

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, SECOND CALLED SESSION

PROCEEDINGS

FIRST DAY — MONDAY, JULY 1, 2013

In obedience of the proclamation of His Excellency, Rick Perry, Governor of the State of Texas, convening the 83rd Legislature, Second Called Session, to meet in special session at Austin, Texas, the seat of government, on this the first day of July 2013, the members of the House of Representatives assembled in the hall of the House of Representatives, and at 2 p.m., at the request of the speaker, the house was called to order by the Honorable Linda Harper-Brown.

The roll of the house was called and a quorum was announced present (Record 1).

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; Elkins; Fallon; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; 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; McClendon; Menéndez; Miles; 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; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Eiland; Huberty; Martinez; Oliveira; Riddle; Ritter; Sheffield, J.; Villalba.

Absent — Martinez Fischer.

The chair recognized Representative Flynn who introduced John Robinson, pastor, Assembly of Yahvah, Emory, who offered the invocation as follows:

Heavenly Father, I thank you that you are bigger than us today, that your house is bigger than this house, that your laws are immeasurably more significant than any of the laws that have been made here. I thank you that your ways are higher than our ways and your thoughts are higher than ours.

But today, I would ask that our thoughts would be your thoughts; today, I pray that our ways would be your ways. Let our house be your house today, and let our laws be a reflection of your laws. Help us to feel what you feel. Help us to be grieved about the things that break your heart and give us the discernment to recognize those things. Please don't let us be comfortable if some of our lawmakers are lawbreakers, but teach us to tremble at your word with a holy fear of displeasing or dishonoring you. Help us to remember that our words spoken here today will reverberate throughout eternity.

We know that there is a time to weep and a time to rejoice. Help us to sow tears of sorrow today so we can rejoice tomorrow. Open our ears so that we can hear your wisdom crying in the streets. Open our eyes so that we can see your truth that seems to be hidden in plain view, right before us. Please help us as individuals to seek harmony and unity with you and then allow you to work out the other details.

I thank you for the representatives that we have here today from all over our state, but today, I ask you for someone to represent you. Please send us your duly elected representative. We need a representative who knows you and loves you enough to plead for justice on your behalf. We need leaders who have learned to follow you. And when you send them, please help us to recognize them for who they are and to give them a cup of cool water instead of ridiculing or opposing them like we have done in the past. Help us to get our eyes off of ourselves and to be more concerned about our righteousness than our rights.

Yahvah, I thank you that your children need not be discouraged or dismayed. It's good to know that your servants don't need to be frustrated or worried about the dark storm clouds on the horizon because you have heard our prayers and help is on the way and truth will prevail. Thank you most of all for the sacrifice of your son, Yahshua, by whose death we are justified and by whose life we can be saved.

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

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

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

TO ALL WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, GOVERNOR OF THE STATE OF TEXAS, by the authority vested in me by Article III, Section 5 and Article IV, Section 8 of the Texas Constitution, do hereby call an extraordinary session of the 83rd Legislature, to convene in the city of Austin, commencing at 2 p.m. on Monday, July 1, 2013, for the following purposes:

To consider legislation relating to the regulation of abortion procedures, providers, and facilities.

To consider legislation relating to the funding of transportation infrastructure projects.

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

The secretary of state will take notice of this action and will notify the members of the legislature of my action.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the city of Austin, Texas, this the 26th 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 No. 1.)

LEAVES OF ABSENCE GRANTED

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

Eiland on motion of C. Turner.

Huberty on motion of J. Davis.

Martinez on motion of Moody.

Oliveira on motion of Raymond.

Ritter on motion of Geren.

J. Sheffield on motion of R. Miller.

Villalba on motion of Dale.

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

Riddle on motion of Burkett.

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

Smithee on motion of Kuempel.

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

Menéndez on motion of Larson.

PARLIAMENTARY INQUIRY

REPRESENTATIVE C. TURNER: Madam Speaker, I had a parliamentary inquiry. Is it possible to still make the inquiry?

CHAIR (Harper-Brown in the chair): Yes, state your inquiry.

C. TURNER: Do the rules of the house that we adopted at the beginning of the regular session permit committees to hold public hearings on legislation outside of Austin?

CHAIR: Yes, in fact the committees held redistricting hearings throughout the state.

C. TURNER: Right, I recall that. So we do have a practice of committees holding committee hearings. Speaking of redistricting, Madam Speaker, is it fair to say that the redistricting legislation involves rights guaranteed by the constitution and the federal Voting Rights Act?

CHAIR: You will have to ask Mr. Darby about why he held meetings throughout the state.

C. TURNER: Okay. I think it's commonly accepted that redistricting does involve constitutional rights. So, parliamentary inquiry, Madam Speaker.

CHAIR: State your inquiry.

C. TURNER: Since we have some precedent in recent history of holding hearings when legislation affects a great number of people and involves constitutional rights, there is some precedent for holding public hearings, and my question is, does it require a vote of the body, a vote of the house, to authorize public hearings by committees outside of Austin? Or may the committee chair schedule those hearings at his or her discretion?

CHAIR: I will let you take that up with the committee chair.

C. TURNER: So it's at the chair's discretion?

CHAIR: If you would, take that up with the committee chairman.

C. TURNER: Okay, so if members wish to suggest to a committee chairman, if he or she is hearing a bill that impacts peoples' constitutional rights across the State of Texas, it would be appropriate then for members to approach that committee chair and suggest a series of field hearings?

CHAIR: The good news is, Mr. Turner, that the members of the Texas House have never been shy about asking the chairman for certain actions.

C. TURNER: I would agree with that, Madam Speaker, thank you.

REMARKS ORDERED PRINTED

Representative C. Turner moved to print remarks between the chair and Representative C. Turner.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

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

M. González on motion of Moody.

ADJOURNMENT

Representative Geren moved that the house adjourn until 10 a.m. Tuesday, July 9.

The motion prevailed.

The house accordingly, at 2:47 p.m., adjourned until 10 a.m. Tuesday, July 9.

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

To State Affairs.

HB 4 (By Kolkhorst), Relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

To Criminal Jurisprudence.

HB 7 (By Moody), Relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

To Criminal Jurisprudence.

HB 8 (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 9 (By Harper-Brown), Relating to the allocation of revenue derived from state gasoline and special fuels taxes.

To Appropriations.

HB 10 (By Canales), Relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

To Criminal Jurisprudence.

HB 13 (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 14 (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 Appropriations.

HB 15 (By Pickett), Relating to the Texas Mobility Fund.

To Appropriations.

HB 16 (By Pickett), Relating to the allocation of certain fuel-related tax revenue.

To Appropriations.

HB 17 (By Fletcher), Relating to prohibiting abortion that is based on the sex of the unborn child; creating an offense.

To State Affairs.

HB 18 (By Krause), Relating to the regulation of abortion procedures.

To State Affairs.

HJR 1 (By Phillips), 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 certain general revenue transferred to the state highway fund.

To Appropriations.

HJR 2 (By Pickett), Proposing a constitutional amendment to provide for revenue from motor fuel taxes to be used solely for constructing, maintaining, and acquiring rights-of-way for certain 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 7 (By Harper-Brown), Proposing a constitutional amendment providing for the transfer of certain state revenue to the Texas Mobility Fund.

To Appropriations.

HJR 8 (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 9 (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 10 (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.

