

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TENTH DAY — MONDAY, FEBRUARY 4, 2013

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 29).

Present — Mr. Speaker; Alonzo; 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; Elkins; Farias; Farney; Farrar; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; 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; 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; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Alvarado; Anderson; Dutton; Fallon; King, P.; Phillips.

Absent — Allen; Eiland; Herrero; Walle.

The speaker recognized Representative T. King who introduced Reverend Tim Fahrenthold, pastor, First United Methodist Church, Uvalde, who offered the invocation as follows:

Romans 13:1, 4 says, "Everyone must submit to the governing authorities. For all authority comes from God and those in positions of authority have been placed there by God. The authorities are God's servants, sent to do you good. The ruler is a servant of God called to serve and benefit you." Lord, I thank you for these legislators and those who work with them. Lord, you have called these people—chosen them for these positions of leadership—to bless us, this state, and our nation. We thank you that they can trust that you will provide everything they need in order for them to do their jobs. Lord, there are so many difficult issues before them—like the consequences of the drought on agriculture and the

educational system—but nothing is too difficult for you, Lord. And so in all the decisions they have to make, give them your wisdom, understanding, discernment, patience, the willingness to compromise, and the courage to do the right thing.

Lord Jesus, bless them for the ways they bless us. Bless them for the sacrifices that they have made of their money, time, and other things in order to serve in this way. Lord, it is so easy for all of us to lord our power and authority over others, so by your grace, help them to be true public servants. And Lord, by your power may the decisions they make result in "Justice rolling on like a river and righteousness like a never failing stream." (Amos 5:24) It is in the mighty name of Lord Jesus Christ that we pray these things. Amen.

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

LEAVES OF ABSENCE GRANTED

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

Alvarado on motion of Raymond.

Anderson on motion of R. Sheffield.

Fallon on motion of Ashby.

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

Dutton on motion of Raymond.

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

P. King on motion of Laubenberg.

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

Phillips on motion of Otto.

(Walle now present)

(Frank in the chair)

CAPITOL PHYSICIAN

The chair recognized Representative Kleinschmidt who presented Dr. Kanaka Paladugu of Bastrop as the "Doctor for the Day."

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

(Dutton now present)

HR 226 - ADOPTED
(by Farrar)

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 226**.

The motion prevailed.

The following resolution was laid before the house:

HR 226, Recognizing February 2, 2013, as World Wetlands Day.

HR 226 was read and was adopted.

On motion of Representative Wu, the names of all the members of the house were added to **HR 226** as signers thereof.

(Eiland now present)

INTRODUCTION OF GUESTS

The chair recognized Representative Farrar who introduced participants in World Wetlands Day.

HR 279 - ADOPTED
(by Harless)

Representative Harless moved to suspend all necessary rules to take up and consider at this time **HR 279**.

The motion prevailed.

The following resolution was laid before the house:

HR 279, Honoring Northwest Assistance Ministries of Houston on its 30th anniversary.

HR 279 was adopted.

HR 317 - ADOPTED
(by Price)

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 317**.

The motion prevailed.

The following resolution was laid before the house:

HR 317, Commemorating the 10th anniversary of the space shuttle Columbia tragedy.

HR 317 was adopted.

On motion of Representative Frullo, the names of all the members of the house were added to **HR 317** as signers thereof.

(Allen and Herrero now present)

HR 273 - ADOPTED
(by Muñoz)

Representative Muñoz moved to suspend all necessary rules to take up and consider at this time **HR 273**.

The motion prevailed.

The following resolution was laid before the house:

HR 273, Welcoming members of Leadership Mission to the State Capitol and honoring them for their community service.

HR 273 was read and was adopted.

On motion of Representatives Canales, Guerra, and Longoria, the names of all the members of the house were added to **HR 273** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Muñoz who introduced members of Leadership Mission.

HR 306 - ADOPTED
(by N. Gonzalez, Pickett, Márquez, Moody, and M. González)

Representative N. Gonzalez moved to suspend all necessary rules to take up and consider at this time **HR 306**.

The motion prevailed.

The following resolution was laid before the house:

HR 306, Recognizing the delegation from Valle Verde Early College High School in Ysleta for their participation in the Texas Capitol Schoolhouse event.

HR 306 was read and was adopted.

On motion of Representative Moody, the names of all the members of the house were added to **HR 306** as signers thereof.

HCR 33 - ADOPTED
(by Larson)

Representative Larson moved to suspend all necessary rules to take up and consider at this time **HCR 33**.

The motion prevailed.

The following resolution was laid before the house:

HCR 33, Recognizing Municipal Government Day at the State Capitol.

HCR 33 was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HCR 33** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Larson who introduced members of the Texas Municipal League.

HR 247 - ADOPTED
(by S. King)

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 247**.

The motion prevailed.

The following resolution was laid before the house:

HR 247, Welcoming the Sweetwater Jaycees to the State Capitol for their Rattlesnake Roundup.

HR 247 was read and was adopted.

On motion of Representative Murphy, the names of all the members of the house were added to **HR 247** as signers thereof.

HR 166 - ADOPTED
(by Pickett)

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 166**.

The motion prevailed.

The following resolution was laid before the house:

HR 166, Congratulating Montwood High School basketball coach Tony Harper on attaining his 900th career victory.

HR 166 was adopted.

REGULAR ORDER OF BUSINESS SUSPENDED

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

PROVIDING FOR ADJOURNMENT

At 2:45 p.m., Representatives J. Sheffield, Howard, and Craddick moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Chris Kyle of Odessa, Alex Hutson of Rollingwood, and the Honorable Frank Cahoon of Midland.

The motion prevailed.

**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 No. 1.)

(Farrar in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 2:55 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

HOUSE COMMITTEE SCHEDULE

83rd Legislature - Regular Session
Effective Monday, February 4, 2013

MONDAY**7 a.m.**

Appropriations	E1.030
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2 p.m. or upon adjournment

Elections	E2.028
Government Efficiency and Reform	E1.026
International Trade and Intergovernmental Affairs	E1.014
Investments and Financial Services	E2.030
Judiciary and Civil Jurisprudence	E2.012
Land and Resource Management	E2.016
Pensions	E2.026
Technology	E2.010
Ways and Means	E2.014

4 p.m. or upon adjournment

Local and Consent Calendars	E2.020
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TUESDAY**8 a.m.**

Natural Resources	E2.010
Transportation	E2.012

10:30 a.m. or upon adjournment

Criminal Jurisprudence	E2.016
Environmental Regulation	E1.026
Human Services	E2.030
Rules and Resolutions	Agricultural Museum, 1W.14

2 p.m. or upon adjournment

Business and Industry	E2.014
Insurance	E2.026
Licensing and Administrative Procedures	E1.010
Public Education	E2.036

WEDNESDAY**8 a.m.**

Agriculture and Livestock	E1.010
Public Health	E2.012

Special Purpose Districts	E2.014
10:30 a.m. or upon adjournment	
State Affairs	JHR 140
Urban Affairs	E2.016
2 p.m. or upon adjournment	
Corrections	E2.010
Culture, Recreation, and Tourism	E2.026
Energy Resources	JHR 120
Federalism and Fiscal Responsibility, Select	E2.036
Higher Education	E1.014

THURSDAY

8 a.m.	
Defense and Veterans' Affairs	E2.012
Economic and Small Business Development	E2.014
General Investigating and Ethics	E1.010
Homeland Security and Public Safety	E2.010
10:30 a.m. or upon adjournment	
County Affairs	E2.016
Criminal Procedure Reform, Select	E2.028
Redistricting	E2.026

The House Select Committee on Transparency in State Agency Operations will meet at the discretion of the co-chairs.

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 1 (By Pitts), General Appropriations Bill.
To Appropriations.

HB 4 (By Ritter), Relating to the creation and funding of the state water implementation fund for Texas to assist the Texas Water Development Board in the funding of certain water-related projects.
To Natural Resources.

HB 21 (By Martinez Fischer), Relating to a central database containing information about offenders who have committed certain offenses against children or offenses involving family or dating violence.
To Homeland Security and Public Safety.

HB 22 (By Martinez Fischer), Relating to the establishment of a public service requirement for undergraduate students, known as Service to Texas, at public institutions of higher education.
To Higher Education.

HB 23 (By Martinez Fischer), Relating to restrictions on the use of commercial social networking sites by sex offenders; imposing a criminal penalty.

To Criminal Jurisprudence.

HB 24 (By Martinez Fischer), Relating to the appointment and duties of and the funding for an executive commissioner for the prevention of driving while intoxicated.

To Homeland Security and Public Safety.

HB 25 (By Branch), Relating to the Texas Higher Education Coordinating Board's student success-based funding recommendations for certain public institutions of higher education.

To Higher Education.

HB 26 (By Martinez Fischer), Relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims or whose immediate family members are victims of sexual assault or family violence.

To Economic and Small Business Development.

HB 27 (By Martinez Fischer), Relating to the creation of an offense for certain prohibited uses of a wireless communication device while operating a motor vehicle.

To Transportation.

HB 28 (By Martinez Fischer), Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.

To Higher Education.

HB 29 (By Branch), Relating to requiring general academic teaching institutions to offer a fixed tuition rate plan to undergraduate students.

To Higher Education.

HB 30 (By Branch), Relating to measures to facilitate the transfer of students within the public higher education system and the timely graduation of students from public institutions of higher education.

To Higher Education.

HB 31 (By Branch), Relating to certain requirements applicable to meetings of the governing board of a state university or state university system.

To Higher Education.

HB 32 (By Menéndez), Relating to the punishment for and certain civil consequences of committing the offense of prostitution.

To Criminal Jurisprudence.

HB 33 (By Menéndez), Relating to alternative methods of dispute resolution in certain disputes between the Department of Aging and Disability Services and an assisted living facility licensed by the department.

To Human Services.

HB 34 (By Menéndez), Relating to the consumption of alcoholic beverages on certain premises; providing a penalty.

To Licensing and Administrative Procedures.

HB 35 (By Menéndez), Relating to the authority of a property owners' association to regulate the use of certain lots for residential purposes.

To Business and Industry.

HB 36 (By Menéndez), Relating to the criminal penalty for and certain civil consequences of damaging property with graffiti.

To Criminal Jurisprudence.

HB 37 (By Menéndez), Relating to ensuring the continuation of certain public benefits, including medical assistance, for individuals after release from confinement in a county jail.

To Public Health.

HB 38 (By Menéndez), Relating to the penalty for an offense involving motor vehicle airbags.

To Transportation.

HB 39 (By Menéndez), Relating to extending a local behavioral health intervention pilot project.

To Public Health.

HB 40 (By Menéndez), Relating to the sales tax exemption period for clothing, footwear, and certain other items.

To Ways and Means.

HB 41 (By Menéndez), Relating to the use of a wireless communication device while operating a motor vehicle; providing for penalties.

To Transportation.

HB 42 (By Menéndez), Relating to the prosecution of the offenses of gambling and keeping a gambling place.

To Licensing and Administrative Procedures.

HB 43 (By Menéndez), Relating to the establishment of the affordable assisted living facility program.

To Human Services.

HB 44 (By Flynn), Relating to a moratorium on administering assessment instruments to public school students under the public school accountability system.

To Public Education.

HB 45 (By Flynn), Relating to the occupational licensing of members of the military and spouses of members of the military.

To Defense and Veterans' Affairs.

HB 46 (By Flynn), Relating to the regulation of raw milk and raw milk products.

To Public Health.

HB 47 (By Flynn), Relating to a handgun proficiency course that is taken to obtain or renew a concealed handgun license.

To Homeland Security and Public Safety.

HB 48 (By Flynn), Relating to the procedure under which a person may renew a license to carry a concealed handgun.

To Homeland Security and Public Safety.

HB 49 (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 50 (By Flynn), Relating to renaming the adjutant general's department as the Texas Military Department.

To Defense and Veterans' Affairs.

HB 51 (By Flynn), Relating to the posting of the Ten Commandments in public school classrooms.

To Public Education.

HB 52 (By Flynn), Relating to the sale of a cemetery plot; providing penalties.

To Investments and Financial Institutions.

HB 53 (By Burnam), Relating to certain reimbursements provided for the collection of sales and use taxes.

To Ways and Means.

HB 54 (By Burnam), Relating to certain reimbursements and discounts provided for collection and payment of sales and use taxes.

To Ways and Means.

HB 55 (By Burnam), Relating to the exemption or tax reduction for certain high-cost gas.

To Ways and Means.

HB 56 (By Burnam), Relating to the tax exemption for permanent hotel residents.

To Ways and Means.

HB 60 (By Guillen), Relating to the failure to report a missing child or the death of a child; providing penalties.

To Criminal Jurisprudence.

HB 61 (By Guillen), Relating to the punishment for the offense of arson.

To Criminal Jurisprudence.

HB 62 (By Guillen), Relating to a justice or judge having a substantial interest in a business entity that owns, manages, or operates a private correctional or rehabilitation facility.

To Judiciary and Civil Jurisprudence.

HB 63 (By Craddick), Relating to the creation of an offense for use of a handheld wireless communication device for text-based communication while operating a motor vehicle.

To Transportation.

HB 64 (By Craddick), Relating to the liability of and the validation of certain acts of the Midland County Fresh Water Supply District No. 1.

To Special Purpose Districts.

HB 65 (By Guillen), Relating to the administration to public school students in certain grades of state-administered assessment instruments.

To Public Education.

HB 66 (By Lucio), Relating to the establishment of a pilot program under which high school students may accrue prepaid tuition units at public institutions of higher education by completing certain community service activities.

To Higher Education.

HB 67 (By Lucio), Relating to the establishment by The University of Texas System of a law school in the Rio Grande Valley.

To Higher Education.

HB 68 (By Lucio), Relating to cognitive-linguistic or neurocognitive assessments of participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.

To Public Education.

HB 69 (By Lucio), Relating to the creation of an offense for certain uses of a wireless communication device while operating a motor vehicle.

To Transportation.

HB 70 (By Fletcher), Relating to the exclusion of certain witnesses during a criminal proceeding.

To Criminal Jurisprudence.

HB 71 (By Fletcher), Relating to the classification of automotive repair shops as primarily engaged in retail trade for purposes of the franchise tax.

To Ways and Means.

HCR 22 (By Zedler), In memory of Michael Gilles Purgason of Arlington.

To Rules and Resolutions.

HR 10 (By Patrick), Honoring Robert Griffin III for winning the 2011 Heisman Trophy.

To Rules and Resolutions.

HR 25 (By Patrick), In memory of Tom Weeks Foster of Arlington.

To Rules and Resolutions.

HR 26 (By Patrick), In memory of Thomas Carson Edmondson, Jr., of Arlington.

To Rules and Resolutions.

HR 28 (By Patrick), In memory of Brenda Sue Davis of Arlington.

To Rules and Resolutions.

HR 29 (By Patrick), In memory of James L. Bearden of Arlington.
To Rules and Resolutions.

HR 30 (By Patrick), In memory of Ralph H. Burnette of Arlington.
To Rules and Resolutions.

HR 31 (By Patrick), Commemorating the opening of College Park Center at The University of Texas at Arlington.
To Rules and Resolutions.

HR 32 (By Patrick), In memory of Jack Edwin Harris, Sr., of Arlington.
To Rules and Resolutions.

HR 33 (By Patrick), In memory of Dr. Kenneth Rochell Leggett, Jr.
To Rules and Resolutions.

HR 34 (By Patrick), In memory of Arabella Davis of Arlington.
To Rules and Resolutions.

HR 35 (By Patrick), In memory of Robbie Inez Risinger of Arlington.
To Rules and Resolutions.

HR 36 (By Patrick), In memory of Cherry Rainone of Arlington.
To Rules and Resolutions.

HR 37 (By Patrick), In memory of Charline Johnston of Arlington.
To Rules and Resolutions.

HR 38 (By Patrick), In memory of former Arlington mayor Harold E. Patterson.
To Rules and Resolutions.

HR 39 (By Patrick), In memory of Margaret Ruth Williams Meador of Arlington.
To Rules and Resolutions.

HR 40 (By Patrick), In memory of William T. Bryant, Jr., of Arlington.
To Rules and Resolutions.

HR 45 (By Pickett), Commemorating the 100th anniversary of the Roman Catholic Diocese of El Paso.
To Rules and Resolutions.

HR 46 (By Alonzo), Commemorating Cinco de Mayo 2014.
To Rules and Resolutions.

HR 47 (By Alonzo), Commemorating Cinco de Mayo 2013.
To Rules and Resolutions.

HR 48 (By Alonzo), Recognizing the 27th annual Grand Prairie Cinco de Mayo celebration in 2014.
To Rules and Resolutions.

HR 49 (By Alonzo), Recognizing the 26th annual Grand Prairie Cinco de Mayo celebration in 2013.
To Rules and Resolutions.

HR 50 (By Alonzo), Paying tribute to the life of Irma Rangel and honoring the students of the Irma Lerma Rangel Young Women's Leadership School in 2013-2014, on the 10th anniversary of the opening of the school.

To Rules and Resolutions.

HR 51 (By Alonzo), Paying tribute to the life of Irma Rangel and honoring the students of the Irma Lerma Rangel Young Women's Leadership School in 2012-2013, on the ninth anniversary of the opening of the school.

To Rules and Resolutions.

APPENDIX

SENT TO THE SECRETARY OF THE STATE

January 31 - HCR 27

