HOUSEJOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-NINTH DAY — FRIDAY, APRIL 12, 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 206).

Present — Mr. Speaker; 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; Dutton; Elkins; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; 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; Phillips; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Absent, Excused — Eiland; Farrar; Harless; Huberty; Keffer; King, P.; Krause; Ratliff; Riddle; Sanford; Sheets; Toth.

Absent — Perry.

The speaker recognized Representative Miles who introduced Reverend Max A. Miller, Jr., pastor, Mount Hebron Missionary Baptist Church, Houston, who offered the invocation.

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

LEAVES OF ABSENCE GRANTED

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

Eiland on motion of Larson.

Harless on motion of Larson.

Huberty on motion of Larson.

Ratliff on motion of Márquez.

Sheets on motion of Simmons.

Toth on motion of Simmons.

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

Keffer on motion of Murphy.

Sanford on motion of Simmons.

The following member was granted leave of absence for today and Monday, April 15 because of important business in the district:

Krause on motion of Stephenson.

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

Riddle on motion of Darby.

CAPITOL PHYSICIAN

The speaker recognized Representative Capriglione who presented Dr. Erica Swegler of Keller as the "Doctor for the Day."

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

(Phillips 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).

LEAVE OF ABSENCE GRANTED

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

Smithee on motion of Anderson.

HR 499 - PREVIOUSLY ADOPTED (by Kuempel)

The chair laid out the following previously adopted resolution:

HR 499, Honoring Dr. Ronald Mayhorn of Seguin for his outstanding career as an anesthesiologist.

On motion of Representative Kuempel, the names of all the members of the house were added to **HR 499** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Kuempel who introduced Dr. Ronald Mayhorn and members of his family.

HR 1474 - ADOPTED

(by Anderson, Paddie, Longoria, S. King, Keffer, et al.)

Representative Anderson moved to suspend all necessary rules to take up and consider at this time **HR 1474**.

The motion prevailed.

The following resolution was laid before the house:

HR 1474, Recognizing April 17, 2013, as Texas State Technical College System Day at the State Capitol.

HR 1474 was adopted.

On motion of Representative Paddie, the names of all the members of the house were added to **HR 1474** as signers thereof.

HR 1055 - PREVIOUSLY ADOPTED (by Strama)

The chair laid out the following previously adopted resolution:

HR 1055, Congratulating Joan Eleanor Turman of Austin on her 80th birthday.

On motion of Representative Strama, the names of all the members of the house were added to **HR 1055** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Strama who introduced Joan Eleanor Turman and her husband, the Honorable James Turman.

(Price in the chair)

HR 1516 - ADOPTED (by D. Bonnen)

Representative D. Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 1516**.

The motion prevailed.

The following resolution was laid before the house:

HR 1516, Expressing appreciation to the institutions and commending the participants involved in the Texas House Oral History Advisory Council.

HR 1516 was adopted.

On motion of Representative D. Bonnen, the names of all the members of the house were added to **HR 1516** as signers thereof.

LEAVES OF ABSENCE GRANTED

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

Anchia on motion of J. Sheffield.

Villalba on motion of J. Sheffield.

(Speaker in the chair)

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 1642 ON THIRD READING (by D. Bonnen)

HB 1642, A bill to be entitled An Act relating to the Port of Houston Authority.

Amendment No. 1

Representative D. Bonnen offered the following amendment to **HB 1642**:

Amend **HB 1642** on third reading as follows:

- (1) In SECTION 5 of the bill, in added Section 5007.204(f), Special District Local Laws Code, strike each instance of "30th" and substitute for each "45th".
- (2) In SECTION 5 of the bill in added Section 5007.204(g), Special District Local Laws Code, strike "after the 60th" and substitute "before the 90th".

Amendment No. 1 was adopted.

HB 1642, as amended, was passed by (Record 207): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; 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; Dutton; Elkins; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; 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; Phillips; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Eiland; Farrar; Harless; Huberty; Keffer; King, P.; Krause; Ratliff; Riddle; Sanford; Sheets; Smithee; Toth; Villalba.

Absent — Perry.

STATEMENT OF VOTE

When Record No. 207 was taken, I was excused because of important business in the district. I would have voted yes.

Harless

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 1290 ON THIRD READING (by Phillips)

HB 1290, A bill to be entitled An Act relating to the authority for local governments to jointly administer transportation reinvestment zones.

HB 1290 was passed by (Record 208): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; 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; Dutton; Elkins; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; 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; Phillips; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Eiland; Farrar; Harless; Huberty; Keffer; King, P.; Krause; Ratliff; Riddle; Sanford; Sheets; Smithee; Toth; Villalba.

Absent — Perry.

STATEMENTS OF VOTE

When Record No. 208 was taken, I was excused because of important business in the district. I would have voted yes.

Harless

When Record No. 208 was taken, I was excused because of important state business. I would have voted yes.

Villalba

HB 455 ON THIRD READING (by Dukes and Collier)

HB 455, A bill to be entitled An Act relating to excused absences from public school for certain students.

HB 455 was passed by (Record 209): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; 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; Dutton; Elkins; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; 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; Phillips; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, E.S.; Turner, S.; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchia; Eiland; Farrar; Harless; Huberty; Keffer; King, P.; Krause; Ratliff; Riddle; Sanford; Sheets; Smithee; Toth; Villalba.

Absent — Perry.

STATEMENTS OF VOTE

When Record No. 209 was taken, I was excused because of important business in the district. I would have voted yes.

Harless

When Record No. 209 was taken, I was excused because of important state business. I would have voted yes.

Villalba

HB 1513 ON THIRD READING (by Lewis)

HB 1513, A bill to be entitled An Act relating to increases in the records archive fees and the records management and preservation fees charged by district and county clerks.

(Anchia and Villalba now present)

HB 1513 was passed by (Record 210): 131 Yeas, 3 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; Dutton; Elkins; Fallon; Farias; Farney; Fletcher; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Kuempel; Larson; 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; Phillips; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Schaefer; Sheffield, J.; Sheffield, R.; Simmons; Simpson; Smith; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman: Wu: Zerwas.

Nays — Flynn; Laubenberg; Turner, E.S.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Farrar; Harless; Huberty; Keffer; King, P.; Krause; Ratliff; Riddle; Sanford; Sheets; Smithee; Toth.

Absent — Perry; Zedler.

STATEMENTS OF VOTE

When Record No. 210 was taken, I was excused because of important business in the district. I would have voted yes.

Harless

When Record No. 210 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 398 ON THIRD READING (Patrick - House Sponsor)

SB 398, A bill to be entitled An Act relating to conforming the eligibility under a major events trust fund of a National Collegiate Athletic Association Division I Football Bowl Subdivision postseason event with the changes to the Bowl Championship Series system.

SB 398 was passed by (Record 211): 130 Yeas, 4 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; Dutton; Elkins; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Guillen; Gutierrez; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Hughes; Hunter; Isaac; Johnson; Kacal; King, K.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; 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; Phillips; Pickett; Pitts; Price; Raney; Raymond; Reynolds; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Sheffield, R.; Smith; Springer; Stephenson; Stickland; Strama; Taylor; Thompson, E.; Thompson, S.; Turner, C.; Turner, S.; Villalba; Villarreal; Vo; Walle; Workman; Wu; Zedler; Zerwas.

Nays — Schaefer; Simmons; Simpson; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Farrar; Harless; Huberty; Keffer; King, P.; Krause; Ratliff; Riddle; Sanford; Sheets; Smithee; Toth.

Absent — Perry; Turner, E.S.

STATEMENTS OF VOTE

When Record No. 211 was taken, I was excused because of important business in the district. I would have voted yes.

Harless

When Record No. 211 was taken, I was excused for important business in the district. I would have voted yes.

Krause

When Record No. 211 was taken, I was absent because of important business. I would have voted no.

Perry

PRINTING RULE SUSPENDED

Representative Ritter moved to suspend Rule 12, Section 1(a)(1)(A) of the House Rules to enable the committee reports for **HB 3281** and **SB 1026** to be printed and distributed without the text of the introduced bills.

The motion prevailed.

HOUSE AT EASE

At 10:47 a.m., the speaker announced that the house would stand at ease until 11 a.m. today.

The speaker called the house to order at 11 a.m.

LEAVE OF ABSENCE GRANTED

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

Perry on motion of Fletcher.

SPEAKER'S REUNION DAY

In recognition of past service, former members were introduced at the podium.

(Speaker pro tempore in the chair)

FIVE-DAY POSTING RULE SUSPENDED

Representative Raymond moved to suspend the five-day posting rule to allow the Committee on Human Services to consider **HB 3631** at 10:30 a.m. or upon final adjournment Tuesday, April 16 in E2.030.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Human Services, 10:30 a.m. or upon final adjournment Tuesday, April 16, E2.030, for a public hearing, to consider **HB 3631** and the previously posted agenda.

HR 1476 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1476**.

The motion prevailed.

The following resolution was laid before the house:

HR 1476, Congratulating the 2013 recipients of the Reginald Keith Guillory Scholarship.

HR 1476 was adopted.

On motion of Representative Ashby, the names of all the members of the house were added to **HR 1476** as signers thereof.

ADJOURNMENT

The chair announced that the house would adjourn until 12 p.m. Monday, April 15 in memory of the Honorable Jim T. Lindsey of Texarkana.

The house accordingly, at 11:46 a.m., adjourned until 12 p.m. Monday, April 15.

ADDENDUM

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 Friday, April 12, 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:

SB 2

Patrick

Relating to certain charter schools.

SR 15

Seliger

Relating to the governance of public institutions of higher education in this state.

SR 21

Williams

Relating to drug screening or testing as a condition for the receipt of unemployment compensation benefits by certain individuals.

SB 211

Nichols

Relating to the continuation and functions of the Texas Facilities Commission; authorizing fees.

SB 215

Birdwell

Relating to the continuation and functions of the Texas Higher Education Coordinating Board.

SB 262

Huffman

Relating to the reporting of criminal disposition completeness percentage data.

SB 421

Zaffirini

Relating to the Texas System of Care and the development of local mental health systems of care for certain children.

SB 656 Paxton

Relating to providing transparency in the budget adoption process of municipalities and counties.

SB 657 Paxton

Relating to procedural requirements for adopting and filing a school district budget.

SB 746 Nelson

Relating to unlawful acts against and criminal offenses involving the Medicaid program.

SB 958 Fraser

Relating to the liability of certain special-purpose districts or authorities providing water to a purchaser for the generation of electricity.

SB 971 Williams

Relating to the purposes, designation, and funding of a transportation reinvestment zone for port projects; providing authority to issue bonds; authorizing an assessment.

SB 1236 West

Relating to the extension of an emergency order for protective services for certain persons who are elderly or have disabilities.

SB 1255 Patrick

Relating to binding arbitration of an appraisal review board order determining a protest of an unequal appraisal of the owner's property.

SB 1294 Davis

Relating to the awarding of contracts by the Texas Department of Transportation to private sector providers.

SB 1363 Huffman

Relating to testimony or the production of evidence before the legislature or a legislative committee.

SB 1457 Duncan

Relating to management services for the physical facilities of the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf.

SB 1611 Ellis

Relating to discovery in a criminal case.

SB 1623 Hinojosa

Relating to the creation of health care funding districts in certain counties located on the Texas-Mexico border; authorizing the imposition of a tax.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 11

Business and Industry - HB 1624, HB 1706

Corrections - HB 2812, HB 3407

Elections - HB 396, HB 630, HB 666

Federalism and Fiscal Responsibility, Select - HB 928

Judiciary and Civil Jurisprudence - SB 157

Land and Resource Management - HB 341, HB 2623, HB 2724, HB 3075

Licensing and Administrative Procedures - HB 2197

Transportation - HB 1294, HB 1607, HB 2304, HB 2536, HB 3172, HB 3650

ENGROSSED

April 11 - HB 200, HB 248, HB 525, HB 560, HB 616, HB 633, HB 752, HB 789, HB 834, HB 944, HB 949, HB 1016, HB 1093, HB 1158, HB 1222, HB 1248, HB 1268, HB 1271, HB 1297, HB 1334, HB 1347, HB 1521, HB 1589, HB 1721, HB 1871, HB 1968, HB 2034, HB 2738