

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, FIRST CALLED SESSION

PROCEEDINGS

SECOND DAY (CONTINUED) — MONDAY, JUNE 17, 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 4).

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; 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.; Gooden; Guerra; Guillen; Gutierrez; Harless; 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, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Harper-Brown; Turner, E.S.

Absent — Alvarado; Cook.

The speaker recognized Representative White who introduced Kenneth Darden, pastor, Macedonia Missionary Baptist Church, Livingston, who offered the invocation.

The speaker recognized Representative White 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 because of personal business:

E. S. Turner on motion of Goldman.

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

Harper-Brown on motion of Burkett.

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

Alvarado on motion of Harless.

CAPITOL PHYSICIAN

The speaker recognized Representative White who presented Dr. Ron McMurry of Jasper as the "Doctor for the Day."

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

MESSAGE FROM THE SENATE

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

LEAVE OF ABSENCE GRANTED

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

S. King on motion of Johnson.

PROCLAMATIONS BY THE GOVERNOR OF THE STATE OF TEXAS

The chair laid before the house and had read the following proclamations by the governor:

TO THE MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-THIRD TEXAS LEGISLATURE, FIRST CALLED SESSION:

WHEREAS, the people of Texas through their state constitution have placed the power to call the legislature into special session in the hands of the chief executive officer of the state; and

WHEREAS, the members of the Eighty-Third Texas Legislature, First Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, Governor of the State of Texas, by the authority vested in me by Article IV, Section 8 and Article III, Section 40 of the Texas Constitution, do hereby present the following subject matter to the Eighty-Third Texas Legislature, First Called Session, for consideration:

Legislation relating to the funding of transportation infrastructure projects.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 10th day of June 2013.

Rick Perry
Governor of Texas

(SEAL)
John Steen
Secretary of State

TO THE MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-THIRD TEXAS LEGISLATURE, FIRST CALLED SESSION:

WHEREAS, the people of Texas through their state constitution have placed the power to call the legislature into special session in the hands of the chief executive officer of the state; and

WHEREAS, the members of the Eighty-Third Texas Legislature, First Called Session, have now convened to consider items presented to them by the governor;

NOW, THEREFORE, I, RICK PERRY, Governor of the State of Texas, by the authority vested in me by Article IV, Section 8 and Article III, Section 40 of the Texas Constitution, do hereby present the following subject matter to the Eighty-Third Texas Legislature, First Called Session, for consideration:

Legislation relating to the regulation of abortion procedures, providers, and facilities.

Legislation relating to establishing a mandatory sentence of life with parole for a capital felony committed by a 17-year-old offender.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 11th day of June 2013.

Rick Perry
Governor of Texas

(SEAL)
John Steen
Secretary of State

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 1 and 3.)

(Cortez in the chair)

HR 45 - ADOPTED**(by Menéndez)**

Representative Menéndez moved to suspend all necessary rules to take up and consider at this time **HR 45**.

The motion prevailed.

The following resolution was laid before the house:

HR 45, Congratulating Mario G. Medina on his retirement from the Texas Department of Transportation.

HR 45 was adopted.

On motion of Representative D. Miller, the names of all the members of the house were added to **HR 45** as signers thereof.

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

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 69**.

The motion prevailed.

The following resolution was laid before the house:

HR 69, In memory of Carol Lee Stanley of Tyler.

HR 69 was unanimously adopted by a rising vote.

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

HR 65 - ADOPTED**(by Callegari, S. Davis, Morrison, Raney, Sheets, et al.)**

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 65**.

The motion prevailed.

The following resolution was laid before the house:

HR 65, In memory of Helen Butts Tipps.

HR 65 was read and was unanimously adopted by a rising vote.

On motion of Representative Kuempel, the names of all the members of the house were added to **HR 65** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced family members of Helen Butts Tipps.

**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. 2 and 4.)

PROVIDING FOR ADJOURNMENT

At 11:04 a.m., Representative Elkins moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees and the receipt of messages from the senate, the house adjourn until 10 a.m. Thursday, June 20.

The motion prevailed.

(Phillips in the chair)

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. 5.)

ADJOURNMENT

In accordance with a previous motion, the house, at 1:02 p.m., adjourned until 10 a.m. Thursday, June 20.

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 16 (By Laubenberg), Relating to abortion at or after 20 weeks post-fertilization.

To State Affairs.

HB 20 (By Harper-Brown), Relating to the allocation of certain motor vehicle sales, use, and rental tax revenue to the state highway fund and to the uses of that revenue.

To Appropriations.

HB 22 (By Pickett), Relating to the Texas Mobility Fund.

To Appropriations.

HB 23 (By Pickett), Relating to a permit requirement and the payment by a utility of a fee for the use of state highway rights-of-way.

To Appropriations.

HB 28 (By Harper-Brown), Relating to the authority of the Texas Department of Transportation to enter into availability payment agreements for the design, development, financing, construction, maintenance, or operation of a highway project.

To Appropriations.

HB 29 (By Phillips), Relating to the allocation of certain motor vehicle sales tax revenue to the state highway fund and to the uses of that revenue.

To Appropriations.

HB 32 (By White), Relating to the composition of districts for the election of members of the Texas House of Representatives.

To Redistricting, Select.

HB 33 (By Kolkhorst), Relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

To Criminal Jurisprudence.

HB 35 (By Phillips), Relating to the state highway fund.

To Appropriations.

HB 37 (By P. King), Relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

To Criminal Jurisprudence.

HB 41 (By Pickett), Relating to the allocation of certain fuel-related tax revenue.

To Appropriations.

HB 48 (By Johnson), Relating to the composition of districts for the election of members of the United States House of Representatives from Texas.

To Redistricting, Select.

HB 52 (By Harper-Brown), Relating to the allocation of revenue derived from state gasoline and special fuels taxes.

To Appropriations.

HB 53 (By E. Rodriguez), Relating to the composition of districts for the election of members of the United States House of Representatives from Texas.

To Redistricting, Select.

HB 55 (By Fletcher), Relating to prohibiting abortion that is based on the sex of the unborn child; creating an offense.

To State Affairs.

HB 57 (By Burkett), Relating to requirements for physicians who perform or induce abortions; creating an offense.

To State Affairs.

HB 60 (By Laubenberg), Relating to the regulation of abortion procedures, providers, and facilities; providing penalties.

To State Affairs.

HB 61 (By Taylor), Relating to the applicability of adverse licensing, listing, or registration decisions by certain health and human services agencies.

To State Affairs.

HB 63 (By Krause), Relating to the regulation of abortion procedures.

To State Affairs.

HB 66 (By Carter), Relating to notice of and consent to an abortion for a minor.

To State Affairs.

HB 67 (By Callegari), Relating to notice of and consent to an abortion for a minor.

To State Affairs.

HB 68 (By Callegari), Relating to the offense of coercing a person to have or seek an abortion and voluntary and informed consent for an abortion; providing penalties.

To State Affairs.

HB 72 (By Canales), Relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

To Criminal Jurisprudence.

HJR 9 (By Phillips), Proposing a constitutional amendment to provide for the transfer of certain general revenue to the state highway fund and the economic stabilization fund and to authorize the payment from the state highway fund of the principal and interest on certain highway improvement bonds.

To Appropriations.

HJR 10 (By Phillips), Proposing a constitutional amendment to limit the purposes for which revenue from motor vehicle registration fees, taxes on motor fuels and lubricants and motor vehicle tires and parts, and certain revenues received from the federal government may be used.

To Appropriations.

HJR 11 (By Pickett), Proposing a constitutional amendment limiting the uses of revenue from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenue received from the federal government.

To Appropriations.

HJR 12 (By Harper-Brown), Proposing a constitutional amendment providing for the transfer of general revenue to the state highway fund and the economic stabilization fund and authorizing the payment from the state highway fund of the principal and interest on certain highway improvement bonds.

To Appropriations.

HJR 13 (By Harper-Brown), Proposing a constitutional amendment providing for the transfer of certain state revenue to the Texas Mobility Fund.

To Appropriations.

HJR 14 (By Phillips), Proposing a constitutional amendment dedicating certain revenue derived from the tax imposed on the sale of motor vehicles to the state highway fund.

To Appropriations.

HJR 16 (By Pickett), Proposing a constitutional amendment to provide for revenue from motor fuel taxes to be used solely for policing, maintaining, constructing, and acquiring rights-of-way for public roadways and to provide for the transfer of certain general revenue to the available school fund and the economic stabilization fund.

To Appropriations.

HJR 17 (By Harper-Brown), Proposing a constitutional amendment to limit the purposes for which revenues from motor vehicle registration fees and taxes on motor fuels and lubricants may be used.

To Appropriations.

HJR 18 (By Taylor), Proposing a constitutional amendment requiring the allocation of certain interest and investment income from the economic stabilization fund to the purposes of public education, water development projects, and transportation.

To Appropriations.

List No. 2

HR 10 (By White), Congratulating Calvin and LaVerne Smith of Burkeville on their 70th wedding anniversary.

To Rules and Resolutions.

HR 11 (By White), Congratulating Jerry and Janette Clark of Buna on their 50th wedding anniversary.

To Rules and Resolutions.

HR 12 (By Guillen), Commending Lisa B. Morales for her 10 years of service as executive director of the Washington's Birthday Celebration Association in Laredo.

To Rules and Resolutions.

HR 13 (By Muñoz), Commemorating the Public Safety Day of Prayer in Hidalgo County.

To Rules and Resolutions.

HR 14 (By Stickland), Congratulating Harold Eugene Haywood on his retirement from the Euless Police Department.

To Rules and Resolutions.

HR 15 (By Johnson), Congratulating Tammy Ellzey on her retirement as deputy chief of the Southeast Patrol Division of the Dallas Police Department.

To Rules and Resolutions.

HR 16 (By Alonzo), Commending Marisol Rodriguez Bermudez of Honduras on her participation in the U.S. Department of State International Visitor Leadership Program.

To Rules and Resolutions.

HR 17 (By Alonzo), Commending Xiomara Catalina Quesada Luque of Honduras on her participation in the U.S. Department of State International Visitor Leadership Program.

To Rules and Resolutions.

HR 18 (By Alonzo), Commending Jorge Arturo Gutierrez Munoz of Mexico on his participation in the U.S. Department of State International Visitor Leadership Program.

To Rules and Resolutions.

HR 19 (By Alonzo), Commending Alejandro Rios Covian Silveira of Mexico on his participation in the U.S. Department of State International Visitor Leadership Program.

To Rules and Resolutions.

HR 20 (By Alonzo), Commending Maria Jose Arauz Henriquez of Nicaragua for her participation in the U.S. Department of State International Visitor Leadership Program.

To Rules and Resolutions.

HR 21 (By Alonzo), Commending Hugo Rivero Ramos of Colombia for his participation in the U.S. Department of State International Visitor Leadership Program.

To Rules and Resolutions.

HR 22 (By Alonzo), Commending Jacob Alonso Orribarra of Panama for his participation in the U.S. Department of State International Visitor Leadership Program.

To Rules and Resolutions.

HR 23 (By Alonzo), Commending Alan Iud of Argentina for his participation in the U.S. Department of State International Visitor Leadership Program.

To Rules and Resolutions.

HR 24 (By Alonzo), Commending Josefina Del Valle Gonzalez Marcano of Venezuela for her participation in the U.S. Department of State International Visitor Leadership Program.

To Rules and Resolutions.

HR 25 (By Alonzo), Commending Luis Hector Amoretti Orozco of Costa Rica for his participation in the U.S. Department of State International Visitor Leadership Program.

To Rules and Resolutions.

HR 26 (By Alonzo), Commending Marcela Paola Borja Roman of Ecuador on her participation in the U.S. Department of State International Visitor Leadership Program.

To Rules and Resolutions.

HR 27 (By Moody), Congratulating Pastor Crespo, Jr., on the success of La Casa del Puro cigar lounge in El Paso.

To Rules and Resolutions.

HR 29 (By Frullo), Honoring Prize Women's Ministry of Trinity Church in Lubbock on the occasion of its second annual Running to Rescue race.

To Rules and Resolutions.

HR 30 (By Callegari), Commending the House Research Organization.

To Rules and Resolutions.

HR 31 (By White), Congratulating Kierra Anjoyah Williams on her selection as the 2013-2014 Tribal Princess for the Alabama-Coushatta Tribe of Texas.

To Rules and Resolutions.

HR 32 (By White), Congratulating Bryanna Williams of Kirbyville Elementary School on winning first place in trampoline and double mini at the regional competition in Fort Worth.

To Rules and Resolutions.

HR 33 (By White), Congratulating Timothy Anderson of Kirbyville on his selection as a special honoree in the HoustonPBS Kids Go! Writing Contest.

To Rules and Resolutions.

HR 34 (By Alonzo), Paying tribute to the life and music of Stevie Ray Vaughan on August 27, 2013, the 23rd anniversary of his death.

To Rules and Resolutions.

HR 35 (By Alonzo), Paying tribute to the life and music of Stevie Ray Vaughan on August 27, 2014, the 24th anniversary of his death.

To Rules and Resolutions.

HR 36 (By Alonzo), In memory of Raymond M. Arredondo of Dallas.

To Rules and Resolutions.

HR 37 (By Alonzo), Congratulating Miryeya Luna, valedictorian of the W. H. Adamson High School Class of 2013.

To Rules and Resolutions.

HR 38 (By Alonzo), Congratulating Brenda Castillo, salutatorian of the W. H. Adamson High School Class of 2013.

To Rules and Resolutions.

HR 39 (By Alonzo), Congratulating Lauran Watterson, valedictorian of the John Dubiski Career High School Class of 2013.

To Rules and Resolutions.

HR 40 (By Alonzo), Congratulating Rose Tran, salutatorian of the John Dubiski Career High School Class of 2013.

To Rules and Resolutions.

HR 41 (By Alonzo), Congratulating Jherline Espinoza, valedictorian of the Moises E. Molina High School Class of 2013.

To Rules and Resolutions.

HR 42 (By Alonzo), Congratulating Eduardo A. Moreno, salutatorian of the Moises E. Molina High School Class of 2013.

To Rules and Resolutions.

HR 43 (By Alonzo), Congratulating Karen Trevino Reyes, valedictorian of the Trinidad "Trini" Garza Early College High School Class of 2013.

To Rules and Resolutions.

HR 44 (By Alonzo), Congratulating Jessica Garcia, salutatorian of the Trinidad "Trini" Garza Early College High School Class of 2013.

To Rules and Resolutions.

HR 46 (By Hughes), In memory of Marlena Morine Terry of White Oak.

To Rules and Resolutions.

HR 47 (By Hughes), Commemorating the centennial of the 20th Century Club of Mineola.

To Rules and Resolutions.

HR 48 (By Alonzo), Commemorating the grand opening of the Bishop Arts Winery in Dallas.

To Rules and Resolutions.

HR 49 (By Alonzo), Honoring Anthony Tovar on his 35 years of service to the Dallas Independent School District and on his accomplishments as principal of Sunset High School.

To Rules and Resolutions.

HR 50 (By Sheets), Congratulating Dalton Roberts, valedictorian of the West Mesquite High School Class of 2013.

To Rules and Resolutions.

HR 51 (By Sheets), Congratulating Helen Z. Alfaro, salutatorian of the West Mesquite High School Class of 2013.

To Rules and Resolutions.

HR 52 (By Sheets), Congratulating Marielle Bugayong, valedictorian of the Horn High School Class of 2013.

To Rules and Resolutions.

HR 53 (By Sheets), Congratulating Jacob Arie, salutatorian of the Horn High School Class of 2013.

To Rules and Resolutions.

HR 54 (By Sheets), Congratulating Rocio Diaz, valedictorian of the Mesquite High School Class of 2013.

To Rules and Resolutions.

HR 55 (By Sheets), Congratulating Joshua Jacob Makkappallil, salutatorian of the Mesquite High School Class of 2013.

To Rules and Resolutions.

HR 56 (By Sheets), Congratulating Suchita Patel, valedictorian of the Poteet High School Class of 2013.

To Rules and Resolutions.

HR 57 (By Sheets), Congratulating Kiaria Sewell, salutatorian of the Poteet High School Class of 2013.

To Rules and Resolutions.

HR 58 (By Sheets), Congratulating Aimee Bautista, valedictorian of the North Mesquite High School Class of 2013.

To Rules and Resolutions.

HR 59 (By Sheets), Congratulating Bianca Virginia Rubalcaba, salutatorian of the North Mesquite High School Class of 2013.

To Rules and Resolutions.

HR 60 (By R. Miller), In memory of Anne McCormick Sullivan of the Houston Fire Department.

To Rules and Resolutions.

HR 61 (By Guillen), Honoring Victor Gonzalez of Starr County for helping to organize a birthday party for a terminally ill girl.

To Rules and Resolutions.

HR 62 (By White), Congratulating Elizabeth Windon and Jacob Rowe of Kirbyville High School on their selection as SETX Players of the Year by the Southeast Texas Coaches Association.

To Rules and Resolutions.

HR 63 (By Howard), Commemorating the Sons of the American Legion National Convention in Houston on August 23 to 25, 2013.

To Rules and Resolutions.

HR 64 (By Carter), Honoring the Texas-Israel Chamber of Commerce for its outstanding contributions.

To Rules and Resolutions.

HR 66 (By Clardy), In memory of Lee Len Clardy of Suwanee, Georgia.

To Rules and Resolutions.

HR 67 (By Alonzo), Commending Father Jose Alejandro Solalinde Guerra for his exceptional contributions in behalf of human rights.

To Rules and Resolutions.

List No. 3

HB 45 (By Pickett), Relating to commercial driver's licenses and commercial learner's permits and the operation of commercial motor vehicles; creating an offense; authorizing fees.

To Transportation.

HJR 19 (By Harper-Brown), Proposing a constitutional amendment providing for the transfer of general revenue to the state highway fund and the economic stabilization fund and authorizing the payment from the state highway fund of the principal and interest on certain highway improvement bonds.

To Appropriations.

SB 2 to Redistricting, Select.

SB 3 to Redistricting, Select.

SB 4 to Redistricting, Select.

SB 23 to Criminal Jurisprudence.

List No. 4

HB 65 (By Frank), Relating to the allocation of certain revenue from the taxes imposed on the sale, rental, or use of motor vehicles to the state highway fund.

To Appropriations.

List No. 5

HCR 6 (By S. Turner), Approving the item of appropriation to the Public Integrity Unit in Travis County made by the General Appropriations Act for the 2014-2015 state fiscal biennium.

To Appropriations.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, June 17, 2013 - 1

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 1 Hunter SPONSOR: Whitmire
Granting the legislature permission to adjourn for more than three days during the period beginning on Tuesday, May 28, 2013, and ending on Monday, June 3, 2013.

SB 2 Seliger
Relating to the composition of districts for the election of members of the Texas Senate.

SB 3

Seliger

Relating to the composition of districts for the election of members of the Texas House of Representatives.

SB 4

Seliger

Relating to the composition of districts for the election of members of the United States House of Representatives from Texas.

SB 23

Huffman

Relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

SCR 1

Whitmire

Granting the legislature permission to adjourn for more than three days.

Respectfully,

Patsy Spaw

Secretary of the Senate