Green, her husband, Curtis, and her son, Shelton.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Geren and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

HR 1532 - ADOPTED
(by Villarreal)

Representative Villarreal moved to suspend all necessary rules to take up and consider at this time **HR 1532**.

The motion prevailed.

The following resolution was laid before the house:

HR 1532, Commemorating the 10th anniversary of the creation of the TEXAS Grant program.

HR 1532 was read and was adopted.

LEAVE OF ABSENCE GRANTED

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

Olivo on motion of Raymond.

HR 1422 - ADOPTED
(by Parker and Harper-Brown)

Representative Parker moved to suspend all necessary rules to take up and consider at this time **HR 1422**.

The motion prevailed.

The following resolution was laid before the house:

HR 1422, Recognizing April 23, 2009, as University of Dallas Day at the State Capitol.

HR 1422 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Parker who introduced representatives of the University of Dallas.

INTRODUCTION OF GUESTS

The chair recognized Representative Keffer who introduced Dr. Alfred Gilman, Bill Gibson, and Jimmy Mansour.

(Speaker in the chair)

HB 2594 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

Representative Thompson called up with senate amendments for consideration at this time,

HB 2594, A bill to be entitled An Act relating to the hours for the wholesale delivery or sale of alcoholic beverages.

Representative Thompson moved to concur in the senate amendments to **HB 2594**.

The motion to concur in the senate amendments to **HB 2594** prevailed by (Record 251): 140 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; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; 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, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

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

Absent, Excused — Maldonado; Olivo; Rios Ybarra.

Absent — Edwards; Farias; Harless; King, T.; Veasey.

STATEMENT OF VOTE

When Record No. 251 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

Senate Committee Substitute

CSHB 2594, A bill to be entitled An Act relating to the hours for the wholesale delivery or sale of alcoholic beverages.

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

SECTION 1. Section 105.02, Alcoholic Beverage Code, is amended to read as follows:

Sec. 105.02. HOURS OF SALE: WHOLESALERS AND LOCAL DISTRIBUTORS TO RETAILERS. (a) A holder of a wholesaler's permit ~~[Except as provided by Subsection (b) of this section, a wholesaler or a local distributor's permittee]~~ may sell, offer for sale, or deliver liquor to a retailer anytime ~~[between 5 a. m. and 9 p. m. on any day]~~ except Sunday and Christmas Day.

(b) A local distributor's permittee may ~~[not]~~ sell, offer for sale, or deliver ~~[any]~~ liquor to a retailer between 5 a.m. and 9 p.m. on any day except:

(1) Sunday;

(2) Christmas Day; or

(3) a day on which a package store permittee is prohibited from selling liquor.

SECTION 2. Section 105.051, Alcoholic Beverage Code, is amended to read as follows:

Sec. 105.051. SALE OF BEER BY DISTRIBUTOR'S LICENSEE. The ~~[In addition to the hours specified for the sale of beer in Section 105.05(b) of this code, the]~~ holder of a general, local, or branch distributor's license may sell, offer for sale, or deliver beer 24 hours a day Monday through Saturday and between midnight and 1 a.m. and between noon and midnight on [beginning at 5 a.m. on any day except] Sunday.

SECTION 3. Section 105.052, Alcoholic Beverage Code, is repealed.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

(McClendon in the chair)

(Maldonado now present)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

SCR 41 (Straus and Homer - House Sponsors), Commending the honorees of the 2009 Texas Medal of Arts Awards.

HR 353 (by Gallego), Honoring former governor Dolph Briscoe, Jr., on his receipt of the Santa Rita Award.

HR 635 (by Christian), Honoring Dr. Debrah Worsham on the event of Texas Dental Association Legislative Day 2009.

HR 1027 (by Zerwas), Congratulating Van Broughton Ramsey on winning the 2008 Costume Designers Guild Honor for Career Achievement in Television.

HR 1155 (by Branch), Commemorating the 75th anniversary of J. L. Long Middle School in Dallas.

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.

HR 1206 (by Laubenberg), Congratulating Bruce and Shirley Shoquist of Rockwall on the occasion of their 50th wedding anniversary.

HR 1242 was previously adopted.

HR 1244 (by Gonzales), Congratulating the Honorable Mario E. Ramirez, Jr., on his receipt of the 2009 Lifetime Achievement Award from the Hidalgo County Bar Association.

HR 1246 (by Corte), Congratulating legislative employee Loretta Class on her 26th birthday.

HR 1248 (by Farabee), Congratulating the winners of the 2008 John Ben Shepperd Texas Leadership Forum Search for Solutions competition.

HR 1256 was withdrawn.

HR 1257 was withdrawn.

HR 1259 (by Veasey), Congratulating Victor C. Pilot and Kasha Hunt on the grand opening of 820 Auto Sales in Fort Worth on April 24, 2009.

HR 1263 (by Bohac), Congratulating Jonathon Naranjo of Houston on attaining the rank of Eagle Scout.

HR 1264 (by Bohac), Congratulating Ethan Louis Van Antwerp of Houston on attaining the rank of Eagle Scout.

HR 1265 (by Bohac), Congratulating Christopher Anthony Arcos of Houston on becoming an Eagle Scout.

HR 1268 (by Bohac), Congratulating Second Lieutenant Ryan Andrew Kemnitz on his graduation from the U.S. Air Force Academy.

HR 1269 (by Leibowitz), Congratulating Steven Shigeo Otake of San Antonio on becoming an Eagle Scout.

HR 1278 (by Leibowitz), Honoring Troy Thienpont of Helotes on being selected to participate in the 2009 Lone Star Leadership Academy.

HR 1279 was withdrawn.

HR 1280 (by Maldonado, et al.), Honoring State Representative Senfronia Thompson on her receipt of the Lifetime Achievement Award from Annie's List.

HR 1281 was withdrawn.

HR 1282 (by T. Smith), Commending Pastor J. C. Benson and Sherry Benson on 40 years of service to the First United Pentecostal Church of Eules.

HR 1283 (by T. Smith), Congratulating Charles and Gwen Swearngen of Hurst on their 50th wedding anniversary.

HR 1284 (by P. King.), Commemorating the 100th anniversary of the Texas Pythian Home in Weatherford.

HR 1285 (by Legler), Honoring the Houston Shifa Services Foundation on the occasion of the opening of the Shifa Abu Bakr Clinic.

HR 1287 (by Shelton), Congratulating Katie Dyslin of Fort Worth on her receipt of the 2009 June Bratcher Award from the Texas Medical Association Political Action Committee.

HR 1289 (by Shelton), Honoring Harmony Science Academy-Fort Worth on achieving an "Exemplary" rating from the Texas Education Agency in 2008.

HR 1290 (by Shelton), Honoring Ronnie Scrima on his receipt of the Boy Scouts' Heroism Award for saving a man's life with CPR.

HR 1291 (by Shelton), Honoring Tanglewood Elementary School in Fort Worth on its selection as a 2008 Just for the Kids–Higher Performing School by the National Center for Educational Achievement.

HR 1292 (by Parker), Commending art students from Downing Middle School in Flower Mound for participating in the Empty Bowls event to benefit the North Texas Food Bank.

HR 1293 (by Parker), Honoring Caitlin Magill, captain of the Marquettes drill team of Marcus High School in Flower Mound, for her showing at the Crowd Pleasers Fossil Ridge dance team competition.

HR 1294 (by Parker), Congratulating Garrett Ash of Flower Mound on becoming an Eagle Scout.

HR 1295 (by Gattis), Commemorating the 2009 Memorial Day observance sponsored by the Sun City Texas Community Association.

HR 1296 (by Creighton), Congratulating Hunter Fields on attaining the rank of Eagle Scout.

HR 1297 (by Craddick), Congratulating Novert and Mary Merino on the occasion of their 65th wedding anniversary.

HR 1298 (by Craddick), Congratulating Bob and Juanita Stokes on the occasion of their 50th wedding anniversary.

HR 1300 (by Miklos), Congratulating the mock trial team of Skyline High School in Dallas for winning the state championship at the 2009 Texas High School Mock Trial Competition.

HR 1305 (by Marquez), Congratulating Paul Strelzin on his induction into the El Paso Athletic Hall of Fame.

HR 1307 (by Kent and Hartnett), Honoring Terry Kaufman Levinger of Dallas on her 50th birthday.

HR 1311 (by Hunter), Honoring Dr. George Benavidez of Corpus Christi for his professional accomplishments.

HR 1312 (by Hodge), Honoring Don R. Carter, Sr., of Dallas on his retirement from the Texas Department of Criminal Justice.

HR 1313 was previously adopted.

HR 1315 (by Legler), Honoring the San Jacinto Republican Women.

HR 1317 (by Martinez Fischer), Honoring the Hyatt Regency Hill Country Resort and Spa in San Antonio.

HR 1326 (by Hardcastle), Congratulating Rusty Riddle on his induction into the Texas Rodeo Cowboy Hall of Fame.

HR 1328 (by Gonzalez Toureilles), Honoring U.S. Army Specialist Mario Luis Lopez, Jr., for his service in Afghanistan.

HR 1330 (by Gonzalez Toureilles), Commending U.S. Marine Corporal Daniel J. Garcia of Ben Bolt for his service to his country.

HR 1331 (by Gonzalez Toureilles), Honoring U.S. Army Private First Class Gilbert Segura of Alice for his service to his country.

HR 1335 (by Flynn), Congratulating Johnny and Unita Courts of Greenville on the occasion of their 50th wedding anniversary.

HR 1336 (by Keffer), Congratulating Chris Ward on his selection for promotion to the rank of major in the U.S. Air Force.

HR 1337 (by Craddick), Congratulating Gene Allen of Kerrville on his appointment to the Texas Funeral Service Commission.

HR 1338 (by Craddick), Honoring Gene Rush of Levelland on his retirement as Hockley County auditor.

HR 1339 (by Craddick), Congratulating the Upton County commissioners on opening a new MHMR Mental Health Center in McCamey.

HR 1341 (by J. Davis, Legler, Taylor, Weber, and W. Smith), Honoring the members of Bay Area Republican Women for their contributions to their communities.

HR 1342 (by McClendon), Honoring the Bowden Chapter of Business and Professional Women for 65 years of community service and congratulating L. Vernice Warner on being named the chapter's 2007 Woman of the Year.

HR 1344 (by Alvarado), Commending the faculty, staff, and students from Houston Community College–Southeast who participated in the relief efforts following Hurricane Ike.

HR 1346 (by Alvarado), Commending Johnny L. Sessums of Houston for his outstanding service to his community.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 1172 was withdrawn.

HR 1249 (by Farabee), Honoring the life of auto racing legend Lloyd Ruby of Wichita Falls.

HR 1250 (by Weber), In memory of U.S. Army Sergeant Joshua Allen Ward, Sr., of Killeen.

HR 1251 (by Peña), In memory of Albert "Beto" Garza, Jr.

HR 1252 (by Peña, Martinez, and Gonzales), In memory of Alfredo R. Longoria of Edinburg.

HR 1253 (by Peña), In memory of Armando and Francisca Salinas of Elsa.

HR 1258 (by Veasey), In memory of the Reverend Dr. Cedric Deon Britt of Mount Gilead Baptist Church in Fort Worth.

HR 1260 (by Veasey), In memory of Sammie Lee Sims of Fort Worth.

HR 1261 (by Bohac), In memory of Martha Lynn Koriotoh of Houston.

HR 1262 (by Bohac), In memory of Mary Ellen Hayman Lewis of Houston.

HR 1266 (by Bohac), In memory of Darrell Bayer of Brenham.

HR 1267 (by Bohac), Honoring the life of Beverly Evans of Houston.

HR 1272 (by Weber), In memory of U.S. Army Lieutenant Timothy Wayne Cunningham.

HR 1277 (by Edwards), In memory of Shirley Joiner of Houston.

HR 1288 (by Shelton), In memory of Harry J. Hillaker of Fort Worth.

HR 1299 (by Craddick), In memory of Danny Ray Robertson of Midland.

HR 1301 (by Miklos), In memory of Paula Sue Lawson of Balch Springs.

HR 1302 (by Miklos), In memory of Justin M. Lynch of Mesquite.

HR 1303 (by Miklos), In memory of U.S. Army Sergeant First Class Raymond Munden.

HR 1304 (by Marquez), In memory of Officer Cesar Arreola of the El Paso County Sheriff's Office.

HR 1306 (by Hopson), In memory of Susan Irene Thompson of Jacksonville.

HR 1314 was previously adopted.

HR 1319 (by Martinez Fischer), Honoring the life of noted restaurateur Viola B. Barrios of San Antonio.

HR 1323 (by Weber), In memory of Mary Doris Cammack Hall of Beaumont.

HR 1333 (by Woolley), In memory of Julia Louise "Connie" Pratkanis of Houston.

HR 1334 (by Woolley), In memory of Jeanette Epstein Oshman of Houston.

HR 1345 (by Alvarado), In memory of Roman Martinez of Houston.

HCR 167 (by Homer), In memory of Robert Brownfield of Paris, Texas.

HCR 169 (by Homer), In memory of Patsy Bell Rosson of Paris, Texas.

HCR 170 (by Homer), In memory of Jimmy E. Upton of Blossom.

The resolutions were unanimously adopted by a rising vote.

HCR 189 - ADOPTED

(by Homer)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 189**.

The motion prevailed.

The following resolution was laid before the house:

HCR 189, Designating April 23, 2009, as Lamar County Day at the State Capitol.

HCR 189 was adopted.

(Farabee in the chair)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 18).

(Speaker in the chair)

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 4471 ON THIRD READING
(by Kolkhorst, D. Howard, Shelton, Ortiz, S. King, et al.)**

HB 4471, A bill to be entitled An Act relating to the professional nursing shortage reduction program.

HB 4471 was passed by (Record 252): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; 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; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Olivo; Rios Ybarra.

Absent — Edwards; Thompson.

STATEMENT OF VOTE

When Record No. 252 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

HB 2027 ON THIRD READING
(by Zerwas, Hartnett, Martinez, Branch, et al.)

HB 2027, A bill to be entitled An Act relating to adoption of the Revised Uniform Anatomical Gift Act; providing criminal penalties.

HB 2027 was passed by (Record 253): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; 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, 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; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; 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 — Olivo; Rios Ybarra.

Absent — Edwards; Hartnett; King, S.

STATEMENT OF VOTE

When Record No. 253 was taken, my vote failed to register. I would have voted yes.

S. King

HB 1998 ON THIRD READING
(by McCall)

HB 1998, A bill to be entitled An Act relating to temporary housing and emergency shelters provided by a political subdivision for disaster victims.

HB 1998 was passed by (Record 254): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; 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; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Olivo; Rios Ybarra.

Absent — Deshotel; Hernandez; Taylor.

HB 1990 ON THIRD READING
(by McReynolds, Guillen, and Leibowitz)

HB 1990, A bill to be entitled An Act relating to a diabetes self-management training pilot program under the state Medicaid program.

HB 1990 was passed by (Record 255): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; 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, 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; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Olivo; Rios Ybarra.

Absent — Thompson.

STATEMENT OF VOTE

When Record No. 255 was taken, I was in the house but away from my desk. I would have voted yes.

Thompson

HB 1881 ON THIRD READING

(by S. Miller, Gonzalez Tourelles, Leibowitz, Guillen, et al.)

HB 1881, A bill to be entitled An Act relating to the creation of the Texas Equine Incentive Program.

HB 1881 was passed by (Record 256): 144 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; 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 Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; 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; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; 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; Woolley; Zerwas.

Nays — Weber.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Olivo; Rios Ybarra.

Absent — Keffer; King, S.

STATEMENT OF VOTE

When Record No. 256 was taken, my vote failed to register. I would have voted yes.

S. King

HB 2527 ON THIRD READING

(by Aycock)

HB 2527, A bill to be entitled An Act relating to the regulation of commercial fertilizer.

HB 2527 was passed by (Record 257): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; 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, 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; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Olivo; Rios Ybarra.

Absent — Walle.

HB 1965 ON THIRD READING
(by Darby, Hilderbran, Heflin, and Guillen)

HB 1965, A bill to be entitled An Act relating to permits to control protected wildlife; providing a penalty.

HB 1965 was passed by (Record 258): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; 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; Orr; Ortiz; Otto; Parker;

Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; 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 — Olivo; Rios Ybarra.

Absent — Davis, J.; King, S.; Rose.

STATEMENT OF VOTE

When Record No. 258 was taken, my vote failed to register. I would have voted yes.

S. King

HB 2018 ON THIRD READING

(by Strama, Guillen, et al.)

HB 2018, A bill to be entitled An Act relating to the inclusion of a student representative on a district-level planning and decision-making committee.

HB 2018 was passed by (Record 259): 96 Yeas, 47 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Aycock; Bohac; Bolton; Bonnen; Branch; Brown, F.; Burnam; Castro; Chavez; Chisum; Cohen; Coleman; Darby; Davis, Y.; Deshotel; Driver; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Harless; Hartnett; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Hunter; Isett; Keffer; Kent; Kuempel; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Ortiz; Peña; Pickett; Pierson; Pitts; Quintanilla; Raymond; Ritter; Rodriguez; Smith, T.; Smithee; Strama; Swinford; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Berman; Brown, B.; Button; Callegari; Christian; Cook; Corte; Crabb; Craddock; Creighton; Crownover; Davis, J.; Elkins; Fletcher; Flynn; Gattis; Geren; Hancock; Hardcastle; Harper-Brown; Hilderbran; Howard, C.; Jackson; Jones; King, P.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Miller, S.; Orr; Otto; Parker; Patrick; Paxton; Phillips; Riddle; Sheffield; Shelton; Smith, W.; Solomons; Taylor; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Olivo; Rios Ybarra.

Absent — Dukes; King, S.; King, T.; Rose.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 259. I intended to vote no.

Bonnen

When Record No. 259 was taken, my vote failed to register. I would have voted yes.

S. King

I was shown voting yes on Record No. 259. I intended to vote no.

Smithee

I was shown voting yes on Record No. 259. I intended to vote no.

Swinford

POSTPONED BUSINESS

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

CSHB 493 ON SECOND READING

(by Zerwas, Moody, Legler, Leibowitz, et al.)

CSHB 493, A bill to be entitled An Act relating to the eligibility for judge-ordered community supervision or for release on parole or to mandatory supervision of a defendant convicted of criminal solicitation of capital murder.

CSHB 493 was read second time on April 20 and was postponed until 10 a.m. today.

Representative Zerwas moved to postpone consideration of **CSHB 493** until 10 a.m. Thursday, April 30.

The motion prevailed.

HB 1462 ON SECOND READING

(by Pickett, Herrero, Moody, and Guillen)

HB 1462, A bill to be entitled An Act relating to leave for certain state employees who volunteer or participate in training for Court Appointed Special Advocates.

HB 1462 was read second time on April 20 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Chisum offered the following amendment to **HB 1462**:

Amend **HB 1462** (house committee printing) as follows:

(1) On page 1, line 7, strike "COURT APPOINTED SPECIAL ADVOCATES VOLUNTEER" and substitute "VOLUNTEER TRAINING AND SERVICE ACTIVITIES".

(2) On page 1, lines 9-10, strike "to participate in mandatory training or perform volunteer services for Court Appointed Special Advocates" and substitute "to".

(3) On page 1, line 12, between "time" and the period, insert the following:

, to participate in mandatory training or perform volunteer services for:

(1) Court Appointed Special Advocates; or

(2) Crisis Pregnancy Center

Amendment No. 1 - Point of Order

Representative Villarreal raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 1 was withdrawn.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

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

Licensing and Administrative Procedures, upon lunch recess today, Desk 28, for a formal meeting, to consider pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Solomons moved to suspend the five-day posting rule to allow the Committee on State Affairs to consider pending business today.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, upon lunch recess today, 3W.9, for a formal meeting, to consider pending business.

(D. Howard in the chair)

RECESS

At 11:48 a.m., the chair announced that the house would stand recessed until 12:30 p.m. today.

AFTERNOON SESSION

The house met at 12:30 p.m. and was called to order by the speaker.

LEAVE OF ABSENCE GRANTED

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

Pitts on motion of Lewis.

HB 1462 - (pending business)

Amendment No. 2

Representative Gattis offered the following amendment to **HB 1462**:

Amend **HB 1462** (house committee printing) as follows:

(1) On page 1, line 8, strike "A state employee" and substitute "(a) A state employee".

(2) On page 1, between lines 12 and 13, insert:

"(b) A state employee may not be granted leave under Subsection (a) unless the employee obtains approval from the employee's supervisor before taking the leave."

Amendment No. 2 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. 2).

HB 1462 - (consideration continued)

Amendment No. 3

Representative Weber offered the following amendment to **HB 1462**:

Add the following line:

1) Staffers of the Texas House of Representatives, would be allowed 10 hours each month off with pay to volunteer for Court Appointed Special Advocates; beginning the second Tuesday of January and continuing through June 15th on odd numbered years only.

Amendment No. 3 was withdrawn.

HB 1462 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CHRISTIAN: Mr. Pickett, I appreciate your bill, just some questions I'd like to ask. How many state workers already participate in CASA? Are you aware?

REPRESENTATIVE PICKETT: No. I heard some anecdotal numbers, and most of it was regarding people who work in child protective services.

CHRISTIAN: Why are we giving a preference again to CASA, instead of other worthy causes? Why again is this special? I know you've said it, but if you could briefly state that for us.

PICKETT: Most of the people who volunteer through CASA put in probably four or five times this amount of hours in a month's time, but there's a situation, Mr. Christian, when the court would like to have the CASA volunteer there when they interview the child before a hearing. And that usually happens—not usually, that happens—during the day when the courts are open, and it's been an issue about getting a CASA volunteer there, and a question about whether they can get time off to be there.

CHRISTIAN: Another question I would ask is, don't the taxpayers of Texas really expect their workers—or the workers they're employing, that they're paying their taxes to employ for the government service—to work the full week's schedule of 40 hours a week?

PICKETT: Mr. Christian, we also looked at adding more state employees to the payroll to take care of the children. We figure five hours donated time a month was a lot less expensive than us putting on about 300 FTEs, and that cost that goes along with it. So, Mr. Christian, if you are a conservative like me, you would support this bill and not increase the spending to the State of Texas.

CHRISTIAN: How many volunteer hours, or time off/time leave, do we currently grant for state employees? That they have already, leave time, at their disposal. How much time is that? Do you know?

PICKETT: Five hours.

CHRISTIAN: And why can't the employees participate in CASA in that amount of time that they are currently allowed?

PICKETT: Because if you'll look in the statute—and the HRO did a good job on this—we have that for the National Guard, the Red Cross, donating blood, bone marrow, but we do not have it for CASA volunteers. We would like to offer this important function to state employees.

CHRISTIAN: Aren't we paying employees, state employees, for the function of full-time employment, which is kind of counterproductive to allow them, at their discretion, time to take off?

PICKETT: And what it's really doing now, Mr. Christian—these people are gonna take the five hours, they're gonna do it, and then they're gonna stay at their desk an additional five hours. We know that's the reality out there. We want to give them something back. These employees that are volunteering their time are not putting in 40 hours a week for the State of Texas. They're putting in 50 and 60 hours a week for the State of Texas and not getting paid for it.

CHRISTIAN: Currently, with the problems we have with the Texas Youth Commission, state schools, in recent years, shouldn't we expect our state employees to devote more time or full time, at least the full time they're being paid, in light of these problems that currently exist in the State of Texas on these particular issues?

PICKETT: I'm not aware of that. I'm just bringing an issue about our children that happen to be in foster care.

CHRISTIAN: We have ongoing challenges—dropouts, uninsured. Shouldn't employees at the TEA and Health and Human Services remain focused on core duties at a time that we have people dropping out of those issues?

PICKETT: Yes, sir, I support that, and if you would like to bring a bill and ask for permission to introduce, I will vote for that permission to introduce that bill.

CHRISTIAN: And why should the state subsidize, again, volunteerism? Isn't it kind of an oxymoron if we're paying somebody for their volunteer efforts?

PICKETT: The only oxymorons we have are the people that oppose this bill.

CHRISTIAN: Does this program negate one of the core virtues of volunteerism? Because they're being paid for it, again?

PICKETT: No, sir, because again, the reality is, these people that are volunteering are putting work in for the State of Texas on and above the 40 hours that they get paid for now.

CHRISTIAN: Would you not agree we need to put limits on other volunteer programs that the state employees can participate in on our paid time?

PICKETT: This has a limit. So, yes.

CHRISTIAN: So what limits might there be on the number of hours for a person to be paid to leave? Is there no limit, do you think, or is this striking the limit you think appropriate for this one agenda only?

PICKETT: No, sir, this has a limit of five hours a month.

CHRISTIAN: CASA is a great program, but some of us have a problem with the idea that if we're going to have volunteerism, it should not be on the taxpayers paid clock, and I applaud the bill itself for your volunteerism to the agenda of CASA.

REMARKS ORDERED PRINTED

Representative Christian moved to print remarks between Representative Pickett and Representative Christian.

The motion prevailed.

HB 1462, as amended, was passed to engrossment by (Record 260): 85 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Branch; Burnam; Castro; Chavez; Cohen; Coleman; Corte; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Hardcastle; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Jackson; Keffer; Kent; King, S.; King, T.; Kuempel; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Ortiz; Otto; Peña; Pickett; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solomons; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Button; Callegari; Chisum; Christian; Cook; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Elkins; Fletcher; Flynn; Gattis; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Howard, C.; Hunter; Isett; King, P.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Lewis; Madden; Miller, D.; Miller, S.; Morrison; Orr; Parker; Patrick; Phillips; Riddle; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Taylor; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Olivo; Pitts; Rios Ybarra.

Absent — Edwards; Jones; Paxton; Pierson; Swinford.

STATEMENTS OF VOTE

I was shown voting no on Record No. 260. I intended to vote yes.

Bohac

I was shown voting no on Record No. 260. I intended to vote present, not voting.

Callegari

I was shown voting yes on Record No. 260. I intended to vote no.

Hilderbran

When Record No. 260 was taken, I was in the house but away from my desk. I would have voted no.

Jones

I was shown voting yes on Record No. 260. I intended to vote no.

Keffer

When Record No. 260 was taken, I was in the house but away from my desk. I would have voted no.

Paxton

When Record No. 260 was taken, I was in the house but away from my desk. I would have voted no.

Swinford

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 3 and 4).

GENERAL STATE CALENDAR**HOUSE BILLS****SECOND READING**

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

HB 8 ON SECOND READING

(by Otto, Oliveira, Darby, Quintanilla, Elkins, et al.)

HB 8, A bill to be entitled An Act relating to certain studies and reviews of appraisal districts conducted by the comptroller of public accounts.

HB 8 was passed to engrossment.

CSHB 1869 ON SECOND READING

(by Madden and Moody)

CSHB 1869, A bill to be entitled An Act relating to a determination of value for purposes of punishment of the offense of abuse of official capacity.

Representative Madden moved to postpone consideration of **CSHB 1869** until 10 a.m. Wednesday, April 29.

The motion prevailed.

HB 1804 ON SECOND READING
(by Hughes)

HB 1804, A bill to be entitled An Act relating to service of process for delinquent taxes on a nonresident.

HB 1804 was passed to engrossment.

CSHB 1831 ON SECOND READING
(by Corte and Edwards)

CSHB 1831, A bill to be entitled An Act relating to emergency management.

Amendment No. 1

Representative Eiland offered the following amendment to **CSHB 1831**:

Amend **CSHB 1831** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Title 5, Finance Code, is amended by adding Chapter 397 to read as follows:

CHAPTER 397. MORTGAGE SERVICERS

Sec. 397.001. DEFINITIONS. In this chapter, "mortgage servicer" and "mortgagee" have the meanings assigned by Section 51.0001, Property Code.

Sec. 397.002. INTEREST ON DISASTER REPAIR MONEY HELD BY MORTGAGE SERVICER. (a) A mortgage servicer holding money for more than 10 business days that is received from an insurance provider for repairs to a mortgagee's property following a disaster declared under Section 418.014, Government Code, shall pay interest to the mortgagee.

(b) For purposes of interest payments, the interest shall accrue from the time a mortgage servicer receives the money from an insurance provider.

(c) The interest rate that applies for the first 10 days after the money is received must be not less than the rate that the mortgage servicer receives on money held in the account in which the mortgage servicer held the money received from the insurance provider.

(d) The interest rate that applies after the 10th day is the minimum rate described by Subsection (c) plus two percent a year.

Amendment No. 1 was adopted.

CSHB 1831, as amended, was passed to engrossment.

HB 1579 ON SECOND READING
(by Gonzales)

HB 1579, A bill to be entitled An Act relating to a county's removal of flood water resulting from a natural disaster in certain communities.

HB 1579 was passed to engrossment.

HB 415 ON SECOND READING
(by Villarreal and Naishtat)

HB 415, A bill to be entitled An Act relating to the regulation of employer-based day-care facilities.

HB 415 was passed to engrossment.

CSHB 2440 ON SECOND READING
(by McCall)

CSHB 2440, A bill to be entitled An Act relating to scholarships for fifth-year accounting students.

Amendment No. 1

Representative McCall offered the following amendment to **CSHB 2440**:

Amend **CSHB 2440** (House Committee Report) as follows:

(1) On page 5, line 22, between "use" and the comma, insert "without appropriation".

(2) On page 7, line 17, strike "awarded to students" and substitute "allocated to institutions of higher education for making awards to students during the 2009-2010 academic year".

Amendment No. 1 was adopted.

CSHB 2440, as amended, was passed to engrossment.

HB 108 ON SECOND READING
(by Phillips)

HB 108, A bill to be entitled An Act relating to persons eligible to be appointed as a receiver for certain mineral interests.

HB 108 was passed to engrossment.

HB 2066 ON SECOND READING
(by Gallego, Moody, et al.)

HB 2066, A bill to be entitled An Act relating to enhancing penalties for assaulting a family member by strangulation or suffocation.

Amendment No. 1

Representative Dutton offered the following amendment to **HB 2066**:

Amend **HB 2066** (House Committee Report) as follows:

(1) On page 2, line 2, between "mouth" and the semicolon, insert "and the person shows obvious signs of physical injury".

(2) On page 3, line 5, between "mouth" and the period, insert "and the person shows obvious signs of physical injury".

(Bohac in the chair)

Representative Gallego moved to table Amendment No. 1.

The vote of the house was taken on the motion to table Amendment No. 1 and the vote was announced yeas 71, nays 70.

A verification of the vote was requested and was granted.

(Speaker in the chair)

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 261): 74 Yeas, 61 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Bolton; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Driver; Dukes; Dunnam; Eiland; Farabee; Farias; Farrar; Fletcher; Frost; Gallego; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hilderbran; Homer; Hopson; Howard, D.; Hunter; Jones; Keffer; Kent; King, S.; King, T.; Kleinschmidt; Kuempel; Leibowitz; Lewis; Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; Menendez; Merritt; Miklos; Miller, D.; Moody; Naishtat; Ortiz; Otto; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Shelton; Solomons; Strama; Swinford; Thibaut; Turner, C.; Veasey; Villarreal; Vo; Walle.

Nays — Alonzo; Anderson; Aycock; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Cook; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Dutton; Eissler; England; Flynn; Gattis; Geren; Giddings; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hochberg; Hodge; Howard, C.; Hughes; Isett; Jackson; King, P.; Kolkhorst; Laubenberg; Legler; Madden; Mallory Caraway; McCall; McReynolds; Miller, S.; Morrison; Orr; Parker; Patrick; Paxton; Ritter; Sheffield; Smith, T.; Smith, W.; Smithee; Taylor; Truitt; Turner, S.; Weber; Woolley; Zerwas.

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

Absent, Excused — Olivo; Pitts; Rios Ybarra.

Absent — Craddick; Crownover; Edwards; Elkins; Flores; Gutierrez; McClendon; Oliveira; Thompson; Vaught.

The speaker stated that the motion to table prevailed by the above vote.

STATEMENT OF VOTE

I was shown voting no on Record No. 261. I intended to vote yes.

Deshotel

LEAVES OF ABSENCE GRANTED

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

Crownover on motion of Morrison.

McClendon on motion of Hodge.

Oliveira on motion of Martinez Fischer.

Vaught on motion of Leibowitz.

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

Elkins on motion of Kuempel.

HB 2066 - (consideration continued)**Amendment No. 2**

Representative Giddings offered the following amendment to **HB 2066**:

Amend **HB 2066** (House Committee Report) as follows:

(1) On page 2, line 2, between "mouth" and the semicolon, insert "and physical evidence or the testimony of a witness other than the victim corroborates that the offense was committed in the manner described by this paragraph".

(2) On page 3, line 5, between "mouth" and the period, insert "and physical evidence or the testimony of a witness other than the victim corroborates that the offense was committed in the manner described by this paragraph".

(Bonnen in the chair)

Amendment No. 2 failed of adoption by (Record 262): 57 Yeas, 75 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anderson; Aycock; Berman; Branch; Brown, B.; Brown, F.; Callegari; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eissler; England; Flynn; Gattis; Geren; Giddings; Hamilton; Hancock; Harless; Harper-Brown; Hartnett; Hodge; Howard, C.; Isett; Jackson; King, P.; Kolkhorst; Laubenberg; Legler; Madden; Mallory Caraway; McCall; McReynolds; Morrison; Otto; Parker; Patrick; Paxton; Ritter; Sheffield; Smith, T.; Smith, W.; Smithee; Solomons; Taylor; Truitt; Turner, S.; Woolley; Zerwas.

Nays — Alvarado; Anchia; Bohac; Bolton; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Driver; Dunnam; Eiland; Farabee; Farias; Farrar; Fletcher; Frost; Gallego; Gonzales; Gonzalez Toureilles; Gutierrez; Hardcastle; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Homer; Hopson; Howard, D.; Hunter; Jones; Keffer; Kent; King, T.; Kleinschmidt; Kuempel; Leibowitz; Lewis; Lucio; Maldonado; Marquez; Martinez; Martinez Fischer; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Naishtat; Orr; Ortiz; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond; Riddle; Rodriguez; Rose; Shelton; Strama; Swinford; Thibaut; Turner, C.; Veasey; Villarreal; Walle; Weber.

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

Absent, Excused — Crownover; Elkins; McClendon; Oliveira; Olivo; Pitts; Rios Ybarra; Vaught.

Absent — Craddick; Edwards; Flores; Guillen; Hughes; King, S.; Thompson; Vo.

STATEMENTS OF VOTE

When Record No. 262 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 262 was taken, I was in the house but away from my desk. I would have voted no.

S. King

HB 2066 was passed to engrossment by (Record 263): 123 Yeas, 7 Nays, 2 Present, not voting.

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

Nays — Brown, B.; Crabb; Dutton; Flynn; Giddings; Isett; Turner, S.

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

Absent, Excused — Crownover; Elkins; McClendon; Oliveira; Olivo; Pitts; Rios Ybarra; Vaught.

Absent — Craddick; Davis, Y.; Edwards; Flores; Hughes; King, S.; Mallory Caraway; Miller, S.; Parker; Thompson.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 263. I intended to vote no.

Hodge

When Record No. 263 was taken, my vote failed to register. I would have voted yes.

S. King

LEAVE OF ABSENCE GRANTED

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

Thompson on motion of Y. Davis.

HB 2032 ON SECOND READING (by England)

HB 2032, A bill to be entitled An Act relating to the authority of certain municipalities to use hotel occupancy tax revenue for certain venue projects.

Amendment No. 1

Representative Guillen offered the following amendment to **HB 2032**:

Amend **HB 2032** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 334, Local Government Code, is amended by adding Section 334.0082 to read as follows:

Sec. 334.0082. VENUE PROJECTS IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality that has a population of at least 176,000, that borders the Rio Grande, and that approved a sports and community venue project before January 1, 2009.

(b) Notwithstanding any other law, including Section 334.089, after complying with Section 334.022, a municipality to which this section applies may hold an election under Section 334.024 on the question of approving and implementing a resolution to:

(1) authorize the municipality to plan, acquire, establish, develop, construct, or renovate a convention center and related infrastructure in the city limits of the municipality as part of an existing or previously approved sports and community venue project, regardless of whether the convention center is located on the premises of the existing or previously approved venue project;

(2) impose a tax under Subchapter H at a rate not to exceed two percent of the cost of a room; and

(3) authorize the municipality to finance, operate, and maintain the venue project described by Subdivision (1), including the convention center, using the revenue from any taxes imposed by the municipality under this chapter, including taxes previously approved in relation to the existing or previously approved venue project.

(c) If the resolution is approved by a majority of the votes cast in the election, the municipality may implement the resolution.

Amendment No. 1 was adopted.

HB 2032, as amended, was passed to engrossment.

LEAVE OF ABSENCE GRANTED

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

Craddick on motion of Parker.

HB 2086 ON SECOND READING

(by Moody)

HB 2086, A bill to be entitled An Act relating to the prosecution and punishment of the offense of engaging in organized criminal activity.

Amendment No. 1

Representative Bohac offered the following amendment to **HB 2086**:

Amend **HB 2086** (house committee printing) as follows:

- (1) On page 2, line 14, strike "; or" and substitute ";".
- (2) On page 2, between lines 14 and 15, insert:
(14) any offense under Section 28.08; or
- (3) On page 2, line 15, strike "(14)" and substitute "(15)".

Amendment No. 1 was adopted.

HB 2086, as amended, was passed to engrossment.

LEAVE OF ABSENCE GRANTED

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

Flores on motion of Hodge.

HB 1866 ON SECOND READING (by Solomons)

HB 1866, A bill to be entitled An Act relating to distributed renewable generation of electric power.

Amendment No. 1

Representatives Anchia and Gallego offered the following amendment to **HB 1866**:

Amend **HB 1866** (house committee printing) by adding the following appropriately numbered sections and renumbering subsequent sections accordingly:

SECTION _____. Section 31.002(6), Utilities Code, is amended to read as follows:

(6) "Electric utility" means a person or river authority that owns or operates for compensation in this state equipment or facilities to produce, generate, transmit, distribute, sell, or furnish electricity in this state. The term includes a lessee, trustee, or receiver of an electric utility and a recreational vehicle park owner who does not comply with Subchapter C, Chapter 184, with regard to the metered sale of electricity at the recreational vehicle park. The term does not include:

- (A) a municipal corporation;
- (B) a qualifying facility;
- (C) a power generation company;
- (D) an exempt wholesale generator;
- (E) a power marketer;
- (F) a corporation described by Section 32.053 to the extent the corporation sells electricity exclusively at wholesale and not to the ultimate consumer;
- (G) an electric cooperative;
- (H) a retail electric provider;
- (I) this state or an agency of this state; ~~or~~
- (J) a person not otherwise an electric utility who:

(i) furnishes an electric service or commodity only to itself, its employees, or its tenants as an incident of employment or tenancy, if that service or commodity is not resold to or used by others;

(ii) owns or operates in this state equipment or facilities to produce, generate, transmit, distribute, sell, or furnish electric energy to an electric utility, if the equipment or facilities are used primarily to produce and generate electric energy for consumption by that person; or

(iii) owns or operates in this state a recreational vehicle park that provides metered electric service in accordance with Subchapter C, Chapter 184; or

(K) a distributed renewable generation owner, as defined by Section 39.916, or a person with whom a retail electric customer contracts to install or maintain distributed renewable generation on the customer's side of the meter.

SECTION _____. Section 39.916(d), Utilities Code, is amended to read as follows:

(d) The commission by rule shall establish safety, technical, and performance standards for distributed renewable generation that may be interconnected. In adopting the rules, the commission shall consider standards published by the Underwriters Laboratories, the National Electric Code, the National Electric Safety Code, and the Institute of Electrical and Electronics Engineers. The commission may not require a distributed renewable generation owner or a person who contracts with a customer to install or maintain distributed renewable generation on the customer's side of the meter to register as a power generation company.

Amendment No. 1 was adopted.

HB 1866, as amended, was passed to engrossment.

CSHB 2249 ON SECOND READING
(by Hunter and Harless)

CSHB 2249, A bill to be entitled An Act relating to the regulation of staff leasing services.

CSHB 2249 was passed to engrossment.

(Speaker in the chair)

HB 2304 ON SECOND READING
(by Lewis, Cook, and Guillen)

HB 2304, A bill to be entitled An Act relating to tuition and fee exemptions at public institutions of higher education for students who have been under the conservatorship of the Department of Family and Protective Services.

HB 2304 was passed to engrossment.

SB 346 ON SECOND READING
(Kolkhorst and D. Howard - House Sponsors)

SB 346, A bill to be entitled An Act relating to information submitted to and maintained in the immunization registry after an individual becomes an adult.

SB 346 was considered in lieu of **HB 2382**.

SB 346 was passed to third reading.

HB 2382 - LAID ON THE TABLE SUBJECT TO CALL

Representative Kolkhorst moved to lay **HB 2382** on the table subject to call.

The motion prevailed.

HB 2318 ON SECOND READING
(by Swinford and Guillen)

HB 2318, A bill to be entitled An Act relating to the fuel ethanol and biodiesel incentive program of the Department of Agriculture.

Representative Bonnen moved to postpone consideration of **HB 2318** until the end of today's calendar.

The motion prevailed.

CSHB 3971 ON SECOND READING
(by Ritter, Lucio, Homer, and Bonnen)

CSHB 3971, A bill to be entitled An Act relating to the funding of certain activities of the General Land Office pertaining to the management of coastal public land.

Representative Ritter moved to postpone consideration of **CSHB 3971** until 10 a.m. tomorrow.

The motion prevailed.

CSHB 3004 ON SECOND READING
(by Coleman)

CSHB 3004, A bill to be entitled An Act relating to animal shelter standards; providing a civil penalty.

Amendment No. 1

Representative Coleman offered the following amendment to **CSHB 3004**:

Amend **CSHB 3004** (House committee printing) by striking page 2, lines 6-9.

AMENDMENT NO. 1 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE AYCOCK: Thank you, Mr. Coleman. I think I understand your bill correctly, and I think we're okay with this, but let me ask you a couple things about it, if I may?

REPRESENTATIVE COLEMAN: Yes, sir.

AYCOCK: It says it "may enforce," so it's optional to the counties?

COLEMAN: That's correct.

AYCOCK: It has no county cost implications that I can see, is that correct?

COLEMAN: That's correct.

AYCOCK: Okay. It says that the county may not set the standards. Is that a clear understanding also?

COLEMAN: That's correct.

AYCOCK: And it says that the counties will not enforce against municipalities?

COLEMAN: That is correct.

AYCOCK: Therefore, this applies mainly to private shelters or charitable shelters. Is that correct?

COLEMAN: That is correct.

REMARKS ORDERED PRINTED

Representative Aycock moved to print remarks between Representative Coleman and Representative Aycock.

The motion prevailed.

Amendment No. 1 was adopted.

CSHB 3004, as amended, was passed to engrossment. (Christian recorded voting no.)

HB 3309 ON SECOND READING

(by Gattis)

HB 3309, A bill to be entitled An Act relating to consolidation of certain proceedings on an application for a certificate of convenience and necessity.

Amendment No. 1

Representative Gattis offered the following amendment to **HB 3309**:

Amend **HB 3309** (house committee printing) at the end of SECTION 1 (page 1, line 15) by adding: "This section does not apply to a proceeding on an application for a certificate of convenience and necessity for a transmission line to serve a competitive renewable energy zone as part of a plan developed by the commission under Section 39.904(g)(2) unless the transmission line would be constructed by more than one transmission service provider."

Amendment No. 1 was adopted.

HB 3309, as amended, was passed to engrossment.

CSHB 2774 ON SECOND READING

(by Truitt)

CSHB 2774, A bill to be entitled An Act relating to the licensing and regulation of certain persons involved in residential mortgage lending; providing a penalty.

Representative Truitt moved to postpone consideration of **CSHB 2774** until 10 a.m. Monday, April 27.

The motion prevailed.

HB 2557 ON SECOND READING
(by Harper-Brown)

HB 2557, A bill to be entitled An Act relating to the evaluation of highway or other mobility projects as toll projects by the Texas Department of Transportation.

HB 2557 was passed to engrossment.

CSHB 2491 ON SECOND READING
(by Patrick)

CSHB 2491, A bill to be entitled An Act relating to disclosure of certain personal information of applicants for employment with and current and former employees of public school entities.

Representative Patrick moved to postpone consideration of **CSHB 2491** until the end of today's calendar.

The motion prevailed.

HB 281 ON SECOND READING
(by Anchia, Zerwas, S. King, Coleman, and Guillen)

HB 281, A bill to be entitled An Act relating to grants for school-based health centers.

Amendment No. 1

Representative Coleman offered the following amendment to **HB 281**:

Amend **HB 281** as follows:

(1) On page 3, lines 1-3, strike ", and the results of those surveys must be included in the annual report required under Section 38.064" and substitute "[~~and the results of those surveys must be included in the annual report required under Section 38.064~~]".

(2) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 38.064, Education Code, is amended to read as follows:

Sec. 38.064. REPORT TO LEGISLATURE. (a) Based on statistics obtained from every school-based health center in this state that receives funding through the Department of State Health Services, the Department of State Health Services [commissioner of public health] shall issue a biennial [an annual] report to the legislature about the [relative efficacy of] services delivered by the [school-based health] centers during the preceding two years [and any increased academic success of students at campuses served by those centers, with special emphasis on any:

[~~(1) increased attendance;~~

[~~(2) decreased drop-out rates;~~

~~[(3) improved student health; and~~

~~[(4) improved performance on student assessment instruments administered under Subchapter B, Chapter 39].~~

(b) The report must address the extent to which the services provided by the centers are considered by the Department of State Health Services to have resulted in:

(1) improved school attendance by students with chronic illnesses;

(2) increased student immunization rates; and

(3) increased student participation in preventive health measures, including routine physical examinations and checkups conducted in accordance with the Texas Health Steps program ~~[In obtaining statistics for preparation of the report required by this section, the commissioner of public health shall ensure that data is collected for each county and aggregated appropriately according to geographical region].~~

(c) The Department of State Health Services may modify any requirement imposed by this section if necessary to comply with federal law regarding confidentiality of medical information.

Amendment No. 1 was adopted.

Amendment No. 2

Representative P. King offered the following amendment to **HB 281**:

Amend **HB 281** as follows:

On page 1, line 15, insert a new section and renumber accordingly: (e-1) A grant under this section may not be given to a non-profit entity that offers reproductive services, contraceptive services, counseling, or referrals, or any other services that require a license under Chapter 245 of the Health and Safety Code, or that is affiliated with an entity that is licensed under Chapter 245 of the Health and Safety Code.

Amendment No. 2 was adopted by (Record 264): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Creighton; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; England; Farabee; Farias; Farrar; Fletcher; 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.; Kleinschmidt; Kolkhorst; Kuempel; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Miller, S.; Moody; Morrison; Naishtat; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Quintanilla; Raymond;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Craddick; Crownover; Elkins; Flores; McClendon; Oliveira; Olivo; Pitts; Rios Ybarra; Thompson; Vaught.

Absent — King, T.; Smith, T.

HB 281, as amended, was passed to engrossment. (Christian recorded voting no.)

HB 2573 ON SECOND READING
(by Gonzalez Toureilles)

HB 2573, A bill to be entitled An Act relating to the amount of a county expenditure for which competitive bidding is required.

Representative Gonzalez Toureilles moved to postpone consideration of **HB 2573** until 10 a.m. Friday, May 1.

The motion prevailed.

POSTPONED BUSINESS

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

HB 2318 ON SECOND READING
(by Swinford and Guillen)

HB 2318, A bill to be entitled An Act relating to the fuel ethanol and biodiesel incentive program of the Department of Agriculture.

HB 2318 was read second time earlier today and was postponed until this time.

HB 2318 was passed to engrossment.

CSHB 2491 ON SECOND READING
(by Patrick)

CSHB 2491, A bill to be entitled An Act relating to disclosure of certain personal information of applicants for employment with and current and former employees of public school entities.

CSHB 2491 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Patrick offered the following amendment to **CSHB 2491**:

Amend **CSHB 2491** (house committee printing) as follows:

- (1) On page 1, line 19, strike "date" and substitute "day and month".
- (2) On page 3, between lines 8 and 9, insert the following:

(g) On receipt of a request under Chapter 552, Government Code, for information indicating whether a criminal history record information review of a school employee or applicant has revealed that the employee or applicant has been convicted of an offense described by Section 21.058(a) or 22.085(a), Education Code, the school district, open-enrollment charter school, or shared services arrangement shall disclose the requested information.

Amendment No. 2

Representative Jackson offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Patrick to **CSHB 2491** as follows:

(1) Strike item (1) of the amendment.

(2) Add the following appropriately numbered item to the amendment:

" () Strike "(D) date of birth;" (page 1, line 19) and reletter the subsequent paragraphs of added Section 22.010(a)(1), Education Code, appropriately."

Representative Patrick moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 1 was adopted.

CSHB 2491, as amended, was passed to engrossment. (Corte and Paxton recorded voting no.)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Rules and Resolutions, upon lunch recess/final adjournment tomorrow, 1W.14, for a formal meeting, to consider the calendar.

Culture, Recreation, and Tourism, upon adjournment today, Desk 8, for a formal meeting, to consider items eligible and pending business.

Natural Resources, upon adjournment today, 1W.14, for a formal meeting, to consider pending business.

County Affairs, upon adjournment today, Desk 44, for a formal meeting, to consider pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Y. Davis moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Urban Affairs to consider **HB 4209** and **HB 4795**.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Urban Affairs, during bill referral today, E2.028, for a formal meeting, to consider **HB 4209** and **HB 4795**.

Elections, upon adjournment today, Desk 69, for a formal meeting, to consider pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative Gonzales moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Border and Intergovernmental Affairs to consider **SB 1398** on Monday, April 27.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Border and Intergovernmental Affairs, 2 p.m. or upon final adjournment Monday, April 27, E1.010, for a public hearing, to consider **SB 1398** and the posted agenda.

PROVIDING FOR ADJOURNMENT

Representative Herrero 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. David Berlanga, Jr., of Corpus Christi.

The motion prevailed.

RESOLUTIONS REFERRED TO COMMITTEES CORRECTIONS IN REFERRAL

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.)

(P. King in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 3:47 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

HR 1340 (By Castro), Recognizing April 2009 as Child Abuse Prevention Month.

To Rules and Resolutions.

HR 1397 (By Naishtat), Commemorating the approval of a Texas Historical Marker for the Lions Municipal Golf Course in Austin.

To Rules and Resolutions.

HR 1466 (By Zerwas), Commending the Reverend Alvertice Bowdre, Jr., for his service as a member of the Prairie View Volunteer Fire Fighting Association.

To Rules and Resolutions.

HR 1467 (By Dunnam), Honoring the Baylor University Bob Bullock Scholars Program and its participants.

To Rules and Resolutions.

HR 1468 (By Homer), In memory of Marvin Wayne Kelley of Austin.

To Rules and Resolutions.

HR 1470 (By Eiland), In memory of Barbara Louise Stephen Davis of Galveston.

To Rules and Resolutions.

HR 1471 (By Eiland), In memory of Guy Cade Jackson III of Anahuac.

To Rules and Resolutions.

HR 1472 (By Eiland), Congratulating Keaton Gibson Richter of Galveston on becoming an Eagle Scout.

To Rules and Resolutions.

HR 1474 (By Olivo), Commemorating the grand opening of the Missouri City campus of Houston Community College.

To Rules and Resolutions.

HR 1475 (By D. Miller), Honoring the 2009 inductees of the Frontier Times Museum Texas Heroes Hall of Honor in Bandera.

To Rules and Resolutions.

HR 1476 (By Kuempel), Commemorating the 100th anniversary of the Texas Department of Licensing and Regulation.

To Rules and Resolutions.

HR 1477 (By Craddick), Congratulating Juan and Beatriz Herrera of Levelland on the occasion of their 40th wedding anniversary.

To Rules and Resolutions.

HR 1478 (By Craddick), Congratulating Jarrett L. Bradshaw of Stanton on his graduation from Air Force technical training at Sheppard Air Force Base.

To Rules and Resolutions.

HR 1479 (By Craddick), Honoring Police Chief Rick McCoy on his retirement from the Crane Police Department.

To Rules and Resolutions.

HR 1480 (By Craddick), Recognizing the placement of a historical marker at Fifth Street Baptist Church in Levelland.

To Rules and Resolutions.

HR 1481 (By Harper-Brown), Honoring Jack Singley for his service to the Irving Independent School District on the occasion of his retirement as superintendent.

To Rules and Resolutions.

HR 1482 (By Gonzales), In memory of Eulogio Juan Gomez of Pharr.

To Rules and Resolutions.

HR 1483 (By Gonzales), Honoring McAllen Memorial High School on its receipt of a 2009 Honorable Mention Inspiration Award from the College Board.

To Rules and Resolutions.

HR 1484 (By Truitt), Commemorating the dedication of the veterans memorial in Keller.

To Rules and Resolutions.

HR 1485 (By Truitt), Commemorating the 100th anniversary of the Bay View Club of Grapevine.

To Rules and Resolutions.

HR 1486 (By Truitt), Congratulating Rodney Smith of Grapevine on being named the 2008 Senior Fest Veteran of the Year.

To Rules and Resolutions.

HR 1487 (By Leibowitz), Congratulating Vanessa Hernandez of San Antonio on earning the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1488 (By Leibowitz), Congratulating Ariel Harris of San Antonio on earning the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1489 (By Leibowitz), Congratulating Jensen Dupes of San Antonio on earning the Girl Scout Gold Award.

To Rules and Resolutions.

HR 1493 (By Dutton), Honoring the Reverend Edward Triem on his 50th pastoral anniversary.

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:

SB 361 to Natural Resources.

SB 1877 to Public Health.

Relating to the creation of the Harrison County Groundwater Conservation District; providing authority to impose a tax and issue bonds.

SB 902 Davis, Wendy

Relating to restrictions on the release into the air of natural gas and associated vapors from a gas well.

SB 1061 Shapiro

Relating to improving the accuracy of reporting concerning certain criminal history.

SB 1070 Wentworth

Relating to jury assembly and administration.

SB 1179 Patrick, Dan

Relating to requiring general academic teaching institutions to offer health benefit plans to students.

SB 1181 Patrick, Dan

Relating to the employment of certain persons by amusement parks.

SB 1230 Van de Putte

Relating to the establishment of the Legislative Committee on Aging and other initiatives relating to the aging population of this state.

SB 1240 Van de Putte

Relating to the temporary occupational licensing of members of the military and their spouses.

SB 1353 Carona

Relating to contract provisions in comprehensive development agreements.

SB 1387 Seliger

Relating to the implementation of projects involving the capture, injection, sequestration, or geologic storage of carbon dioxide.

SB 1402 Hinojosa

Relating to requiring certain political subdivisions to enter a contract with the county elections administrator to perform election services.

SB 1448 West

Relating to actions in a justice court regarding the repair of residential rental property.

SB 1459 Shapiro

Relating to education initiatives for students of limited English proficiency and students at risk of dropping out of school.

SB 1460 Shapiro

Relating to professional development academies designed for public school teachers who provide instruction to certain students of limited English proficiency.

SB 1554 Gallegos

Relating to the authority of officers in certain counties to designate a person to receive fees, commissions, or costs.

SB 1647

Averitt

Relating to the administration, operation, and regulation of credit unions.

SB 1760

Watson

Relating to the administration of the Texas Save and Match Program to assist qualifying beneficiaries under the state's prepaid tuition plans and college savings plans and to the treatment of a beneficiary's assets under prepaid tuition plans and college savings plans in determining eligibility for student financial assistance and other assistance programs.

SB 1823

Seliger

Relating to the state's statutory and contractual liens to secure the payment of unpaid royalty and other amounts due under oil and gas leases of state land.

SB 1878

Nelson

Relating to the creation and operation of a council to increase state efforts to offer service-enriched housing through increased coordination of housing and health services.

SB 2065

Davis, Wendy

Relating to proof that is acceptable for identifying individuals acknowledging written instruments.

SB 2210

West

Relating to the formula funding for public institutions of higher education for certain credit hours that do not count toward a degree.

SB 2229

Averitt

Relating to the creation of a county court at law in Bosque County and the composition of the Bosque, Comanche, and Hamilton Counties juvenile board.

SB 2445

Uresti

Relating to the disposal of sewage by certain boats.

SCR 64

Huffman

Commemorating the 170th anniversary of the founding of the Sabine Pass community.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, April 23, 2009 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:
LOCAL AND UNCONTESTED CALENDAR

SB 62 Zaffirini

Relating to permitting certain military attorneys to represent military personnel and their dependents in civil proceedings before the courts of this state.

SB 96 Van de Putte

Relating to swimming pool and spa safety.

SB 174 Shapiro

Relating to online institution resumes for public institutions of higher education.

SB 181 Gallegos

Relating to the creation of a task force to study and develop uniform reentry procedures for essential personnel entering an area evacuated during a disaster or other emergency.

SB 329 Carona

Relating to the automatic suspension of the driver's license of a person convicted of certain organized crime offenses; providing penalties.

SB 332 Carona

Relating to the adjudication of certain gang-related delinquent conduct.

SB 366 Carona

Relating to authorizing consecutive sentencing for certain offenses committed by a member of a criminal street gang.

SB 367 Carona

Relating to the prosecution of and punishment for certain criminal offenses involving the use of a false or fictitious identity or identifying documents.

SB 369 Carona

Relating to information contained in an intelligence database used to investigate and prosecute offenses committed by criminal street gangs.

SB 371 Carona

Relating to certain civil consequences of engaging in organized crime.

SB 379 Carona

Relating to an annual report by the Texas Fusion Center regarding criminal street gangs and gang-related crime.

SB 419 Carona

Relating to the evidence required for the release of a motor vehicle after impoundment of the vehicle for failure to maintain evidence of financial responsibility.

SB 423 Carona

Relating to the conditions of community supervision that may be imposed on a defendant with regard to association with a member of a criminal street gang.

SB 495 Hinojosa

Relating to creating a recognition day in honor of Dr. Hector P. Garcia.

SB 537 Carona

Relating to the emergency installation and use of a device to intercept wire, oral, or electronic communications.

SB 551 Carona

Relating to civil liability for criminal street gang activity that violates a court-ordered injunction.

SB 585 Carona

Relating to standards of conduct and ethics policies for metropolitan planning organizations.

SB 719 Nichols

Relating to the rates charged by a water and sewer utility.

SB 743 Wentworth

Relating to the time allowed for execution of a search warrant issued to obtain a specimen for DNA analysis.

SB 787 Nelson

Relating to the statute of limitations on prosecution of the offense of bigamy.

SB 865 Harris

Relating to child support enforcement.

SB 873 Harris

Relating to a requirement that certain appraisal districts provide for electronic filing of and electronic communications regarding a protest of appraised value by the owner of a residence homestead.

SB 882 Carona

Relating to the powers and duties of a regional tollway authority, including the establishment of an administrative adjudication hearing procedure; creating an offense.

SB 892 Nelson

Relating to inclusion in a public school campus improvement plan of goals and objectives for the campus coordinated health program.

SB 893 Nelson

Relating to the authority of a county to inspect day-care centers and group day-care homes.

SB 897 Shapleigh

Relating to certain reporting requirements in connection with the transportation of hazardous materials by a railroad company.

SB 909 Williams

Relating to designating the first week of October as Monarch Butterfly Week.

SB 929 Huffman

Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

- SB 930** Huffman
Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- SB 931** Huffman
Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- SB 932** Huffman
Relating to the powers and duties of the Sienna Plantation Municipal Utility District No. 7; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.
- SB 936** Carona
Relating to the appointment of a communications coordination group.
- SB 937** Carona
Relating to the prosecution of and punishment for certain criminal offenses involving a criminal street gang.
- SB 1077** Carona
Relating to driver education and driver's licensing requirements for minors.
- SB 1093** Carona
Relating to the operation of a commercial motor vehicle.
- SB 1094** Carona
Relating to the submission of reports on certain convictions or adjudications relating to the operation of motor vehicles to the Department of Public Safety of the State of Texas.
- SB 1095** Carona
Relating to the licensing and regulation of used automotive parts recyclers; providing penalties.
- SB 1097** Carona
Relating to the establishment and determination of financial responsibility for a motor vehicle; providing a penalty.
- SB 1109** Jackson, Mike
Relating to the regulation of stipulated premium insurance companies.
- SB 1124** West
Relating to authorization for the Department of Aging and Disability Services to conduct a desk review instead of an inspection when issuing a license after a change in ownership of certain facilities.
- SB 1165** Carona
Relating to the use of certain vehicles for law enforcement purposes.
- SB 1171** Nichols
Relating to certain health-related reports, records, and information.
- SB 1182** Wentworth

Relating to the open records steering committee, reports by the attorney general on costs of copies, and certain deadlines, costs, and suits filed under the public information law.

SB 1201 Carona

Relating to an affidavit required to be filed in a cause of action against certain licensed or registered professionals.

SB 1241 Hegar

Relating to the creation of the Fort Bend County Water Control and Improvement District No. 10; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 1273 Carona

Relating to the prosecution of and punishment for the theft of certain electronic equipment and interference with certain radio frequencies.

SB 1291 Van de Putte

Relating to access to certain counselors and therapists.

SB 1320 Wentworth

Relating to notice by a governmental entity regarding certain geospatial data products.

SB 1331 Nelson

Relating to the creation of the Texas Physician Health Program.

SB 1367 Carona

Relating to parking placard or specialty license plate applications by persons with a mobility problem caused by an impairment of vision.

SB 1464 Williams

Relating to the creation of the Harris County Municipal Utility District No. 525; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 1474 Nichols

Relating to compensation for certain emergency services personnel.

SB 1504 Whitmire

Relating to the concurrent jurisdiction of certain municipal courts in certain criminal cases punishable by fine only.

SB 1505 Whitmire

Relating to the arrest and release on bail or other form of bond of certain criminal defendants with a mental illness or with mental retardation.

SB 1529 Whitmire

Relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

SB 1540 Carona

Relating to a nonsubstantive revision of statutes relating to railroads; including conforming amendments.

- SB 1557** Duncan
Relating to the early identification of criminal defendants who are or may be persons with mental illness or mental retardation.
- SB 1599** Watson
Relating to the disclosure of criminal history record information to the Court Reporters Certification Board.
- SB 1620** Wentworth
Relating to the regulation of property tax lenders.
- SB 1628** Wentworth
Relating to the pension retirement system in certain municipalities for firefighters and police.
- SB 1692** Wentworth
Relating to the confidentiality of certain personal information concerning current and former employees of certain divisions of the office of the attorney general.
- SB 1694** Ogden
Relating to the designation of a courthouse square or a courthouse or other real property in a courthouse square as a state archeological landmark.
- SB 1699** Fraser
Relating to consistency among certain secretary of state filings.
- SB 1701** Fraser
Relating to the franchise arrangements excluded from the Business Opportunity Act.
- SB 1702** Fraser
Relating to the regulation of health spas.
- SB 1703** Fraser
Relating to methods of delivery used by the secretary of state.
- SB 1710** Duncan
Relating to the creation of independent assigned counsel programs.
- SB 1741** Carona
Relating to emergency management.
- SB 1745** Harris
Relating to offenses involving boating safety and the disposition of fines for certain water safety offenses.
- SB 1775** Whitmire
Relating to the Texas Rangers' unsolved crimes investigation team.
- SB 1777** Harris
Relating to disbursement of child support payments in Title IV-D cases.
- SB 1796** Zaffirini
Relating to the approval of certain construction, repair, or rehabilitation projects at public institutions of higher education in this state.
- SB 1798** Zaffirini

Relating to certifying the eligibility of certain educational aides to receive an exemption from tuition and fees charged by public institutions of higher education.

SB 1811 Duncan
Relating to the 39th Judicial District Juvenile Board.

SB 1820 Fraser
Relating to the calculation of a person's net resources for purposes of determining child support liability.

SB 1826 Huffman
Relating to the status of liquefied natural gas marine terminals.

SB 1896 Gallegos
Relating to the grievance procedure for firefighters and police officers in certain municipalities.

SB 1930 Watson
Relating to the use of a confidential identity for the plaintiff in a civil action involving sexual abuse of a minor.

SB 1941 Shapiro
Relating to the administration and operation of the state's programs for prepaying or saving toward the costs of attending an institution of higher education.

SB 1947 West
Relating to the authority of two or more municipalities to designate a joint tax increment financing reinvestment zone.

SB 1967 Carona
Relating to the safe operation of motorcycles and other vehicles in this state; providing penalties.

SB 1970 Duncan
Relating to certain election practices and procedures; providing penalties.

SB 1979 Nichols
Relating to the creation of the Blaketree Municipal Utility District No. 1 of Montgomery County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

SB 2019 Watson
Relating to the use of certain refrigerants in motor vehicle air conditioning units.

SB 2027 Watson
Relating to gestational agreements.

SB 2028 Watson
Relating to privately funded memorials honoring certain peace officers killed in the line of duty.

SB 2041 Ellis
Relating to requiring an applicant for a driver's license to demonstrate knowledge of motorists' rights and responsibilities in relation to bicyclists.

SB 2044 Williams

Relating to the inclusion of professional staff who educate students with disabilities on district-level and campus-level planning and decision-making committees.

SB 2052 Estes

Relating to projects that may be undertaken by development corporations for the development, retention, or expansion of certain transportation facilities.

SB 2058 Williams

Relating to the Harris County Road Law.

SB 2072 Duncan

Relating to contracting with the secretary of state for the filing of personal financial statements by officers and employees of certain counties.

SB 2074 Duncan

Relating to the delivery of proposed state agency rules to the lieutenant governor, a member of the legislature, or a legislative agency.

SB 2292 Lucio

Relating to the establishment of a natural disaster housing reconstruction initiative.

SB 2306 Williams

Relating to rates and methods of depreciation applied to a retired class of property for regulated water utilities.

SB 2311 Averitt

Relating to Texas Water Development Board surveys for water infrastructure financing.

SB 2312 Averitt

Relating to eligibility for funds from the water infrastructure fund from the Texas Water Development Board.

SB 2314 Averitt

Relating to the administration of the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund.

SB 2315 Averitt

Relating to water audits by retail public utilities.

SB 2319 Averitt

Relating to the creation of a groundwater conservation district in a priority groundwater management area.

SB 2371 Carona

Relating to the naming of the Texas Department of Public Safety Garland Laboratory in Garland as the Representative Fred Hill Center for Forensic Analysis.

SB 2397 Nelson

Relating to the licensing and regulation of physicians, physician assistants, acupuncturists, and surgical assistants.

SB 2453 Williams

Relating to the East Montgomery County Improvement District.

SB 2462 Carona

Relating to the powers and duties of the Falcon's Lair Utility and Reclamation District relating to the issuance of bonds.

SB 2474 Watson

Relating to changes in the territory, board of directors, and water use fees of the Barton Springs-Edwards Aquifer Conservation District.

SB 2480 Hegar

Relating to the board of navigation and canal commissioners of the Matagorda County Navigation District No. 1.

SCR 11 Estes

Designating Bridgeport as the official Stagecoach Capital of Texas.

SCR 40 Nelson

Recognizing the City of Grapevine as the Christmas Capital of Texas.

SCR 42 Van de Putte

Renaming Building G at the Department of State Health Services Central Complex as the Dr. Robert Bernstein Building.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, April 23, 2009 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 2457 Eiland SPONSOR: Jackson

Relating to the duty of the General Land Office to clean, maintain, and clear debris from a public beach affected by a declared disaster.

HCR 60 Davis, John SPONSOR: Jackson

Congratulating Evelyn Ruth Werlein of Houston on her 100th birthday.

HCR 150 Craddick SPONSOR: Seliger

Congratulating Ashley Carruth Beal of Midland on being named the 2009-2010 Texas Bluebonnet Queen.

Respectfully,

Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, April 23, 2009 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:
LOCAL AND UNCONTESTED CALENDAR

SB 1969 West

Relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, to conforming codifications enacted by the 80th Legislature to other Acts of that legislature, and to the repeal of certain unconstitutional laws.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 22

Border and Intergovernmental Affairs - **HB 2118, HB 3333**

Business and Industry - **HB 3502**

Corrections - **HB 518, HB 2161, HB 2810, HB 3005, HB 3106, HB 3497, HB 3649, HB 3671, HB 4700, HB 4708**

County Affairs - **HB 2788, HB 3012, HB 3280**

Criminal Jurisprudence - **HB 509, HB 616, HB 1147, HB 1321, HB 2467, HB 3244**

Defense and Veterans' Affairs - **HB 1326, HB 4020**

Elections - **HB 332, HJR 39**

Higher Education - **HB 4244**

Human Services - **HB 601, HB 1912, HB 1943, HB 2972, HB 3137, HB 3367, SB 572**

Licensing and Administrative Procedures - **HB 1474**

Natural Resources - **HB 1890, HB 4757, HB 4758, HB 4770, SB 637, SB 663, SB 715, SB 799, SB 848, SB 914**

Pensions, Investments, and Financial Services - **HB 3762**

Public Education - **HB 552, HB 2893**

Public Health - **HB 461, HB 1362**

Technology, Economic Development, and Workforce - **HB 4125**

ENGROSSED

April 22 - HB 58, HB 72, HB 107, HB 120, HB 232, HB 270, HB 360, HB 471, HB 600, HB 618, HB 659, HB 666, HB 667, HB 752, HB 783, HB 865, HB 869, HB 875, HB 986, HB 1040, HB 1056, HB 1067, HB 1070, HB 1082, HB 1148, HB 1174, HB 1191, HB 1203, HB 1205, HB 1255, HB 1293, HB 1310, HB 1346, HB 1364, HB 1372, HB 1411, HB 1465, HB 1466, HB 1468, HB 1473, HB 1485, HB 1492, HB 1551, HB 1574, HB 1682, HB 1687, HB 1688, HB 1705, HB 1750, HB 1922, HB 1923, HB 1960, HB 1983, HB 1985, HB 1987, HB 2011, HB 2020, HB 2042, HB 2068, HB 2186, HB 2217, HB 2323, HB 2462, HB 2546, HB 2553, HB 2555, HB 2626, HB 2726, HB 2751, HB 2796, HB 2804, HB 2813, HB 2835, HB 2877, HB 2918, HB 2963, HB 2983, HB 2991, HB 3061, HB 3062, HB 3094, HB 3114, HB 3129, HB 3140, HB 3202, HB 3303, HB 3429, HB 3435, HB 3438, HB 3464, HB 3517, HB 3638, HB 3643, HB 3692, HB 3854, HB 4139, HB 4358, HB 4374, HB 4498, HB 4576, HB 4706

ENROLLED

April 22 - HB 1871

SENT TO THE GOVERNOR

April 22 - HB 1871