

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-FOURTH DAY — WEDNESDAY, FEBRUARY 23, 2011

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 52).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent — Aycocock; Naishtat.

The invocation was offered by Wayne Wolfe, pastor, Shady Grove Baptist Church, Emory, as follows:

Heavenly Father, I bow before you today and acknowledge you as my Lord. I stand in awe and amazement of your mighty works and your majesty. The Bible gives us evidence of your love, mercy, and grace. It tells us that you know our hearts and our thoughts. It teaches us that "every kingdom divided against itself is brought to desolation; and every city or house divided against itself shall not stand."

I acknowledge that today we have not always done that which was right according to your word. But as we look to the past, I thank you for your kindness and love. I ask that you guide us in the way of the truth, for we need your hand upon us. We are encouraged by your promise never to leave nor forsake us.

I now pray that you abundantly bless each member of this body, and as you work through them, may each and everything they do bring honor to you and be a blessing to others. Prompt us often to seek direction from you in prayer. Lead us on the right road and we will be careful to give you the praise. In Christ's name. Amen.

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

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Martinez who presented Dr. Audrey Jones of Alamo as the "Doctor for the Day."

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

(L. Gonzales in the chair)

HR 496 - ADOPTED

(by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 496**.

The motion prevailed.

The following resolution was laid before the house:

HR 496, Recognizing February 23, 2011, as Hill County Day at the State Capitol.

HR 496 was read and was adopted.

(Aycock now present)

INTRODUCTION OF GUESTS

The chair recognized Representative Pitts who introduced a delegation from Hill County.

HR 501 - ADOPTED

(by Simpson)

Representative Simpson moved to suspend all necessary rules to take up and consider at this time **HR 501**.

The motion prevailed.

The following resolution was laid before the house:

HR 501, Recognizing February 2011 as National AMBUCS Visibility Month and commending the Longview chapter of AMBUCS for their work to foster mobility and independence of people with disabilities.

HR 501 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Flynn who introduced a delegation from Rains County.

HR 155 - ADOPTED (by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 155**.

The motion prevailed.

The following resolution was laid before the house:

HR 155, Recognizing February 23, 2011, as Rains County Day at the State Capitol.

(Naishtat now present)

HR 155 was read and was adopted.

On motion of Representative Pitts, the names of all the members of the house were added to **HR 155** as signers thereof.

HR 497 - ADOPTED (by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 497**.

The motion prevailed.

The following resolution was laid before the house:

HR 497, Honoring the 2010-2011 members and organizers of the Leadership Hillsboro program.

HR 497 was read and was adopted.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative McClendon moved to suspend all necessary rules to set a congratulatory and memorial calendar for 10 a.m. tomorrow.

The motion prevailed.

HR 532 - ADOPTED (by Legler)

Representative Legler moved to suspend all necessary rules to take up and consider at this time **HR 532**.

The motion prevailed.

The following resolution was laid before the house:

HR 532, Recognizing February 23, 2011, as Lions Club Day at the State Capitol.

HR 532 was read and was adopted.

On motion of Representative Weber, the names of all the members of the house were added to **HR 532** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Legler who introduced members of the Texas chapter of Lions Clubs International.

HR 554 - ADOPTED (by Weber)

Representative Weber moved to suspend all necessary rules to take up and consider at this time **HR 554**.

The motion prevailed.

The following resolution was laid before the house:

HR 554, Recognizing February 23, 2011, as Matagorda County Day at the State Capitol.

HR 554 was read and was adopted.

On motion of Representative Legler, the names of all the members of the house were added to **HR 554** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Weber who introduced a delegation from Matagorda County.

HR 503 - ADOPTED (by Button)

Representative Button moved to suspend all necessary rules to take up and consider at this time **HR 503**.

The motion prevailed.

The following resolution was laid before the house:

HR 503, Recognizing February 23, 2011, as Girl Scouts Day at the State Capitol.

HR 503 was read and was adopted.

HR 428 - ADOPTED (by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 428**.

The motion prevailed.

The following resolution was laid before the house:

HR 428, In memory of Michael Todd Greene of Roans Prairie.

HR 428 was read and was unanimously adopted by a rising vote.

On motion of Representative Berman, the names of all the members of the house were added to **HR 428** as signers thereof.

HR 116 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 116**.

The motion prevailed.

The following resolution was laid before the house:

HR 116, Commemorating the centennial of The University of Texas at Austin Department of Government.

HR 116 was read and was adopted.

On motion of Representative D. Howard, the names of all the members of the house were added to **HR 116** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Naishtat who introduced representatives of The University of Texas at Austin Department of Government.

HR 514 - ADOPTED
(by Hochberg)

Representative Hochberg moved to suspend all necessary rules to take up and consider at this time **HR 514**.

The motion prevailed.

The following resolution was laid before the house:

HR 514, In memory of Deborah Lynn "Debbie" Friedman.

HR 514 was read and was unanimously adopted by a rising vote.

On motion of Representative D. Howard, the names of all the members of the house were added to **HR 514** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Creighton who introduced representatives of the Children's Advocacy Centers of Texas.

HR 161 - ADOPTED
(by Creighton)

Representative Creighton moved to suspend all necessary rules to take up and consider at this time **HR 161**.

The motion prevailed.

The following resolution was laid before the house:

HR 161, Recognizing February 23, 2011, as Children's Advocacy Centers of Texas Day at the Capitol.

HR 161 was read and was adopted.

HR 521 - ADOPTED
(by Guillen)

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 521**.

The motion prevailed.

The following resolution was laid before the house:

HR 521, Recognizing February 23, 2011, as Rio Grande City Day at the State Capitol.

HR 521 was read and was adopted.

On motion of Representative Muñoz, the names of all the members of the house were added to **HR 521** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Guillen who introduced a delegation from Rio Grande City.

HR 538 - ADOPTED
(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 538**.

The motion prevailed.

The following resolution was laid before the house:

HR 538, Honoring the Texas tourism industry.

HR 538 was read and was adopted.

On motion of Representative Sheffield, the names of all the members of the house were added to **HR 538** as signers thereof.

HR 549 - ADOPTED
(by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 549**.

The motion prevailed.

The following resolution was laid before the house:

HR 549, Recognizing February 23, 2011, as Sheriffs' Association of Texas Day at the Capitol.

HR 549 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Kolkhorst who introduced representatives of the Sheriffs' Association of Texas.

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).

HR 567 - ADOPTED

(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 567**.

The motion prevailed.

The following resolution was laid before the house:

HR 567, Congratulating Robert James Pradia of Houston on the occasion of his 90th birthday.

HR 567 was adopted.

HR 495 - ADOPTED

(by Woolley)

Representative Woolley moved to suspend all necessary rules to take up and consider at this time **HR 495**.

The motion prevailed.

The following resolution was laid before the house:

HR 495, Recognizing February 20 through 27, 2011, as Texas Saves Week.

HR 495 was read and was adopted.

HR 517 - ADOPTED

(by Kolkhorst)

Representative Kolkhorst moved to suspend all necessary rules to take up and consider at this time **HR 517**.

The motion prevailed.

The following resolution was laid before the house:

HR 517, Recognizing February 23, 2011, as Osteopathic Medicine Day at the State Capitol.

HR 517 was read and was adopted.

On motion of Representative Shelton, the names of all the members of the house were added to **HR 517** as signers thereof.

SCR 17 - ADOPTED
(Legler - House Sponsor)

Representative Legler moved to suspend all necessary rules to take up and consider at this time **SCR 17**.

The motion prevailed.

The following resolution was laid before the house:

SCR 17, Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, February 17, 2011, and ending on Tuesday, February 22, 2011.

The resolution was adopted by (Record 53): 147 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lozano; Lucio; Lyne; Madden; Mallory Caraway; Margo; Marquez; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

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

Absent — Paxton.

MOTION FOR ONE RECORD VOTE

On motion of Representative Legler and by unanimous consent, the house agreed to use the record vote taken on adoption of **SCR 17** for **SCR 21** and for the adoption of all future resolutions granting the legislature permission to adjourn for more than three days during the 82nd Legislature.

SCR 21 - ADOPTED
(Legler - House Sponsor)

Representative Legler moved to suspend all necessary rules to take up and consider at this time **SCR 21**.

The motion prevailed.

The following resolution was laid before the house:

SCR 21, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 23, 2011, and ending on Monday, February 28, 2011.

SCR 21 was adopted. (See Record No. 53, House Journal, 82nd Regular Session (2011), page 468)

COMMITTEE APPOINTED

The chair announced the appointment of the following committee to escort Chief Justice Wallace B. Jefferson to the speaker's rostrum: Jackson, chair; Lewis, Scott, S. Davis, and Hartnett.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Select Committee on Election Contest, 1 p.m. today, E1.010, to consider the master's report.

HOUSE AT EASE

At 11:29 a.m., the chair announced that the house would stand at ease.

ADDRESS BY THE HONORABLE WALLACE B. JEFFERSON (The House of Representatives and the Senate in Joint Session)

At 11:30 a.m. and in accordance with the provisions of **HCR 43**, providing for a joint session of the senate and house of representatives for the purpose of hearing an address by the Honorable Wallace B. Jefferson, chief justice of the Supreme Court of Texas, the Honorable Steve Ogden, president pro tempore of the senate, and the honorable senators were announced at the door of the house and were admitted.

The Honorable Wallace B. Jefferson was announced at the door of the house and, being admitted, was escorted by Senators Harris, chair; Ellis, Huffman, Nichols, and Rodriguez, committee on the part of the senate; and Representatives Jackson, chair; Lewis, Scott, S. Davis, and Hartnett, committee on the part of the house.

The Honorable Steve Ogden, president pro tempore of the senate, called the senate to order and stated that a quorum of the senate was present.

The Honorable Joe Straus, speaker of the house, called the house to order and stated that a quorum of the house of representatives was present.

Speaker Straus announced that the two houses were in joint session pursuant to **HCR 43** for the purpose of hearing an address by the Honorable Wallace B. Jefferson, chief justice of the Supreme Court of Texas.

Speaker Straus recognized members of the Supreme Court of Texas, members of the Court of Criminal Appeals of Texas, members of the Courts of Appeals of Texas, administrative judges, former Chief Justice Jack Pope, and Rhonda Jefferson, wife of Chief Justice Jefferson.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the house was provided today by Billy Collins.

President Pro Tempore Ogden introduced Chief Justice Jefferson, who addressed the joint session, speaking as follows:

Senator Ogden, Speaker Straus, representatives and senators, my colleagues on the great courts of Texas, I am honored to stand before you today to deliver my fourth address. I have had the great privilege to lead a conference of the nation's chief justices, to see how their states adapt to the current economic climate, to compare our system of justice to theirs. We have good reason to be proud of our state. Texas is a leader in so many ways. We have the best Judicial Commission on Children, Youth, and Families thanks to the vision of my former colleague, Harriet O'Neill, the leadership of Justice Eva Guzman, and an excellent staff headed by Tina Amberboy. We have one of the strongest Access to Justice Commissions, which provides lawyers to Texans who cannot afford legal representation. We asked Jim Sales to lead that commission, and now Harry Reasoner, and I have to say, it is rare to see such passion from pure volunteers. Leadership, vision, passion—these are essential. Justice also requires action. I have the great privilege of addressing in this room the great leaders of our state who have a vision for a better Texas, the passion to move public policy toward that end. Today, I am calling for action on several fronts.

The Supreme Court of Texas hears only civil matters. But by constitution, custom, and statute, we also have jurisdiction over juvenile cases. Those files cross our desks from time to time. We read the record, apply the law, and move on to the next case. I got a call a few months ago from a judge who said, "Chief, I would like you to see the faces behind those files." And so I sat in on Judge Jeanne Meurer's court and observed a day in the lives of families dealing with juvenile offenders. The experience would change you.

I have seen the faces of little girls addicted to methamphetamine, of teenage car thieves, of bullies. I have heard the pleas of frustrated working mothers and desperate public defenders. Sending juveniles away to remote detention centers is sometimes necessary, but it is not the answer to our societal problem. The future of Texas youth depends on rehabilitative services, on psychiatric care, on vocational training. More than 25 percent of Texas children live in poverty. Thirty-three percent of youth referred to juvenile probation have a diagnosed mental illness, and 60 percent of our sons and daughters incarcerated in the Texas Youth Commission need mental health treatment.

Schools are central to this equation. More than 80 percent of Texas adult prison inmates are school dropouts. Charging kids with criminal offenses for low-level behavioral issues exacerbates the problem. Among those suspended and expelled, minority and special education students are heavily overrepresented. Of course, disruptive behavior must be addressed, but criminal records close doors to opportunities that less punitive intervention would keep open. Let us endeavor to give them a chance at life before setting them on a path into the adult criminal justice system.

So let me announce my first plea for action. This one is easy. Jeanne Meurer is in the trenches; she knows how to reach these kids and she understands the challenges facing our parents and schools. When Jeanne Meurer calls you and asks for your help, file the bill, appropriate the funds, sign the Act.

I mentioned access to justice earlier. The increasing inaccessibility of legal services—for the poor, for even the middle class—undermines the rule of law for us all. We are a nation and state that believes the law provides protection for those who are most powerful, for those who are most vulnerable. But today, the courthouse door is closed to many who have lost their jobs, to military veterans who are on the streets, to women who suffer physical abuse from cowards.

The combination of increased poverty rates, reduced interest rates on legal aid accounts, and a statewide budget crisis threatens to leave Texas' neediest communities without basic access to justice. I commend the State Bar and its president, Terry Tottenham, for creating Texas Lawyers for Texas Veterans, which will provide legal services to those men and women who risked their lives to protect the freedoms we hold dear. How are we, as a state, going to answer the cries of nearly 6 million Texans eligible for legal aid but who are turned away because funding is inadequate?

Here, then, is my second call to action. Even in the face of a tremendous budget crisis, I ask the legislature to duplicate what it courageously did last session and appropriate \$20 million dollars from general revenue for basic civil legal services. Advance legislation that would add a small fee to case filings so that money is available to help Texans secure the legal rights that our constitution and laws give them.

Our commitment to equal justice does not end with civil justice. Recent efforts to find and rectify wrongful convictions in Texas provide a promising example of how our courts are working to free the innocent. The Court of Criminal Appeals of Texas has worked with the Timothy Cole Advisory Panel, established by the legislature last session, to study the causes of and solutions to wrongful convictions in our state. In the last 10 years, more than 40 Texas prisoners have been exonerated based on DNA evidence. This is not just a Texas problem, but no other state has found an equal number of wrongfully convicted prisoners.

Yet Texas ranks among the lowest of the 50 states in how much money it spends per person on indigent defense. Projected cuts to expenditures from the fair defense account created by the legislature would drain the system of resources we need to assure indigent criminal defendants get competent lawyers who make the system fair. We need to fund criminal justice initiatives that will make investigations more accurate, trials more just, and DNA evidence more widely available.

We in the judiciary are trying to do our part. The Court of Criminal Appeals' Criminal Justice Integrity Unit organized a two-day forensic science seminar, educating over 400 attorneys, judges, police officers, legislators, and lab personnel on evidence standards and specific sciences. The judicial Task Force on

Indigent Defense recently helped establish the Harris County Public Defender's Office. Up to that time, Harris County was the largest urban jurisdiction in the country without a public defender office.

My third call for action is to ask this legislature to support these efforts to make our criminal justice system fair. I commend Senator Ellis for his work on these issues, and I commend those of you in this room who will work to pass the bills and fund the projects that will ensure no innocent person languishes in our prisons.

All that I have discussed depends on an impartial system of justice overseen by the judicial branch. We lost one of that branch's greatest leaders, Joe Greenhill, less than two weeks ago. He told me once that he regretted that Texas has continued to elect judges on a partisan basis. I regret it, too. A justice system built on some notion of democratic judging or republican judging is a system that cannot be trusted. I urge the legislature to send the people a constitutional amendment that would allow judges to be selected on their merit.

If we do not reform it completely, judicial elections can at least be changed. And so my final call to action is that we consider common sense solutions to the problems that plague partisan election of judges. First, I would eliminate straight-ticket voting that allows judges to be swept from the bench, not for poor work ethic, not for bad temperament, not even for their controversial but courageous decisions, but because of party affiliation. We saw this in Dallas County four years ago and in Harris County in the 1990s, in 2008, and just last year—hordes of judges replaced for no good reason.

Let's extend terms for state judges from four years to six for district court judges and from six years to eight for appellate court judges. This will avoid some of the overhaul that occurs each election cycle and drastically slows down the system. And let's bring sense to the process to allow a judge appointed to an unexpired term to serve a full term before having to face the voters. That will give her or him experience and, this is important, a record to run on. We can do this, if not more.

Finally, as I reflected on the passing of Joe Greenhill, I wondered what it must have been like to preside over the supreme court in 1957, just a few years after *Brown v. Board of Education*. What was Texas like then? What was it like 100 years earlier? If you are curious, like I am, then you will support our effort to preserve the documents of our past, which currently lie rotting in boxes and file cabinets, literally crumbling on courthouse shelves. Faced with this vanishing history, our supreme court established in 2009 the Texas Court Records Preservation Task Force. Led by public officials and private citizens, the task force has found documents about Sam Houston, litigation surrounding Native American Indians, immigration records in Galveston County—some of your families first came to Texas through that port—and other exciting periods in our history. This session, the legislature will be asked to address whether court clerks should retain such historic records. My recommendation is an emphatic yes. These documents are our living history, the parchment of our past. They prove to us not only that we rose from the severest of circumstances, but that we forged ahead and became stronger for it.

Why does the past matter? Not only because it tells us who we have been, but also because it reminds us who we are, and what we will become. As Texans, we have much to be proud of. Our courts struggle to provide the promptest and most efficient resolutions for litigants. And yet, a system that cannot provide equal access to justice, that does not protect the endangered and the vulnerable; a system that permits politics to take precedence over merit; and one that allows the innocent to remain behind bars—well, that is the reason you are here. I ask you to take action this session. Give us the assurance that, at this crucial juncture, we did not turn our backs on the neediest among us, but continued to serve them as the constitution so strongly demands.

REMARKS ORDERED PRINTED

Senator Harris and Representative Jackson moved to print remarks by Chief Justice Jefferson.

The motion prevailed.

SENATE RECESS

At 12:02 p.m., President Pro Tempore Ogden stated that the purpose for which the joint session was called had been completed and that the senate would, in accordance with a previous motion, stand recessed until 1 p.m. today.

HOUSE AT EASE

At 12:02 p.m., the speaker announced that the house would stand at ease pending the departure of guests.

(Alvarado in the chair)

The chair called the house to order at 12:16 p.m.

PROVIDING FOR ADJOURNMENT

Representative Hardcastle moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Edward L. Lehman, Jr., of Vernon.

The motion prevailed.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Speaker in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 12:32 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 763 (By Lozano), Relating to the creation of the offense of unlawful transport of an undocumented person.

To State Affairs.

HB 768 (By Lozano), Relating to the provision of drug court programs in this state.

To Corrections.

HB 770 (By Lozano), Relating to the punishment prescribed for the offense of bail jumping and failure to appear.

To Criminal Jurisprudence.

HB 772 (By Riddle), Relating to the applicability of certain laws to certain sex offenders.

To Criminal Jurisprudence.

HB 773 (By Anchia), Relating to creating an energy efficiency council to coordinate administration of energy efficiency programs.

To Energy Resources.

HB 774 (By Anchia), Relating to renewable energy capacity, jobs, and trading credits.

To Energy Resources.

HB 775 (By Anchia), Relating to the adoption of energy efficiency, conservation, and indoor air quality standards for the design, construction, and renovation of public school instructional facilities.

To Energy Resources.

HB 776 (By Anchia), Relating to the rights of distributed renewable generation owners and certain parties who provide distributed renewable generation to retail electric customers.

To State Affairs.

HB 777 (By Gonzalez), Relating to court costs imposed on conviction and deposited to the courthouse security fund.

To Criminal Jurisprudence.

HB 778 (By Gonzalez), Relating to the execution of lawful process by county jailers.

To Criminal Jurisprudence.

HB 779 (By P. King), Relating to the state's or a governmental entity's direct or indirect use of state or local tax revenue to finance the performance of an elective abortion or elective abortion-related service.

To State Affairs.

HB 780 (By P. King), Relating to the abolition of school district maintenance and operations ad valorem taxes.

To Ways and Means.

HB 781 (By P. King), Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

To Ways and Means.

HB 782 (By Y. Davis), Relating to a requirement that certain bond issuers obtain an appraisal of property that is to be purchased with bond proceeds.

To Urban Affairs.

HB 783 (By Y. Davis), Relating to certain offenses that involve impersonating a peace officer or other public servant and misrepresenting the nature of certain property.

To Criminal Jurisprudence.

HB 784 (By Y. Davis), Relating to the application of the sunset review process to certain exemptions from property taxes and state taxes.

To Ways and Means.

HB 785 (By Y. Davis), Relating to restrictions on the use of state funds to benefit private entities that outsource jobs to foreign countries.

To Economic and Small Business Development.

HB 786 (By Y. Davis), Relating to HIV and AIDS tests and to health benefit plan coverage of HIV and AIDS tests.

To Insurance.

HB 787 (By Kuempel), Relating to abandoned, wrecked, dismantled, discarded, and inoperable aircraft and watercraft.

To Transportation.

HB 788 (By Kuempel), Relating to the establishment and use of a private family cemetery by certain organizations.

To Public Health.

HB 789 (By Kuempel), Relating to the duties of and the application of the professional prosecutors law to the county attorneys in Gonzales and Lavaca Counties and to the duties of the district attorney for the 25th Judicial District.

To Judiciary and Civil Jurisprudence.

HB 790 (By Kuempel), Relating to the continuing issuance of freshwater fishing stamps by the Parks and Wildlife Department.

To Culture, Recreation, and Tourism.

HB 791 (By Lewis), Relating to prohibiting certain contracts for investment services for state funds.

To Pensions, Investments, and Financial Services.

HB 792 (By Zerwas), Relating to the notice requirements for and effective date of a service plan filed by the Department of Family and Protective Services with regard to a child.

To Human Services.

HB 793 (By Zerwas), Relating to parent education and family stabilization courses in certain suits affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 794 (By Zerwas), Relating to investigations of child abuse or neglect, including the placement of children removed from their homes as a result of an investigation.

To Human Services.

HB 795 (By Zerwas), Relating to the franchise tax and alternative revenue sources and spending priorities for this state.

To Ways and Means.

HB 796 (By Zerwas), Relating to consent before a dentist or dental hygienist may clean teeth without performing an x-ray.

To Public Health.

HB 797 (By P. King), Relating to the venue for the filing of certain applications by a pregnant minor with respect to an abortion.

To State Affairs.

HB 798 (By Creighton), Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Ways and Means.

HB 799 (By Christian), Relating to where certain justice of the peace courts may be held.

To Judiciary and Civil Jurisprudence.

HB 801 (By C. Anderson), Relating to the territory and dissolution requirements of the Southern Trinity Groundwater Conservation District.

To Natural Resources.

HB 802 (By Bonnen), Relating to the authority of a municipality to regulate door-to-door solicitation and sales by an alarm systems company.

To Homeland Security and Public Safety.

HB 803 (By Bonnen), Relating to the penalty for failure to make a timely installment payment of ad valorem taxes on property in a disaster area.

To Ways and Means.

HB 804 (By Lewis), Relating to the offense of illegal voting by a person who is not a United States citizen.

To State Affairs.

HB 805 (By Callegari), Relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.

To Natural Resources.

HB 806 (By D. Howard), Relating to the appointment of a campaign treasurer and filing of reports of political contributions and expenditures by certain candidates.

To Elections.

HB 807 (By Parker), Relating to the notice provided to a foster parent before a change in a child's foster care placement.

To Human Services.

HB 808 (By Lozano), Relating to the identification of courses included in the common course numbering system to be offered by and the transferability of those courses among public institutions of higher education.

To Higher Education.

HB 809 (By Darby), Relating to the use of certain fees collected for pretrial intervention programs offered in a county.

To Criminal Jurisprudence.

HB 810 (By Darby), Relating to jurisdiction in certain proceedings brought by the attorney general with respect to charitable trusts.

To Judiciary and Civil Jurisprudence.

HB 811 (By Darby), Relating to the powers and duties of the Scurry County Hospital District.

To County Affairs.

HB 812 (By P. King), Relating to the definition of peace officer for purposes of intercepting or collecting information in relation to certain communications in an investigation of criminal conduct.

To Homeland Security and Public Safety.

HB 813 (By Gutierrez), Relating to the election of the commissioner of insurance.

To Insurance.

HB 814 (By Gutierrez), Relating to the Edwards Aquifer Authority's power to regulate the transportation of groundwater out of certain counties.

To Natural Resources.

HB 815 (By Paxton), Relating to the state highway fund.

To Appropriations.

HB 816 (By Hunter), Relating to health plan and health benefit plan coverage for abortions.

To State Affairs.

HB 817 (By Hughes), Relating to the computation of taxable margin for purposes of the franchise tax by certain taxable entities.

To Ways and Means.

HB 818 (By D. Howard), Relating to use of compensatory education allotment funding to provide assistance with child care to students at risk of dropping out of school.

To Public Education.

HB 819 (By Farrar), Relating to abolishing the death penalty.

To Criminal Jurisprudence.

HB 820 (By Farrar), Relating to monitoring air contaminants under the Texas Clean Air Act.

To Environmental Regulation.

HB 821 (By Farrar), Relating to a prohibition on the disposal of certain used equipment at a municipal solid waste facility; creating an offense.

To Environmental Regulation.

HB 822 (By Farrar), Relating to reducing mercury emissions from electric generating facilities; providing for an administrative penalty.

To Environmental Regulation.

HB 823 (By Farrar), Relating to the liability of certain social workers who provide volunteer health care services to charitable organizations.

To Judiciary and Civil Jurisprudence.

HB 824 (By Villarreal), Relating to an outreach campaign to promote fathers' involvement with their children before birth.

To Human Services.

HB 825 (By Anchia), Relating to protective orders for stalking victims.

To Criminal Jurisprudence.

HB 826 (By Farias), Relating to facilitating the enrollment in or transfer to a public school district of a student in the conservatorship of the state.

To Public Education.

HB 827 (By Farias), Relating to requirements for certain human sexuality instruction presentations in public schools.

To Public Education.

HB 828 (By Farias), Relating to notice to parents of public school students regarding human sexuality instruction.

To Public Education.

HB 829 (By Farias), Relating to including in local school health advisory council reports to school district boards of trustees explanations of campus compliance with the requirement for setting, in campus improvement plans, goals and objectives for campus coordinated health programs.

To Public Education.

HB 830 (By Dutton), Relating to the consideration of the cumulative effects of air contaminant emissions in the emissions permitting process.

To Environmental Regulation.

HB 831 (By Craddick), Relating to the authority of certain local governmental entities to borrow money for a public hospital.

To County Affairs.

HB 832 (By Lozano), Relating to a cost of living increase applicable to benefits paid by the Teacher Retirement System of Texas.

To Pensions, Investments, and Financial Services.

HB 833 (By Lozano), Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran or the principal residence of the surviving minor children of such a disabled veteran.

To Ways and Means.

HB 834 (By Hernandez Luna), Relating to supplemental breast cancer screening.

To Public Health.

HB 835 (By Parker), Relating to standing for certain individuals to file a suit affecting the parent-child relationship.

To Judiciary and Civil Jurisprudence.

HB 836 (By Shelton), Relating to certain persons receiving mental health services.

To Public Health.

HB 837 (By V. Taylor), Relating to the authority of peace officers to request thumbprints during motor vehicle stops.

To Homeland Security and Public Safety.

HB 838 (By Elkins), Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

To State Affairs.

HB 839 (By Elkins), Relating to treatment under the public school finance system of school district revenue resulting from reduction or elimination of an optional homestead exemption.

To Public Education.

HB 840 (By Gonzalez), Relating to the power and authority of the El Paso County Hospital District, and related entities, to employ physicians and dentists.

To County Affairs.

HB 841 (By Gonzalez), Relating to certain statutory references to the Department of Family and Protective Services.

To Human Services.

HB 1375 (By Bohac), Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.

To State Affairs.

HJR 72 (By P. King), Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran in an amount equal to the amount of the residence homestead exemption to which the disabled veteran was entitled.

To Ways and Means.

HJR 73 (By P. King), Proposing a constitutional amendment abolishing school district maintenance and operations ad valorem taxes.

To Ways and Means.

HJR 74 (By Creighton), Proposing a constitutional amendment to authorize the legislature to limit the maximum appraised value of a residence homestead for ad valorem tax purposes to 105 percent or more of the appraised value of the property for the preceding tax year.

To Ways and Means.

HJR 75 (By Paxton), Proposing a constitutional amendment prescribing the purposes for which revenue from motor vehicle registration fees, certain motor vehicle-related taxes, and certain revenues received from the federal government may be used.

To Appropriations.

HJR 76 (By Lozano), Proposing a constitutional amendment authorizing an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a totally disabled veteran or the principal residence of the surviving minor children of such a disabled veteran.

To Ways and Means.

HR 486 (By Gallego), Congratulating Sue Zukowski of Alpine on her retirement from Sul Ross State University.

To Rules and Resolutions.

HR 487 (By Gallego), Congratulating Glenn Ratliff of Monahans on his 100th birthday.

To Rules and Resolutions.

HR 489 (By Gallego), In memory of Lon Felts, Jr., of Uvalde.

To Rules and Resolutions.

HR 490 (By Gallego), In memory of Joyce Ann Probst of Alpine.

To Rules and Resolutions.

HR 491 (By Gallego), In memory of Vernon Neal Billings of Val Verde County.

To Rules and Resolutions.

HR 492 (By Gallego), Honoring the Del Rio High School Mariachi Band for performing at the State Capitol on the opening day of the 82nd Legislative Session.

To Rules and Resolutions.

HR 498 (By Pitts), In memory of longtime Legislative Budget Board analyst Val Shepperd of Austin.

To Rules and Resolutions.

HR 500 (By Hardcastle), In memory of Texas Department of Public Safety Senior Corporal David Ralph Slaton of Bowie.

To Rules and Resolutions.

HR 502 (By Naishtat), Honoring Cindy Morphew of Austin for donating a kidney to a fellow Texan.

To Rules and Resolutions.

HR 505 (By Carter), Commending Jack James for his exemplary service with the Garland Fire Department.

To Rules and Resolutions.

HR 506 (By Carter), Congratulating E. Leon Carter on his receipt of the 2011 Martin Luther King, Jr., Justice Award from the Dallas Bar Association.

To Rules and Resolutions.

HR 507 (By Schwertner), In memory of Makenzi Knickole Papasan of Leander.

To Rules and Resolutions.

HR 509 (By Cain), Congratulating Judge Lester Crutchfield and Irelene Crutchfield on their 50th wedding anniversary.

To Rules and Resolutions.

HR 511 (By Dutton), Congratulating Patricia Lindsey on her retirement from the City of Houston Health and Human Services Department.

To Rules and Resolutions.

HR 512 (By Phillips), In memory of Donato P. Rodriguez, Jr.

To Rules and Resolutions.

HR 513 (By Phillips), Recognizing February 24, 2011, as Texas Farm Bureau District 4 Day at the State Capitol.

To Rules and Resolutions.

HR 516 (By Anchia), Honoring Ambassador Ron Kirk for his service as United States trade representative.

To Rules and Resolutions.

HR 518 (By Eiland), In memory of James Polk Simpson.

To Rules and Resolutions.

HR 519 (By McClendon), In memory of Diana S. Dupre of San Antonio.
To Rules and Resolutions.

HR 520 (By McClendon), In memory of Florence Alcoser of San Antonio.
To Rules and Resolutions.

HR 522 (By Aliseda), Recognizing March 16, 2011, as Karnes County Day at the State Capitol.
To Rules and Resolutions.

HR 524 (By Hunter), Commending the Patriot Guard Riders of South Texas for outstanding service in behalf of American military personnel and their families.
To Rules and Resolutions.

HR 527 (By Aliseda), Recognizing March 17, 2011, as Bee County Day at the State Capitol.
To Rules and Resolutions.

HR 528 (By Aliseda), Recognizing March 29, 2011, as Goliad County Day at the State Capitol.
To Rules and Resolutions.

HR 529 (By Cain), Congratulating Aaron and Melba Brannon of Sulphur Springs on their 65th wedding anniversary.
To Rules and Resolutions.

HR 530 (By Schwertner), In memory of J. D. Thomas, Jr., of Georgetown.
To Rules and Resolutions.

HR 531 (By Madden), Welcoming members of the McDermott Scholars Program to the State Capitol.
To Rules and Resolutions.

HR 533 (By Frullo), Congratulating Lonnie Balch on being named the 2011 Lubbock Area United Way Agency Volunteer of the Year.
To Rules and Resolutions.

HR 535 (By Murphy), Commemorating the 19th anniversary of the Khojaly Massacre in Azerbaijan.
To Rules and Resolutions.

HR 537 (By Flynn), Congratulating Ray and Euna Rugg of Canton on their 68th wedding anniversary.
To Rules and Resolutions.

HR 539 (By Eiland), Honoring the Texas Physical Therapy Association.
To Rules and Resolutions.

HR 540 (By T. King), Commemorating the 2011 Fort Clark Days and the Lipan Apache Band of Texas Pow Wow.
To Rules and Resolutions.

HR 541 (By T. Smith), Honoring Lois Steele Newsom of Donie.
To Rules and Resolutions.

HR 542 (By Marquez), In memory of Hector Raul Bermudez of El Paso.
To Rules and Resolutions.

HR 543 (By Marquez), In memory of Eugene Calabro, Sr., of El Paso.
To Rules and Resolutions.

HR 544 (By Marquez), In memory of Magdalena Rodriguez Ybarra of El Paso.
To Rules and Resolutions.

HR 545 (By Marquez), Recognizing the "Getting to the Heart of the Matter" program sponsored by The Arc of Texas.
To Rules and Resolutions.

HR 546 (By Marquez), Honoring the City of El Paso for earning a 2011 Gold Leadership Circle Award from the Texas Comptroller Leadership Circle program in recognition of the city's online financial transparency.
To Rules and Resolutions.

HR 547 (By Marquez), Commemorating the 125th anniversary of the founding of the El Paso YMCA.
To Rules and Resolutions.

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

HB 636 (By Zerwas), Relating to creation of the Texas Health Insurance Connector.
To Insurance.

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, February 23, 2011

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:

SCR 21 Whitmire SPONSOR: Legler
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 23, 2011, and ending on Monday, February 28, 2011.

Respectfully,
Patsy Spaw
Secretary of the Senate