

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, FIRST CALLED SESSION

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## PROCEEDINGS

SIXTH DAY — MONDAY, JUNE 24, 2013

The house met at 6:46 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 51).

Present — Mr. Speaker; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Deshotel; Dukes; Elkins; Fallon; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gonzalez, N.; Gooden; Guillen; Harless; Harper-Brown; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Lucio; Martinez Fischer; McClendon; Menéndez; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Nevárez; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Toth; Turner, C.; Turner, E.S.; Villalba; White; Workman; Zedler.

Absent — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Dutton; Eiland; Farias; Giddings; González, M.; Guerra; Gutierrez; Hernandez Luna; Johnson; King, T.; Longoria; Márquez; Martinez; Miles; Moody; Naishtat; Oliveira; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Thompson, S.; Turner, S.; Villarreal; Vo; Walle; Wu; Zerwas.

The speaker recognized Rod Welsh of Austin who offered the invocation.

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

(Eiland and Raymond now present)

### **LEAVES OF ABSENCE GRANTED**

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

Márquez on motion of N. Gonzalez.

The following member was granted leave of absence temporarily for today because of illness:

Reynolds on motion of White.

(Alonzo, Burnam, S. Turner, and Wu now present)

**REMARKS ORDERED PRINTED**

Representative C. Turner moved to print all remarks on **SB 5**.

The motion prevailed. [Please refer to the supplement to today's journal for the text of the debate on **SB 5** on third reading.]

**MAJOR STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 5 ON THIRD READING  
(Laubenberg and Hilderbran - House Sponsors)**

**SB 5**, A bill to be entitled An Act relating to the regulation of abortion procedures, providers, and facilities; providing penalties.

(Allen, Collier, Y. Davis, Giddings, M. González, Guerra, T. King, Miles, Moody, Naishtat, Perez, Reynolds, J. Rodriguez, Rose, and S. Thompson now present)

**LEAVE OF ABSENCE GRANTED**

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

Johnson on motion of Gooden.

(Farias now present)

**SB 5 - (consideration continued)**

**SB 5** was passed by (Record 52): 95 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Harless; Harper-Brown; Herrero; Hilderbran; Huberty; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Lozano; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Burnam; Collier; Davis, S.; Davis, Y.; Deshotel; Dukes; Eiland; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Howard; Lucio; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Naishtat; Nevárez; Perez; Raymond; Reynolds; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson; Márquez.

Absent — Alvarado; Anchia; Canales; Coleman; Cortez; Dutton; Gutierrez; Hernandez Luna; Hughes; King, T.; Longoria; Martinez; Oliveira; Rodriguez, E.; Villarreal; Vo; Walle; Zerwas.

### STATEMENTS OF VOTE

When Record No. 52 was taken, I was in the house but away from my desk. I would have voted no.

Alvarado

When Record No. 52 was taken, I was in the house but away from my desk. I would have voted no.

Cortez

When Record No. 52 was taken, my vote failed to register. I would have voted yes.

Hughes

When Record No. 52 was taken, I was temporarily out of the house chamber. I would have voted yes.

Martinez

When Record No. 52 was taken, I was temporarily out of the house chamber. I would have voted no.

E. Rodriguez

### REASON FOR VOTE

Although I am strongly in support of provisions contained in the legislation and am pro-women's health, there are several concerns about the bill and process. I disagree with limiting input from the public in the committee process and the denial of the opportunity to debate the bill on the floor. Without discussion and debate about some of the amendments proposed to the bill, and the fact that the motion for the previous question was adopted, we did not allow the process to continue. Therefore, further vetting of the bill was not allowed. By doing so, we prevented the body from working on amendments that could have impacted the legislation in different ways. During the debate of **SB 5**, I voted for amendments offered by my colleagues and worked with the caucus regarding parliamentary procedure and strategy. We should not in good conscience create law that would limit access to legal health care services or that would result in limiting access to critical services. As a legislature, we need to focus on women's health care and prenatal care by making it more accessible and affordable. I will continue to work to ensure we accomplish the goals set out for the betterment of our communities.

Muñoz

**HR 76 - ADOPTED**  
**(by D. Miller)**

Representative D. Miller moved to suspend all necessary rules to take up and consider at this time **HR 76**.

The motion prevailed.

The following resolution was laid before the house:

**HR 76**, In memory of Gaylan Lewis Schroeder, former county judge of Kendall County.

**HR 76** was read and was unanimously adopted by a rising vote.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HR 76** as signers thereof.

**CONSTITUTIONAL AMENDMENTS CALENDAR**  
**SENATE JOINT RESOLUTIONS**  
**THIRD READING**

The following resolutions were laid before the house and read third time:

**SJR 2 ON THIRD READING**  
**(Phillips, Pitts, Pickett, Lavender, et al. - House Sponsors)**

**SJR 2**, A joint resolution proposing a constitutional amendment to provide for the transfer of certain general revenue to the economic stabilization fund, to provide for the transfer of certain general revenue to the state highway fund and the dedication of that revenue, and to authorize the payment of the principal and interest on certain highway improvement bonds from other money deposited to the state highway fund.

**Amendment No. 1**

Representative Harper-Brown offered the following amendment to **SJR 2**:

Amend **SJR 2** on third reading as follows:

(1) Strike the section of the resolution amending Article VIII, Texas Constitution, by adding Section 7-e to that article, as added by Floor Amendment No. 3 by Harper-Brown.

(2) In the section of the resolution adding a temporary provision to the Texas Constitution, in Subsection (a) of the temporary provision, as amended by Floor Amendment No. 3 by Harper-Brown, strike "to dedicate certain tax revenue to the state highway fund".

(3) In the section of the resolution adding a temporary provision to the Texas Constitution, in Subsection (a) of the temporary provision, as amended by Floor Amendment No. 3 by Harper-Brown, strike "from certain money deposited to the state highway fund" and substitute "from other money deposited to the state highway fund".

(4) In the section of the resolution adding a temporary provision to the Texas Constitution, strike Subsections (c) and (d) of the temporary provision, as added by Floor Amendment No. 3 by Harper-Brown, and substitute the following:

(c) This temporary provision expires January 1, 2015.

(5) In the section of the resolution providing ballot language, as amended by Floor Amendment No. 3 by Harper-Brown, strike from the ballot language "to dedicate certain tax revenue to the state highway fund,".

(6) In the section of the resolution providing ballot language, as amended by Floor Amendment No. 3 by Harper-Brown, strike from the ballot language "from certain money deposited to the state highway fund" and substitute "from other money deposited to the state highway fund".

(Alvarado and Longoria now present)

Amendment No. 1 was adopted by (Record 53): 91 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Button; Callegari; Collier; Cook; Craddick; Creighton; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Eiland; Elkins; Farias; Farney; Farrar; Fletcher; Frullo; Giddings; Gonzales; González, M.; Guerra; Harless; Harper-Brown; Herrero; Hilderbran; Howard; Huberty; Hunter; Kacal; Keffer; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Krause; Kuempel; Larson; Lavender; Lewis; Longoria; Lozano; Lucio; Martinez Fischer; Menéndez; Miles; Miller, D.; Moody; Muñoz; Murphy; Nevárez; Orr; Otto; Paddie; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, J.; Sanford; Schaefer; Sheffield, R.; Smith; Smithee; Springer; Thompson, S.; Toth; Turner, S.; Villalba; Workman.

Nays — Burkett; Capriglione; Carter; Clardy; Crownover; Fallon; Flynn; Frank; Geren; Goldman; Gonzalez, N.; Gooden; Hughes; Isaac; King, P.; Kolkhorst; Laubenberg; Leach; Miller, R.; Morrison; Naishtat; Parker; Ritter; Sheets; Simmons; Simpson; Stephenson; Stickland; Taylor; Thompson, E.; Turner, E.S.; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Johnson; Márquez.

Absent — Anchia; Burnam; Canales; Coleman; Cortez; Dukes; Dutton; Guillen; Gutierrez; Hernandez Luna; Martinez; McClendon; Oliveira; Rodriguez, E.; Rose; Sheffield, J.; Strama; Turner, C.; Villarreal; Vo; Walle; Wu; Zerwas.

### STATEMENTS OF VOTE

When Record No. 53 was taken, I was in the house but away from my desk. I would have voted yes.

Cortez

I was shown voting yes on Record No. 53. I intended to vote no.

Krause

I was shown voting no on Record No. 53. I intended to vote yes.

Naishtat

I was shown voting yes on Record No. 53. I intended to vote no.

Perry

When Record No. 53 was taken, I was temporarily out of the house chamber. I would have voted yes.

E. Rodriguez

When Record No. 53 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

I was shown voting yes on Record No. 53. I intended to vote no.

Schaefer

### **Amendment No. 2**

Representative Herrero offered the following amendment to **SJR 2**:

Amend **SJR 2** (house committee printing) on page 2 by striking lines 2 and 3 and substituting:

under this subsection:

(1) except as provided by Subdivision (2) of this subsection, may be used only for constructing, maintaining, and acquiring rights-of-way for public roadways; and

(2) may not be used for developing, constructing, maintaining, operating, or acquiring rights-of-way for toll roads.

Amendment No. 2 was withdrawn.

(Martinez now present)

### **Amendment No. 3**

Representative Herrero offered the following amendment to **SJR 2**:

Amend **SJR 2** (house committee printing) as follows:

(1) On page 1, line 15, between "economic stabilization fund" and "and the state", insert ", the foundation school fund,".

(2) On page 2, strike lines 7 and 8 and substitute:  
comptroller shall allocate one-third to the economic stabilization fund, one-third to the foundation school fund, and the remainder to the state highway fund, except as provided

(3) On page 2, strike lines 15 through 18 and substitute:  
reduce in equal proportions the amounts that otherwise would be allocated to the foundation school fund and to the state highway fund, as provided by Subsection (c-1) of this section, by the lesser of the total amounts of the allocations to those funds or the total amount necessary for the anticipated balance of the economic

(4) On page 2, strike lines 22 through 24 and substitute:  
equal \$6 billion. The comptroller shall allocate to the economic stabilization fund the total of the amounts by which the allocations to the foundation school fund and to the state highway fund are reduced under this subsection.

(5) On page 4, line 6, between "economic stabilization fund" and ", to provide for", insert ", to provide for the transfer of certain general revenue to the foundation school fund".

(6) On page 4, line 22, between "fund" and ", to provide for", insert ", to provide for the transfer of certain general revenue to the foundation school fund".

### LEAVE OF ABSENCE GRANTED

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

Canales on motion of Lucio.

### SJR 2 - (consideration continued)

Representative Phillips moved to table Amendment No. .

The motion to table prevailed by (Record 54): 92 Yeas, 39 Nays, 1 Present, not voting.

Yeas — Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Eiland; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler.

Nays — Allen; Alonzo; Alvarado; Burnam; Carter; Collier; Davis, Y.; Dukes; Farias; Farrar; Giddings; González, M.; Gonzalez, N.; Guerra; Herrero; Howard; Longoria; Lozano; Lucio; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Patrick; Perez; Raymond; Reynolds; Rodriguez, J.; Rose; Strama; Thompson, S.; Turner, C.; Turner, S.; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Johnson; Márquez.

Absent — Anchia; Coleman; Cortez; Deshotel; Dutton; Geren; Guillen; Gutierrez; Hernandez Luna; Oliveira; Rodriguez, E.; Villarreal; Vo; Walle; Zerwas.

### STATEMENTS OF VOTE

When Record No. 54 was taken, I was in the house but away from my desk. I would have voted no.

Cortez

When Record No. 54 was taken, I was temporarily out of the house chamber. I would have voted yes.

E. Rodriguez

(Speaker pro tempore in the chair)

**Amendment No. 4**

Representative Alonzo offered the following amendment to **SJR 2**:

Amend **SJR 2** on third reading as follows:

(1) Designate the existing SECTIONS of the joint resolution as Article I and renumber the SECTIONS appropriately.

(2) On page 4, immediately following line 26 (house committee printing), insert the following:

Article II.

SECTION 2.01. Amend Article III, Texas Constitution, by adding Section 68 to read as follows:

Sec. 68. RESIDENT DRIVER'S PERMITS. The legislature shall establish resident driver's permits for persons who reside in this state.

SECTION 2.02. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to provide for resident driver's permits."

Amendment No. 4 was withdrawn.

**SJR 2 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE S. TURNER: Going to the bill as it has been amended—you've taken out the \$6 billion trigger; so that's gone completely. And so, now it is going to a straight percentage of one-third, is that correct?

REPRESENTATIVE PHILLIPS: Correct.

S. TURNER: Now, when the bill came before the Appropriations Committee, there was no money going to transportation in 2014.

PHILLIPS: That's correct.

S. TURNER: That remains the same?

PHILLIPS: Yes.

S. TURNER: So the first draw for transportation will be in 2015?

PHILLIPS: Yes.

S. TURNER: And then when it came before Appropriations, the amount under the old bill was roughly, let's say about \$800-900 million?

PHILLIPS: Right.

S. TURNER: Under the bill as amended, what's the amount that will be going, roughly, in 2015?

PHILLIPS: It should be the exact same.



S. TURNER: It should be about the same?

PHILLIPS: It is the same. We didn't change anything to affect that.

S. TURNER: Okay, and so, the same things, then, would be for 2016? About the same?

PHILLIPS: Yes.

S. TURNER: 2017, about the same?

PHILLIPS: Yes.

S. TURNER: Okay, so then in terms of what transportation will be receiving, the amount that was in the old bill is staying pretty much the same in the new bill? The major difference is that the \$6 billion trigger is out?

PHILLIPS: Yes.

S. TURNER: And the percentage is in?

PHILLIPS: Correct.

S. TURNER: Now, the same amount that the schools would have been receiving in terms of the monies flowing into the rainy day fund, that 25 percent, that amount remains the same?

PHILLIPS: That's correct.

S. TURNER: There's nothing in this bill, as amended, that is going to reduce the financial amount that is currently going to the schools, that 25 percent?

PHILLIPS: That's correct.

S. TURNER: The one-third, that's pertaining to the 75 percent?

PHILLIPS: Yes.

S. TURNER: Okay, and so it's going to be—are we dividing the 75 percent in half now?

PHILLIPS: Yes.

S. TURNER: And it's going to be one-third of that half?

PHILLIPS: No. It's going to be one-half of the 75 percent.

S. TURNER: Okay, it's going to be one-half of the 75 percent that's going to be going to transportation.

PHILLIPS: Yes, to the non-toll road acquisition maintenance and construction.

S. TURNER: Okay, but that includes for construction, or for a purchase, acquisition of land, all of that?

PHILLIPS: Yes.

S. TURNER: Okay, and it will also be included to pay principal of the interest on bonds issued under this section?

PHILLIPS: Prop 12 bonds, yes.

S. TURNER: Right. So, Representative Phillips, I want to have a good understanding. It's my understanding that what people in transportation needed was about \$4 billion a year.

PHILLIPS: That's correct, and I think it's a little bit more.

S. TURNER: Right, but that's been the figure that's been batted about, about \$4 billion a year? Under the bill as amended, **SJR 2**, as amended, the amount is going to be pretty much the same as what was in the old bill?

PHILLIPS: That's correct.

S. TURNER: Now and into the future?

PHILLIPS: Yes. I think it will grow in the future, but yes.

S. TURNER: It's about a billion dollars a year that's going to be going to transportation?

PHILLIPS: Yes, but I think that's a conservative estimate; that's what the LBB gave us through 2018, and they didn't give us the estimates before.

S. TURNER: So about \$2 billion a year from the rainy day fund is going into transportation? Biennium, biennium, \$2 billion a year.

PHILLIPS: Biennium, yes, yes.

S. TURNER: Okay, that's similar to the democratic proposal that came out earlier, where people were advancing a 2-2-2—two for education, two for water, two for transportation; you're pretty much adopting the democratic plan, so to speak, in your bill, as amended.

PHILLIPS: I don't think that's exactly what it is. This is the Nichols plan.

S. TURNER: It doesn't matter what we call it, as long as you're trying to achieve the ultimate goal.

PHILLIPS: The ultimate goal is more funds to transportation.

S. TURNER: I understand that, but the democrats have been very helpful in getting water. Now the democrats, you're asking us to be very helpful in fulfilling the democratic plan of 2-2-2?

PHILLIPS: Yes, helpful.

S. TURNER: Nothing wrong with it; democrats and republicans can work together, but you are borrowing some good ideas. The point is that the democrats, at the beginning of session, proposed the 2-2-2 plan, and now you're giving \$2 billion to transportation from the rainy day fund. Fair assumption, I mean, fair characterization?

PHILLIPS: In a very large sense, but it's a continuation. This isn't something that they can plan on. That's really the purpose, is to give them—

S. TURNER: Right, but the point is, the trigger is gone, \$2 billion biennium to transportation coming out of the rainy day fund, and we all recognize that there are additional dollars that are needed for transportation.

PHILLIPS: Right, but it didn't all come out of the rainy day fund. It's just not going to be going in to the rainy day fund.

S. TURNER: I'm sorry. Okay, I know. It's not pulling out, but the money that's going in is going—

PHILLIPS: We're going to siphon that off.

S. TURNER: That's right. Okay, is there anything embedded in this bill, as amended, that we should be aware of? Is there anything that's implanted in this bill, as amended, other than what we've talked about that we should be aware of?

PHILLIPS: No, sir, those three things that you went over.

S. TURNER: Okay, what about the bonds? How are we treating Prop 12?

PHILLIPS: Currently, Prop 12 can only be paid out of GR. This will allow—you may pay them out of—if money goes into Fund 6 from this mechanism, the appropriators could appropriate that money, or part of that money, to pay the cost of those bonds, to pay that payment.

S. TURNER: Okay. And the reason why I ask, I'm looking at those who have signed onto the amendment—and I know Representative Van Taylor won't mind me mentioning his name—but Representative Van Taylor is on this amendment. I'm just trying to figure is there anything in this bill, as amended, that I need to be aware of if I end up voting with Representative Van Taylor, my good friend, so is there something I'm not asking that I should be asking for purposes of transparency?

PHILLIPS: No, sir, and I probably—a lot of people were busy. I would have tried to get a mixture of folks on there, more democrats on there, but I just didn't have an opportunity. Everybody was kind of busy the last day working on stuff, and most of those people that did come to me had a problem with the \$6 billion number, and that's why they signed on that. Because it's just like you had a problem, or you mentioned issues with \$6 billion; they had a problem with the six number. They didn't want it in the constitution, just different people.

REPRESENTATIVE GIDDINGS: Representative Phillips, is there anything in your bill that precludes other major issues from being addressed at some time in the future?

PHILLIPS: I don't believe so, because the rainy day fund—we don't tell you how to address that. Let's say you have a major—that's a great question. Let's say you have a hurricane or a major storm, and we have \$10 billion in the rainy day fund. There is no change in how you access that. And it also—any unearned, I mean unspent—if we don't spend all of the revenue, this bill doesn't touch that. That goes into the rainy day fund and the interest of the rainy day fund stays there. And I also take Representative Howard's challenge that we probably need to spend over the next few days to figure out how we do the rainy day fund. What kind of investments do we do, those kind of things.

GIDDINGS: As it relates to messaging, I talked to you a little bit about this in Appropriations. I don't want to send a signal with your bill that transportation is a higher priority than health care or education and that kind of thing. Do you think your bill does that?

PHILLIPS: No, I don't think so, because it just addresses a critical need that we have in this state, that our citizens that are in gridlock every day, or are on unsafe roads, or that can't get that drilling equipment to the drill site, know we need to address. At the same time, we are going to be looking at addressing water. And we also know that we have a court case coming up, and so, if you talk about education as a priority, I think most of us know we put funds in and we did it in a great way because we helped the equity. So, basically we're waiting to see from the court what aspects of that school finance needs to be changed, and I think people are aware of that; they're sophisticated enough to know that.

GIDDINGS: With water already being on the ballot, and then adding this to the ballot, do you think we've put together a load that's too heavy for our constituents?

PHILLIPS: I don't think so. I think you're going to have two oars in the water, so to speak, for water, or a faster car pushing these two initiatives. I think you're going to see the advocates partner and say, "Let's invest in infrastructure in this state." And if you're going to get out and vote for water, you're going to vote for transportation. If you're going to vote for transportation, you're going to vote for water. I'm not afraid of that. I think that would be symbiotic and helpful.

GIDDINGS: Well, even at this minute, I'm not quite certain, but we are making a real departure, are we not, because we've always said the economic stabilization fund was only to be used for things that were not continuing, just one-time things?

PHILLIPS: Right, and I think we're doing that. I don't really think it's semantics; I think we're making a policy decision. I don't think that anybody ever dreamed that we would be getting that much money from the severance tax, and gosh, we've got to continue to get those oil and gas vehicles to and from, and we certainly know it's tied to all of us driving so much of that thing that's being severed is being refined and we're driving in petrol.

GIDDINGS: One last question, and you might think it's irrelevant, but it's not for me. If we find ourselves in a jam in education and health care some time in the future, could you be supportive in getting some funds, depending on the circumstances, from the rainy day fund?

PHILLIPS: Yes, and in fact this time I voted, which I think helps us get education—I voted for it. I think I've always—I don't think I've ever voted against it. I don't want to say that for sure, but yes.

(Cortez, E. Rodriguez, and Walle now present)

The vote of the house was taken on the adoption of **SJR 2**, as amended, and the vote was announced yeas 103, nays 33.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 55): 105 Yeas, 28 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Cook; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, Y.; Deshotel; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Giddings; Goldman; Gonzales; Guerra; Guillen; Harless; Harper-Brown; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Longoria; Lozano; Lucio; Martinez; Menéndez; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Rodriguez, E.; Rose; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, E.S.; Turner, S.; Villalba; White; Workman; Zedler.

Nays — Burnam; Carter; Clardy; Collier; Cortez; Craddick; Davis, S.; Eiland; Frank; Frullo; Geren; González, M.; Gonzalez, N.; Gooden; Herrero; Lewis; Martinez Fischer; Miles; Moody; Naishtat; Nevárez; Perez; Ritter; Rodriguez, J.; Strama; Turner, C.; Walle; Wu.

Present, not voting — Mr. Speaker; Bonnen, D.(C).

Absent, Excused — Canales; Johnson; Márquez.

Absent — Anchia; Coleman; Dukes; Dutton; Gutierrez; Hernandez Luna; McClendon; Oliveira; Sheffield, J.; Villarreal; Vo; Zerwas.

The chair stated that **SJR 2**, as amended, was adopted by the above vote.

#### STATEMENTS OF VOTE

I was shown voting no on Record No. 55. I intended to vote yes.

Clardy

I was shown voting no on Record No. 55. I intended to vote yes.

Perez

#### LEAVE OF ABSENCE GRANTED

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

Vo on motion of Howard.

#### REMARKS ORDERED PRINTED

Representative Giddings moved to print remarks between Representative Phillips and Representative Giddings and between Representative Phillips and Representative S. Turner on **SJR 2**.

The motion prevailed.

**LEAVE OF ABSENCE GRANTED**

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

Oliveira on motion of Perez.

**HR 219 - ADOPTED  
(by Raymond and S. Thompson)**

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 219**.

The motion prevailed.

The following resolution was laid before the house:

**HR 219**, In memory of Preston Murdoch Geren, Jr., of Fort Worth.

(Speaker in the chair)

**HR 219** was read and was unanimously adopted by a rising vote.

On motion of Speaker Straus, the names of all the members of the house were added to **HR 219** as signers thereof.

**LEAVES OF ABSENCE GRANTED**

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

Gutierrez on motion of Martinez Fischer.

Hernandez Luna on motion of Wu.

Villarreal on motion of Farrar.

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

Zerwas on motion of Callegari.

**SJR 2 - HOUSE SPONSORS AUTHORIZED**

On motion of Representative Pitts, Representatives Harper-Brown and Murphy were authorized as house sponsors to **SJR 2**.

**LEAVE OF ABSENCE GRANTED**

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

McClendon on motion of Kolkhorst.

**HR 180 - ADOPTED  
(by Alonzo and T. King)**

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 180**.

The motion prevailed.

The following resolution was laid before the house:

**HR 180**, Recognizing the "First Annual Commemoration of Our Chicano Legacy" to be held in Crystal City in November 2013.

**HR 180** was adopted.

**HR 181 - ADOPTED**  
**(by Alonzo)**

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 181**.

The motion prevailed.

The following resolution was laid before the house:

**HR 181**, Congratulating Ricardo Carrillo and the staff of Carrillo Funeral Homes on receiving the Preferred Funeral Directors Award and the Selected Independent Directors Award.

**HR 181** was adopted.

**HCR 7 - ADOPTED**  
**(by Hilderbran)**

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HCR 7**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 7**, Commending U.S. Army Brigadier General (Ret.) Walter Schellhase for his service to the Hill Country Veterans Council.

**HCR 7** was adopted.

**SCR 3 - ADOPTED**  
**(T. King - House Sponsor)**

Representative T. King moved to suspend all necessary rules to take up and consider at this time **SCR 3**.

The motion prevailed.

The following resolution was laid before the house:

**SCR 3**, In memory of John Byron Strait, Sr.

**SCR 3** was unanimously adopted by a rising vote.

**RECESS**

Representative Raymond moved that the house recess until 1 p.m. tomorrow in memory of Preston Murdoch Geren, Jr., of Forth Worth.

The motion prevailed.

The house accordingly, at 11:49 a.m., recessed until 1 p.m. tomorrow.

