

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTEENTH DAY — THURSDAY, FEBRUARY 7, 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 32).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; 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; 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; Martínez; Martínez Fischer; McClendon; 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; 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; Walle; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Carter; Elkins.

Absent — Menéndez; Raymond.

The speaker recognized Representative Hernandez Luna who introduced Reverend Patrick J. Miller, rector, St. Mark's Episcopal Church, Houston, who offered the invocation as follows:

Most gracious God, we give you thanks for the gift of the State of Texas. Through the ages of time your people have been nourished by her land, fed by her springs, made wealthy by her resources. We give you thanks for the gift of leadership, for people willing to sacrifice themselves for a greater good. We give you thanks for the gift of your prophets who challenge us to bring good news to the poor, proclaim release to the captive, of recovery of sight to the blind, of freedom for the oppressed, and proclamation of the year of the Lord's favor for us all.

Bless these people gathered here who have accepted the call to serve our state. Give them patience in their deliberations, wisdom in their decisions, and courage in their common work to speak the truth. Bless their families who are far away, whose gift to our common good is often overlooked. In all things and in all ways, bless each of us with the memory that we are your worthy and worthwhile creation. Seeking your blessing, we, your stewards, of this, your State of Texas, ask for your grace on each of us today and every day we live. In your holy name. Amen.

The speaker recognized Representative Simmons 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 to attend a funeral:

Elkins on motion of T. King.

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

Carter on motion of J. Davis.

CAPITOL PHYSICIAN

The speaker recognized Representative Paddie who presented Dr. Keith Miller of Center as the "Doctor for the Day."

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

(Goldman in the chair)

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).

LEAVES OF ABSENCE GRANTED

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

Alvarado on motion of Harless.

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

Sanford on motion of Leach.

RESOLUTIONS ADOPTED

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time the following congratulatory 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.

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.

HR 56 (by Alonzo), Commending members of the Texas Dental Association and Texas Dental Association Smiles Foundation and recognizing the 2014 Texas Mission of Mercy.

HR 57 (by Alonzo), Commending members of the Texas Dental Association and Texas Dental Association Smiles Foundation and recognizing the 2013 Texas Mission of Mercy.

HR 66 (by Alonzo), Commemorating the 28th anniversary of Mount St. Michael Catholic School in Dallas in March 2014.

HR 67 (by Alonzo), Commemorating the 27th anniversary of Mount St. Michael Catholic School in Dallas in March 2013.

HR 74 (by Alonzo), Commemorating the Treaty of Guadalupe Hidalgo in 2013, the 165th anniversary of the date it was signed.

HR 75 (by Alonzo), Commemorating the Treaty of Guadalupe Hidalgo in 2014, the 166th anniversary of the date it was signed.

HR 76 (by Alonzo), Commemorating the 110th anniversary of Oak Cliff's annexation to Dallas in 2013.

HR 77 (by Alonzo), Commemorating the 111th anniversary of Oak Cliff's annexation to Dallas in 2014.

The motion to suspend all necessary rules prevailed, and the resolutions were adopted.

RESOLUTIONS ADOPTED

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time the following memorial resolutions:

HR 78 (by Alonzo), Honoring the life of Benito Juarez on March 21, 2013, the 207th anniversary of his birth.

HR 79 (by Alonzo), Honoring the life of Benito Juarez on March 21, 2014, the 208th anniversary of his birth.

HR 80 (by Alonzo and Herrero), Honoring the life of Selena Quintanilla Perez on March 31, 2013, the 18th anniversary of her passing.

HR 81 (by Alonzo and Herrero), Honoring the life of Selena Quintanilla Perez on March 31, 2014, the 19th anniversary of her passing.

HR 82 (by Alonzo), Honoring the life of Cesar Chavez and commemorating the 87th anniversary of his birth on March 31, 2014.

HR 92 (by Alonzo and Herrero), Paying tribute to the life of Selena Quintanilla Perez on April 16, 2014, the 43rd anniversary of her birth.

HR 93 (by Alonzo and Herrero), Paying tribute to the life of Selena Quintanilla Perez on April 16, 2013, the 42nd anniversary of her birth.

The motion to suspend all necessary rules prevailed, and the resolutions were unanimously adopted by a rising vote.

HR 256 - ADOPTED
(by Ashby)

Representative Ashby moved to suspend all necessary rules to take up and consider at this time **HR 256**.

The motion prevailed.

The following resolution was laid before the house:

HR 256, Recognizing February 7, 2013, as Lufkin and Angelina County Day at the State Capitol.

HR 256 was read and was adopted.

On motion of Representative Clardy, the names of all the members of the house were added to **HR 256** as signers thereof.

(Raymond now present)

HCR 39 - ADOPTED
(by Anderson)

Representative Anderson moved to suspend all necessary rules to take up and consider at this time **HCR 39**.

The motion prevailed.

The following resolution was laid before the house:

HCR 39, In memory of the Honorable M. A. Taylor of Waco.

HCR 39 was read and was unanimously adopted by a rising vote.

On motion of Representatives Dutton, Kacal, and Smithee, the names of all the members of the house were added to **HCR 39** as signers thereof.

(Speaker in the chair)

SCR 11 - ADOPTED
(Walle - House Sponsor)

Representative Walle moved to suspend all necessary rules to take up and consider at this time **SCR 11**.

The motion prevailed.

The following resolution was laid before the house:

SCR 11, Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 6, 2013, and ending on Monday, February 11, 2013.

SCR 11 was adopted by (Record 33): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Burnam; Button; Callegari; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; 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; 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; 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; 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; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alvarado; Carter; Elkins; Sanford.

Absent — Menéndez.

(Speaker pro tempore in the chair)

HR 345 - ADOPTED
(by Farrar)

Representative Farrar moved to suspend all necessary rules to take up and consider at this time **HR 345**.

The motion prevailed.

The following resolution was laid before the house:

HR 345, Congratulating Dr. Matthew Steven Tejada on his selection as director of the Environmental Protection Agency Office of Environmental Justice and commending him for his contributions as executive director of Air Alliance Houston.

HR 345 was adopted.

REGULAR ORDER OF BUSINESS SUSPENDED

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

PROVIDING FOR ADJOURNMENT

At 10:50 a.m., Representative Ashby moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 2 p.m. Monday, February 11 in memory of Emily Shelton Watts of Lufkin.

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.)

(Raney in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 11:04 a.m., adjourned until 2 p.m. Monday, February 11.

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 58 (By Burnam), Relating to monies for women's health care services.
To State Affairs.

HB 160 (By Larson), Relating to the reimbursement of state funds used on out-of-state travel by elected officers.
To State Affairs.

HB 165 (By Flynn), Relating to suits affecting the parent-child relationship and placement decisions for children in foster care.
To Human Services.

HB 180 (By Zedler), Relating to the determination of resident status of students by public institutions of higher education.
To State Affairs.

HB 206 (By Márquez), Relating to the punishment for the offense of tampering with certain governmental records based on certain reporting for school districts and open-enrollment charter schools.

To Criminal Jurisprudence.

HB 207 (By Márquez), Relating to prohibited retaliation against state or local public employees for reporting to certain persons violations of law.

To State Affairs.

HB 208 (By Márquez), Relating to the removal from office of a member of the board of trustees of an independent school district.

To Public Education.

HB 209 (By Márquez), Relating to the operation of special student recovery programs by certain school districts.

To Public Education.

HB 210 (By Márquez), Relating to the authority of the commissioner of education to issue subpoenas and conduct accreditation investigations.

To Public Education.

HB 211 (By Fletcher), Relating to the amount of the fee paid by a defendant for a peace officer's services in executing or processing an arrest warrant, *capias*, or *capias pro fine*.

To Criminal Jurisprudence.

HB 212 (By Alonzo), Relating to pretrial hearings in criminal cases.

To Criminal Jurisprudence.

HB 213 (By Hilderbran), Relating to the \$1 million total revenue exemption for the franchise tax.

To Ways and Means.

HB 214 (By Pickett), Relating to the exemption from ad valorem taxation of the total appraised value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

To Ways and Means.

HB 215 (By Pickett), Relating to escrow accounts maintained by tax collectors for the payment of ad valorem taxes.

To Ways and Means.

HB 216 (By Alvarado), Relating to electronic voter registration.

To Elections.

HB 217 (By Alvarado), Relating to the types of beverages that may be sold to students on public school campuses.

To Public Health.

HB 218 (By Alvarado), Relating to prohibiting the manufacture and sale of certain children's products containing bisphenol-A or certain other substances.

To Public Health.

HB 219 (By White), Relating to the provision of certain public benefits and services to persons not lawfully present in the United States and reimbursement from the federal government for those benefits and services.

To State Affairs.

HB 220 (By Price), Relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.

To Criminal Jurisprudence.

HB 221 (By Fletcher), Relating to the elimination of the statute of limitations for certain felony offenses.

To Criminal Jurisprudence.

HB 222 (By Huberty), Relating to a public school student's eligibility for a public education grant to attend another public school.

To Public Education.

HB 223 (By Huberty), Relating to the carrying of concealed handguns by certain persons attending a school board meeting.

To Homeland Security and Public Safety.

HB 224 (By Huberty), Relating to the use of a public school student's performance on an end-of-course assessment instrument in determining the student's final grade for the course.

To Public Education.

HB 226 (By S. Thompson), Relating to prohibition of certain insurance discrimination.

To Insurance.

HB 227 (By Larson), Relating to the appropriation of money from the economic stabilization fund to be used for the purposes of the water infrastructure fund during the next state fiscal biennium.

To Appropriations.

HB 228 (By Perry), Relating to the maximum rate of growth of appropriations.

To Appropriations.

HB 229 (By Isaac), Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who dies while on active duty.

To Ways and Means.

HB 230 (By Isaac), Relating to exempting textbooks purchased, used, or consumed by university and college students from the sales and use tax for a limited period.

To Ways and Means.

HB 231 (By Isaac), Relating to suspending Employees Retirement System of Texas annuity payments for employees who return to work for the state.

To Pensions.

HB 232 (By Guillen), Relating to allowing certain minors convicted of certain alcohol offenses to perform community service instead of attending an alcohol awareness program.

To Licensing and Administrative Procedures.

HB 233 (By Guillen), Relating to the creation of the offense of obstruction of or retaliation against a process server.

To Criminal Jurisprudence.

HB 234 (By Guillen), Relating to the optional flexible school day program provided by school districts.

To Public Education.

HB 235 (By Riddle), Relating to the punishment prescribed for burglary of a vehicle and to grants of community supervision to persons who commit that offense.

To Criminal Jurisprudence.

HB 236 (By Riddle), Relating to the eligibility of certain peace officers for an exemption from ad valorem taxation of the officers' residence homestead.

To Ways and Means.

HB 237 (By P. King), Relating to the limitation on the rate of growth in appropriations from state tax revenues.

To Appropriations.

HB 238 (By Villarreal), Relating to the prohibition of employment discrimination on the basis of sexual orientation or gender identity or expression.

To Economic and Small Business Development.

HB 239 (By Guillen), Relating to the use of a wireless communication device or other portable electronic device to provide evidence of motor vehicle financial responsibility.

To Technology.

HB 240 (By Guillen), Relating to the period of license suspension after moving violations for a holder of a provisional driver's license.

To Transportation.

HB 241 (By Otto), Relating to the notice provided by the chief appraiser of an appraisal district of the availability of agreement forms authorizing certain electronic communications.

To Ways and Means.

HB 242 (By Otto), Relating to the requirement that certain ad valorem tax-related notices be delivered to a property owner by certified mail.

To Ways and Means.

HB 243 (By Menéndez), Relating to the authority of a community center that provides mental health or mental retardation services to sell certain real property of the center.

To Human Services.

HB 244 (By Menéndez), Relating to requiring photo identification for credit card purchases.

To Investments and Financial Institutions.

HB 245 (By Menéndez), Relating to the authority of emergency room physicians and certain certified emergency medical services professionals to hold a person believed to have a mental illness; establishing mental health crisis intervention certification for certain emergency medical services personnel.

To Public Health.

HB 246 (By Walle), Relating to the rates charged by water and sewer utilities.

To Natural Resources.

HB 247 (By Walle), Relating to the adoption of noise regulations by certain counties; providing a criminal penalty.

To County Affairs.

HB 248 (By Walle), Relating to the regulation of automotive wrecking and salvage yards in certain counties.

To Transportation.

HB 249 (By Laubenberg), Relating to the drug testing of certain persons seeking financial assistance benefits.

To Human Services.

HB 250 (By D. Miller), Relating to the designation of a segment of Interstate Highway 35 as the Trooper Randy Vetter Memorial Highway.

To Transportation.

HB 251 (By Guillen), Relating to considering the performance of certain students on state assessment instruments in evaluating school district and campus performance.

To Public Education.

HB 252 (By Larson), Relating to water shortage reporting by water utilities.

To Natural Resources.

HB 253 (By Larson), Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.

To Ways and Means.

HB 254 (By Miles), Relating to an exemption for farms from payment for wastewater service.

To Natural Resources.

HB 255 (By Miles), Relating to mandatory supervision for certain offenses involving the possession of a controlled substance.

To Corrections.

HB 256 (By Miles), Relating to mandatory supervision for certain inmates sentenced following violation of a condition of community supervision.

To Corrections.

HB 257 (By N. Gonzalez), Relating to the creation of the Texas Tech University Health Sciences Center at El Paso as a component institution of the Texas Tech University System.

To Higher Education.

HB 258 (By Murphy), Relating to liability of certain public utilities that allow certain uses of land that the public utility owns, occupies, or leases.

To Judiciary and Civil Jurisprudence.

HB 259 (By Simmons), Relating to the regulation of electioneering at a polling location.

To Elections.

HB 260 (By Callegari), Relating to requiring the use of an ignition interlock device on conviction of certain intoxication offenses.

To Criminal Jurisprudence.

HB 261 (By Miles), Relating to the joint or separate prosecution of a capital felony charged against two or more defendants.

To Criminal Jurisprudence.

HB 262 (By Miles), Relating to offenses involving violating the civil rights of a person in custody and engaging in improper sexual activity with a person in custody; providing certain enhanced penalties.

To Criminal Jurisprudence.

HB 263 (By Flynn), Relating to combination resident hunting and fishing licenses for military personnel.

To Culture, Recreation, and Tourism.

HB 264 (By Aycock), Relating to the public school finance system.

To Public Education.

HB 265 (By Aycock), Relating to the public school finance system.

To Public Education.

HCR 21 (By S. Thompson), Urging the United States Congress to propose and submit to the states for ratification an amendment to the United States Constitution that overturns *Citizens United v. Federal Election Commission*, establishing that the spending of money to influence elections shall not be construed as speech under the First Amendment, and clarifying that only natural persons are protected by constitutional rights.

To Select Federalism and Fiscal Responsibility.

HJR 21 (By Pickett), Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran who died before the law authorizing a residence homestead exemption for such a veteran took effect.

To Ways and Means.

HJR 40 (By Larson), Proposing a constitutional amendment relating to the appropriation of the net revenue received from the imposition of the state sales and use tax on sporting goods.

To Ways and Means.

HJR 41 (By Larson), Proposing a constitutional amendment to require the comptroller of public accounts to make a state revenue report after the first year of a state fiscal biennium and the governor to call a special session of the legislature if actual state revenue for that fiscal year was at least five percent more or five percent less than projected state revenue.

To Ways and Means.

HJR 42 (By Larson), Proposing a constitutional amendment to limit the time that a person may serve as a member of the Texas Legislature or as a statewide elected officer in the executive branch.

To State Affairs.

HJR 43 (By Flynn), Proposing a constitutional amendment prohibiting a court of this state from enforcing, considering, or applying a religious or cultural law.

To State Affairs.

HJR 45 (By Stickland), Proposing a constitutional amendment protecting private schools from state and local regulation.

To Public Education.

HJR 46 (By Burkett), Proposing a constitutional amendment providing for the election and staggering of terms of county commissioners following a change in boundaries of a commissioners precinct.

To Elections.

HJR 49 (By Perry), Proposing a constitutional amendment regarding the maximum amount of appropriations for a state fiscal biennium.

To Appropriations.

HJR 50 (By Isaac), Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who dies while on active duty.

To Ways and Means.

HJR 51 (By Murphy), Proposing a constitutional amendment denying bail to certain persons who are unlawfully present in the United States and are taken into custody for committing a felony.

To State Affairs.

HR 44 (By P. King), Commending Israel for its cordial and mutually beneficial relationship with the United States and the State of Texas and supporting Israel in its legal, historical, moral, and God-given right of self-governance and self-defense.

To International Trade and Intergovernmental Affairs.

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

Thursday, February 7, 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 33 Larson SPONSOR: Seliger
Recognizing Municipal Government Day at the State Capitol.

SB 135 Patrick
Relating to the use of a public school student's performance on an end-of-course assessment instrument in determining the student's final grade for the course.

SCR 11 Whitmire SPONSOR: Walle
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 6, 2013, and ending on Monday, February 11, 2013.

Respectfully,
Patsy Spaw
Secretary of the Senate

