

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-FOURTH DAY — WEDNESDAY, FEBRUARY 27, 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 51).

Present — Mr. Speaker; Allen; Alonzo; 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.; 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; Hunter; 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; 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, J.; 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 — Alvarado; Anchia; Martinez Fischer; Rose.

Absent — Deshotel; Hughes; Isaac; Rodriguez, E.

The speaker recognized Representative E. Thompson who introduced Dr. Brian Gigea, lead pastor, New Life Lutheran Church, Pearland, who offered the invocation.

The speaker recognized Representative Ashby 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:

Rose on motion of Otto.

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

Alvarado on motion of Geren.

The following members were granted leaves of absence for today because of important state business:

Anchia on motion of Howard.

Martinez Fischer on motion of Lucio.

CAPITOL PHYSICIAN

The speaker recognized Representative Farrar who presented Dr. Kelly Gabler of Houston as the "Doctor for the Day."

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

(Geren in the chair)

REGULAR ORDER OF BUSINESS SUSPENDED

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

(R. Miller in the chair)

(E. Rodriguez now present)

HR 450 - ADOPTED (by Cook)

Representative Cook moved to suspend all necessary rules to take up and consider at this time **HR 450**.

The motion prevailed.

The following resolution was laid before the house:

HR 450, Recognizing February 27, 2013, as Hill County Day at the State Capitol.

HR 450 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Cook who introduced a delegation from Hill County.

HR 603 - ADOPTED (by Martinez, Canales, Muñoz, Guerra, and Longoria)

Representative Martinez moved to suspend all necessary rules to take up and consider at this time **HR 603**.

The motion prevailed.

The following resolution was laid before the house:

HR 603, Recognizing February 27, 2013, as Mid-Valley Day at the State Capitol.

HR 603 was adopted.

On motion of Representatives M. González and Muñoz, the names of all the members of the house were added to **HR 603** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Martinez who introduced a delegation from the Mid-Valley area.

(Isaac now present)

HR 625 - ADOPTED (by M. González)

Representative M. González moved to suspend all necessary rules to take up and consider at this time **HR 625**.

The motion prevailed.

The following resolution was laid before the house:

HR 625, Recognizing February 27, 2013, as the Day of the Fallen, in memory of construction workers who have died in Texas.

HR 625 was adopted.

On motion of Representative Naishtat, the names of all the members of the house were added to **HR 625** as signers thereof.

HR 493 - ADOPTED (by Patrick, Phillips, Leach, J. Davis, S. Davis, et al.)

Representative Patrick moved to suspend all necessary rules to take up and consider at this time **HR 493**.

The motion prevailed.

The following resolution was laid before the house:

HR 493, Recognizing February 27, 2013, as Baylor Day at the Capitol.

HR 493 was adopted.

On motion of Representative Phillips, the names of all the members of the house were added to **HR 493** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Patrick who introduced representatives of Baylor University.

HR 630 - ADOPTED (by Sanford, Leach, et al.)

Representative Sanford moved to suspend all necessary rules to take up and consider at this time **HR 630**.

The motion prevailed.

The following resolution was laid before the house:

HR 630, Congratulating the Baylor University women's basketball team and Coach Kim Mulkey on winning the 2012 NCAA Division I national championship.

HR 630 was adopted.

On motion of Representative Patrick, the names of all the members of the house were added to **HR 630** as signers thereof.

HR 631 - ADOPTED
(by Sanford and Leach)

Representative Sanford moved to suspend all necessary rules to take up and consider at this time **HR 631**.

The motion prevailed.

The following resolution was laid before the house:

HR 631, Honoring Baylor University head football coach Art Briles for his coaching achievements.

HR 631 was adopted.

On motion of Representative Patrick, the names of all the members of the house were added to **HR 631** as signers thereof.

HR 641 - ADOPTED
(by Sanford)

Representative Sanford moved to suspend all necessary rules to take up and consider at this time **HR 641**.

The motion prevailed.

The following resolution was laid before the house:

HR 641, Congratulating the Baylor University hunter seat team on its victory at the 2012 National Collegiate Equestrian Association National Championship.

HR 641 was adopted.

On motion of Representative Patrick, the names of all the members of the house were added to **HR 641** as signers thereof.

HR 597 - ADOPTED
(by Kleinschmidt)

Representative Kleinschmidt moved to suspend all necessary rules to take up and consider at this time **HR 597**.

The motion prevailed.

The following resolution was laid before the house:

HR 597, Commending American YouthWorks and its AmeriCorps members for their service in the wake of the 2011 wildfires.

HR 597 was adopted.

HR 477 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 477**.

The motion prevailed.

The following resolution was laid before the house:

HR 477, Congratulating Beatrice Lehman Green of Houston on the occasion of her 100th birthday.

HR 477 was adopted.

HR 637 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 637**.

The motion prevailed.

The following resolution was laid before the house:

HR 637, Commemorating the 12th annual Black History Program at Northwest Preparatory Academy Charter School in Houston.

HR 637 was adopted.

HR 540 - ADOPTED
(by Zedler and P. King)

Representative Zedler moved to suspend all necessary rules to take up and consider at this time **HR 540**.

The motion prevailed.

The following resolution was laid before the house:

HR 540, Congratulating Sarah Elizabeth Russell on earning the Stars and Stripes Award from American Heritage Girls.

HR 540 was adopted.

On motion of Representative P. King, the names of all the members of the house were added to **HR 540** as signers thereof.

(Deshotel and Hughes now present)

HR 614 - ADOPTED
(by E. Thompson)

Representative E. Thompson moved to suspend all necessary rules to take up and consider at this time **HR 614**.

The motion prevailed.

The following resolution was laid before the house:

HR 614, Recognizing February 27, 2013, as Pearland Day at the State Capitol.

HR 614 was adopted.

On motion of Representative Reynolds, the names of all the members of the house were added to **HR 614** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative E. Thompson who introduced a delegation from Pearland.

HR 635 - ADOPTED (by Menéndez)

Representative Menéndez moved to suspend all necessary rules to take up and consider at this time **HR 635**.

The motion prevailed.

The following resolution was laid before the house:

HR 635, Recognizing February 27, 2013, as National Multiple Sclerosis Society Texas Public Policy Conference Day at the State Capitol.

HR 635 was adopted.

On motion of Representative Harless, the names of all the members of the house were added to **HR 635** as signers thereof.

HR 648 - ADOPTED (by Lucio)

Representative Lucio moved to suspend all necessary rules to take up and consider at this time **HR 648**.

The motion prevailed.

The following resolution was laid before the house:

HR 648, Recognizing February 27, 2013, as Rio Grande Valley Day at the State Capitol.

HR 648 was adopted.

HR 606 - ADOPTED (by Zerwas and Price)

Representative Zerwas moved to suspend all necessary rules to take up and consider at this time **HR 606**.

The motion prevailed.

The following resolution was laid before the house:

HR 606, Recognizing March 2013 as Brain Injury Awareness Month in Texas.

HR 606 was adopted.

On motion of Representative Kleinschmidt, the names of all the members of the house were added to **HR 606** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Zerwas who introduced representatives of the Texas Traumatic Brain Injury Advisory Council.

HR 618 - ADOPTED

(by Bell)

Representative Bell moved to suspend all necessary rules to take up and consider at this time **HR 618**.

The motion prevailed.

The following resolution was laid before the house:

HR 618, Recognizing February 27, 2013, as Waller County Day at the State Capitol.

HR 618 was adopted.

On motion of Representative Fletcher, the names of all the members of the house were added to **HR 618** as signers thereof.

HR 645 - ADOPTED

(by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 645**.

The motion prevailed.

The following resolution was laid before the house:

HR 645, Congratulating Mary Lynn Morris on her retirement from the Dallas Marshal's Office.

HR 645 was adopted.

On motion of Representative Keffer, the names of all the members of the house were added to **HR 645** as signers thereof.

HR 586 - ADOPTED

(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 586**.

The motion prevailed.

The following resolution was laid before the house:

HR 586, Recognizing February 28, 2013, as Rare Disease Day.

HR 586 was adopted.

On motion of Representative Howard, the names of all the members of the house were added to **HR 586** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Naishtat who introduced participants in Rare Disease Awareness Day.

**HR 579 - ADOPTED
(by Button and Burkett)**

Representative Button moved to suspend all necessary rules to take up and consider at this time **HR 579**.

The motion prevailed.

The following resolution was laid before the house:

HR 579, Recognizing the 2012-2013 Class of Leadership Rowlett.

HR 579 was adopted.

On motion of Representative Burkett, the names of all the members of the house were added to **HR 579** as signers thereof.

**HR 437 - ADOPTED
(by Canales)**

Representative Canales moved to suspend all necessary rules to take up and consider at this time **HR 437**.

The motion prevailed.

The following resolution was laid before the house:

HR 437, Honoring David Chavana for his efforts to promote health and fitness among his fellow Edinburg residents.

HR 437 was adopted.

On motion of Representative Guerra, the names of all the members of the house were added to **HR 437** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Canales who introduced David Chavana and members of his family.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

House Administration, Subcommittee on Policies and Procedures, upon adjournment today, 3W.9, for a formal meeting, to consider the revised house policies and procedures manual.

**HR 439 - ADOPTED
(by Canales)**

Representative Canales moved to suspend all necessary rules to take up and consider at this time **HR 439**.

The motion prevailed.

The following resolution was laid before the house:

HR 439, Honoring Roberto Pulido for his accomplishments in the music industry.

HR 439 was adopted.

On motion of Representative Longoria, the names of all the members of the house were added to **HR 439** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Canales who introduced Roberto Pulido.

HR 509 - ADOPTED (by Branch)

Representative Branch moved to suspend all necessary rules to take up and consider at this time **HR 509**.

The motion prevailed.

The following resolution was laid before the house:

HR 509, Recognizing February 27, 2013, as United Way Day at the State Capitol.

HR 509 was adopted.

On motion of Representatives Clardy and Dale, the names of all the members of the house were added to **HR 509** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Branch who introduced representatives of United Way.

HR 626 - ADOPTED (by Nevárez)

Representative Nevárez moved to suspend all necessary rules to take up and consider at this time **HR 626**.

The motion prevailed.

The following resolution was laid before the house:

HR 626, Recognizing February 27, 2013, as Hudspeth County Day at the State Capitol.

HR 626 was adopted.

On motion of Representative Simpson, the names of all the members of the house were added to **HR 626** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Nevárez who introduced a delegation from Hudspeth County.

CORRECTIONS IN REFERRAL

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.)

INTRODUCTION OF GUESTS

The chair recognized Representative Canales who introduced a delegation from Edinburg.

ADJOURNMENT

Representative Pitts moved that the house adjourn until 10 a.m. tomorrow in memory of Wilma Kay Fulbright Jones of Hillsboro.

The motion prevailed.

The house accordingly, at 11:23 a.m., adjourned until 10 a.m. tomorrow.

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

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

HB 914 (By Kolkhorst), Relating to reimbursement rates for certain therapy services provided to Medicaid recipients.

To Government Efficiency and Reform.

HB 1115 (By Raney), Relating to the eligibility for grants for natural gas fueling stations under the Texas natural gas vehicle grant program.

To Environmental Regulation.

HB 1524 (By Anderson), Relating to election through secret ballot of a labor union as the exclusive bargaining representative.

To Economic and Small Business Development.

APPENDIX

SENT TO THE GOVERNOR

February 26 - HCR 37, HCR 49