

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

FOURTH DAY — TUESDAY, JUNE 7, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 5).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; 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; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; 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 — Anchia; Chisum; Giddings; Hilderbran; Hochberg; Keffer.

The invocation was offered by Representative Weber.

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

CAPITOL PHYSICIAN

The speaker 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.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Chisum on motion of Brown.

Hilderbran on motion of Brown.

Hochberg on motion of Raymond.

The following members were granted leaves of absence for today because of important business:

Anchia on motion of D. Howard.

Giddings on motion of Dutton.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 1 and 2.)

LEAVE OF ABSENCE GRANTED

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

Driver on motion of Hancock.

SB 1 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration of **SB 1**:

All original amendments to **SB 1** that will be offered during second reading consideration must be filed with the chief clerk not later than 5 p.m. tomorrow.

The Committee on Calendars rule was adopted by (Record 6): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landroop; 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; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Chisum; Driver; Giddings; Hilderbran; Hochberg; Keffer.

Absent — Gallego; Turner.

SB 2 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to Rule 3, Section 5(2) and Rule 6, Section 16(f) of the House Rules, Representative Hunter moved to adopt the following rule governing floor consideration of **SB 2**:

All original amendments to **SB 2** that will be offered during second reading consideration must be filed with the chief clerk not later than 5 p.m. tomorrow.

The Committee on Calendars rule was adopted by (Record 7): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Aliseda; Allen; Alonzo; Alvarado; Anderson, C.; Anderson, R.; Aycok; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; 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; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Chisum; Driver; Giddings; Hilderbran; Hochberg; Keffer.

Absent — Muñoz.

STATEMENT OF VOTE

When Record No. 7 was taken, I was in the house but away from my desk. I would have voted yes.

Muñoz

**HR 41 - ADOPTED
(by Darby)**

Representative Darby moved to suspend all necessary rules to take up and consider at this time **HR 41**.

The motion prevailed.

The following resolution was laid before the house:

HR 41, In memory of Mary Ruth Duke Loika of Austin.

HR 41 was read and was unanimously adopted by a rising vote.

On motion of Representative Darby, the names of all the members of the house were added to **HR 41** as signers thereof.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Solomons requested permission for the Committee on Redistricting to meet while the house is in session, at 9 a.m. Thursday, June 9, in E1.030, to consider **SB 4**.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Redistricting, 9 a.m. Thursday, June 9, E1.030, for a formal meeting, to consider **SB 4**.

LEAVE OF ABSENCE GRANTED

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

Burnam on motion of D. Howard.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, upon adjournment today, Desk 56, for a formal meeting, to consider **SB 6**.

ADJOURNMENT

At 10:38 a.m., the speaker announced that the house would stand adjourned until 1 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

SB 4 to Redistricting.

SB 8 to Public Education.

List No. 2

HB 35 (By Alvarado), Relating to an increase in the cigarette tax, to the use of revenue from the tax, and to the enforcement of the tax.

To Ways and Means.

HB 36 (By Guillen), Relating to reimbursement for health care services provided at certain times to persons enrolled in the Medicaid managed care program.

To Public Health.

HB 37 (By Guillen), Relating to a pilot project to establish a comprehensive access point for long-term services and supports provided to older persons and persons with physical disabilities.

To Human Services.

HB 38 (By Guillen), Relating to the optional flexible school day program provided by school districts.

To Public Education.

HB 40 (By C. Anderson), Relating to an interlocal contract between a governmental entity and a purchasing cooperative to purchase roofing materials or services.

To State Affairs.

HB 41 (By Simpson), Relating to prosecution and punishment for the offense of official oppression by the intrusive touching of persons seeking access to public buildings and transportation; providing penalties.

To Criminal Jurisprudence.

HB 42 (By Callegari), Relating to the operation, powers, and duties of certain water districts.

To Natural Resources.

HB 43 (By C. Anderson), Relating to election through secret ballot of a labor union as the exclusive bargaining representative.

To Economic and Small Business Development.

HB 44 (By Dutton), Relating to the consolidation of, or detachment and annexation of territory in, certain school districts and the board of trustees of those districts.

To Public Education.

HB 45 (By Guillen), Relating to allocation of state and federal funds for adult basic education.

To Public Education.

HB 47 (By Bonnen), Relating to a person's ability to read and write in English as a qualification for service as a petit juror.

To Judiciary and Civil Jurisprudence.

HB 48 (By Weber), Relating to the governance of home-rule school districts.

To Public Education.

HB 49 (By Weber), Relating to personal leave provided for a school district employee who is a victim of certain assaults.

To Public Education.

HB 50 (By Weber), Relating to a disciplinary proceeding for a professional employee of a school district based on the employee's use of physical force against a student.

To Public Education.

HB 51 (By Weber), Relating to the authority of school districts to suspend teachers without pay pending discharge.

To Public Education.

HB 52 (By Weber), Relating to the right to a hearing before an independent hearing examiner of a public school teacher suspended without pay.

To Public Education.

HB 53 (By Callegari), Relating to the offense of coercing a person to have or seek an abortion and informed and voluntary consent for an abortion; providing penalties.

To State Affairs.

HB 54 (By Garza), Relating to equal opportunity for access by private and parochial school students to University Interscholastic League sponsored activities.

To Public Education.

HB 55 (By McClendon), Relating to increasing fiscal flexibility through the provision of state aid for certain juvenile justice alternative education programs that enter into certain revenue sharing agreements.

To Corrections.

HB 56 (By Larson), Relating to the regulation of certain animals.

To Culture, Recreation, and Tourism.

HB 60 (By Huberty), Relating to state control of teacher appraisal criteria, curriculum standards, and assessment instruments.

To Public Education.

HB 61 (By Flynn), Relating to inclusion of a course on the United States Constitution in the curriculum requirements for public high school students.

To Public Education.

HB 62 (By Flynn), Relating to the posting of the Ten Commandments in public school classrooms.

To Public Education.

HB 63 (By Flynn), Relating to a moratorium on administering assessment instruments to public school students under the public school accountability system.

To Public Education.

HB 64 (By Coleman), Relating to a county mental health services Medicaid waiver program.

To Appropriations.

HB 65 (By D. Howard), Relating to requirements for reapportionment of congressional districts.

To Redistricting.

HCR 11 (By Hartnett), Urging the federal government to grant a conditional green card to certain noncitizens to allow them to enlist in the United States armed forces and urging the federal government to award citizenship to these immigrants upon the completion of four years of honorable military service.

To State Affairs.

HJR 11 (By Legler), Proposing a constitutional amendment relating to the use of the assets of certain associations established by the legislature of this state for the purpose of providing certain insurance coverage.

To Insurance.

HJR 12 (By D. Howard), Proposing a constitutional amendment to establish certain principles and procedures for the drawing of congressional districts.

To Redistricting.

