

# HOUSE JOURNAL

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EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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TWENTY-FIRST DAY — THURSDAY, FEBRUARY 21, 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 43).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycoc; 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; Eiland; 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; Huberty; Hughes; Hunter; Isaac; Johnson; Kacal; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Lucio; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

The speaker recognized Representative Craddick who introduced Patrick Payton, senior pastor, Stonegate Fellowship, Midland, who offered the invocation as follows:

Our most gracious, loving, and above all Holy Father, we humbly bow ourselves before you as the legislative day begins and each seeks to serve not only his or her constituency but also the greater good and cause of this great state.

As we stand here before you we are reminded of our solemn duty spoken of by the prophets of old and the writers of the New Testament to love mercy, to fight for justice, to walk humbly with you, and to ensure the safety and well-being of all those we have been set apart to serve. May each in this hall take to heart and then to action all that is necessary so every Texan is provided ample opportunity to pursue and live out all that he or she has been called, designed, and gifted by you as Creator God to be in this life.

As your scriptures tell us that we will always have the poor and needy among us, we ask you for the grace to do what is necessary and needful for those least able to help themselves, but also the courage to expect more from those who are capable of so much more than what they currently believe about themselves. As the scriptures remind us, "To whom much is given much is expected," let us give much, serve much, and expect much.

We ask you for the wisdom and the courage to demand and provide for justice where justice is due and to deliver the results of justice without waiver. As the scriptures remind us that we must never call what is wicked good nor must we call what is good wicked, let us eschew high-minded naivete and cling to the simplicity of right and wrong in all matters of service to this state and its great good.

We ask you for the wisdom and the grace as well as the courage to walk in humility toward you and in respect of the role each in this house serves. To never lose sight of the fact that you are the creator of life and liberty and it is indeed to you that we must give an accounting of the public stewardship entrusted to each one of us serving in the capacity of the public good. May we humbly remember in this service of leadership that many Texans have taken to heart the admonition of the Apostle Peter and pray for many members of this house and their subsequent wisdom and actions in this high calling of public service. May each in this hall walk, speak, and serve in such a way as to be an example to all who might take notice and, indeed, for all who will live by the legacy delivered through the actions of this hall. As we are instructed by the Apostle Paul in 2 Corinthians, we present all of these requests in the name of the resurrected Son of God, our Savior, the Lord Jesus Christ. Amen.

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

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Larson who presented Dr. Michael Dominguez of San Antonio as the "Doctor for the Day."

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

### **MESSAGE FROM THE SENATE**

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

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 5).

**PROCLAMATION BY THE SPEAKER  
AND LIEUTENANT GOVERNOR  
JOINT SELECT COMMITTEE ON HIGHER EDUCATION  
GOVERNANCE, EXCELLENCE, AND TRANSPARENCY APPOINTED**

The speaker submitted the following proclamation for inclusion in the journal:

I, Joe Straus, speaker of the Texas House of Representatives, and I, David Dewhurst, lieutenant governor and president of the Texas Senate, create a Joint Select Oversight Committee on Higher Education Governance, Excellence, and Transparency, to be governed by the following provisions. The creation, membership, and jurisdiction of the committee by the speaker is done pursuant to Rule 1, Section 16 of the House Rules, and by the lieutenant governor pursuant to Rule 11.03 of the Senate Rules.

**SECTION 1. MEMBERSHIP.** The committee consists of the following 16 members:

The following members of the Texas House of Representatives, who serve at the pleasure of the speaker of the House of Representatives: Branch, co-chair; D. Bonnen, vice-chair; Crownover, Howard, Johnson, Kolkhorst, Pitts, and Villarreal.

The following members of the Texas Senate, who serve at the pleasure of the lieutenant governor: Seliger, co-chair; Zaffirini, vice-chair; Birdwell, Duncan, Eltife, Patrick, Watson, and West.

**SECTION 2. ADMINISTRATION.** (a) The co-chairs shall serve as joint chairs of the committee.

(b) The committee shall meet at the call of the joint chairs of the committee.

(c) To the extent not inconsistent with this proclamation, the committee has the powers granted by the house and senate rules to a standing committee.

(d) The committee may request reports and other information from a public institution of higher education and the Texas Higher Education Coordinating Board as necessary to carry out the duties of the committee.

(e) The committee is dissolved on delivery of the report described by Section 4 of this proclamation or on an earlier date agreed upon by the speaker of the House of Representatives and the lieutenant governor.

**SECTION 3. JURISDICTION.** The committee shall examine:

(1) the governing structure and organization of the state's universities, health-related institutions of higher education, and university systems;

(2) the manner in which the governing boards and administrations of those institutions develop and implement major policy decisions, including an examination of the impartiality and adequacy of the processes for making those decisions;

(3) best practices in higher education policy development and implementation and encourage the governing boards and administrations to adopt those practices; and

(4) any other matter related to excellence, transparency, accountability, or efficiency in the governance or administration of the state's universities, health-related institutions of higher education, and university systems.

SECTION 4. RECOMMENDATIONS AND REPORTS. (a) The committee may make findings and recommendations, including recommendations for legislative or administrative action.

(b) Not later than January 12, 2015, the committee shall deliver to the speaker of the House of Representatives and the lieutenant governor a report of its findings and any recommendations.

Joe Straus  
Speaker of the House of Representatives

David Dewhurst  
Lieutenant Governor

### **HB 10 - NOTICE GIVEN**

Pursuant to the provisions of Rule 14, Section 4 of the House Rules, at 10:19 a.m., the speaker announced that Representative Pitts would, in at least one hour, be recognized for the purpose of suspending Rule 8, Section 21 to consider **HB 10**.

### **HR 485 - ADOPTED** **(by S. King)**

Representative S. King moved to suspend all necessary rules to take up and consider at this time **HR 485**.

The motion prevailed.

The following resolution was laid before the house:

**HR 485**, In memory of Fred Elias Nayfa of Sweetwater.

**HR 485** was read and was unanimously adopted by a rising vote.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 485** as signers thereof.

### **INTRODUCTION OF GUESTS**

The speaker recognized Representative S. King who introduced family members of Fred Elias Nayfa.

(Leach in the chair)

### **HR 542 - ADOPTED** **(by Rose)**

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HR 542**.

The motion prevailed.

The following resolution was laid before the house:

**HR 542**, Honoring Bishop Vashti McKenzie for her contributions to the African Methodist Episcopal Church.

**HR 542** was adopted.

On motion of Representative Y. Davis, the names of all the members of the house were added to **HR 542** as signers thereof.

**HR 543 - ADOPTED****(by Perry)**

Representative Perry moved to suspend all necessary rules to take up and consider at this time **HR 543**.

The motion prevailed.

The following resolution was laid before the house:

**HR 543**, Recognizing February 21, 2013, as Texas PTA Rally Day at the State Capitol and commending the organization on its contributions in behalf of youth.

**HR 543** was adopted.

On motion of Representative Patrick, the names of all the members of the house were added to **HR 543** as signers thereof.

**HR 520 - ADOPTED****(by Lewis)**

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 520**.

The motion prevailed.

The following resolution was laid before the house:

**HR 520**, Recognizing February 21, 2013, as Ward and Winkler Counties Day at the State Capitol.

**HR 520** was adopted.

On motion of Representative Lewis, the names of all the members of the house were added to **HR 520** as signers thereof.

**HR 240 - ADOPTED****(by Wu)**

Representative Wu moved to suspend all necessary rules to take up and consider at this time **HR 240**.

The motion prevailed.

The following resolution was laid before the house:

**HR 240**, Commemorating the 75th anniversary of the Houston Young Lawyers Association.

**HR 240** was adopted.

On motion of Representative S. Davis, the names of all the members of the house were added to **HR 240** as signers thereof.

**HR 432 - ADOPTED**  
**(by Villarreal)**

Representative Farias moved to suspend all necessary rules to take up and consider at this time **HR 432**.

The motion prevailed.

The following resolution was laid before the house:

**HR 432**, Commemorating the display of the Travis "Victory or Death" letter at the Alamo from February 23 to March 7, 2013.

**HR 432** was adopted.

On motion of Representative Kuempel, the names of all the members of the house were added to **HR 432** as signers thereof.

**HR 502 - ADOPTED**  
**(by Huberty)**

Representative Huberty moved to suspend all necessary rules to take up and consider at this time **HR 502**.

The motion prevailed.

The following resolution was laid before the house:

**HR 502**, Recognizing February 21, 2013, as Texas Building Owners and Managers Association Advocacy Day at the State Capitol.

**HR 502** was read and was adopted.

On motion of Representative Kuempel, the names of all the members of the house were added to **HR 502** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Huberty who introduced representatives of the Texas Building Owners and Managers Association.

**LEAVE OF ABSENCE GRANTED**

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

Dutton on motion of S. Turner.

**HR 433 - ADOPTED**  
**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 433**.

The motion prevailed.

The following resolution was laid before the house:

**HR 433**, Honoring the 50th anniversary of the Mary Lee Foundation in Austin.

**HR 433** was read and was adopted.

On motion of Representative Geren, the names of all the members of the house were added to **HR 433** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Naishtat who introduced representatives of the Mary Lee Foundation.

### **HR 361 - PREVIOUSLY ADOPTED (by Pitts)**

The chair laid out the following previously adopted resolution:

**HR 361**, Welcoming Leadership Ennis to the State Capitol.

### **HR 108 - ADOPTED (by Clardy)**

Representative Clardy moved to suspend all necessary rules to take up and consider at this time **HR 108**.

The motion prevailed.

The following resolution was laid before the house:

**HR 108**, Recognizing February 20 and 21, 2013, as Nacogdoches-SFA Days at the State Capitol.

**HR 108** was read and was adopted.

On motion of Representative Ashby, the names of all the members of the house were added to **HR 108** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Clardy who introduced a delegation from Nacogdoches.

### **HR 463 - ADOPTED (by Morrison)**

Representative Morrison moved to suspend all necessary rules to take up and consider at this time **HR 463**.

The motion prevailed.

The following resolution was laid before the house:

**HR 463**, Recognizing February 21, 2013, as Aransas County Day at the State Capitol.

**HR 463** was read and was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HR 463** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Morrison who introduced a delegation from Aransas County.

(Speaker in the chair)

**HR 471 - ADOPTED**  
**(by McClendon)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 471**.

The motion prevailed.

The following resolution was laid before the house:

**HR 471**, Recognizing February 21, 2013, as Viva San Antonio Day at the State Capitol.

**HR 471** was read and was adopted.

On motion of Representative Menéndez, the names of all the members of the house were added to **HR 471** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative McClendon who introduced a delegation from San Antonio.

(Burkett in the chair)

**HR 549 - ADOPTED**  
**(by Lucio)**

Representative Lucio moved to suspend all necessary rules to take up and consider at this time **HR 549**.

The motion prevailed.

The following resolution was laid before the house:

**HR 549**, Congratulating Senator Eduardo Lucio, Jr., and Herminia Lucio on the occasion of their 45th wedding anniversary.

**HR 549** was adopted.

On motion of Representative Hunter, the names of all the members of the house were added to **HR 549** as signers thereof.

(Speaker in the chair)

**HR 547 - ADOPTED**  
**(by McClendon)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 547**.

The motion prevailed.

The following resolution was laid before the house:

**HR 547**, In memory of Mildred Marie Dutton.

**HR 547** was read and was unanimously adopted by a rising vote.

By unanimous consent, the names of all the members of the house were added to **HR 547** as signers thereof.



**HB 10 - RULES SUSPENDED**

Pursuant to notice of intent given earlier today, Representative Pitts moved to suspend Rule 8, Section 21 of the House Rules to consider **HB 10** at this time.

The motion prevailed by (Record 44): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Eiland; Elkins; Fallon; Farias; Farney; 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; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dutton.

**EMERGENCY CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**HB 10 ON SECOND READING  
(by Pitts and Giddings)**

**HB 10**, A bill to be entitled An Act relating to making emergency supplemental appropriations and providing direction and transfer authority regarding certain appropriations.

**Amendment No. 1**

Representative Pitts offered the following amendment to **HB 10**:

Floor Packet Page No. 2

Amend **HB 10** (house committee printing) by striking SECTION 3(c) of the bill (page 5, line 25, through page 6, line 9).

Amendment No. 1 was adopted.

**Amendment No. 2**

Representative Strama offered the following amendment to **HB 10**:

Floor Packet Page No. 3

Amend **HB 10** on page 7, between lines 7 and 8, by inserting the following:

(d) Using funds appropriated in Subsection (a) of this section, the Texas Education Agency shall immediately post on the agency's Internet website the question and answer keys to each assessment instrument administered under Section 39.023(a), (b), (c), (d), or (l), Education Code, except that the agency is not required to post any question or answer that is selected for inclusion in an assessment instrument to be administered to students in the spring of 2013.

Amendment No. 2 was withdrawn.

**HB 10**, as amended, was passed to engrossment by (Record 45): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Eiland; 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; 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; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dutton.

**HB 10 ON THIRD READING**  
**(by Pitts and Giddings)**  
**CONSTITUTIONAL RULE SUSPENDED**

Representative Pitts moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 10** on its third reading and final passage.

The motion prevailed by (Record 46): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Eiland; 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; 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; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dutton.

The speaker laid **HB 10** before the house on its third reading and final passage.

**HB 10** was read third time and was passed by (Record 47): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — 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; Eiland; 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; 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; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; Oliveira; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Dutton.

The speaker stated that **HB 10** was passed subject to the provisions of Article III, Section 49a of the Texas Constitution.

(Stickland in the chair)

**HR 94 - ADOPTED  
(by Clardy)**

Representative Clardy moved to suspend all necessary rules to take up and consider at this time **HR 94**.

The motion prevailed.

The following resolution was laid before the house:

**HR 94**, Recognizing February 21, 2013, as Stephen F. Austin State University Day at the State Capitol.

**HR 94** was adopted.

**PROVIDING FOR ADJOURNMENT**

At 12:30 p.m., Representative McClendon 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 25 in memory of Mildred Marie Dutton of Houston.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES  
CORRECTIONS IN REFERRAL**

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. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 12:34 p.m., adjourned until 2 p.m. Monday, February 25.

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**ADDENDUM**

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**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 800** (By Murphy), Relating to a sales and use tax exemption and a franchise tax credit related to certain research and development activities.

To Economic and Small Business Development.

**HB 1030** (By Burnam), Relating to the authority of a political subdivision to prohibit the sale of firearms on public property in certain circumstances.

To Homeland Security and Public Safety.

**HB 1033** (By Alvarado), Relating to eligibility for tuition and fee exemptions at public institutions of higher education for certain military personnel, veterans, and dependents residing in this state.

To Higher Education.

**HB 1041** (By Flynn), Relating to the prepaid wireless 9-1-1 emergency services fee; clarifying the applicability of the fee.

To Homeland Security and Public Safety.

**HB 1116** (By Villarreal), Relating to the creation of the Texas Native Seed Competitive Grant Program.

To Agriculture and Livestock.

**HB 1123** (By Herrero), Relating to discount programs for certain veterans provided by toll project entities.

To Defense and Veterans' Affairs.

**HB 1127** (By Smith), Relating to the regulation of game rooms in certain counties; providing penalties; authorizing a fee.

To Licensing and Administrative Procedures.

**HB 1128** (By Herrero), Relating to posting suggestions and ideas on cost-efficiency on certain state agency websites.

To Government Efficiency and Reform.

**HB 1129** (By White), Relating to allowing military voters on active duty overseas to cast a ballot electronically.

To Defense and Veterans' Affairs.

**HB 1130** (By M. González), Relating to development regulations for certain unincorporated areas located near the Tornillo-Guadalupe Port of Entry; providing a penalty.

To International Trade and Intergovernmental Affairs.

**HB 1131** (By M. González), Relating to a database of employers convicted of certain offenses involving wage theft.

To Economic and Small Business Development.

**HB 1133** (By Otto), Relating to a sales and use tax exemption for tangible personal property used to provide cable television service, Internet access service, or telecommunications services and to the exclusion of that property in certain economic development agreements.

To Ways and Means.

**HB 1135** (By Villarreal), Relating to the establishment of the Texas Native Seeds Committee.

To Agriculture and Livestock.

**HB 1147** (By N. Gonzalez), Relating to the collection of information regarding trafficking of persons.

To Human Services.

**HB 1182** (By Kacal), Relating to energy and water management planning and reporting by state agencies and institutions of higher education.

To Government Efficiency and Reform.

**HB 1198** (By Raymond), Relating to authorizing an optional county fee for vehicle registration in certain counties.

To Transportation.

**HCR 42** (By Johnson), Urging Congress to designate election day as a national holiday.

To Elections.

**HJR 77** (By Anchia), Proposing a constitutional amendment to repeal the constitutional provision providing that marriage in this state consists only of the union of one man and one woman and prohibiting this state or a political subdivision of this state from creating or recognizing any legal status identical or similar to marriage.

To State Affairs.

**HJR 79** (By Branch), Proposing a constitutional amendment to repeal the constitutional provision requiring the creation of a State Medical Education Board and the establishment of a State Medical Education Fund.

To Higher Education.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**HB 595** (By Kolkhorst), Relating to the repeal of certain health programs and councils, to the review of certain health programs, panels, councils, systems, foundations, centers, committees, and divisions under the Texas Sunset Act, and to the transfer of certain functions to the Department of State Health Services; providing penalties.

To Government Efficiency and Reform.

**HB 685** (By Márquez), Relating to commissioners court oversight of certain emergency services districts.

To County Affairs.

### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 5**

**HCR 37**

**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 21, 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 49** Hilderbran SPONSOR: Duncan  
Recognizing February 20, 2013, as Texas Tech University System Day at the State Capitol.

**SCR 16** Whitmire  
Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, February 20, 2013, and ending on Monday, February 25, 2013.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

