

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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SECOND DAY — WEDNESDAY, JANUARY 9, 2013

The house met at 10 a.m. and, at the request of the speaker, was called to order by Representative Ashby.

The roll of the house was called and a quorum was announced present (Record 1).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Gonzales; González, M.; Gooden; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Gonzalez, N.

Absent — Goldman; Guerra; Walle.

The chair recognized Representative Strama who introduced Dr. Allan Hugh Cole, Jr., dean, Austin Presbyterian Theological Seminary, Austin, who offered the invocation as follows:

Merciful God, ruler of all, sufficient are your grace and goodness for governing the world. We entrust this state and its legislature to your guidance and care. Grant that those who govern do so wisely and winsomely, with commitment and courage. Provide them a sense of your leading and your purposes; your compassion and your joy. Keep them mindful of their call to serve the people of this state—all of whom are your people—in ways that promote harmony,

generosity, and dignity for all. And unite them, this day and every day, with an awareness of your perfect love, that together they may seek the common good, serving as instruments of justice, plenty, and peace. Amen.

The chair recognized Representative R. Miller 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:

N. Gonzalez on motion of Raymond.

(Goldman, Guerra, and Walle now present)

### **CAPITOL PHYSICIAN**

The chair recognized Representative Strama who presented Dr. Larry Kravitz of Austin as the "Doctor for the Day."

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

(Speaker in the chair)

### **HR 3 - ADOPTED**

(by Geren)

The following resolution was laid before the house:

#### **HR 3**

BE IT RESOLVED by the House of Representatives of the State of Texas, That the following is adopted as the housekeeping resolution for the House of Representatives of the 83rd ~~82nd~~ Legislature:

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ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. PURPOSE. This resolution is adopted by the members of the House of Representatives of the 83rd [~~82nd~~] Legislature to provide for the efficient and orderly operation of the house under the supervision of the speaker and the Committee on House Administration.

SECTION 1.02. PRECEDENCE. The provisions of this resolution take precedence over the provisions of any resolution not passed in full compliance with the rules of the house and, except as otherwise noted herein, shall be in effect during the full term of the 83rd [~~82nd~~] Legislature whether in session or adjournment.

ARTICLE 2. SPEAKER OF THE HOUSE

SECTION 2.01. SPEAKER'S GENERAL POWERS AND DUTIES. The speaker may make any expenditures or transfers and perform any function deemed necessary for the effective and efficient operation of the house of representatives.

SECTION 2.02. SPEAKER'S APARTMENT AND OFFICES. (a) The speaker's apartment and offices shall be set aside for the use of the speaker, the speaker's family, and house members, as the speaker may designate, throughout the speaker's term of office.

(b) The Committee on House Administration may make the necessary expenditures to operate and properly equip and service the speaker's apartment and offices and may employ such help as may be necessary to properly maintain and care for the apartment and offices.

(c) The speaker and the speaker's family may occupy the speaker's apartment during the speaker's term of office, utilizing the services of employees of the house and others on a temporary basis, if and as needed.

(d) The speaker may obtain through the Committee on House Administration the necessary supplies and services to operate the speaker's office and may also have paid through that committee necessary local and long distance telephone charges.

SECTION 2.03. INTERSTATE OR FEDERAL-STATE ASSOCIATIONS; TRAINING SEMINARS. (a) The speaker may attend any meetings of or sponsored by the Council of State Governments and any meetings on problems of federal-state relations and interstate relations and cooperation, and any other governmental meeting in or outside the state.

(b) The speaker may appoint members of the house, staff members, and other employees of the house to accompany or represent the speaker at these meetings or to attend in-service training courses sponsored by the Council of State Governments or the National Conference of State Legislatures or similar training courses, conferences, or seminars as the speaker may determine.

(c) Members of the house attending meetings under this section while the legislature is in session may be reimbursed for actual and necessary expenses. Members of the house attending meetings under this section while the legislature is not in session and staff members and other employees of the house attending meetings at any time under this section may be reimbursed for either actual and necessary expenses or receive a per diem not to exceed that provided by law for state officials or state employees. In addition, members, staff, and other employees attending meetings under this section may be reimbursed for mileage or other transportation expenses at the same rate as provided by law for state officials or state employees together with registration fees and tuition. To receive payment under this subsection, sworn expense accounts must be filed with and approved by the chair of the Committee on House Administration or an officer of the house designated in writing by the Committee on House Administration. Prior written approval of the chair of the Committee on House Administration to attend any such meetings, conferences, seminars, or training courses is a prerequisite for reimbursement for travel and other related expenses.

(d) Reimbursement for expenses incurred by a member, staff member, or employee of the house in an appointive capacity resulting from an appointment made by anyone other than the speaker shall be made only in the event that the appointment and expenses to be incurred have been previously approved in writing by the Committee on House Administration.

(e) The speaker may expend money for memberships in interstate associations of legislators considered necessary to discharge properly the duties and responsibilities of the office of speaker.

### ARTICLE 3. GENERAL POWERS AND DUTIES OF THE COMMITTEE ON HOUSE ADMINISTRATION

SECTION 3.01. CONTRACTS. The Committee on House Administration shall approve all contracts necessary for the effective operation of the divisions of the house and its committees.

**SECTION 3.02. HOUSE AND COMMITTEE OPERATING BUDGETS.**

The Committee on House Administration shall consider and adopt operating budgets that cover both session and interim periods for the divisions of the house and all committees appointed pursuant to the resolution adopting the rules of the house or appointed by the speaker pursuant to any other resolution.

**SECTION 3.03. OPERATING POLICIES.** The Committee on House Administration shall effectuate policies and determine guidelines for the operation of the divisions and committees of the house.

**SECTION 3.04. HOUSE POLICY MANUAL.** The Committee on House Administration shall prepare and distribute to all members, within 60 days after the convening of the regular session, policy statements to include, but not be limited to, policies pertaining to members as a class.

**SECTION 3.05. HOUSE PROPERTY, SUPPLIES, ACCOUNTING.** The Committee on House Administration shall:

(1) provide and maintain for the use of the speaker, members, employees, divisions, and committees of the house such stationery, stamps, office equipment, furniture, fixtures, supplies, and telephone and other services as may be necessary;

(2) keep an itemized account of the quantity and cost of every kind of material received, and the source from which it was received;

(3) maintain an annual operating account for each member, division, and committee authorized by the Committee on House Administration to make expenditures and charge each operating account with daily expenditures, withdrawals from inventory, and interdepartmental services;

(4) furnish a monthly statement for the expenditures of each member, division, and committee of the house; and

(5) adopt any rules, regulations, and policies necessary to effectively provide and account for the above-mentioned services.

**SECTION 3.06. USE OF HOUSE CHAMBER AND FACILITIES; ASSIGNMENT OF DESKS, OFFICES, AND PARKING SPACES.** (a) The Committee on House Administration shall:

(1) be in charge of and provide for the protection, maintenance, and use of the hall of the house, all committee rooms, offices of members and house departments, the speaker's office and apartment, and other space under the jurisdiction of the house;

(2) make permanent assignments of desks and offices to members of the house;

(3) adopt and enforce a plan for the parking of motor vehicles on the portion of the Capitol grounds under house jurisdiction;

(4) be in charge of and provide for the protection, maintenance, and use of the furniture, fixtures, equipment, and records of the house;

(5) purchase, remodel, repair, restore, or replace any furniture, fixtures, equipment, and other furnishings to maintain the dignity and appearance of space occupied by the house; and

(6) determine the hours the hall of the house shall be open to visitors.

(b) Any member who is not a member-elect of the 84th [~~83rd~~] Legislature shall vacate the member's office space before December 1, 2014 [~~2012~~]. If the office is not vacated on that date, the Committee on House Administration shall immediately remove the member's personal effects and store them in an appropriate place in order that the member-elect to whom the office space is assigned may move in. The Committee on House Administration shall ensure that each member-elect of the 84th [~~83rd~~] Legislature who was not a member of the 83rd [~~82nd~~] Legislature is permitted to move into and begin using the member-elect's office space at least 72 hours before the time the 84th [~~83rd~~] Legislature is scheduled to convene.

SECTION 3.07. RECORDS OF THE HOUSE; PRINTING; JOURNALS; COPIES OF LEGISLATIVE DOCUMENTS. (a) The Committee on House Administration shall:

- (1) have completed and preserved the official records of the house;
- (2) have charge of and approve the operation and maintenance of the printing and duplicating facilities of the house, provided, however, that the use of the house printing and duplicating facilities is restricted to agencies of the legislative branch and any other operation thereof is strictly prohibited unless previously authorized in writing by the Committee on House Administration or an officer of the house designated in writing by the speaker;
- (3) determine the number of copies of the daily House Journal to be printed and have jurisdiction over the mailing and distribution of the daily journal; and
- (4) determine the number of copies of the House Journal that will be furnished to each member for distribution by the member.

(b) The employee in charge of the printing facilities must keep at least one copy of all items printed or duplicated and a copy of the work order authorizing such printing.

(c) Copies of bills, resolutions, and attachments thereto shall be made available free of charge to members of the house who call at the bill distribution office and request them, and the cost of these copies shall be paid from funds appropriated for that purpose by the legislature. If the Committee on House Administration finds gross abuse of this privilege, it may establish a policy regarding such distribution.

SECTION 3.08. HONORARY CERTIFICATES. The Committee on House Administration shall provide for the use of members appropriate certificates to commend, congratulate, and memorialize. Such certificates shall be printed with a signature line for the name of the presenting member and adequate space for insertion of the name of the individual or organization to be honored.

SECTION 3.09. COMPOSITE PHOTOGRAPH. (a) The Committee on House Administration shall select a suitable photographer to take individual photographs of each member. The photographer shall prepare a composite photograph of the members of the house composed of the individual photographs of each member arranged on a panel, of the same size as used in previous sessions, in such manner as to approximate the location of each member's desk

on the house floor. The member's name and the county of residence shall be printed under the member's photograph, and the composite shall be framed and hung in the hall of the house during the regular session.

(b) The photographs for the composite panel shall be provided without cost to the members, and the expense of the composite panel shall be paid from the expense fund of the house.

(c) The Committee on House Administration shall establish, with concurrence of the photographer, a price to charge members for any prints of photographs they wish to purchase.

**SECTION 3.10. POLICIES REGARDING TEMPORARY ACTING MEMBERS.** If a person is serving as a temporary acting member of the house under Section 72, Article XVI, Texas Constitution, in the place of a house member on active military duty, the Committee on House Administration, with the approval of the speaker and in consultation with the temporary acting member and, if available, the member on military duty, may adopt policies regarding a temporary acting member that the committee considers necessary for the efficient administration and performance of the duties of the house consistent with this resolution, the rules of the house, and the Texas Constitution.

**SECTION 3.11. DISPLAY OF "IN GOD WE TRUST" IN HOUSE.** (a) The Committee on House Administration shall display the motto "In God We Trust" on the electronic message screen at the front of the hall of the house.

(b) The motto shall be large enough to be read throughout the hall.

(c) The motto shall be displayed at all times that the electronic message screen is not being used to conduct legislative business during a session of the house and shall be at least as prominent as any other information displayed on the electronic message screen.

(d) The Committee on House Administration shall convey to the State Preservation Board the desire of the house of representatives to maintain the permanent display of the motto on the face of the portico located over the speaker's podium.

**SECTION 3.12. HOUSE RECYCLING PROGRAM.** The Committee on House Administration, in coordination with the State Preservation Board, shall implement a program for recycling paper, plastic, and other recyclable materials from house offices.

#### **ARTICLE 4. EMPLOYEES AND EMPLOYMENT POLICIES**

**SECTION 4.01. DEFINITION.** Unless expressly provided otherwise, in this article "employee" means any person compensated from funds appropriated to the house. The term includes persons for whom the employing authority is the speaker, the Committee on House Administration, an individual member, or a committee.

**SECTION 4.02. OFFICERS AND SUPERVISORY ADMINISTRATIVE EMPLOYEES OF THE HOUSE.** (a) The officers of the house and the employees of the house responsible for supervising the departments and divisions that support the operation of the house shall be appointed by and serve at the pleasure of the speaker.



(b) The speaker shall have the right to discharge any officer or supervisory administrative employee when the best interest of the house of representatives would be served by so doing.

(c) The authority to appoint and discharge officers and supervisory administrative employees may be delegated to the Committee on House Administration to the extent and for the length of time the speaker determines.

(d) In the event of the absence, resignation, or death of any officer or supervisory administrative employee the speaker may designate a person to take charge of and attend to all the duties of the office affected until the officer or employee returns or until a successor is chosen.

SECTION 4.03. OTHER CENTRAL HOUSE PERSONNEL. (a) The Committee on House Administration shall employ all personnel necessary for the operation of the house other than:

- (1) those appointed under Section 4.02; or
- (2) employees of an individual member or committee.

(b) For purposes of this article, the Committee on House Administration is the employing authority for all house employees other than those for whom the employing authority is the speaker, an individual member, or a committee.

SECTION 4.04. EMPLOYEES OF INDIVIDUAL MEMBER. A member may employ, with funds from the member's operating budget, such staff as the member deems necessary.

SECTION 4.05. COMMITTEE STAFF; AUTHORITY TO REQUEST ASSISTANCE. (a) The Committee on House Administration shall provide funds for the adequate staffing of all standing committees of the house and all other committees appointed by the speaker.

(b) Select committees, interim study committees, standing committees, or subcommittees appointed pursuant to the resolution adopting the rules of the house or appointed by the speaker pursuant to any other resolution may employ any person, firm, or corporation, subject to budget limitations. Those committees or subcommittees may ask for the assistance of any of the employees, agencies, departments, or branches of the state government.

SECTION 4.06. WORK SCHEDULE; HOURS OF HOUSE OPERATIONS. (a) An employee shall be on duty on the days and hours determined by the employing authority.

(b) All offices of the departments and divisions that support the operations of the house shall be open on days and hours determined by the Committee on House Administration or the speaker and other hours that the house or its committees are in session.

SECTION 4.07. COMPENSATION. (a) Officers and supervisory administrative employees of the house shall receive the compensation that the speaker or Committee on House Administration determines.

(b) The Committee on House Administration shall fix the compensation of house personnel employed under Section 4.03. A person employed under that section who is absent without leave shall not receive compensation for the time missed.

(c) The salaries of employees of individual members, committees, and the house shall begin when they are instructed to start work by their respective employing authority.

(d) Except as provided by Subsections (e) and (f) of this section, an employee of an individual member, a committee employee, or any person, firm, or corporation employed by a committee or subcommittee may not be paid a salary in excess of \$4,200 for any one month.

(e) A member may exempt one employee of the individual member and, if the member is a chair of a standing or select committee, one employee of the standing or select committee the member chairs from the salary cap imposed by Subsection (d) of this section. Each calendar year the member shall file with the Committee on House Administration a statement designating the exempt employee or employees, as appropriate. During a calendar year after an exempt employee has been designated, the member may exempt a different employee from the salary cap only if the employee previously designated as exempt for the calendar year is no longer employed by the member or committee, as appropriate. The exempt employee may not receive compensation from the operating account of any other committee or member.

(f) The Committee on House Administration may increase the amount of the salary cap imposed by Subsection (d) of this section to account for any increase in salary provided to all state employees during the biennium that begins during the term of the legislature to which this resolution applies.

SECTION 4.08. DUTIES. An employee shall perform all duties directed by the employing authority.

SECTION 4.09. APPEARANCE BEFORE COMMITTEES. An employee may appear before a standing or select committee on a measure when granted permission by majority vote of the committee.

SECTION 4.10. CHAMBER ACCESS. (a) An employee may not enter the house chamber when the house is in session except when performing official duties and specifically authorized by the Committee on House Administration.

(b) An employee may not enter the area on the floor of the house enclosed by the railing when the house is in session except when specifically authorized by the Committee on House Administration.

SECTION 4.11. VOTING. An employee may not cast a vote for a member on the voting machine or otherwise.

SECTION 4.12. VOTING RECORDS. An employee may not compile or release any information concerning the voting record of any member of the house for any session of the legislature except when a member requests information about that member's personal voting record or when the information is for the journal or other official records.

SECTION 4.13. CAMPAIGN FOR SPEAKER. An employee may not campaign or assist in the campaign of any candidate for speaker.

SECTION 4.14. POLITICAL INFLUENCE. An employee may not attempt to, or aid anyone in an attempt to, influence any member of the house in favor of or against any measure pending before the legislature, either directly or indirectly, except when answering questions or giving information at the request of a member of the house.

SECTION 4.15. OUTSIDE EMPLOYMENT, EXTRA COMPENSATION, OR GIFTS. An employee may not receive, directly or indirectly, any compensation, by gift or otherwise, from any other source, unless specifically authorized by the employing authority.

SECTION 4.16. DISCHARGE. (a) The employing authority of an employee shall have primary responsibility for overseeing and discharging the employee. An employee is subject to immediate discharge by the employing authority for violation of any section of this article or any other applicable rule.

(b) ~~[The Committee on House Administration shall dispense with the services of any person employed under Section 4.03 who is not needed or who is guilty of misconduct.~~

~~[(e)]~~ An individual member or chair of a committee employing an employee who violates any applicable section of this article or any rule shall be advised of the violation by the chair of the Committee on House Administration, and the employing authority shall take appropriate action with regard to the employee in question.

(c) In addition to being subject to immediate discharge by the employing authority under Subsection (a) of this section, an employee is subject to discharge by the chair of the Committee on House Administration, with the approval of the committee, if the employee is not needed or is guilty of misconduct.

(d) The Committee on House Administration may authorize the chair of the Committee on House Administration to conduct an investigation into allegations of gross misconduct. The chair ~~and~~ may, with the approval of the committee, discharge or otherwise discipline an employee of an individual member or committee if the Committee on House Administration ~~committee~~ finds that the employee has engaged in gross misconduct.

SECTION 4.17. DURATION OF EMPLOYMENT. The period of employment of all employees shall be determined by the employing authority, except that employees of all committees and of individual members who are not members-elect of the next legislature shall be terminated not later than noon on the day of the convening of the next regular session.

SECTION 4.18. EMPLOYMENT BY MORE THAN ONE MEMBER OR COMMITTEE. (a) Members may join in the employment of a research assistant or assistants to be paid jointly from their operating budgets. Unless expressly authorized by the provisions of this resolution, the members who join together to sponsor such research shall not constitute a committee, task force, or group to operate in any official or quasi-official manner not specifically authorized under the Rules of the House of Representatives.

(b) No person, firm, or corporation may be employed by more than two committees or subcommittees.

SECTION 4.19. POSITION TITLES AND CLASSIFICATIONS. The job title for each position shall be determined by the employing authority. The employing authority and the house business office shall classify each job title for accounting purposes according to the following position classifications, unless otherwise determined by the Committee on House Administration:

- (a) Member Employees
  - 1. Chief of Staff
  - 2. General Counsel
  - 3. Legislative Director
  - 4. Legislative Assistant
  - 5. Administrative Assistant
  - 6. Special Project Coordinator
  - 7. Intern
- (b) Committee Employees
  - 1. Committee General Counsel
  - 2. Chief Committee Clerk
  - 3. Committee Clerk
- (c) Research Employees
  - 1. Research Director
  - 2. Research Assistant
  - 3. Policy Analyst

#### ARTICLE 5. ACCOUNTING

SECTION 5.01. FUNDING OF OFFICE OPERATIONS. (a) Each member of the house shall be allocated funds for staff, office supplies, office equipment, postage, printing, telephone, travel, and such other reasonable and necessary office expenses as may be determined by the Committee on House Administration.

(b) The manner in which funds are allocated, and the amounts thereof, are as provided by this article.

SECTION 5.02. OPERATING ACCOUNTS. (a) Each member who served in the 82nd [~~81st~~] Legislature shall have the following operating accounts for the 83rd [~~82nd~~] Legislature:

- (1) a Fiscal Year 13 [~~11~~] Operating Account (September 1, 2012 [~~2010~~], through August 31, 2013 [~~2011~~]);
- (2) a Fiscal Year 14 [~~12~~] Operating Account (September 1, 2013 [~~2011~~], through August 31, 2014 [~~2012~~]); and
- (3) a Fiscal Year 15 [~~13~~] Operating Account (September 1, 2014 [~~2012~~], through January 13, 2015 [~~8, 2013~~]).

(b) Each member who did not serve in the 82nd [~~81st~~] Legislature shall have the same [~~following~~] operating accounts for the 83rd [~~82nd~~] Legislature as a returning member under Subsection (a) of this section except that the duration of the[~~:~~

~~(1) a~~ Fiscal Year 13 [~~11~~] Operating Account is from [~~(c)~~]January 8, 2013 [~~11, 2011~~], through August 31, 2013 [~~2011~~];

~~(2) a~~ Fiscal Year 12 Operating Account (September 1, 2011, through August 31, 2012); and

~~[(3) a Fiscal Year 13 Operating Account (September 1, 2012, through January 8, 2013)].~~

(c) For each member who served in the 82nd ~~[81st]~~ Legislature, it shall not be necessary to close the member's Fiscal Year 13 ~~[11]~~ Operating Account when the 83rd ~~[82nd]~~ Legislature convenes.

SECTION 5.03. CREDIT FOR NEWLY ELECTED MEMBERS. Each member who did not serve in the 82nd ~~[81st]~~ Legislature may have credited to the member's Fiscal Year 13 ~~[11]~~ Operating Account the amount of \$2,000.

SECTION 5.04. MONTHLY CREDIT. (a) Each member's operating account shall be credited with \$13,250 ~~[\$11,925]~~ for each month that falls wholly or partly during the regular legislative session or a special legislative session. In any other month, each member's operating account shall be credited with \$11,500, ~~except that the Committee on House Administration may increase the amount credited to each member's operating account to an amount not to exceed~~ \$11,925.

(b) The Committee on House Administration may provide to the dean and the speaker pro tempore of the house additional funds as may be determined to be necessary for the duties of those offices to be fulfilled.

(c) The Committee on House Administration may increase the amount credited each month to each member's operating account in an amount to allow for an increase in:

- (1) the salary cap as provided by Section 4.07(f); or
- (2) longevity pay as authorized by legislation.

SECTION 5.045. DETERMINATION OF OPERATING ACCOUNT BALANCE. (a) On the third business day of each calendar month, the House Business Office shall determine the available, unobligated balance at the end of the preceding calendar month for each member's operating account and each committee operating account. If the House Business Office determines that a member's operating account has a negative balance at the end of the preceding calendar month, the office shall provide notice to the member and the member shall deposit funds in the account equal to the negative balance not later than the 10th business day after the date the member receives notice of the deficit from the House Business Office; provided, however, that if a member deposits funds in the member's operating account to cover a negative balance under this subsection and the member later has a positive balance in the member's operating account at the end of a calendar month in the same fiscal year in which the member deposited the funds to cover the negative balance, the member may use the excess money in the member's operating account at that time to reimburse the member in an amount not to exceed the amount the member earlier deposited to cover the negative balance.

(b) A committee operating account may not operate at a deficit.

(c) If a member is not a member-elect of the 84th ~~[83rd]~~ Legislature, the member's operating account may not operate at a deficit after November 30, 2014 ~~[2012]~~.

SECTION 5.05. ACCOUNT CLOSING. (a) Each member's Fiscal Year 13 ~~[11]~~ Operating Account shall be closed as of August 31, 2013 ~~[2011]~~.

(b) Each member may carry forward and have credited to the member's Fiscal Year 14 [~~12~~] Operating Account the unexpended balance of the member's Fiscal Year 13 [~~11~~] Operating Account, not to exceed \$20,000. If the member is the chair of a committee, the member may transfer and have credited to that committee's operating account all or part of that unexpended balance, not to exceed \$20,000, and may have the remainder of that amount [~~\$20,000~~] credited to the member's Fiscal Year 14 [~~12~~] Operating Account.

(c) Each member's Fiscal Year 14 [~~12~~] Operating Account shall be closed as of August 31, 2014 [~~2012~~].

(d) Each member may carry forward and have credited to the member's Fiscal Year 15 [~~13~~] Operating Account the unexpended balance of the member's Fiscal Year 14 [~~12~~] Operating Account, not to exceed \$20,000. If the member is the chair of a committee, the member may transfer and have credited to that committee's operating account all or part of that unexpended balance, not to exceed \$20,000, and may have the remainder of that amount [~~\$20,000~~] credited to the member's Fiscal Year 15 [~~13~~] Operating Account.

#### SECTION 5.06. EXPENDITURES CHARGED WHEN ENCUMBERED.

All expenditures shall be charged to the period in which they are encumbered.

SECTION 5.07. TRAVEL TO AUSTIN DURING SESSION NOT CHARGED TO OPERATING ACCOUNT. While the legislature is in session, the travel expenses of members for one trip each week between Austin and their districts and return shall not be charged against the members' operating accounts but shall be paid from funds appropriated for that purpose by the legislature.

SECTION 5.08. TRAVEL OUTSIDE TEXAS. A member is entitled to be reimbursed for actual and necessary expenses incurred while traveling outside Texas in the performance of legislative duties and responsibilities. If the reimbursement is for travel inside the conterminous United States, reimbursement is limited to twice the amount that would be reimbursed to state employees for the same travel under the comptroller's guidelines and rates governing travel by state employees.

SECTION 5.09. APPROVAL OF EXPENDITURES. (a) No allowance included in this resolution shall be expended except for actual salaries or actual expenses of the house, its members, departments, committees, and employees and for such other expenses as are authorized by the Committee on House Administration.

(b) The Committee on House Administration may not authorize any expenditures of funds for personal or political campaign reasons.

(c) All expenditures authorized by this resolution shall be paid from funds appropriated for the use of the house of representatives by vouchers or other forms approved by the speaker of the house and the Committee on House Administration.

### ARTICLE 6. CAUCUSES

SECTION 6.01. DEFINITION. In this article, "caucus" means an organization that is composed exclusively of members of the legislature, that elects or appoints officers and recognizes identified legislators as members of the organization, and that exists for research and other support of policy development

and interests that the membership holds in common. An organization whose only nonlegislator members are the lieutenant governor or the governor remains a "caucus" for purposes of this section.

**SECTION 6.02. USE OF HOUSE FUNDS, EMPLOYEES, EQUIPMENT, AND FACILITIES.** (a) Except as expressly authorized by this section, funds appropriated to the house may not be expended in support of a caucus, employees compensated from funds appropriated to the house may not perform caucus activities, and state-owned equipment may not be used in the performance of caucus activities.

(b) An individual member of the house may authorize the use of state equipment assigned to the member's office and the performance of caucus activities by an employee of the member only if:

(1) the member determines that the activities support the member's official duties;

(2) the caucus does not endorse or support a candidate for public office; and

(3) the caucus does not accept contributions from nonmembers that are in violation of Section 253.0341, Election Code.

(c) A caucus may use the meeting rooms of the Capitol and Capitol extension to conduct meetings of the caucus membership, to host public forums on matters of interest to the caucus, or to facilitate the work of the caucus or a caucus employee.

(d) An individual member may house, in the state office space assigned to the member, caucus employees or equipment owned by a caucus. A member may retain in the member's office a telephone, facsimile machine, or computer owned by the caucus for purposes of the member's communication with the caucus or caucus employees.

(e) From space under the jurisdiction of the house, the Committee on House Administration may assign:

(1) one office space and one parking space for use by the Texas Republican Legislative Caucus; and

(2) one office space and one parking space for use by the House Democratic Caucus.

**SECTION 6.03. CONTRIBUTIONS.** (a) A person acting on behalf of a caucus may not knowingly accept a contribution in violation of Section 253.0341, Election Code.

(b) A person acting on behalf of a caucus may not knowingly accept a contribution, and shall refuse a contribution that is received, in the Capitol.

**SECTION 6.04. MEMBERSHIP AND OFFICER LISTS.** Each caucus shall provide to the chief clerk, on a regular basis, a list of its current membership and officers.

**SECTION 6.05. REPORT TO ETHICS COMMISSION.** Each caucus shall file a report of contributions and expenditures with the Texas Ethics Commission as required by Section 254.0311, Election Code.

**ARTICLE 7. HOUSE RESEARCH ORGANIZATION**

**SECTION 7.01. ESTABLISHMENT.** The Committee on House Administration shall provide operating funds for a house research organization that will be an administrative department of the house and may for that purpose adopt policies and procedures relating to the administrative operation of that organization.

**SECTION 7.02. STEERING COMMITTEE.** The functions and duties performed by the house research organization shall be governed by a 15-member steering committee composed of house members serving staggered four-year terms, who are subject to approval of the house membership.

**SECTION 7.03. BUDGET.** The house research organization shall have an operating account and in compliance with the terms of its establishment shall operate under a budget approved by the steering committee and the Committee on House Administration.

**ARTICLE 8. SPECIAL PROVISIONS FOR INTERIM**

**SECTION 8.01. INTERIM COMMITTEE ACTIVITIES.** (a) Pursuant to the Legislative Reorganization Act of 1961 (Subchapter B, Chapter 301, Government Code), standing committees of the house established by the rules of the house may hold meetings while the legislature is not in session.

(b) The speaker may grant authority to select committees, interim study committees, subcommittees, or standing committees of the house to hold meetings while the legislature is not in session as the speaker considers necessary and desirable to conduct the business of the house and to assist the speaker in conducting the business of the house, under a pattern of operation and restrictions determined by the rules of the house.

(c) The committee members and employees may either be reimbursed for actual and necessary expenses or receive a per diem not to exceed that provided by law for state officials or state employees, along with mileage or other transportation expenses at the same rate as provided by law for state officials or state employees when conducting such business and attending those meetings when approved by the Committee on House Administration.

**SECTION 8.02. POWERS AND DUTIES OF COMMITTEE ON HOUSE ADMINISTRATION DURING INTERIM.** (a) When the legislature is not in session, the Committee on House Administration may act as provided by this section.

(b) The committee may call meetings for the transaction of necessary business, and the committee members shall be reimbursed for expenses incurred by them when attending such meetings or when in performance of their duties as members of the Committee on House Administration, the reimbursement to be either actual and necessary expenses or a per diem not to exceed that provided by law for state officials or state employees, along with mileage or other transportation expenses at the same rate as provided by law for state officials or state employees.

(c) The committee may reimburse authorized members and employees for expenses incurred by them when traveling in the performance of their legislative duties and responsibilities within their respective districts or within any county in



which any part of their districts lie or from their districts to the State Capitol, the reimbursement to be either actual and necessary expenses or a per diem not to exceed that provided by law for state officials or state employees, along with mileage or other transportation expenses at the same rate as provided by law for state officials or state employees.

(d) The committee may pay for all other reasonable and necessary expenses, including operation of each member's district office, incurred by the members of the house of representatives. The expenses shall be paid from funds appropriated for that purpose, or any other funds appropriated for the use of the house of representatives, on vouchers or other forms approved by the chair of the Committee on House Administration, in accordance with regulations governing such expenditures.

(e) The committee may assign or reassign parking places in the best interest of the house under such terms and conditions as the committee deems necessary.

### **Amendment No. 1**

Representative Simpson offered the following amendment to **HR 3**:

Amend **HR 3** (the housekeeping resolution), on page 7, line 12, by adding the following after the period:

A budget adopted by the Committee on House Administration must be adopted in a public hearing. Each requested operating budget and each operating budget proposed for adoption must be posted on the Internet website of the committee in advance of the hearing.

REPRESENTATIVE SIMPSON: This amendment before you requires that the budget that the Committee on House Administration adopts be adopted in a public hearing. I believe the practice has been basically allowing the chairman to handle this himself, but this would require that the budgets would be considered in public and adopted in public. Also, it requires that the proposed budgets be posted on the website in advance of the meeting.

Amendment No. 1 was adopted.

### **Amendment No. 2**

Representative Simpson offered the following amendment to **HR 3**:

Amend **HR 3** (the housekeeping resolution), on page 17, line 23, between "guilty of" and "misconduct", by inserting "gross".

SIMPSON: This amendment just inserts the word "gross" on page 17, line 23. It's already mentioned on line 26, defining that it's not simply "misconduct." This makes line 23 line up the same with line 26 as far as requiring the same standard.

REPRESENTATIVE GEREN: The amendment is acceptable to the author.

REPRESENTATIVE KEFFER: I know Mr. Simpson had an amendment, and unfortunately, I don't know what anybody is doing or paying attention, but if Mr. Simpson could speak up, and if we could do this again. And if you are going

to accept the amendment, what the amendment means, to help us understand what is going on here so that we don't have words inserted that don't mean anything until they mean something down the road.

GEREN: Mr. Keffer, the last amendment inserted the word "gross" in front of "misconduct." It was intended to be there anyway because "gross" was in the resolution previously, it was just missed at this point. So we added it to correct it.

REPRESENTATIVE S. THOMPSON: I'm grateful that Mr. Simpson has added an amendment to give transparency on the committee's work—I think that's very good, and I want to commend you on that, David. However, I don't even know what "gross misconduct" means. And why are we voting on something, and adding them into the rules, that we don't have a clue what it means? We are sent down here to take care of matters, and to pay attention to what we're voting on. And Mr. Simpson has not defined "gross misconduct." What is it, Mr. Simpson?

SIMPSON: Ms. Thompson, the question is, should we make this consistent? Line 26, which is in the present housekeeping resolution, uses the word "gross" on page 17, and I believe also on page 18, line 3. It's already in there. I believe, if I'm not mistaken, we're just making it consistent with those other two present uses of the word. Is that not correct?

S. THOMPSON: I don't know. Is that what you're attempting to do?

SIMPSON: Yes, I'm just trying to make it consistent—I haven't attempted to define it, it's already in the resolution.

S. THOMPSON: Then I withdraw my objection.

Amendment No. 2 was adopted.

### **Amendment No. 3**

Representative Taylor offered the following amendment to **HR 3**:

Amend **HR 3** (adopting the housekeeping resolution for the House of Representatives of the 83rd Legislature) in Article 5 by adding the following appropriately numbered section:

Sec. 5. . . . USE OF FUNDS FOR INFORMAL SETTLEMENTS PROHIBITED. No public funds appropriated to the house or expended by any house member, committee, or office may be spent or promised to settle in whole or part a legal claim brought or threatened to be brought against the house or a member, committee, office, or employee of the house unless the settlement is made with the participation and approval of the attorney general and notice of any settlement is promptly given to the public.

REPRESENTATIVE TAYLOR: This amendment simply lays out that any legal settlement made between a house member and their employee must be public. In the State of New York, there was a problem where the speaker of the house—the speaker of their assembly—made a secret deal paying off members that had been sexually harassed \$100,000, and only a couple of years later did it come out that this had been the case. This makes it very clear that that is against the house rules. I'll take any questions.

GEREN: Members, although we don't have that type of account, the amendment is acceptable to the author.

Amendment No. 3 was adopted.

#### **Amendment No. 4**

Representatives Branch and Y. Davis offered the following amendment to **HR 3**:

Amend **HR 3** (the housekeeping resolution), on page 17, lines 22 and 23, by striking "if the employee is not needed or" and substituting the following:

if:

(1) the employee is not needed and, if the employee is employed in an individual member's office or by a committee, the member or committee chair has resigned, is deceased, or is incapacitated; or

(2) the employee

REPRESENTATIVE BRANCH: Members, this has to do with discharging your employees. This is Section 4.16 on page 17, and there's some additional language in the housekeeping resolution, or Subsection (c), that this will affect. My understanding is that this is acceptable to the author.

Briefly, I want to explain this—this will qualify the Committee on House Administration, giving the approval to the chair, to discharge your employees on whether or not they're needed. The other discussion you heard was about misconduct. This will qualify the notion of whether or not an employee is needed by adding language that says the employing authority is deceased, resigned, or incapacitated, and then that would qualify, in that instance, and they're not needed, then the chairman and the committee could discharge. As I say, this narrows that—should make members and employees—give a little more comfort and clarity as to the notion of discharge for whether or not someone is needed. It is my understanding this is acceptable to the author.

GEREN: It's acceptable to the author.

Amendment No. 4 was adopted. (The vote was reconsidered later today, and Amendment No. 4 was withdrawn.)

#### **Amendment No. 5**

Representative Dutton offered the following amendment to **HR 3**:

Amend **HR 3** (the housekeeping resolution) on page 15, line 7, by striking "\$4,200" and substituting "\$5,000 [~~\$4,200~~"]".

REPRESENTATIVE DUTTON: Members, the maximum staff salary is now at \$4,200. That's really arbitrary. I'm making it even more arbitrary, but I just increased it to \$5,000, because we hadn't changed it from \$4,200 in about, I think, about six years. So that's essentially all this does, and I believe it's acceptable to the author.

GEREN: That's acceptable to the author.

Amendment No. 5 was adopted.

(Hunter in the chair)

**Amendment No. 4 - Vote Reconsidered**

Representative Branch moved to reconsider the vote by which Amendment No. 4 was adopted.

The motion to reconsider prevailed.

Amendment No. 4 was withdrawn.

**Amendment No. 6**

Representatives Branch and Y. Davis offered the following amendment to **HR 3**:

Amend **HR 3** (the housekeeping resolution), on page 17, lines 22 and 23, by striking "if the employee is not needed or" and substituting the following:  
if:

(1) the employee is not needed and, if the employee is employed in an individual member's office or by a committee, the member or committee chair has resigned, is deceased, or is incapacitated; or

(2) the employee

BRANCH: This is just some language changes. It does not change any of the intent of the previous amendment, which was acceptable to the author. This just narrows the qualifications of the power to discharge an employee to members or chairman of committees, that there has to be the qualification that they either have to be deceased, or they have resigned, or they're incapacitated. If they're not one of those, then the committee—the chairman, with the approval of the committee, cannot discharge your employee on the basis of need. And it's acceptable to the author.

GEREN: It's acceptable to the author.

Amendment No. 6 was adopted.

(Speaker in the chair)

**HR 69 - ADOPTED  
(by Craddick)**

The following resolution was laid before the house:

**HR 69**, Congratulating Scott D. Sheffield of Midland on his receipt of the 2012 Permian Basin Petroleum Association Top Hand Award.

**HR 69** was adopted.

On motion of Representative Dutton, the names of all the members of the house were added to **HR 69** as signers thereof.

**HR 3 - (consideration continued)**

**Amendment No. 7**

Representative Lucio offered the following amendment to **HR 3**:

Amend **HR 3** (the housekeeping resolution), on page 23, between lines 3 and 4 by inserting the following:

(e) A member who is the chair of a committee may not transfer and have credited to that member's operating account any portion of the unexpended balance of the committee's operating account.

REPRESENTATIVE LUCIO: This is already house practice. All this amendment says is that a member who is chair of a committee may not transfer and have credited to the member's operating account any portion of the unexpended balance of the committee's operating account. There were just a few members who had concerns with it and I was trying to be helpful. I believe the amendment is acceptable to the author.

GEREN: The amendment is acceptable to the author. We're putting a band-aid on something that's not bleeding.

Amendment No. 7 was adopted.

### REMARKS ORDERED PRINTED

Representative Simpson moved to print remarks on all amendments to **HR 3**.

The motion prevailed.

**HR 3**, as amended, was adopted by (Record 2): 143 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Gonzales; González, M.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Nays — Capriglione; Fallon; Goldman; Schaefer; Toth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gonzalez, N.

**STATEMENT OF VOTE**

I was shown voting yes on Record No. 2. I intended to vote no.

Villalba

**ADJOURNMENT**

Representative Clardy moved that the house adjourn until 10 a.m. tomorrow in memory of Tim Hayward of Nacogdoches.

The motion prevailed.

The house accordingly, at 12:04 p.m., adjourned until 10 a.m. tomorrow.

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**APPENDIX**

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**NOTICE FILED BY LEGISLATOR CONCERNING RELATIVE  
WHO IS LOBBYIST**

Pursuant to Section 572.0531 of the Government Code, notice was filed with the Texas Ethics Commission and the chief clerk of the house by the Representative Keffer regarding the following spouse/relative who is a registered lobbyist: Chris Keffer.