

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SECOND DAY — MONDAY, MARCH 28, 2011

The house met at 1 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 158).

Present — Mr. Speaker; Aliseda; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; 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; Naishtat; 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, Excused — Castro.

Absent — Allen.

The invocation was offered by Representative Hardcastle.

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

LEAVE OF ABSENCE GRANTED

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

Castro on motion of Walle.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Brown who presented Dr. KurtisW. Davis and Dr. John Simmons of Bryan as the "Doctors for the Day."

The house welcomed Drs. Davis and Simmons and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

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

(Deshotel in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of a death in the family:

Allen on motion of Deshotel.

HR 1038 - ADOPTED (by Ritter)

Representative Ritter moved to suspend all necessary rules to take up and consider at this time **HR 1038**.

The motion prevailed.

The following resolution was laid before the house:

HR 1038, Recognizing March 28, 2011, as Leadership Southeast Texas Day at the State Capitol.

HR 1038 was read and was adopted.

On motion of Representative Deshotel, the names of all the members of the house were added to **HR 1038** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representatives Ritter and Hamilton who introduced representatives of Leadership Southeast Texas.

(Geren in the chair)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, upon adjournment today, 3W.15, for a formal meeting, to set a calendar.

(Veasey in the chair)

HR 850 - ADOPTED
(by Burkett)

Representative Burkett moved to suspend all necessary rules to take up and consider at this time **HR 850**.

The motion prevailed.

The following resolution was laid before the house:

HR 850, Recognizing March 28, 2011, as Miss Texas Day at the State Capitol and honoring Ashley Melnick, Miss Texas 2010, and Madison Fuller, Miss Teen Texas 2010.

HR 850 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Burkett who introduced Ashley Melnick, Miss Texas 2010, and Madison Fuller, Miss Teen Texas 2010.

(L. Gonzales in the chair)

HR 1060 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1060**.

The motion prevailed.

The following resolution was laid before the house:

HR 1060, Commemorating the 19th annual scholarship luncheon and fashion gala hosted by the Knights of Peter Claver and its ladies auxiliary, Council and Court No. 72.

HR 1060 was adopted.

(Otto in the chair)

HR 866 - ADOPTED
(by Rodriguez)

Representative Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 866**.

The motion prevailed.

The following resolution was laid before the house:

HR 866, In memory of Denis J. Guenin of San Antonio.

HR 866 was unanimously adopted by a rising vote.

(Speaker in the chair)

FIVE-DAY POSTING RULE SUSPENDED

Representative Jackson moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Judiciary and Civil Jurisprudence to consider **HB 3673** at 2 p.m. or upon adjournment today in E2.010.

The motion prevailed.

Representative W. Smith moved to suspend the five-day posting rule and all necessary rules to allow the Committee on Environmental Regulation to consider **HB 1933** at 1:30 p.m. or upon final adjournment/recess Wednesday, March 30 in E2.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Environmental Regulation, 1:30 p.m. or upon final adjournment/recess Wednesday, March 30, E2.030, for a public hearing, to consider **HB 1933** and the previously posted agenda.

Judiciary and Civil Jurisprudence, 2 p.m. or upon adjournment today, E2.010, for a public hearing, to consider **HB 3673** and the previously posted agenda.

Higher Education, upon adjournment today, Desk 94, for a formal meeting, to consider pending business.

Calendars, upon adjournment today, 3W.15, for a formal meeting, to set a calendar.

(Kuempel in the chair)

Culture, Recreation, and Tourism, upon adjournment today, Desk 16, for a formal meeting, to consider pending business.

PROVIDING FOR ADJOURNMENT

Representative Thompson moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 12 p.m. tomorrow in memory of Representative Allen's husband, Lawrence Alvin Allen, Sr., of Houston.

The motion prevailed.

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

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

(P. King in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 1:51 p.m., adjourned until 12 p.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 3810 (By Fletcher), Relating to the creation of Harris County Improvement District No. 22; providing authority to levy an assessment, impose a tax, and issue bonds.

To Urban Affairs.

HB 3811 (By Gallego), Relating to the annual audit of the books and records of the Big Bend Regional Hospital District.

To County Affairs.

HB 3812 (By C. Howard), Relating to the powers and duties of the Imperial Redevelopment District; providing authority to impose a tax and issue bonds.

To Natural Resources.

HB 3813 (By Isaac), Relating to the Hudson Ranch Fresh Water Supply District No. 1.

To Natural Resources.

HB 3814 (By Rodriguez), Relating to certain financial powers and duties of the Travis-Creedmoor Municipal Utility District.

To Natural Resources.

HB 3815 (By Lewis), Relating to the authority of the Ector County Hospital District to employ and commission peace officers.

To County Affairs.

HB 3816 (By Hardcastle), Relating to the authority of the board of directors of the Nocona Hospital District to employ physicians and other health care providers.

To County Affairs.

HB 3817 (By Hardcastle), Relating to the authority of the Gainesville Hospital District to employ physicians and other health care providers.

To County Affairs.

HB 3818 (By Geren), Relating to a limitation on production fees on groundwater withdrawals assessed by the Northern Trinity Groundwater Conservation District.

To Natural Resources.

HB 3819 (By Crownover), Relating to the creation of the Valencia Municipal Management District No. 1; providing authority to levy an assessment and issue bonds.

To Urban Affairs.

HB 3820 (By Giddings), Relating to a consumer's option to prevent the sale of the consumer's financial information by a financial institution; providing a civil penalty.

To Pensions, Investments, and Financial Services.

HB 3821 (By Eiland), Relating to temporary directors and the continuation in existence of the Bolivar Yacht Basin Water Control and Improvement District No. 1 of Galveston County.

To Natural Resources.

HB 3822 (By Workman), Relating to land excluded from the Hill Country Priority Groundwater Management Area.

To Natural Resources.

HB 3823 (By Thompson), Relating to the regulation of certain telecommunicators; providing penalties.

To Homeland Security and Public Safety.

HB 3824 (By Eiland), Relating to the board of directors of the Cedar Bayou Navigation District.

To Transportation.

HB 3825 (By Phillips), Relating to the Fannin County Juvenile Board.

To Corrections.

HB 3826 (By Eiland), Relating to the board of directors of the Cedar Bayou Navigation District.

To Transportation.

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

HB 257 (By Hilderbran), Relating to the periods for presumed abandonment of certain unclaimed personal property.

To Ways and Means.

HB 3472 (By Patrick), Relating to the ethics and financial disclosure requirements of members of the governing board, officers, and employees of certain public retirement systems and officers and employees of a nonprofit corporation for investment of the permanent university fund.

To Pensions, Investments, and Financial Services.

HB 3604 (By Smithee), Relating to enforcement of certain insurance provisions in construction contracts.
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
Monday, March 28, 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:

HCR 62 Workman SPONSOR: Watson
Congratulating the Regents School of Austin football team on winning the 2010 TAPPS Division III state championship.

HCR 114 Craddick SPONSOR: Wentworth
Designating April 2011 as Distracted Driving Awareness Month in Texas.

SB 117 Uresti
Relating to allowing municipally owned utility systems in certain cities to fund a program to aid low-income residents in paying their bills.

SB 219 Nelson
Relating to health and mental health services for children in foster care and kinship care.

SB 356 Watson
Relating to awards for certain members of the state military forces inducted into federal service in support of Operations Iraqi Freedom, New Dawn, and Enduring Freedom.

SB 387 Williams
Relating to the sale and consumption in this state of raw oysters harvested from Texas waters.

SB 430 Nichols
Relating to written notice to a groundwater conservation district of groundwater contamination.

SB 478 Estes
Relating to the protection of stray bison.

SB 622 Nelson

Relating to the privacy of protected health information and personal information; providing civil and criminal penalties.

SB 690 Carona

Relating to the enforcement of a self-service storage facility lien; providing a penalty.

SB 762 Carona

Relating to the transfer of an ad valorem tax lien; providing for the imposition of an administrative penalty.

SB 798 Nelson

Relating to the amounts of administrative penalties assessed or imposed against certain health facilities.

SB 889 Carona

Relating to assignment of rents to holders of certain security interests in real property.

SB 945 Patrick

Relating to authorizing a public junior college to award an associate degree to a student enrolled in a four-year public institution of higher education who previously attended the junior college.

SB 966 Uresti

Relating to high school diplomas for certain military veterans.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 24

Criminal Jurisprudence - **HB 994, HB 1173, HB 1215, HB 1343**

Environmental Regulation - **HB 1981**

Judiciary and Civil Jurisprudence - **HB 720**

Ways and Means - **HB 11**

March 25

Business and Industry - **HB 346, HB 366, HB 989, HB 1228**

Corrections - **HB 1770, HB 1940, HB 2124**

Economic and Small Business Development - **HB 479, HB 1050**

Higher Education - **HB 399, HB 650, HB 723, HB 1341, HB 2631, HB 2909**

Human Services - **HB 841, HB 943, HB 1493, HB 2258, HB 2609**

Insurance - **HB 1020, HB 2154, HB 2503**

Licensing and Administrative Procedures - **HB 1804, HB 2375**

Natural Resources - **HB 444, HB 571, HB 610, HB 849, HB 865**

Technology - **HB 1504, HB 2340**

ENGROSSED

March 24 - HB 451

SIGNED BY THE GOVERNOR

March 24 - HCR 10, HCR 28, HCR 40, HCR 56, HCR 59, HCR 76

