

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-SECOND DAY (CONTINUED) — WEDNESDAY, APRIL 3, 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 136).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Ashby; Aycock; Bell; Bohac; 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; 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; Sanford; Schaefer; 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 — Bonnen, D.; Laubenberg; Menéndez; Sheets.

The speaker recognized Representative Fallon who introduced Father Michael Holmberg, pastor, Holy Cross Catholic Church, Frisco, who offered the invocation as follows:

Almighty and everliving God, bound to us by your ever faithful love, be attentive to the deepest needs of your people for we place all of our trust in you. We pray for those who represent your people. Seal their commitment of public service for the good of all your people. Ever purify the intentions of those who hold the trust of the public. Transform any self-interest into compassion for all the people of this great state as you make these men and women harbingers of our common future.

Empower each member of this assembly with your spirit so that as free people of your creation, they may always display truth and personal integrity in their actions. May this representative assembly, chosen and placed in service by

your people, mirror the individual commitment to search out the ways of peace and harmony with others and establish a socioeconomic stability where justice will flourish for all people living in our state.

Through the deliberations and actions of these men and women, may a fervor and strength be demonstrated to carry us through difficult times with the flexibility to embrace authentic creativity. May the legal and social developments of this assembly help all citizens realize their full potential in your sight, for your wisdom is revealed to us and in us both now and forever. Amen.

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

CAPITOL PHYSICIAN

The speaker recognized Representative Gonzales who presented Dr. Paul Berg of Georgetown as the "Doctor for the Day."

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

(D. Bonnen now present)

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).

(Laubenberg and Sheets now present)

HR 1217 - ADOPTED (by Pitts)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 1217**.

The motion prevailed.

The following resolution was laid before the house:

HR 1217, Welcoming the visiting delegation from the Republic of Turkey to the State Capitol on April 3, 2013.

HR 1217 was adopted.

On motion of Representative Crownover, the names of all the members of the house were added to **HR 1217** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Pitts who introduced a delegation from the Republic of Turkey.

(E. S. Turner in the chair)

**HR 1170 - ADOPTED
(by Villalba)**

Representative Villalba moved to suspend all necessary rules to take up and consider at this time **HR 1170**.

The motion prevailed.

The following resolution was laid before the house:

HR 1170, Honoring the members of the Texas Irish Cycling Team of the Dallas-Fort Worth area for their contributions.

HR 1170 was adopted.

On motion of Representative Sheets, the names of all the members of the house were added to **HR 1170** as signers thereof.

**HR 250 - PREVIOUSLY ADOPTED
(by Clardy)**

The chair laid out the following previously adopted resolution:

HR 250, Recognizing April 2 and 3, 2013, as Rusk County Days at the State Capitol.

On motion of Representative Ashby, the names of all the members of the house were added to **HR 250** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Clardy who introduced a delegation from Rusk County.

**HR 679 - PREVIOUSLY ADOPTED
(by S. King)**

The chair laid out the following previously adopted resolution:

HR 679, Recognizing April 3, 2013, as Parent Association for the Retarded of Texas Day at the State Capitol.

On motion of Representative Crownover, the names of all the members of the house were added to **HR 679** as signers thereof.

LEAVE OF ABSENCE GRANTED

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

Miles on motion of Allen.

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. 14).

HR 1283 - ADOPTED
(by Lucio)

Representative Lucio moved to suspend all necessary rules to take up and consider at this time **HR 1283**.

The motion prevailed.

The following resolution was laid before the house:

HR 1283, Recognizing Ricky Phillips for his contributions to popular music.

HR 1283 was adopted.

On motion of Representative Moody, the names of all the members of the house were added to **HR 1283** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Lucio who introduced Ricky Phillips.

HR 1131 - ADOPTED
(by White)

Representative White moved to suspend all necessary rules to take up and consider at this time **HR 1131**.

The motion prevailed.

The following resolution was laid before the house:

HR 1131, Congratulating Milton Cowart of Lumberton on being named Mr. East Texas for 2013 by the Tyler County Dogwood Festival.

HR 1131 was adopted.

HR 1295 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1295**.

The motion prevailed.

The following resolution was laid before the house:

HR 1295, Commemorating the groundbreaking ceremony for Oak Hill Missionary Baptist Church in Houston.

HR 1295 was adopted.

HR 1282 - ADOPTED
(by Crownover)

Representative Crownover moved to suspend all necessary rules to take up and consider at this time **HR 1282**.

The motion prevailed.

The following resolution was laid before the house:

HR 1282, Honoring U.S. Army Major Jim Horn of Denton for his service to this country.

HR 1282 was adopted.

On motion of Representative Sheets, the names of all the members of the house were added to **HR 1282** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Crownover who introduced Major Jim Horn and members of his family.

HR 1239 - ADOPTED (by Lucio)

Representative Lucio moved to suspend all necessary rules to take up and consider at this time **HR 1239**.

The motion prevailed.

The following resolution was laid before the house:

HR 1239, Recognizing April 3, 2013, as National Walking Day.

HR 1239 was adopted.

HR 1221 - ADOPTED (by J. Sheffield and Keffer)

Representative J. Sheffield moved to suspend all necessary rules to take up and consider at this time **HR 1221**.

The motion prevailed.

The following resolution was laid before the house:

HR 1221, Congratulating the girls' basketball team of North Central Texas Academy in Granbury on winning the 2013 TAPPS 1A state championship.

HR 1221 was adopted.

On motion of Representative Keffer, the names of all the members of the house were added to **HR 1221** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative J. Sheffield who introduced coaches and players of the North Central Texas Academy girls' basketball team.

(Isaac in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 1069 (by Darby), Congratulating Lance Lacy of San Angelo on his receipt of the 2013 REALTOR of the Year award.

HR 1071 (by Márquez), Honoring the Sin Fronteras Organizing Project on the 30th anniversary of its founding.

HR 1074 (by Márquez), Congratulating the University Breast Care Center of the Texas Tech University Health Sciences Center at El Paso on receiving accreditation from the National Accreditation Program for Breast Centers.

HR 1075 (by Guillen), Honoring Alison Busse Savage for her service to Willacy County.

HR 1076 (by Morrison), Congratulating Dr. Michael Dennis Hummel on his retirement from Victoria College.

HR 1078 (by Anderson), Congratulating Tom Heard of McGregor on his receipt of a 2012 Champion of the Rails award from Amtrak.

HR 1079 (by Anderson), Honoring Michael Ball, Lance Beatty, Lex Hayes, and David Sauer of the Waco Fire Department for rescuing a little boy from a burning home.

HR 1080 (by Anderson), Congratulating the Lorena High School boys' doubles team of Drew Keeney and Miles Milliorn on winning the Rocket Invitational Tennis Tournament.

HR 1081 (by Patrick, Burnam, and Burkett), Congratulating James D. Spaniolo on his retirement as president of The University of Texas at Arlington.

HR 1082 (by Hughes), Honoring Jewel Clay of Winnsboro on her 106th birthday.

HR 1083 (by Hughes), Congratulating J. C. and Charm Norris of Mineola on their 70th wedding anniversary.

HR 1084 (by Hughes), Congratulating Ross Mallette of Lake Fork on his 100th birthday.

HR 1085 (by Hughes), Congratulating Reba Roe of Emory on the occasion of her 94th birthday.

HR 1088 (by Lozano), Congratulating Frederich Reinhardt Schauer IV of Beeville on his success at the Fort Worth Stock Show.

HR 1089 (by Lozano and Hunter), Honoring Tom Curlee of Portland on his years of service to the Port Industries of Corpus Christi.

HR 1090 (by Flynn), Congratulating the Reverend Jimmy Vaughn and Sharon Vaughn of Caddo Mills on their 25th wedding anniversary.

HR 1092 (by Button), Congratulating the City of Garland on its receipt of the 2013 LIVE UNITED Award from the United Way of Metropolitan Dallas.

HR 1093 (by Button), Congratulating Clark Good and Chad Gilliland of the Richardson Independent School District on winning Innovations in STEM Teaching Awards.

HR 1094 (by G. Bonnen), Congratulating the Friendswood High School Academic Decathlon Team on winning the 2013 4A state championship.

HR 1095 (by G. Bonnen), Congratulating Robert Bear on his receipt of the 2012 Service Award from Knights of Columbus Council No. 10393 in Hitchcock.

HR 1097 (by Herrero), Commemorating the opening of Del Mar College Hangar in Corpus Christi.

HR 1099 (by White), Congratulating Andrew "Buddy" Womack of Blanchard on his 100th birthday.

HR 1101 (by Harper-Brown), Congratulating Joe Barnett on his retirement as the athletic director of the Irving Independent School District.

HR 1102 (by Harper-Brown), Honoring Sergeant Paul Tong of the Irving Police Department for rescuing a man from a fire.

HR 1103 (by Villalba), Commending the Lake Highlands Republican Women for their notable service.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HCR 91 (by Hughes), In memory of U.S. Army Staff Sergeant Chauncy Ryan Mays of Cookville.

HR 1070 (by Darby), In memory of Darrell K Royal, former head football coach at The University of Texas at Austin.

HR 1072 (by Márquez), In memory of Benjamin Sanchez of El Paso.

HR 1073 (by Márquez), In memory of actress and El Paso native Lupe Ontiveros.

HR 1086 (by Hughes), In memory of Samuel Bledsoe of Pittsburg, Texas.

HR 1087 (by Hughes), In memory of Ivan Alexander, Jr., of Emory.

HR 1100 (by Larson), In memory of Dr. Raymond Paul Harle of San Antonio.

HR 1104 (by Villalba), In memory of Thomas J. Carbone of Dallas.

The resolutions were unanimously adopted by a rising vote.

(Speaker pro tempore in the chair)

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

The following bills were laid before the house, read second time, and passed to third reading (members registering votes are shown following the caption), and the following resolutions were laid before the house on committee report:

HB 115 (by Larson), A bill to be entitled An Act relating to identification numbers on vessels. (White recorded voting no.)

HB 174 (by Alonzo, S. Thompson, Anchia, White, Nevárez, et al.), A bill to be entitled An Act relating to creating American Indian Heritage Day. (Dale, Schaefer, and Simpson recorded voting no.)

REASON FOR VOTE

I support the designation, but not the mandate.

Simpson

HB 241 (by Otto, et al.), A bill to be entitled An Act relating to the notice provided by the chief appraiser of an appraisal district of the availability of agreement forms authorizing certain electronic communications.

HB 242 (by Otto, et al.), A bill to be entitled An Act relating to the requirement that certain ad valorem tax-related notices be delivered to a property owner by certified mail.

(Menéndez now present)

HB 243 (by Menéndez), A bill to be entitled An Act relating to the authority of a community center that provides mental health or mental retardation services to sell certain real property of the center.

CSHB 402 (by S. Davis), A bill to be entitled An Act relating to a medal for certain members of the state military forces who served during the Cold War; authorizing a fee.

CSHB 410 (by P. King, Goldman, Geren, and Crownover), A bill to be entitled An Act relating to the administration and operation of the appellate judicial system for the Second Court of Appeals District; changing an appellate judicial system court costs fee in certain counties.

HB 419 (by Farias), A bill to be entitled An Act relating to designating the first Friday in November as Texas Arbor Day. (Schaefer and Simpson recorded voting no.)

REASON FOR VOTE

I support the designation, but not the mandate.

Simpson

CSHB 442 (by Muñoz, Guillen, Canales, and Guerra), A bill to be entitled An Act relating to the recognition of a portion of U.S. Highway 83 as a memorial to Trooper Eduardo Chavez.

HB 487 was deferred until the end of today's local, consent, and resolutions calendar.

HB 597 (by Guillen), A bill to be entitled An Act relating to boater education and examinations on preventing the spread of exotic harmful or potentially harmful aquatic plants, fish, and shellfish.

HB 622 (by Eiland), A bill to be entitled An Act relating to the report by the General Land Office to the legislature on the effectiveness of the coastal management program. (Schaefer recorded voting no.)

HB 680 (by Burkett, Bohac, Fletcher, Deshotel, Workman, et al.), A bill to be entitled An Act relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags. (Schaefer and Simpson recorded voting no.)

REASON FOR VOTE

I support flying patriotic flags, but this may expand a mandate that violates voluntary agreements or contracts.

Simpson

HB 699 was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Local and Consent Calendars.

HB 712 (by Murphy), A bill to be entitled An Act relating to the responsibility for keeping fire-fighting equipment furnished to a volunteer fire department by a county in good working order. (Schaefer recorded voting no.)

HB 736 (by Farias), A bill to be entitled An Act relating to the composition of the housing and health services coordination council.

CSHB 757 (by Pickett, Moody, and Guillen), A bill to be entitled An Act relating to the eligibility requirements for occupational licenses issued to applicants with military experience and to military spouses.

CSHB 764 (by Guillen and Raymond), A bill to be entitled An Act relating to verification of the unavailability of community day care before the Department of Family and Protective Services provides day-care assistance or services.

HB 802 was deferred until the end of today's local, consent, and resolutions calendar.

HB 808 (by Zerwas), A bill to be entitled An Act relating to the authority of a psychologist to delegate the provision of certain care to a person under the psychologist's supervision, including a person training to become a psychologist. (Hunter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

HB 929 was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Local and Consent Calendars.

HB 984 (by Elkins), A bill to be entitled An Act relating to certain information required to be provided to an applicant for a marriage license.

HB 1097 (by Sheets), A bill to be entitled An Act relating to the definition of a construction or maintenance work zone on a highway or street.

HB 1120 (by Riddle, R. Miller, Fletcher, Dutton, S. Thompson, et al.), A bill to be entitled An Act relating to the duties of the Texas Crime Stoppers Council to encourage individuals to report criminal activity related to trafficking of persons.

HB 1186 (by S. Thompson), A bill to be entitled An Act relating to the Texas Racing Commission's ability to share investigatory information with other state regulatory agencies.

HB 1187 (by S. Thompson), A bill to be entitled An Act relating to the power of stewards or judges to impose penalties under the Texas Racing Act; providing penalties. (Schaefer, Simpson, and Stickland recorded voting no.)

CSHB 1241 (by Guillen), A bill to be entitled An Act relating to the adoption of rules by the Parks and Wildlife Commission to protect the public water of this state from the spread of aquatic invasive species. (Schaefer, Simpson, Stickland, and White recorded voting no.)

HB 1264 (by Huberty), A bill to be entitled An Act relating to information regarding the number of public school students with dyslexia. (Anderson, Fallon, Goldman, Lavender, Schaefer, R. Sheffield, Simmons, and Simpson recorded voting no.)

REASON FOR VOTE

We believe this bill should be on a general calendar, not the local, consent, and resolutions calendar.

Fallon, Goldman, and Simmons

HB 1268 was withdrawn and, pursuant to Rule 6, Section 24 of the House Rules, was returned to the Committee on Local and Consent Calendars.

HB 1493 (by T. King), A bill to be entitled An Act relating to the transfer of programs from the Texas Department of Rural Affairs to the Department of Agriculture.

CSHB 1648 (by Raymond), A bill to be entitled An Act relating to the confidentiality of certain information held by the Department of Family and Protective Services.

HB 2256 (by Howard and Naishtat), A bill to be entitled An Act relating to the view of the State Capitol. (Burkett, Harper-Brown, Schaefer, Simmons, Simpson, Stephenson, and White recorded voting no.) (Carter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

CSHB 2377 (by Geren), A bill to be entitled An Act relating to the use of legislatively produced audio or visual materials; providing penalties. (Schaefer and Simpson recorded voting no.)

HCR 24 was deferred until the end of today's local, consent, and resolutions calendar.

HCR 53 (by Farney), Designating pecan pie as the official State Pie of Texas.

CSHB 487 (by Bell, Clardy, Otto, Guerra, Flynn, et al.), A bill to be entitled An Act relating to liability of certain persons assisting in man-made or natural disasters.

HB 802 (by Rose), A bill to be entitled An Act relating to the definition of an authorized emergency vehicle.

HCR 24 (by Clardy, et al.), Designating Nacogdoches as the official Garden Capital of Texas.

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, Senate List No. 12).

ADJOURNMENT

Representative Farney moved that the house adjourn until 11:42 a.m. today.

The motion prevailed.

The house accordingly, at 11:40 a.m., adjourned until 11:42 a.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 14

HCR 65

Senate List No. 12

SCR 32

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

Wednesday, April 3, 2013

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 81

Bonnen, Dennis

SPONSOR: Seliger

Commemorating the 50th anniversary of the agreement between the State of Texas and the Nuclear Regulatory Commission.

SB 152 Nelson

Relating to the protection and care of persons who are elderly or disabled or who are children.

SB 162 Van de Putte

Relating to the occupational licensing of spouses of members of the military and the eligibility requirements for certain occupational licenses issued to applicants with military experience.

SB 200 Patrick SPONSOR: Anchia
Relating to the continuation and functions of the State Pension Review Board.

SB 213 Whitmire

Relating to the continuation and functions of the Texas Board of Criminal Justice, the Texas Department of Criminal Justice, and the Windham School District and to the functions of the Board of Pardons and Paroles and the Correctional Managed Health Care Committee.

SB 242 Carona

Relating to the eligibility requirements for certain occupational licenses issued to applicants with military experience.

SB 275 Watson

Relating to the penalty for the offense of leaving the scene of an accident that involves personal injury or death.

SB 504 Deuell

Relating to the requirement that certain schoolchildren be screened for abnormal spinal curvature.

SB 832 Davis

Relating to training for school district and open-enrollment charter school liaisons who assist students in the conservatorship of the state with school enrollments and transfers.

SB 833 Davis

Relating to the collection of data through the Public Education Information Management System (PEIMS) as to the foster care status of public school students.

SB 1110 Nichols

Relating to the purposes and designation of a transportation reinvestment zone.

SB 1185 Huffman

Relating to the creation of a mental health jail diversion pilot program.

Respectfully,
Patsy Spaw
Secretary of the Senate