

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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FIFTEENTH DAY — TUESDAY, FEBRUARY 12, 2013

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 35).

Present — Mr. Speaker; Allen; Alonzo; 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; Goldman; 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; 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; Walle; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Alvarado; Gonzalez, N.

The speaker recognized Representative McClendon who introduced Reverend Herman Price, Jr., pastor, St. John Baptist Church, Leon Valley, who offered the invocation as follows:

Father God, we stand in your presence with our heads and hearts bowed down before your holy throne. It is in the presence of our Holy God, we are reminded of our creatureliness, imperfections, and our sinful nature. God, forgive us all for the times we fall short of your righteous plans for our lives and forgive us for the times we fail to love our neighbors. God, you said, "If we claim to be without sin, we deceive ourselves and the truth is not in us. If we confess our sins, he who is faithful and just will forgive us our sins and purify us from all unrighteousness."

Father God, I pray for a rebirth and renewal in this state house all for your glory. Guide these men and women that make up this great home, who have given themselves to the service of others. Fill their hearts and minds with your wisdom and knowledge so that they can be "rebuilders of ancient ruins and raise up the age old foundations; let them be called repairers of broken walls and restorers of streets with dwellings." Grant this great house of Texas and these servants health, peace, and prosperity. To the only Divine God, my Savior. Amen.

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

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today and tomorrow because of a family emergency:

N. Gonzalez on motion of Márquez.

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

Alvarado on motion of Raymond.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Howard who presented Dr. Georgeanne Freeman of Austin as the "Doctor for the Day."

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

(Guerra in the chair)

### **REGULAR ORDER OF BUSINESS SUSPENDED**

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

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of family medical reasons:

Hilderbran on motion of T. King.

### **HR 369 - ADOPTED**

**(by Pickett, Márquez, N. Gonzalez, Moody, and M. González)**

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 369**.

The motion prevailed.

The following resolution was laid before the house:

**HR 369**, Recognizing February 12 and 13, 2013, as El Paso Days at the State Capitol.

**HR 369** was read and was adopted.

On motion of Representative M. González, the names of all the members of the house were added to **HR 369** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Pickett who introduced a delegation from El Paso.

#### **HR 411 - ADOPTED**

**(by M. González, Pickett, N. Gonzalez, and Moody)**

Representative M. González moved to suspend all necessary rules to take up and consider at this time **HR 411**.

The motion prevailed.

The following resolution was laid before the house:

**HR 411**, Welcoming the firefighters of El Paso County Emergency Services Districts 1 and 2 to the State Capitol.

**HR 411** was adopted.

On motion of Representative Moody, the names of all the members of the house were added to **HR 411** as signers thereof.

#### **HR 231 - ADOPTED**

**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 231**.

The motion prevailed.

The following resolution was laid before the house:

**HR 231**, Recognizing February 12, 2013, as Texas Senior Day at the Capitol.

**HR 231** was adopted.

On motion of Representative Naishtat, the names of all the members of the house were added to **HR 231** as signers thereof.

#### **HR 210 - ADOPTED**

**(by Harper-Brown, Ratliff, and Anchia)**

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 210**.

The motion prevailed.

The following resolution was laid before the house:

**HR 210**, Recognizing February 12, 2013, as Irving Day at the State Capitol.

**HR 210** was read and was adopted.

On motion of Representatives Anchia and Ratliff, the names of all the members of the house were added to **HR 210** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Harper-Brown who introduced a delegation from Irving.

**HR 373 - ADOPTED  
(by Giddings and Johnson)**

Representatives Giddings and Johnson moved to suspend all necessary rules to take up and consider at this time **HR 373**.

The motion prevailed.

The following resolution was laid before the house:

**HR 373**, Congratulating St. Luke "Community" United Methodist Church in Dallas on its 80th anniversary.

**HR 373** was adopted.

On motion of Representative Johnson, the names of all the members of the house were added to **HR 373** as signers thereof.

**HR 364 - ADOPTED  
(by Harless, Riddle, Fletcher, Walle, and Bohac)**

Representative Fletcher moved to suspend all necessary rules to take up and consider at this time **HR 364**.

The motion prevailed.

The following resolution was laid before the house:

**HR 364**, Recognizing February 12, 2013, as Alliance of North Houston Chambers of Commerce Day at the State Capitol.

**HR 364** was adopted.

On motion of Representatives Harless, Huberty, Riddle, S. Thompson, and Walle, the names of all the members of the house were added to **HR 364** as signers thereof.

**HR 298 - ADOPTED  
(by Perry)**

Representative Perry moved to suspend all necessary rules to take up and consider at this time **HR 298**.

The motion prevailed.

The following resolution was laid before the house:

**HR 298**, Recognizing February 12, 2013, as Texas Food Bank Day at the State Capitol.

**HR 298** was adopted.

On motion of Representative Perry, the names of all the members of the house were added to **HR 298** as signers thereof.

**HR 340 - ADOPTED**  
**(by P. King)**

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 340**.

The motion prevailed.

The following resolution was laid before the house:

**HR 340**, Recognizing February 12, 2013, as Wise County Day at the State Capitol.

**HR 340** was adopted.

On motion of Representative P. King, the names of all the members of the house were added to **HR 340** as signers thereof.

**HR 160 - ADOPTED**  
**(by Gooden)**

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 160**.

The motion prevailed.

The following resolution was laid before the house:

**HR 160**, Recognizing February 12, 2013, as Athens Day at the State Capitol.

**HR 160** was read and was adopted.

**HR 163 - ADOPTED**  
**(by Gooden)**

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 163**.

The motion prevailed.

The following resolution was laid before the house:

**HR 163**, Honoring Randy Daniel for his service as mayor of Athens.

**HR 163** was read and was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Gooden who introduced a delegation from Athens.

**HR 402 - ADOPTED**  
**(by Harper-Brown)**

Representative Harper-Brown moved to suspend all necessary rules to take up and consider at this time **HR 402**.

The motion prevailed.

The following resolution was laid before the house:

**HR 402**, Recognizing February 12, 2013, as Texas Community Association Advocates Day at the State Capitol.

**HR 402** was adopted.

**HR 359 - ADOPTED**  
**(by Zerwas)**

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 359**.

The motion prevailed.

The following resolution was laid before the house:

**HR 359**, Recognizing February 12, 2013, as Texas Anesthesiologists Day at the State Capitol.

**HR 359** was read and was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Zerwas who introduced representatives of the Texas Society of Anesthesiologists.

**HR 339 - ADOPTED**  
**(by Button, Burkett, et al.)**

Representative Button moved to suspend all necessary rules to take up and consider at this time **HR 339**.

The motion prevailed.

The following resolution was laid before the house:

**HR 339**, Recognizing February 12, 2013, as Rowlett Day at the State Capitol.

**HR 339** was adopted.

On motion of Representatives Burkett, Sheets, and E. S. Turner, the names of all the members of the house were added to **HR 339** as signers thereof.

**HR 97 - ADOPTED**  
**(by Gooden)**

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 97**.

The motion prevailed.

The following resolution was laid before the house:

**HR 97**, Commemorating the 52nd anniversary of the East Texas Medical Center Athens Auxiliary.

**HR 97** was read and was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Gooden who introduced representatives of the East Texas Medical Center Athens Auxiliary.

**HR 358 - ADOPTED**  
**(by Eiland)**

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HR 358**.

The motion prevailed.

The following resolution was laid before the house:

**HR 358**, Recognizing February 12, 2013, as Texas Physical Therapy Day at the State Capitol.

**HR 358** was adopted.

**HR 135 - ADOPTED**  
**(by Zedler)**

Representative Zedler moved to suspend all necessary rules to take up and consider at this time **HR 135**.

The motion prevailed.

The following resolution was laid before the house:

**HR 135**, Recognizing February 12, 2013, as Kennedale Day at the State Capitol.

**HR 135** was read and was adopted.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Zedler who introduced a delegation from Kennedale.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 3).

**COMMITTEES GRANTED PERMISSION TO MEET**

Pursuant to Rule 4, Section 9 of the House Rules, Representative Sheets requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings. For purposes of this motion, those committees and subcommittees that are scheduled to meet upon adjournment or final recess today shall be considered to be scheduled to meet during bill referral today.

Permission to meet was granted.

**RULES SUSPENDED**

Representative McClendon moved to suspend all necessary rules to allow the Committee on Rules and Resolutions to set a congratulatory and memorial calendar during bill referral today in 3W.9.

The motion prevailed.

**PROVIDING FOR A CONGRATULATORY  
AND MEMORIAL CALENDAR**

Representative McClendon moved to set a congratulatory and memorial calendar for 10 a.m. Thursday, February 14.

The motion prevailed.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Rules and Resolutions, during bill referral today, 3W.9, for a formal meeting, to set a congratulatory and memorial calendar.

**HR 259 - ADOPTED  
(by Lozano)**

Representative Lozano moved to suspend all necessary rules to take up and consider at this time **HR 259**.

The motion prevailed.

The following resolution was laid before the house:

**HR 259**, Recognizing February 12, 2013, as Jim Wells County Day at the State Capitol.

**HR 259** was read and was adopted.

On motion of Representative Canales, the names of all the members of the house were added to **HR 259** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Lozano who introduced a delegation from Jim Wells County.

**PROVIDING FOR ADJOURNMENT**

At 11:23 a.m., Representative Springer 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.

The motion prevailed.

**RESOLUTIONS REFERRED TO COMMITTEES**

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(M. González in the chair)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 11:26 a.m., adjourned until 10 a.m. tomorrow.



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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**HR 370** (By Smith), In memory of Cody Paul Stephens of Crosby.  
To Rules and Resolutions.

**HR 371** (By Perez), Recognizing February 13, 2013, as Indo American Community of Greater Houston Day.  
To Rules and Resolutions.

**HR 372** (By Lewis), In memory of LeRoy Reed of Odessa.  
To Rules and Resolutions.

**HR 374** (By Fletcher), Congratulating the Banditos Black baseball team of Houston on winning the World Wood Bat Association 17-and-under national championship.  
To Rules and Resolutions.

**HR 375** (By Fletcher), Congratulating Command Sergeant Major Paul Kirk on his retirement from the Texas State Guard.  
To Rules and Resolutions.

**HR 376** (By Fallon), Commending Little Elm on being named the safest large Texas city in the FBI's Uniform Crime Report.  
To Rules and Resolutions.

**HR 377** (By Bell), Recognizing the 100th anniversary of the reinterment of Joanna Troutman, "The Betsy Ross of Texas," in 2013.  
To Rules and Resolutions.

**HR 378** (By Bell), Honoring Student Leadership Magnolia ISD for its efforts to develop future civic leaders.  
To Rules and Resolutions.

**HR 379** (By Phillips), Recognizing February 13, 2013, as Delta County Day at the State Capitol.  
To Rules and Resolutions.

**HR 380** (By Raymond), Commemorating the first mariachi summer music camp sponsored by the Butler School of Music at The University of Texas at Austin.  
To Rules and Resolutions.

**HR 381** (By Lucio), Congratulating Theodore Green of Harlingen on attaining the rank of Eagle Scout.

To Rules and Resolutions.

**HR 382** (By Lucio), Honoring Gerardo Acevedo Danache for his aid in the safe return of U.S. Marine Jon Hammar from a Mexican federal prison.

To Rules and Resolutions.

**HR 383** (By Laubenbergl), Congratulating the Allen High School football team on winning the UIL 5A Division 1 state championship.

To Rules and Resolutions.

**HR 384** (By Martinez Fischer), In memory of Jesus Maria "Jesse" Gamez III of San Antonio.

To Rules and Resolutions.

**HR 385** (By Martinez Fischer), In memory of Stella Finnegan Villareal of San Antonio.

To Rules and Resolutions.

**HR 386** (By Nevárez), In memory of Arturo C. Gonzalez of Del Rio.

To Rules and Resolutions.

**HR 387** (By Nevárez), In memory of State District Judge Carl Pendergrass, Jr., of Del Rio.

To Rules and Resolutions.

**HR 388** (By Nevárez), In memory of Chad Foster, former mayor of Eagle Pass.

To Rules and Resolutions.

**HR 389** (By Hilderbran), In memory of Robert Van Bibber of Houston.

To Rules and Resolutions.

**HR 390** (By Hunter), In memory of Joe Clifton Moseley II of Rockport.

To Rules and Resolutions.

### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

#### **House List No. 3**

#### **HCR 2**

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## **APPENDIX**

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### **STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

#### **February 11**

Appropriations - **HB 10**

**ENROLLED**

**February 11 - HCR 2**

