

HOUSE JOURNAL

EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-NINTH DAY (CONTINUED) — THURSDAY, APRIL 30, 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 409).

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

Absent, Excused — Giddings.

Absent — Anchia; Hartnett.

The invocation was offered by Dr. Ed Montgomery, pastor, Abundant Life Cathedral Church, Houston.

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

CAPITOL PHYSICIAN

The speaker recognized Representative B. Brown who presented Dr. Thomas Cherry of Chandler as the "Doctor for the Day."

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

(Jones in the chair)

LEAVE OF ABSENCE GRANTED

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

Giddings on motion of Guillen.

HR 1624 - ADOPTED
(by Gattis)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 1624**.

The motion prevailed.

The following resolution was laid before the house:

HR 1624, In memory of Billy Jack Stiles of Thorndale.

HR 1624 was read and was unanimously adopted by a rising vote.

On motion of Representative Moody, the names of all the members of the house were added to **HR 1624** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Gattis who introduced family members of Jack Stiles.

HCR 153 - ADOPTED
(by Guillen, Flores, Gonzales, Peña, and Martinez)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HCR 153**.

The motion prevailed.

The following resolution was laid before the house:

HCR 153, In memory of Manuel Benavidez, Jr.

HCR 153 was read and was unanimously adopted by a rising vote.

On motion of Representatives Lucio and Gonzales, the names of all the members of the house were added to **HCR 153** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Guillen who introduced family members of Manuel Benavidez, Jr.

LEAVE OF ABSENCE GRANTED

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

Truitt on motion of Solomons.

HR 1701 - ADOPTED
(by Flores)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 1701**.

The motion prevailed.

The following resolution was laid before the house:

HR 1701, Welcoming the Texas Association of Fairs and Events delegation to the State Capitol.

HR 1701 was adopted.

On motion of Representative Martinez, the names of all the members of the house were added to **HR 1701** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Martinez who introduced representatives of the Texas Association of Fairs and Events.

HR 1629 - ADOPTED
(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 1629**.

The motion prevailed.

The following resolution was laid before the house:

HR 1629, Honoring the Greater Dallas Section of the National Council of Jewish Women for its outstanding community service.

HR 1629 was adopted.

HR 1592 - ADOPTED
(by Vo)

Representative Vo moved to suspend all necessary rules to take up and consider at this time **HR 1592**.

The motion prevailed.

The following resolution was laid before the house:

HR 1592, Honoring First United Methodist Church in Lubbock for its history of service to the local community.

HR 1592 was adopted.

On motion of Representative Kuempel, the names of all the members of the house were added to **HR 1592** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Vo who addressed the house, as follows:

Thank you, Mr. Speaker. Members, I would like to take this opportunity to briefly share with you my journey to America. After the fall of South Vietnam, we fled the country by boat. After 10 long days at sea, the U.S. Navy took us in to the Subic Bay in the Philippines and after a few months we arrived in Lubbock, Texas. When we came to America we had little more than the shirts on our backs and did not speak a word of English. With the grace and generosity of our new friends from the First United Methodist Church, they sponsored our family, they opened their arms to us in friendship, offered us compassion, equality, and gave us the opportunities to work hard. In return, my family worked diligently and was able to integrate successfully into the community and into different professions. The First United Methodist Church in Lubbock is very close to my heart. They took us in as if we were their own, enrolled my brothers and sisters in the local schools, found a job for my father, and even held a fund-raiser for our first car. This left a long-lasting impression on each member of my family. The kindness taught us how great American society can be. Who would have thought that a young man from Vietnam would one day be a member of the greatest body of legislators in the world?

Today, I have Dr. Jay Horton. He's the current pastor of this fine church. He's here on behalf of his congregation. I am pleased to honor him on the dais. Let my family be the testament that one good act can last a lifetime. This man has dedicated his life to humanity. Through his guidance, the First United Methodist Church continues to be a force of good for the Lubbock community and for our state. Members, please help me honor Dr. Horton.

The chair recognized Dr. Jay Horton who addressed the house, as follows:

Thank you, Representative Vo. First United Methodist Church of Lubbock, Texas, is so proud of you and your family. In 1975, out of the ravages of war, Representative Vo came with his mother and father, brothers and sisters, to America and landed in Lubbock, Texas. Normally it would have been a cultural shock, I think, to experience such a flat land, gusts of wind, sandstorms, and of course, Buddy Holly, but I guess when you're coming from a war-torn land it didn't matter—Lubbock, Texas, was a haven of peace.

You know, churches are not perfect because people are not perfect, but they strive for perfection in bringing hope, healing, and peace to a broken world, and First United Methodist Church of Lubbock did only what churches are called to do, and that is to be a servant that serves, to give a helping hand to another, to give a lift up when life has knocked you down. As a body of Christians, we only do what we have been called to do by our leader who said, "Love one another as I have loved you." As he indicated, I wasn't there in 1975 to welcome that family, but today it's a great privilege to meet face-to-face and to see what's occurred in that lifetime. Dr. Sam Nader and other members of the first church were there. Some of these members were C. H. Brownie Hamilton, Ms. Esma Nader, Ms. Gracie Wolsom, Emerald Payne, Lowell Merrill, and chairperson Bobbie Shaw, who couldn't make it today, but she loves you very much Representative Vo, and your family. So thank you, representative, for honoring our church. We were only doing what we were called to do, but how fortunate First United Methodist Church of Lubbock was to be blessed by your family, and blessed today to see what you have done with your life. It's truly a story of the American dream and a story of humanity helping humanity to achieve those dreams.

On behalf of First United Methodist Church of Lubbock, Texas, we say thank you. God bless you and your dreams.

(McClendon in the chair)

PRINTING RULE SUSPENDED

Representative Solomons moved to suspend Rule 12, Section 1(a)(1)(A) of the House Rules to enable the committee reports for **SB 1540** and **SB 1969** to be printed and distributed without the text of the engrossed bills.

The motion prevailed.

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

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

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

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

HR 1474 was withdrawn.

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

HR 1476 was withdrawn.

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

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

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

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

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.

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

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

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

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

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

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

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

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

HR 1495 (by Chisum), Congratulating Don and Shirley Creacy of Fritch on their 50th wedding anniversary.

HR 1496 (by Crownover), Congratulating Mike Trimble of the Denton Record-Chronicle on his receipt of the Otis L. Fowler Award from the Denton Chamber of Commerce.

HR 1497 (by Crownover), Congratulating Kathy King Gilbert on being named the 2009 Lake Cities Chamber of Commerce Citizen of the Year.

HR 1498 (by Parker), Honoring the city of Roanoke as an exceptional Texas dining destination.

HR 1500 (by Quintanilla), Congratulating the counseling team of Ernesto Serna School on earning the CREST award.

HR 1501 (by Quintanilla), Congratulating the counseling team of El Dorado High School on earning the CREST award.

HR 1502 (by Quintanilla), Congratulating the counseling team of Paso Del Norte School on earning the CREST award.

HR 1503 (by Quintanilla), Congratulating the counseling team of Sun Ridge Middle School on earning the CREST award.

HR 1504 (by Quintanilla), Congratulating the counseling team of John Drugan School on earning the CREST award.

HR 1505 (by Quintanilla), Honoring Jennifer Abrams on earning the Girl Scout Gold Award.

HR 1506 (by Quintanilla), Honoring Katie Grandle on earning the Girl Scout Gold Award.

HR 1507 (by Quintanilla), Honoring Jessica Alvarado on earning the Girl Scout Gold Award.

HR 1508 (by Quintanilla), Congratulating the counseling team of Jane A. Hambric School on earning the CREST award.

HR 1509 (by Quintanilla), Honoring Kimberly Acker on earning the Girl Scout Gold Award.

HR 1511 (by P. King), Congratulating Randall J. Hayes on his retirement from the Texas Parks and Wildlife Department.

HR 1512 (by Castro), Honoring the South Texas Blood & Tissue Center National Marrow Donor Program on its record-setting donor registry.

HR 1513 (by Castro), Congratulating George McKnight of San Antonio on his receipt of the 2009 Outstanding Educator Award from the Texas Caucus of Black School Board Members.

HR 1515 (by Anderson), Congratulating Gladys and George Picha of Waco on their 50th wedding anniversary.

HR 1516 (by Anderson), Congratulating Garrett Jaynes of Hewitt on becoming an Eagle Scout.

HR 1517 (by Anderson), Congratulating Sam H. Shurtleff, Jr., and Glen Rose Shurtleff of Waco on their 60th wedding anniversary.

HR 1518 (by Anderson), Congratulating the Baylor University men's basketball team on its successful 2008-2009 season.

HR 1519 (by Anderson), Congratulating Johnny and Dorothy Vanek of Robinson on their 50th wedding anniversary.

HR 1520 (by Anderson), Congratulating Edward and Billie Brem of Lorena on their 50th wedding anniversary.

HR 1521 (by Anderson), Honoring Edward and Edna Thompson of Woodway on their 50th wedding anniversary.

HR 1522 (by Anderson), Congratulating Marty and Marilyn Ginnane of Waco on their 50th wedding anniversary.

HR 1523 (by Anderson), Congratulating Al and Mary Helen Dees of Waco on the occasion of their 50th wedding anniversary.

HR 1524 (by Anderson), Congratulating George and Dorcas Simpson of Lorena on their 50th wedding anniversary in 2007.

HR 1525 (by Anderson), Congratulating Lieutenant Jeff Lewellen on his receipt of a Life-Saving Award from the Robinson Police Department.

HR 1526 (by Anderson), Congratulating Barry Gann on his receipt of a Distinguished Service Award from the Robinson Police Department.

HR 1527 (by Anderson), Congratulating John "D. J." and Marillyn Nystrom on their 60th wedding anniversary.

HR 1528 (by Anderson), Congratulating Jessica Dumesnil on her receipt of a Life-Saving Award from the Robinson Police Department.

HR 1529 (by Kent), Honoring St. Alcuin Montessori School in Dallas.

HR 1530 (by Kent), Honoring the Dallas organization, High Adventure Treks for Dads and Daughters.

HR 1531 (by Kent), Honoring the League of Women Voters of Dallas and its president-elect, Sandy Greyson.

HR 1534 (by Dutton), Commemorating the 2009 National Convention of the Junior Knights and Junior Daughters of the Knights of Peter Claver, Inc.

HR 1535 (by Dutton), Honoring Bishop Amos York, Sr., of Pillar of Glory Christian Tabernacle in Houston.

HR 1537 (by Walle), Honoring the boy's basketball team from the Sam Houston Math, Science, and Technology Center in Houston on qualifying for the UIL 5A state playoffs.

HR 1538 (by Walle), Congratulating the boy's varsity soccer team from the Sam Houston Math, Science, and Technology Center in Houston on its first-round victory in the UIL 5A state playoffs.

HR 1539 (by Chavez), Commending Anita Blair of El Paso for her decades of service to her fellow Texans.

HR 1540 (by Chavez), Honoring Mary Russell on her receipt of a 2009 Lucy G. Acosta Humanitarian Award.

HR 1541 (by Chavez), Honoring George Yapor on his receipt of a 2009 Lucy G. Acosta Humanitarian Award.

HR 1542 (by Chavez), Honoring the Education Service Center Region 19 Head Start program and its executive director, Dr. Blanca Estela Enriquez, on receiving a 2009 Lucy G. Acosta Humanitarian Award.

HR 1543 (by Chavez), Honoring Nolan Richardson on the occasion of his keynote address at the 2009 Lucy G. Acosta Humanitarian Awards Dinner.

HR 1547 (by Castro), Recognizing the Corporate Work Study Program of San Juan Diego Catholic High School in Austin.

HR 1549 (by Bohac), Commemorating the renaming of the Town and Country Campus of Houston Community College as the Spring Branch Campus.

HR 1550 (by Herrero), Recognizing the members of the Coastal Bend Advocates for their many worthy endeavors.

HR 1553 (by Kent), Congratulating Gwendolynn J. Murray of Dallas on her 63rd birthday.

HR 1554 (by Marquez), Honoring Kimberly Acker on earning the Girl Scout Gold Award.

HR 1556 (by Marquez), Honoring Jennifer Abrams on earning the Girl Scout Gold Award.

HR 1557 (by Marquez), Honoring Katie Grandle on earning the Girl Scout Gold Award.

HR 1558 (by Marquez), Honoring Jessica Alvarado on earning the Girl Scout Gold Award.

HR 1559 (by Gonzales), Honoring Ford Sasser of McAllen for being named the 2009 District Financial Services Champion of the Year by the U.S. Small Business Administration's Lower Rio Grande Valley District Office.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

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

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

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

HR 1275 (by S. King), In memory of Dwain "Duby" English of Abilene.

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

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

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

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

HR 1510 (by P. King), In memory of Michael Brent Jones.

HR 1514 (by Anderson), Honoring the life of Thomas Champe Fitzhugh, Jr., of Waco.

HR 1545 (by Chavez), In memory of Donald Lee Haskins, former head basketball coach of The University of Texas at El Paso.

HR 1546 (by Chavez), In memory of Chicano and civil rights activist Benito R. Abeytia of Phoenix, Arizona.

HR 1552 (by Marquez), Honoring the life and work of El Paso artist Manuel Gregorio Acosta.

HR 1555 (by Hughes), In memory of Herbert L. Young of Gilmer.

HR 1576 (by Anderson), In memory of Lucile Lacy Taylor II of Waco.

HR 1589 (by Vaught), In memory of Matt Gayton Martinez, Jr., of Dallas.

HR 1590 (by Vaught), In memory of Hal Wayne Maddoux of Burleson.

HR 1597 (by Eissler), In memory of Frederick Thomas Shetz of The Woodlands.

HCR 190 (by Homer), In memory of volunteer firefighter Joe Pat Jordan of Pine Forest.

HCR 191 (by Homer), Honoring the memory of William S. "Pete" Long of Hopkins County.

The resolutions were unanimously adopted by a rising vote.

(Anchia now present)

(Speaker in the chair)

SPEAKER'S REUNION DAY

In recognition of past service, former members were introduced at the podium.

REMARKS ORDERED PRINTED

Representative Vo moved to print remarks by Dr. Jay Horton and Representative Vo.

The motion prevailed.

(Speaker pro tempore in the chair)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Education, upon final adjournment today, 3W.9, for a formal meeting, to consider pending business.

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

State Affairs, upon lunch recess today, 3W.9, for a formal meeting, to consider **SB 1071** and pending legislation.

RECESS

At 12:15 p.m., the chair announced that the house would stand recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by Representative Parker.

LEAVES OF ABSENCE GRANTED

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

Shelton on motion of Kent.

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

Maldonado on motion of Anchia.

(Speaker pro tempore in the chair)

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

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

SB 43 (Gonzalez Toureilles - House Sponsor), A bill to be entitled An Act relating to tuition and fee exemptions at public institutions of higher education for students who have been in foster care or certain other residential care.

Amendment No. 1

Representative Lewis offered the following amendment to **SB 43**:

Amend **SB 43** (House Committee Printing) as follows:

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

SECTION _____. The heading to Section 54.211, Education Code, is amended to read as follows:

Sec. 54.211. EXEMPTIONS FOR STUDENTS UNDER CONSERVATORSHIP OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES [IN FOSTER OR OTHER RESIDENTIAL CARE].

(2) In amended Section 54.211(a)(1), Education Code (page 1, line 13), strike "in foster care or other residential care" and substitute "[~~in foster care or other residential care~~]".

(3) Immediately following the semicolon at the end of amended Section 54.211(a)(1)(B) (page 1, line 20), strike "or" and substitute "[~~or~~]".

(4) At the end of amended Section 54.211(a)(1)(C), between the semicolon and "and" (page 1, line 22), insert the following:

or

(D) during an academic term in which the student was enrolled in a dual credit course or other course for which a high school student may earn joint high school and college credit;

Amendment No. 1 was adopted.

SB 803 (Rios Ybarra - House Sponsor), A bill to be entitled An Act relating to meetings of the Coastal Coordination Council.

SB 862 (Geren - House Sponsor), A bill to be entitled An Act relating to practices and professions regulated by the Texas Real Estate Commission. (Flynn recorded voting no.)

SB 1040 (Smithee - House Sponsor), A bill to be entitled An Act relating to the board of directors of the Canadian River Municipal Water Authority.

SB 1149 (C. Howard - House Sponsor), A bill to be entitled An Act relating to authorizing the Texas Board of Criminal Justice to sell certain real property for municipal airport expansion.

SB 1260 (Darby - House Sponsor), A bill to be entitled An Act relating to the abolishment of the Lower Concho River Water and Soil Conservation Authority.

CSSB 1966 (Hopson - House Sponsor), A bill to be entitled An Act relating to debt cancellation agreements offered in connection with motor vehicle retail installment contracts.

HB 92 (by Martinez and Hughes), A bill to be entitled An Act relating to the fee charged for the Texas Airport Directory.

CSHB 488 (by Bohac, Anchia, and Sheffield), A bill to be entitled An Act relating to the eligibility requirements for volunteer deputy registrars.

CSHB 567 (by S. Miller), A bill to be entitled An Act relating to the eligibility of candidates for certain offices to serve as election judges.

CSHB 601 (by Villarreal and Chisum), A bill to be entitled An Act relating to licensing requirements of the Department of Family and Protective Services for certain facilities and homes providing child care. (Aycock and Christian recorded voting no.)

CSHB 784 (by Hughes and Frost), A bill to be entitled An Act relating to the issuance of specialty license plates for certain firefighters.

HB 1063 (by Farias), A bill to be entitled An Act relating to emergency vehicle access to certain gated communities and multiunit housing projects.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Berman, Representative Farias offered the following committee amendment to **HB 1063**:

Amend **HB 1063** on page 1, line 11, between "marshal" and the semicolon, by inserting "or other similar authority having jurisdiction over fire prevention".

Amendment No. 1 was adopted.

HB 1089 (by Parker), A bill to be entitled An Act relating to the powers and duties of the Denton County Municipal Utility District No. 4 and the Denton County Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Amendment No. 1

Representative Parker offered the following amendment to **HB 1089**:

Amend **HB 1089** as follows:

(1) On page 1, line 22, between "PROJECTS." and "Under", insert "(a)".

(2) On page 2, between lines 3 and 4, insert:

(b) The district may exercise its authority under this section only on or after the date the governing body of the municipality in whose extraterritorial jurisdiction any part of the district is located by resolution consents to the district exercising that authority. If the governing body of the municipality does not adopt a resolution under this section consenting to the district's road project authority before January 1, 2010, this section and Sections 8308.053 and 8308.054 expire on that date.

(3) On page 2, strike lines 17 through 22 and substitute:

Sec. 8308.054. ECONOMIC FEASIBILITY STUDY. (a) Not later than the 30th day before the date the district issues for a road purpose bonds payable from ad valorem taxes of the district, the district shall deliver to the municipality whose extraterritorial jurisdiction includes district territory a report of the conclusions of an independent economic feasibility study that support the ability of the district to pay debt service on the bonds under consideration at a tax rate of 95 cents or less per \$100 assessed valuation on all property subject to taxation by the district, assuming a 95 percent collection rate.

(b) The economic feasibility study must establish:

(1) the ability of the district to issue the bonds based on:

(A) land values in the district;

(B) the tax rate necessary to support the district's payment of debt service on the district's ad valorem tax bonds; and

(C) other factors enabling the district to support a reasonable tax rate for debt service; and

(2) the value of projected improvements to be financed by the bonds.

(c) The district may not issue the bonds unless the governing body of the district approves the conclusions of the economic feasibility study. Not later than the 30th day after the date the municipality receives the study report, the governing body of the municipality shall either approve or disapprove the conclusions. If the governing body of the municipality does not approve or disapprove the conclusions by that 30th day, the conclusions are considered approved.

(d) If the Texas Commission on Environmental Quality assumes jurisdiction over the district's issuance of bonds for a road purpose, this section expires on the day after the date the commission assumes the jurisdiction.

(4) On page 4, line 16, between "PROJECTS." and "Under", insert "(a)".

(5) On page 4, between lines 21 and 22, insert:

(b) The district may exercise its authority under this section only on or after the date the governing body of the municipality in whose extraterritorial jurisdiction any part of the district is located by resolution consents to the district exercising that authority. If the governing body of the municipality does not adopt a resolution under this section consenting to the district's road project authority before January 1, 2010, this section and Sections 8309.053 and 8309.054 expire on that date.

(6) On page 5, strike lines 8 through 13 and substitute:

Sec. 8308.054. ECONOMIC FEASIBILITY STUDY. (a) Not later than the 30th day before the date the district issues for a road purpose bonds payable from ad valorem taxes of the district, the district shall deliver to the municipality whose extraterritorial jurisdiction includes district territory a report of the conclusions of an independent economic feasibility study that support the ability of the district to pay debt service on the bonds under consideration at a tax rate of 95 cents or less per \$100 assessed valuation on all property subject to taxation by the district, assuming a 95 percent collection rate.

(b) The economic feasibility study must establish:

(1) the ability of the district to issue the bonds based on:

(A) land values in the district;

(B) the tax rate necessary to support the district's payment of debt service on the district's ad valorem tax bonds; and

(C) other factors enabling the district to support a reasonable tax rate for debt service; and

(2) the value of projected improvements to be financed by the bonds.

(c) The district may not issue the bonds unless the governing body of the district approves the conclusions of the economic feasibility study. Not later than the 30th day after the date the municipality receives the study report, the governing body of the municipality shall either approve or disapprove the conclusions. If the governing body of the municipality does not approve or disapprove the conclusions by that 30th day, the conclusions are considered approved.

(d) If the Texas Commission on Environmental Quality assumes jurisdiction over the district's issuance of bonds for a road purpose, this section expires on the day after the date the commission assumes the jurisdiction.

Amendment No. 1 was adopted.

HB 1139 (by F. Brown), A bill to be entitled An Act relating to the authority of certain counties to impose a hotel occupancy tax and to the use of the tax. (Sheffield recorded voting no.)

HB 1230 (by Farabee), A bill to be entitled An Act relating to limitations on the compensation of county auditors for certain counties.

HB 1270 was deferred until the end of today's local, consent, and resolutions calendar.

(Hartnett now present)

HB 1275 was withdrawn.

HB 1321 (by Hughes), A bill to be entitled An Act relating to the discharge of a jury under certain circumstances in a criminal case.

HB 1324 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 1397 (by Guillen), A bill to be entitled An Act relating to venue projects in certain municipalities.

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).

CSHB 1460 (by Paxton), A bill to be entitled An Act relating to the contents of an application for probate of a written will.

HB 1493 (by T. King), A bill to be entitled An Act relating to the use of certain devices in a polling place.

CSHB 1526 (by Crownover, Hardcastle, P. King, Parker, et al.), A bill to be entitled An Act relating to the authority of a common purchaser that transports natural gas by pipeline to use a public right-of-way for a pipeline.

HB 1531 (by Bolton and Maldonado), A bill to be entitled An Act relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, *capias*, or *capias pro fine*. (Flynn recorded voting no.)

CSHB 1544 (by Miklos), A bill to be entitled An Act relating to court proceedings for a plea of guilty or *nolo contendere* for a misdemeanor punishable by fine only.

HB 1570 (by Thompson, et al.), A bill to be entitled An Act relating to reimbursement under preferred provider benefit plans for services provided by licensed podiatrists. (Sheffield recorded voting no.)

CSSB 778 (Geren - House Sponsor), in lieu of **HB 1706**, A bill to be entitled An Act relating to the licensing and regulation of identity recovery service contract providers and the inclusion of identity recovery service agreements in certain service contracts and vehicle protection products; providing penalties.

Representative Geren moved to lay **HB 1706** on the table subject to call, and the motion prevailed.

CSHB 1727 (by W. Smith and Lucio), A bill to be entitled An Act relating to the transport of fireworks within a municipality.

CSHB 1739 (by D. Howard), A bill to be entitled An Act relating to a recognition week to celebrate Texas native plants.

CSHB 1741 (by T. King), A bill to be entitled An Act relating to the recharge of the Edwards Aquifer.

CSHB 1749 (by Bonnen), A bill to be entitled An Act relating to the issuance of marine conservation specialty license plates.

CSHB 1843 (by J. Davis, et al.), A bill to be entitled An Act relating to the disposition of cash in possession of a deceased pauper.

HB 1850 (by Lucio, et al.), A bill to be entitled An Act relating to changing the name of the South Texas Health Care System to the Rio Grande State Center.

HB 1864 (by Hochberg), A bill to be entitled An Act relating to tuition exemptions at public institutions of higher education for students enrolled in certain interinstitutional academic programs.

Representative Hochberg moved to postpone consideration of **HB 1864** until 9 a.m. Monday, May 7.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Corte on motion of Hilderbran.

HB 2130 (by Rios Ybarra), A bill to be entitled An Act relating to the assistance of the Texas Rangers in the investigation of certain sex offenses.

HB 2228 (by Parker and W. Smith), A bill to be entitled An Act relating to the timing of a referendum election to continue a fire control, prevention, and emergency medical services district.

CSHB 2229 (by Parker), A bill to be entitled An Act relating to creating a recognition day in honor of aviation maintenance technicians.

HB 2490 (by Harper-Brown), A bill to be entitled An Act relating to the designation of the Diamond Interchange.

CSHB 2529 (by Harless), A bill to be entitled An Act relating to the terms of office of commissioners of certain emergency services districts.

HB 2552 (by Herrero), A bill to be entitled An Act relating to public notice of building requirements and inspection standards in first tier coastal counties.

SB 83 (Guillen - House Sponsor), in lieu of **HB 2577**, A bill to be entitled An Act relating to a right to vacate and avoid residential lease liability following the occurrence of certain sex offenses or domestic violence; providing a penalty.

Representative Guillen moved to lay **HB 2577** on the table subject to call, and the motion prevailed.

CSHB 2640 (by T. Smith), A bill to be entitled An Act relating to the regulation of motor vehicle manufacturers and distributors. (Christian recorded voting no.)

HB 2647 (by Kent and Miklos), A bill to be entitled An Act relating to the quasi-judicial enforcement of certain health and safety ordinances.

HB 2692 was withdrawn.

HB 2706 (by S. Turner and Laubenberg), A bill to be entitled An Act relating to the authority of physicians and chiropractors to form certain entities.

CSHB 2710 (by Coleman), A bill to be entitled An Act relating to indigent health care services that may be provided by a county.

HB 2728 (by C. Howard), A bill to be entitled An Act relating to the transfer of certain state property from the Department of Aging and Disability Services to the Veterans' Land Board.

CSHB 2833 (by Marquez), A bill to be entitled An Act relating to authorizing certain counties to adopt a building code in their unincorporated areas; providing a penalty.

CSHB 2893 (by Hochberg), A bill to be entitled An Act relating to the technology demonstration sites project.

CSHB 3012 (by Coleman), A bill to be entitled An Act relating to food handlers and other food service employees.

HB 3057 (by Castro), A bill to be entitled An Act relating to the use by a metropolitan rapid transit authority of the construction manager-at-risk method for the construction, rehabilitation, alteration, or repair of a facility.

HB 3070 (by Solomons), A bill to be entitled An Act relating to the administration and powers of a coordinated county transportation authority.

HB 3082 (by Thibaut), A bill to be entitled An Act relating to the obstruction of streets by certain municipalities. (Aycock and Flynn recorded voting no.)

Amendment No. 1

Representative Thibaut offered the following amendment to **HB 3082**:

Amend **HB 3082** on page 1, line 8, by striking "or semipermanently".

Amendment No. 1 was adopted.

CSHB 3089 (by Veasey), A bill to be entitled An Act relating to the disposition of vehicles by a local government participating in a program designed to encourage the use of low-emission vehicles.

HB 3132 was withdrawn.

CSHB 3136 (by Gallego), A bill to be entitled An Act relating to the purposes for which certain counties may use local hotel occupancy tax revenue.

HB 3216 (by Naishtat), A bill to be entitled An Act relating to telephone or electronic mail notification to a respondent of a complaint filed with the Texas Ethics Commission.

CSHB 3218 (by Naishtat), A bill to be entitled An Act relating to the filing of sworn complaints with the Texas Ethics Commission.

HB 3253 (by Miklos), A bill to be entitled An Act relating to the acquisition, construction, or improvement of a rainwater harvesting system in a public improvement district established by a county or municipality.

CSHB 3306 (by Bonnen), A bill to be entitled An Act relating to the removal and disposal of certain vessels and structures in or on coastal waters.

HB 3346 (by Farabee), A bill to be entitled An Act relating to the definition of a gas utility.

CSHB 3352 (by Naishtat and Rodriguez), A bill to be entitled An Act relating to the collection, dissemination, and correction of certain judicial determinations for a federal firearm background check.

HB 3385 (by Coleman and Isett), A bill to be entitled An Act relating to the activation of the statewide alert system for abducted children.

CSHB 3408 (by Gonzales), A bill to be entitled An Act relating to a county's authority to provide health care services. (Aycock, Bohac, Flynn, Harper-Brown, and Madden recorded voting no.)

Amendment No. 1

Representative Gonzales offered the following amendment to **CSHB 3408**:

Amend **CSHB 3408** (House committee printing) by striking lines 6-11 on page 1 and substituting the following:

Sec. 122.0075. PROVISION OF SERVICES BY CERTAIN COUNTIES.
(a) As the county determines necessary to protect the public health, safety, and welfare, a county located on the Texas-Mexico border may provide health care services to a person in the county regardless of the person's income. The county may provide funding for the health care services from the county treasury.

Amendment No. 1 was adopted.

CSHB 3468 (by Naishtat), A bill to be entitled An Act relating to the selection, duties, and compensation of a presiding criminal judge in Travis County.

CSHB 3491 (by Zerwas), A bill to be entitled An Act relating to the creation, administration, powers, and duties of a county assistance district.

HB 3602 (by Paxton), A bill to be entitled An Act relating to the authority of a county clerk to electronically send certain financial statement forms.

(Truitt now present)

HB 3607 was withdrawn.

HB 3608 was withdrawn.

HB 3626 (by Chisum), A bill to be entitled An Act relating to the North Wheeler County Hospital District.

CSHB 3723 (by Woolley and Thompson), A bill to be entitled An Act relating to the designation of a judicial district in Harris County as the district court for domestic violence cases in that county.

Amendment No. 1

Representative Woolley offered the following amendment to **CSHB 3723**:

Amend **CSHB 3723** (house committee report) as follows:

(1) On page 2, strike lines 3 through 26 and substitute the following:
court designated under Subsection (h) as the domestic violence district court shall give preference to domestic violence cases, including cases involving:

(1) dating violence, as defined by Section 71.0021, Family Code; and

(2) family violence, as defined by Section 71.004, Family Code.

(j) For the purposes of determining the preference the designated domestic violence district court is required to give cases under Subsection (i):

(1) a domestic violence case means:

(A) an original application for a protective order under Title 4, Family Code;

(B) an original application for a protective order under Title 4, Family Code, that involves both parties and is filed concurrently with an original petition under the Family Code; and

(C) any matter involving custody of a minor child if one parent is alleged to have caused the death of another parent and there is a history of domestic violence in the parents' relationship; and

(2) subject to judicial discretion and resources, the designated domestic violence district court may also hear divorce and custody cases in which:

(A) a court has made an affirmative finding of family violence involving both parties; or

(B) a protective order has been issued under Title 4, Family Code, involving both parties.

(k) The designated domestic violence district court shall:

(2) On page 3, strike lines 10 through 18, and substitute the following:

(1) The Harris County district clerk shall create a form and establish procedures to transfer a domestic violence case that qualifies for preference under this section to the domestic violence district court.

SECTION 2. Not later than October 1, 2009, the judges of the district courts listed in Section 24.112(g), Government Code, as added by this Act, shall by agreement designate a listed court as the domestic violence district court for Harris County. If the judges fail to designate a domestic violence district court on or before October 1, 2009, the local administrative judge for the Harris County district courts shall designate a domestic violence district court not later than October 5, 2009.

Amendment No. 1 was adopted.

CSHB 3762 (by Flynn), A bill to be entitled An Act relating to regulation of prepaid funeral benefits.

CSHB 3785 (by Callegari), A bill to be entitled An Act relating to the powers and duties of a navigation district or port authority.

HB 3844 (by W. Smith), A bill to be entitled An Act relating to the permissible sources of funding for memorial markers to designate the Veterans Memorial Highway.

HB 3872 (by Gattis), A bill to be entitled An Act relating to the qualifications to be a veterans county service officer.

HB 3918 (by Darby), A bill to be entitled An Act relating to testing liquefied petroleum gas systems in certain school facilities.

HB 3921 (by Peña and Naishtat), A bill to be entitled An Act relating to the filing by political committees of reports of political contributions and expenditures in connection with a runoff election.

HB 3922 (by Peña and Naishtat), A bill to be entitled An Act relating to notification sent by the Texas Ethics Commission to certain persons regarding deadlines to file reports.

HB 3923 (by Peña and Naishtat), A bill to be entitled An Act relating to the method of delivery of notices relating to sworn complaints filed with the Texas Ethics Commission.

HB 3994 was withdrawn.

CSHB 4060 (by T. Smith and Leibowitz), A bill to be entitled An Act relating to the period during which a judicial candidate or officeholder may accept political contributions.

Amendment No. 1

Representative T. Smith offered the following amendment to **CSHB 4060**:

Amend **CSHB 4060** as follows:

(1) On page 2, lines 15 and 16, strike "incurred as a result of the election that is" and substitute the following:
that is:

(1) incurred in connection with making a direct campaign expenditure during the period beginning on the date the application for a place on the ballot or for nomination by convention was required to be filed for the election in which the candidate last appeared on the ballot and ending on the date of that election;

(2)

(2) On page 2, line 17, between "253.1621" and "~~[contest]~~", insert the following:
; and

(3) not incurred in connection with the defense of any ethics matter

Amendment No. 2

Representative T. Smith offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 on **CSHB 4060** by striking line 5 and substituting "(1) incurred directly by the making of a".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

HB 4064 (by Gonzalez Toureilles), A bill to be entitled An Act relating to the issuance of specialty license plates for cancer of unknown primary origin awareness.

CSHB 4127 (by Hartnett), A bill to be entitled An Act relating to the expenditure of public funds for certain playground facilities.

CSHB 4149 (by Rose and Branch), A bill to be entitled An Act relating to a study and report by the Texas Higher Education Coordinating Board regarding achievable cost-saving measures at public institutions of higher education.

HB 4180 was withdrawn.

HB 4242 was withdrawn.

HB 4290 (by Smithee), A bill to be entitled An Act relating to retrospective utilization review and utilization review to determine the experimental or investigational nature of a health care service.

Amendment No. 1 (Committee Amendment No. 1)

Representative Smithee offered the following committee amendment to **HB 4290**:

Amend **HB 4290** by striking SECTION 20 of the bill (introduced version, page 13, line 24 through page 14, line 3) and renumbering the remaining SECTION of the bill accordingly.

Amendment No. 1 was adopted.

HB 4311 (by Gallego), A bill to be entitled An Act relating to the naming of certain Texas Department of Transportation property in Val Verde County.

HB 4314 (by Gallego and Thompson), A bill to be entitled An Act relating to the electronic filing of documents for capital cases in the court of criminal appeals.

HB 4316 (by B. Brown), A bill to be entitled An Act relating to the authority of Las Lomas Municipal Utility District Nos. 3 and 4 of Kaufman County to undertake road projects.

HB 4438 was withdrawn.

HB 4464 (by Gallego), A bill to be entitled An Act relating to crime victim information in a criminal judgment.

HB 4465 (by Gallego, Riddle, Moody, and Marquez), A bill to be entitled An Act relating to "Welcome to Texas" signs on highways entering Texas and to the placement of Texas flags at international ports-of-entry.

CSHB 4474 (by Callegari), A bill to be entitled An Act relating to the applicability of a fire code in an unincorporated area of a county.

Representative Callegari moved to postpone consideration of **CSHB 4474** until 8 a.m. Tuesday, May 7.

The motion prevailed.

CSHB 4541 (by Raymond and Guillen), A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Public Safety to Webb County.

HB 4642 (by Lucio), A bill to be entitled An Act relating to the Jim Solis Outpatient Clinic.

HB 4700 (by Farias), A bill to be entitled An Act relating to the operation of the Bexar County Juvenile Board.

HB 4721 (by Gonzalez Toureilles), A bill to be entitled An Act relating to eligibility requirements to serve as a member of the board of directors of the Bee Groundwater Conservation District.

HB 4789 (by B. Brown), A bill to be entitled An Act relating to the creation of the Kaufman County Parks Improvement District; providing authority to impose a tax and issue bonds; providing penalties.

HCR 174 (by Swinford, Lewis, Craddick, Jones, Chisum, et al.), Requesting the Texas Department of Transportation to designate the overpass at the intersection of Highway 20 and Highway 338 in Odessa as the Buddy West Memorial Overpass.

CSHB 1324 (by Rios Ybarra), A bill to be entitled An Act relating to the municipal hotel occupancy tax imposed in certain municipalities. (Flynn and Sheffield recorded voting no.)

HB 1270 was withdrawn.

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. 21).

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Transportation, upon first adjournment today, Desk 15, for a formal meeting, to consider pending business.

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

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

ADJOURNMENT

At 3:30 p.m., the speaker pro tempore announced that the house would stand adjourned until 3:45 p.m. today.

