

HOUSE JOURNAL

EIGHTY-THIRD LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-THIRD DAY — THURSDAY, APRIL 18, 2013

The house met at 2:20 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 232).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; 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; 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; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; 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; 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 — Anderson; Kacal; Lucio; Oliveira; Stickland.

LEAVES OF ABSENCE GRANTED

On motion of Representative S. Thompson and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative S. Thompson moved to suspend all necessary rules to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed.

MOTION FOR ONE RECORD VOTE

On motion of Representative S. Thompson and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 233): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; 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; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; 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; 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; Bonnen, D.(C).

Absent, Excused — Anderson; Kacal; Lucio; Oliveira; Stickland.

HB 33

HB 64

HB 250

HB 278 (142 - 1 - 2) (Simpson - no)

HB 332

HB 341

HB 403

HB 407

HB 411

HB 434 (141 - 2 - 2) (Capriglione and White - no)

HB 436

HB 441

HB 458

HB 460 (142 - 1 - 2) (Capriglione - no)

HB 477

HB 483

HB 518 (141 - 2 - 2) (Simpson and Taylor - no)

HB 584 (142 - 1 - 2) (Phillips - no)

HB 646

HB 729

HB 749 (130 - 13 - 2) (Capriglione, S. Davis, Flynn, Krause, Laubenberg, Lavender, Phillips, Orr, Schaefer, Simpson, Taylor, E. S. Turner, and Zedler - no)

HB 768 (142 - 1 - 2) (White - no)

HB 776

HB 799

HB 809

HB 839

HB 845

HB 847

HB 878

HB 938

HB 952

HB 978 (135 - 8 - 2) (Frullo, Krause, Phillips, Orr, Schaefer, Simpson, Taylor, and White - no)

HB 988

HB 989 (136 - 7 - 2) (Capriglione, Krause, Orr, Schaefer, Simpson, Taylor, and Toth - no)

HB 995

HB 1043 (139 - 4 - 2) (Krause, Schaefer, Simpson, and Taylor - no)

HB 1098 (142 - 1 - 2) (Simpson - no)

HB 1104 (142 - 1 - 2) (White - no)

SB 422

HB 1127 (134 - 9 - 2) (Burkett, Huberty, Klick, Krause, Phillips, Orr, Schaefer, Simpson, and Toth - no)

SB 543**HB 1227****HB 1237****HB 1259****HB 1265****HB 1287****HB 1305****HB 1366**

SB 510 (142 - 1 - 2) (Capriglione - no)

HB 1422 (Carter requested to be recorded voting no after the deadline established by Rule 5, Section 52 of the House Rules.)

HB 1427**HB 1445**

HB 1479 (142 - 1 - 2) (Klick - no)

HB 1514**HB 1646**

HB 1664 (140 - 3 - 2) (Krause, Schaefer, and Simpson - no)

HB 1741 (133 - 10 - 2) (Flynn, Huberty, Klick, Krause, Phillips, Orr, Schaefer, Simpson, Springer, and Zedler - no)

HB 1760**HB 1818****HB 1844****SB 847****HB 1940****HB 1960****HB 1969**

HB 1978 (142 - 1 - 2) (Simpson - no)

HB 1979 (141 - 2 - 1) (Krause and Schaefer - no)

HB 1994

HB 2134 (140 - 3 - 2) (Krause, Schaefer, and Simpson - no)

HB 2254**HB 2276**

HB 2304

HB 2327 (141 - 2 - 2) (Krause and Schaefer - no)

HB 2422

HB 2462 (140 - 3 - 2) (Krause, Lavender, and Schaefer - no)

HB 2465

HB 2466

HB 2544

HB 2548 (140 - 3 - 2) (Krause and Schaefer - no)

HB 2683

HB 2710

HB 3064

HB 3163

HB 349

HB 625 (139 - 4 - 2) (S. Davis, Lavender, Simpson, and Taylor - no)

HB 666

HB 1164

HB 2758 (140 - 3 - 2) (Krause, Schaefer, and Simpson - no)

HB 3259

HB 908

The following resolutions which were laid out on the previous legislative day on the local, consent, and resolutions calendar were adopted by the above referenced vote (Record 233): 143 Yeas, 0 Nays, 2 Present, not voting (members registering votes and the results of the vote are shown following bill number).

HCR 23

HCR 56 (140 - 3 - 2) (Krause, Schaefer, and Simpson - no)

LEAVE OF ABSENCE GRANTED

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

Farrar on motion of Geren.

(Speaker in the chair)

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 530 ON THIRD READING
(Orr and Cortez - House Sponsors)

SB 530, A bill to be entitled An Act relating to the inclusion of the emblem of the veteran's branch of service on Disabled Veteran specialty license plates.

SB 530 was passed by (Record 234): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; 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; 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; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; 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; Strama; Taylor; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, E.S.; Villalba; Villarreal; Vo; Walle; White; Workman; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson; Farrar; Kacal; Lucio; Oliveira; Stickland.

Absent — Turner, S.

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

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

HB 63 ON THIRD READING
(by Craddick, Cook, Lucio, Harless, Menéndez, et al.)

HB 63, A bill to be entitled An Act relating to the creation of an offense for use of a handheld wireless communication device for text-based communication while operating a motor vehicle.

HB 63 was passed by (Record 235): 97 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Ashby; Aycock; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Canales; Carter; Clardy; Coleman; Collier; Cook; Cortez; Craddick; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Eiland; Elkins; Farias; Frullo; Geren; Giddings; González,

M.; Gooden; Guerra; Harless; Harper-Brown; Hernandez Luna; Herrero; Howard; Hunter; King, K.; King, P.; King, S.; King, T.; Kolkhorst; Kuempel; Lewis; Longoria; Lozano; Márquez; Martínez; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Naishtat; Orr; Otto; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, E.; Rodriguez, J.; Rose; Sheets; Sheffield, J.; Sheffield, R.; Smith; Smithee; Strama; Thompson, E.; Toth; Turner, C.; Turner, S.; Villalba; Villarreal; Walle; Workman; Wu; Zerwas.

Nays — Bell; Burnam; Capriglione; Creighton; Dale; Davis, S.; Dutton; Fallon; Farney; Fletcher; Flynn; Frank; Goldman; Gonzales; Gonzalez, N.; Gutierrez; Hilderbran; Huberty; Hughes; Isaac; Johnson; Keffer; Kleinschmidt; Klick; Krause; Larson; Laubenberg; Lavender; Leach; Martínez Fischer; Murphy; Nevárez; Paddie; Sanford; Schaefer; Simmons; Simpson; Springer; Stephenson; Taylor; Thompson, S.; Turner, E.S.; Vo; White; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson; Farrar; Kacal; Lucio; Oliveira; Stickland.

Absent — Guillen.

STATEMENT OF VOTE

When Record No. 235 was taken, I was excused because of family matters. I would have voted no.

Stickland

HB 2016 ON THIRD READING (by Keffer)

HB 2016, A bill to be entitled An Act relating to the receipt or consideration of a petition requesting detachment and annexation by the board of trustees of a school district after adoption of consolidation resolutions.

HB 2016 was passed by (Record 236): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; 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; 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; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Márquez; Martínez; Martínez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; 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; 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 — Anderson; Farrar; Kacal; Lucio; Oliveira; Stickland.

HB 1348 ON THIRD READING
(by Menéndez, Anderson, et al.)

HB 1348, A bill to be entitled An Act relating to the taxation of certain tangible personal property located inside a defense base development authority.

HB 1348 was passed by (Record 237): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; 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; Eiland; Elkins; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; 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; 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 — Anderson; Farrar; Kacal; Lucio; Oliveira; Stickland.

Absent — Guillen.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of family matters:

Guillen on motion of Muñoz.

HB 1205 ON THIRD READING
(by Parker, Raymond, Zerwas, Fallon, Naishtat, et al.)

HB 1205, A bill to be entitled An Act relating to the offense of failure to report abuse or neglect of a child.

HB 1205 was passed by (Record 238): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; 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; Eiland; Elkins; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; 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; 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 — Anderson; Farrar; Guillen; Kacal; Lucio; Oliveira; Stickland.

HB 674 ON THIRD READING (by Ratliff)

HB 674, A bill to be entitled An Act relating to providing notice of certain proposed municipal zoning changes to a school district.

HB 674 was passed by (Record 239): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; 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; Eiland; Elkins; Fallon; Farias; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; González, M.; Gonzalez, N.; Gooden; Guerra; Gutierrez; Harless; Harper-Brown; Hernandez Luna; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Naishtat; Nevárez; 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; 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 — Anderson; Farrar; Guillen; Kacal; Lucio; Oliveira; Stickland.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 788 ON SECOND READING
(by Smith and Reynolds)**

CSHB 788, A bill to be entitled An Act relating to permitting of greenhouse gas emissions by the Texas Commission on Environmental Quality; limiting the amount of a fee.

Amendment No. 1

Representative Canales offered the following amendment to **CSHB 788**:

Amend **CSHB 788** (house committee printing) as follows:

(1) Strike page 2, lines 21-24, and substitute:

(d) The commission shall provide an opportunity for a public hearing and the submission of public comment on an application for a permit subject to the rules adopted under this section.

(e) Not later than the 30th day after the date of issuance of a draft permit authorizing greenhouse gas emissions, a party may submit to the commission any legitimate issue of material fact regarding whether the choice of technology approved in the draft permit is the best available control technology and may request a contested case hearing before the commission on the issue. If a party requests a contested case hearing under this subsection, the commission shall conduct a contested case hearing and issue a final order issuing or denying the permit not later than the 90th day after the date of issuance of the draft permit.

(f) The commission shall send notice of a decision on an application for a permit subject to the rules adopted under this section in the manner provided by Section 382.0562.

(g) A person affected by a decision of the commission to issue or deny a permit may move for rehearing and is entitled to judicial review under Section 382.032.

(2) On page 2, line 25, strike "(e)" and substitute "(h)".

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative C. Turner offered the following amendment to **CSHB 788**:

Amend **CSHB 788** (house committee printing) by striking SECTION 2 of the bill (page 1, lines 11-20) and renumbering subsequent SECTIONS of the bill accordingly.

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. 4).

CSHB 788 - (consideration continued)

Amendment No. 2 failed of adoption by (Record 240): 50 Yeas, 91 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Burnam; Canales; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Farias; Giddings; González, M.; Gonzalez, N.; Guerra; Gutierrez; Hernandez Luna; Herrero; Howard; Johnson; Márquez; Martinez; Martinez Fischer; McClendon; Menéndez; Miles; Moody; Muñoz; Naishtat; Nevárez; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Rose; Sheffield, J.; Strama; Thompson, S.; Turner, C.; Turner, S.; Villarreal; Vo; Walle; Wu.

Nays — Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Harless; Harper-Brown; Hilderbran; Huberty; Hughes; Hunter; Isaac; Keffer; King, K.; King, P.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Miller, D.; Miller, R.; Morrison; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perry; Phillips; Pitts; Price; Raney; Ratliff; Riddle; Ritter; Sanford; Schaefer; Sheets; Sheffield, R.; Simmons; Simpson; Smith; Smithee; Springer; Stephenson; Taylor; Thompson, E.; Toth; Turner, E.S.; Villalba; White; Workman; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson; Farrar; Guillen; Kacal; Lucio; Oliveira; Stickland.

Absent — King, S.

STATEMENTS OF VOTE

When Record No. 240 was taken, my vote failed to register. I would have voted no.

S. King

When Record No. 240 was taken, I was excused because of family matters. I would have voted no.

Stickland

STATEMENT BY REPRESENTATIVE BURNAM

Representative Burnam submitted the House Research Organization's bill analysis for **CSHB 788** for inclusion in the journal:

By eliminating the contested case hearings for greenhouse gases, **CSHB 788** would deprive the public of an important venue for comment and the opportunity to suggest permit enhancements. Contested case hearings ensure adequate public notice, a public opportunity to review the draft permit, and the right to seek redress in Texas instead of at the federal level. Contested case hearings offer a vehicle for the public to push for innovative technologies and address unintended consequences of a facility. **CSHB 788** should be modified to allow for greater participation of the public in greenhouse gas permitting issues.

CSHB 788 should not delete provisions in existing state law, Health and Safety Code, Sec. 382.0205(3), that allow the TCEQ to regulate air emissions to protect against climate change. The vast majority of climate scientists agree that greenhouse gases contribute to climate change, and the state should not back away from this reason for the state to regulate greenhouse gases.

CSHB 788 was passed to engrossment by (Record 241): 119 Yeas, 23 Nays, 1 Present, not voting.

Yeas — Alonzo; Alvarado; Ashby; Aycock; Bell; Bohac; Bonnen, D.; Bonnen, G.; Branch; Burkett; Button; Callegari; Capriglione; Carter; Clardy; Coleman; Cook; Craddick; Creighton; Crownover; Dale; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Dukes; Eiland; Elkins; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Geren; Giddings; Goldman; Gonzales; Gonzalez, N.; Gooden; Guerra; Harless; Harper-Brown; Herrero; Hilderbran; Howard; Huberty; Hughes; Hunter; Isaac; Johnson; Keffer; King, K.; King, P.; King, S.; King, T.; Kleinschmidt; Klick; Kolkhorst; Krause; Kuempel; Larson; Laubenberg; Lavender; Leach; Lewis; Longoria; Lozano; Márquez; McClendon; Miles; Miller, D.; Miller, R.; Morrison; Muñoz; Murphy; Orr; Otto; Paddie; Parker; Patrick; Perez; Perry; Phillips; Pickett; Pitts; Price; Raney; Ratliff; Raymond; Reynolds; Riddle; Ritter; Rodriguez, J.; Rose; Sanford; Schaefer; Sheets; Sheffield, J.; Sheffield, R.; Simmons; Smith; Smithee; Springer; Stephenson; Taylor; Thompson, E.; Thompson, S.; Turner, E.S.; Turner, S.; Villalba; Villarreal; Vo; Walle; White; Workman; Zedler; Zerwas.

Nays — Allen; Anchia; Burnam; Canales; Collier; Cortez; Dutton; Farias; González, M.; Gutierrez; Hernandez Luna; Martinez; Martinez Fischer; Menéndez; Moody; Naishtat; Nevárez; Rodriguez, E.; Simpson; Strama; Toth; Turner, C.; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anderson; Farrar; Guillen; Kacal; Lucio; Oliveira; Stickland.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 241. I intended to vote no.

Herrero

I was shown voting yes on Record No. 241. I intended to vote no.

J. Rodriguez

I was shown voting no on Record No. 241. I intended to vote yes.

Toth

CSHB 915 ON SECOND READING

(by Kolkhorst, N. Gonzalez, Burkett, Naishtat, Dukes, et al.)

CSHB 915, A bill to be entitled An Act relating to the administration and monitoring of health care provided to foster children.

CSHB 915 was passed to engrossment.

HB 1061 ON SECOND READING

(by Branch)

HB 1061, A bill to be entitled An Act relating to the repeal of the statutory authority for the State Medical Education Board.

Representative Sanford moved to postpone consideration of **HB 1061** until the end of today's calendar.

The motion prevailed.

HB 220 ON SECOND READING

(by Price, Herrero, Geren, S. Thompson, Moody, et al.)

HB 220, A bill to be entitled An Act relating to consecutive sentences for certain offenses involving injury to a child, an elderly individual, or a disabled individual and arising out of the same criminal episode.

HB 220 was passed to engrossment.

(Price in the chair)

CSHB 252 ON SECOND READING

(by Larson and Burnam)

CSHB 252, A bill to be entitled An Act relating to water shortage reporting by water utilities and providers of wholesale water supplies.

CSHB 252 was passed to engrossment.

CSHB 2387 ON SECOND READING

(by Menéndez)

CSHB 2387, A bill to be entitled An Act relating to the ad valorem taxation of certain tangible personal property located inside a defense base development authority.

CSHB 2387 was passed to engrossment.

CSHB 570 ON SECOND READING

(by Alonzo)

CSHB 570, A bill to be entitled An Act relating to issuance of a magistrate's order for emergency protection.

Amendment No. 1

Representative Wu offered the following amendment to **CSHB 570**:

Amend **CSHB 570** (house committee printing) on page 1, line 11, between "magistrate" and "in", by inserting "or the magistrate's designee".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Anchia offered the following amendment to **CSHB 570**:

Amend **CSHB 570** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 15.17, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) At the time a magistrate fulfills the duties prescribed by Subsection (a), the magistrate shall inform the person arrested that, if the person is not a citizen of the United States of America, a plea of guilty or nolo contendere for the offense charged may affect the person's immigration or residency status and may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.

Amendment No. 2 was adopted. (Carter, Dale, Flynn, Harper-Brown, P. King, Murphy, Paddie, Parker, Perry, Phillips, Ratliff, R. Sheffield, Taylor, and Zedler recorded voting no.) (The vote was reconsidered later today, and Amendment No. 2 was withdrawn.)

CSHB 570 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE WU: Mr. Alonzo, is it your intent in this bill to not change the requirements and the obligations of a judge to make sure that a defendant clearly understands the restrictions and the requirements of the magistrate's order of emergency protection?

REPRESENTATIVE ALONZO: Yes.

WU: So, your bill does not in any way change the obligation of a judge—of a defense counsel to make sure that a defendant understands their rights and duties?

ALONZO: No.

REMARKS ORDERED PRINTED

Representative Wu moved to print remarks between Representative Alonzo and Representative Wu.

The motion prevailed.

CSHB 570, as amended, was passed to engrossment. (Ashby, Carter, Dale, Hilderbran, P. King, Kuempel, Larson, Otto, Paddie, Perry, R. Sheffield, Taylor, and Workman recorded voting no.) (The vote was reconsidered later today, and **CSHB 570**, as amended, was passed to engrossment.)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

**HB 1061 ON SECOND READING
(by Branch)**

HB 1061, A bill to be entitled An Act relating to the repeal of the statutory authority for the State Medical Education Board.

HB 1061 was read second time earlier today and was postponed until this time.

HB 1061 was passed to engrossment.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Education, upon final adjournment today, 3W.15, for a formal meeting, to consider pending business.

Higher Education, upon final adjournment today, Desk 94, for a formal meeting, to consider pending business.

Land and Resource Management, upon final adjournment today, Desk 47, for a formal meeting, to consider **HB 2003**.

FIVE-DAY POSTING RULE SUSPENDED

Representative Coleman moved to suspend the five-day posting rule to allow the Committee on County Affairs to consider **HJR 103** and the previously posted agenda upon final adjournment today in E2.016.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

County Affairs, upon final adjournment today, E2.016, for a public hearing, to consider **HJR 103** and the previously posted agenda.

CSHB 570 - VOTE RECONSIDERED

Representative Anchia moved to reconsider the vote by which **CSHB 570**, as amended, was passed to engrossment.

The motion to reconsider prevailed.

**CSHB 570 ON SECOND READING
(by Alonzo)**

The chair laid before the house, on its second reading and passage to engrossment,

CSHB 570, A bill to be entitled An Act relating to issuance of a magistrate's order for emergency protection.

CSHB 570 was read second time earlier today and was passed to engrossment, as amended.

Amendment No. 2 - Vote Reconsidered

Representative Alonzo moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

Amendment No. 2 was withdrawn.

CSHB 570, as amended, was passed to engrossment. (Flynn and Phillips recorded voting no.)

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Criminal Jurisprudence, 8:30 a.m. tomorrow, 3W.15, for a formal meeting, to consider pending business.

Public Health, 8:30 a.m. tomorrow, 1W.14, for a formal meeting, to consider pending business.

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

Bills and joint resolutions were at this time laid before the house, read first time, 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.)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Insurance, upon final adjournment today, Desk 13, for a formal meeting, to consider pending business.

ADJOURNMENT

Representative Branch moved that the house adjourn until 9 a.m. tomorrow in memory of Vance Charles Miller of Dallas.

The motion prevailed.

The house accordingly, at 3:46 p.m., adjourned until 9 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

SB 8 to Public Health.

SB 63 to Public Health.

SB 247 to Business and Industry.

SB 336 to Criminal Jurisprudence.

SB 449 to Ways and Means.

SB 485 to Ways and Means.

SB 546 to Ways and Means.

SB 898 to Defense and Veterans' Affairs.

SB 904 to Elections.

SB 939 to Human Services.

SB 1398 to Elections.

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

HB 2518 (By Springer), Relating to reimbursement for jury service.
To County Affairs.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 4

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, April 18, 2013 - 4

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 301 Zaffirini

Relating to the authority of the Texas Higher Education Coordinating Board to issue to a foreign postsecondary institution a certificate of authority to grant professional degrees.

SB 496 Seliger

Relating to the authority of the Texas Higher Education Coordinating Board to review and approve capital projects and purchases of real property at public institutions of higher education in this state.

SB 837 Ellis
Relating to the authority of a municipality to require owners of real property to keep the property free of certain conditions.

SB 843 Paxton
Relating to public access to boundary, financial, and tax rate information of certain political subdivisions.

SB 955 Schwertner
Relating to the training of employees and contractors of local mental health authorities and certain educators in mental health first aid, the funding of mental health first aid training, and the liability of certain persons providing assistance to persons experiencing a mental health crisis.

SB 1425 Hinojosa
Relating to the provision of fire prevention or fire-fighting services by certain emergency services districts.

SB 1792 Watson
Relating to remedies for nonpayment of tolls for the use of toll projects; authorizing a fee; creating an offense.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 17

Business and Industry - **HB 818, HB 1824, HB 2763, SB 847**

Corrections - **HB 1567**

Economic and Small Business Development - **SB 748**

Elections - **HB 334, HB 600, HB 728, HB 966, HB 1560, HB 2110, HB 2512**

Environmental Regulation - **HB 555, HB 1115**

Government Efficiency and Reform - **HB 2958**

Homeland Security and Public Safety - **HB 1304, HB 1690, HB 2665, HB 3559, HB 3676**

Human Services - **HB 3463**

Land and Resource Management - **HB 1477**

Natural Resources - **HB 1973, HB 2615, HB 3233, HB 3857**

Public Education - **HB 101**

Public Health - **HB 46, HB 1204, HB 1395, HB 1605**

State Affairs - **HB 480, HB 2049, HB 3116**

Technology - **HB 1191**

Transportation - **HB 777, HB 2394, HB 2420, HB 2635, HB 3070, SB 510**

Ways and Means - **HB 317, HB 697, HB 1289, HB 1733, HB 1809, HB 2684**

ENGROSSED

April 17 - HB 8, HB 13, HB 15, HB 32, HB 994, HB 1035, HB 1491, HJR 79

RECOMMENDATIONS FILED WITH THE SPEAKER

April 17 - HB 3864, HB 3866, HB 3868, HB 3869, HB 3870, HB 3872, HB 3874, HB 3875, HB 3897, HB 3898, HB 3900, HB 3901, HB 3902, HB 3903, HB 3906, HB 3909, HB 3910, HB 3911, HB 3912, HB 3915, HB 3924

