

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SECOND DAY — TUESDAY, APRIL 2, 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 134).

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; Goldman; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; 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 — Gooden; Hernandez Luna.

The speaker recognized Representative K. King who introduced Reverend Danny Sanders, senior pastor, First United Methodist Church, Canadian, who offered the invocation as follows:

Dear Lord, we thank you for another day full of blessings, opportunities, and challenges. We know you are the source of our blessings and we thank you for the blessing of life, the freedom that comes from living here in the United States, and more importantly, the freedom we can have through you. We thank you for our families, our friendships, our work, and the great blessing of living here in this great State of Texas.

We thank you for the opportunities we have to make a positive difference for people living here in our midst today and for those in our future. I thank you for this group of people that are in our state house of representatives, many of whom may never get thanked for their service or thanked often. So today, Lord, I thank

you for them. Men and women, liberal and conservative, republicans and democrats, or any other title people may place on them—thank you that they are here representing us. I pray that you pour out your spirit on each person here and even on this special place that decisions made here will be inspired by you.

I thank you for challenges. Your word says, "in all things you work for the good of those who love you and have been called according to your purposes," so we know despite great challenges, we are not alone. We know you are there with us working out your purposes, and for that we thank you. We simply pray that you will open our spiritual eyes and ears in such a way that we can join you in facing the challenges ahead and finding answers that will glorify you. Today, I pray for your spirit to bless this gathering with your presence in such a way that we face our challenges wisely, seize the opportunities that lie before us, and continue to receive your blessings for our great state.

Thank you for loving us even at times when we turn from you. Thank you for the hope that comes from the empty tomb, and forgive us when we fail to give you the glory and honor you and only you deserve for redeeming us. Today, we give you all glory, honor, and praise. We pray these things in the name above all names, the King of kings and Lord of lords. We pray these things in the name of Jesus. Amen.

The speaker recognized Representative Klick 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:

Hernandez Luna on motion of Lucio.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

The speaker recognized Representative Moody who presented Dr. David Palafox of El Paso as the "Doctor for the Day."

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

(Toth in the chair)

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. 13).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 10:30 a.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 10:30 a.m. today, 3W.15, for a formal meeting, to set a calendar.

**HCR 65 - PREVIOUSLY ADOPTED
(by Workman)**

The chair laid out the following previously adopted resolution:

HCR 65, Commemorating the 100th anniversary of the Rotary Club of Austin.

INTRODUCTION OF GUESTS

The chair recognized Representative Workman who introduced members of the Rotary Club of Austin.

**HR 312 - PREVIOUSLY ADOPTED
(by Márquez)**

The chair laid out the following previously adopted resolution:

HR 312, Commemorating the 80th anniversary of the Government Employees Credit Union in El Paso.

On motion of Representatives N. Gonzalez and Moody, the names of all the members of the house were added to **HR 312** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Márquez who introduced Crystal Long, president and CEO of the Government Employees Credit Union in El Paso.

(Speaker in the chair)

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**HB 2472 ON SECOND READING
(by Cook)**

HB 2472, A bill to be entitled An Act relating to the continuation and functions of the Department of Information Resources and certain procurement functions of the comptroller of public accounts.

LEAVE OF ABSENCE GRANTED

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

Oliveira on motion of Raymond.

HB 2472 - (consideration continued)

Amendment No. 1

Representative Cortez offered the following amendment to **HB 2472**:

Amend **HB 2472** (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2054.051(f), Government Code, is amended to read as follows:

- (f) The department shall identify opportunities for state agencies to:
- (1) coordinate with each other in the adoption and implementation of information resources technology projects; and
 - (2) obtain a royalty, license right, or other appropriate means of securing appropriate compensation from information resource systems developed with proprietary information.

Amendment No. 1 was withdrawn.

HB 2472 was passed to engrossment.

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

HB 222 ON SECOND READING (by Huberty)

HB 222, A bill to be entitled An Act relating to a public school student's eligibility for a public education grant to attend another public school.

HB 222 was passed to engrossment. (Capriglione and Stickland recorded voting no.)

CSHB 424 ON SECOND READING (by Burkett, Sheets, and Fletcher)

CSHB 424, A bill to be entitled An Act relating to the sex offender status of a person who becomes a resident of certain group home facilities.

Amendment No. 1

Representative Burkett offered the following amendment to **CSHB 424**:

Amend **CSHB 424** (house committee printing) as follows:

- (1) On page 3, between lines 8 and 9, insert the following:

Sec. 325.006. NOTICE ABOUT CURRENT RESIDENTS. Not later than March 1, 2014, the director of a group home shall ascertain, in the manner provided by Section 325.003, whether any resident of the group home is registered under Chapter 62, Code of Criminal Procedure, and provide to the legal guardian of each current resident who has a legal guardian, and directly to each other resident, notice about each resident who is required to register under that chapter as provided by Section 325.004. This section expires April 1, 2014.

(2) On page 3, strike lines 9 through 14 and renumber subsequent SECTIONS of the bill accordingly.

CSHB 424 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MOODY: There's an immunity-of-liability provision at the end of the bill, and my understanding is, if someone—a director—operates outside of your bill, so does not go through the process that you've laid out—going to the DPS website—and maybe is acting in bad faith, they don't get that same immunity, correct?

REPRESENTATIVE BURKETT: Yes, sir, that is correct. The way it's written right now does not give immunity to a bad actor who's not working within the intent of the law.

REMARKS ORDERED PRINTED

Representative Moody moved to print remarks between Representative Burkett and Representative Moody.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

Miles on motion of Allen.

CSHB 424 - (consideration continued)

Amendment No. 1 was adopted.

CSHB 424, as amended, was passed to engrossment.

HB 634 ON SECOND READING (by Farias and Lucio)

HB 634, A bill to be entitled An Act relating to the verification of an inmate's veteran status by the Texas Department of Criminal Justice.

HB 634 was passed to engrossment by (Record 135): 135 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; 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; Frank;

Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Herrero; Hilderbran; Howard; Huberty; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Lavender; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; 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; Strama; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zerwas.

Nays — Anderson; Flynn; King, P.; Laubenberg; Leach; Stickland; Taylor; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gooden; Hernandez Luna; Miles; Oliveira.

Absent — Hughes.

STATEMENTS OF VOTE

When Record No. 135 was taken, I was temporarily out of the house chamber. I would have voted no.

Hughes

I was shown voting no on Record No. 135. I intended to vote yes.

Leach

I was shown voting no on Record No. 135. I intended to vote yes.

Stickland

I was shown voting no on Record No. 135. I intended to vote yes.

White

HB 774 ON SECOND READING (by Guillen, Muñoz, and Alonzo)

HB 774, A bill to be entitled An Act relating to applying credit earned by a student at a general academic teaching institution to an associate's degree at a lower-division institution of higher education previously attended by the student.

HB 774 was passed to engrossment.

(Canales in the chair)

HR 1215 - ADOPTED (by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1215**.

The motion prevailed.

The following resolution was laid before the house:

HR 1215, Recognizing April 2, 2013, as Invest in Texas Day at the State Capitol.

HR 1215 was adopted.

On motion of Representative Branch, the names of all the members of the house were added to **HR 1215** as signers thereof.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Energy Resources, upon final recess today, Desk 108, for a formal meeting, to consider pending business.

Technology, upon final recess today, Desk 18, for a formal meeting, to consider pending business.

FIVE-DAY POSTING RULE SUSPENDED

Representative R. Sheffield moved to suspend the five-day posting rule to allow the Committee on Defense and Veterans' Affairs to consider **HB 3067** at 8 a.m. Thursday, April 4 in E2.012.

The motion prevailed.

COMMITTEES GRANTED PERMISSION TO MEET

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

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Defense and Veterans' Affairs, 8 a.m. Thursday, April 4, E2.012, for a public hearing, to consider **HB 3067** and the previously posted agenda.

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.)

RECESS

Representative Raney moved that the house recess until 10 a.m. tomorrow in memory of Jack Pardee of Denver, Colorado.

The motion prevailed.

The house accordingly, at 11:01 a.m., recessed 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 3907 (By Harper-Brown), Relating to consideration of certain graduates and dropouts in evaluation of school districts, campuses, and open-enrollment charter schools for accountability purposes.

To Public Education.

SB 7 to Human Services.

SB 31 to Higher Education.

SB 111 to Culture, Recreation, and Tourism.

SB 120 to Higher Education.

SB 139 to Transportation.

SB 148 to Elections.

SB 157 to Judiciary and Civil Jurisprudence.

SB 160 to Elections.

SB 227 to Public Health.

SB 228 to Licensing and Administrative Procedures.

SB 273 to Special Purpose Districts.

SB 274 to Transportation.

SB 276 to Transportation.

SB 281 to Natural Resources.

SB 283 to State Affairs.

SB 293 to Natural Resources.

SB 344 to Criminal Jurisprudence.

SB 350 to Licensing and Administrative Procedures.

SB 351 to Special Purpose Districts.
SB 369 to Criminal Jurisprudence.
SB 398 to Economic and Small Business Development.
SB 406 to Public Health.
SB 441 to Economic and Small Business Development.
SB 454 to Natural Resources.
SB 466 to Transportation.
SB 484 to Criminal Jurisprudence.
SB 498 to Higher Education.
SB 506 to Licensing and Administrative Procedures.
SB 603 to Ways and Means.
SB 649 to Pensions.
SB 715 to Public Education.
SB 758 to Appropriations.
SB 825 to Judiciary and Civil Jurisprudence.
SB 856 to Natural Resources.
SB 902 to Natural Resources.
SB 918 to Natural Resources.
SJR 13 to State Affairs.

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

HB 2549 (By Patrick), Relating to the periodic review and revision of college and career readiness standards in public education.
To Higher Education.

SIGNED BY THE SPEAKER

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

House List No. 13

HB 1263

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 1

Agriculture and Livestock - **HB 1081**

Culture, Recreation, and Tourism - **HB 332, HB 852, HB 1222, HB 1737, HB 2469**

Economic and Small Business Development - **HB 983, HB 1296, HB 1550, HB 1791**

Energy Resources - **HB 878**

Government Efficiency and Reform - **HB 1675**

Homeland Security and Public Safety - **HB 1421, HB 1872**

Human Services - **HB 1205**

Insurance - **HB 1585**

Public Health - **HB 588, HB 807, HB 1394, HB 1491, HB 1738**

Special Purpose Districts - **HB 1642**

State Affairs - **HB 829, HJR 71**

Technology - **HB 239**

Transportation - **HB 77, HB 240, HB 250, HB 377, HB 474, HB 719, HB 894, HB 1716**

ENROLLED

April 1 - HB 1263

RECOMMENDATIONS FILED WITH THE SPEAKER

April 1 - HB 3880